

MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD SPECIAL MEETING
April 26, 2023 7:30 P.M.

The Township of West Orange Planning Board held its special meeting on April 26, 2023 at 7:30 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

- *Chairman Bagoff* requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board regular meeting will be held **Wednesday May 3, 2023** at **7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. William Wilkes; Mr. Ken Alper; Mr. Jerry Guarino; Mayor Susan McCartney; Mr. Peter Smeraldo; Councilwoman Tammy Williams; Mr. Sal Jensen;

ABSENT: Mr. Cardoza; Mr. Christopher Morgan, Sr.

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Kate Keller, Town Planner;
Mr. Dave Barry, Board Engineer;
Jamilet Baquerizo Vite, Acting Planning Board Secretary

MINUTES & RESOLUTIONS

(Adopted 4/26/2023)

- [PB-23-03 Francis Byrne Golf Course Draft Resolution](#)

Motion: Chairman Bagoff

Second: Mr. Guarino

Alper:	---	Morgan:	---
Bagoff:	Y	Smeraldo:	Y
Cardoza (Alt.2):	Y	Wilkes:	Y
Guarino:	Y	Williams:	Y
Jensen (Alt. 1):	Y		
Klein:	Y		
Mayor Susan McCartney:	Y		

(Adopted 4/26/2023)

- [PB-22-14 200 Mount Pleasant Avenue - Draft Resolution](#)

Motion: Chairman Bagoff

Second: Mr. Smeraldo

Alper:	Y	Morgan:	----
Bagoff:	Y	Smeraldo:	Y
Cardoza (Alt.2):	----	Wilkes:	Y
Guarino:	Y	Williams:	Y
Jensen (Alt. 1):	Y		
Klein:	Y		
Mayor Susan McCartney:	Y		

SWEARING IN

- The Township Professionals *Ms. Kate Keller* in place of *Mr. Paul Grygiel*, Township Planner and *Mr. Dave Barry* were sworn in.

APPLICATIONS

- **PB-23-02 Dogwood Green, LLC**
5 Central Avenue

Block: 10 Lot: 1.01 Zone: I – Industry

The applicant is proposing to renovate the interior of the building for a cannabis dispensary.

PRESENTATION

The attorney Mr. Schkolnick entered on the record. He started his testimony by mentioning the two major concerns that the board had in regards the signage, in which the board wanted the applicant to remove the word cannabis and also the marijuana leaf, the applicant will comply with that request and also the pick-up window will be removed from the application. The attorney recalled the architect Mr. Ron Elkins and he stated that the sign on the west side of the building has been updated, the word cannabis has been removed as well as the graphic marijuana leaf and it will only have DWG standing for Dogwood Green and the word dispensary has been added. The site is in an industrial zone which has very minimal signage allowed and the purpose of the industrial zone is basically manufacturing industrial very little customer exposure to these buildings. Although retail is allowed in an industrial zone and cannabis is just a subset of that retail, it would be conditional use and the applicant is applying for signage similar to a retail zone. The applicant is proposing to replace the signage on the South, which is the front facade as well as replacing the existing projecting sign at the corner and the addition of the new sign on the West side, since the main purpose of that is to basically identify the building to the public not so much as an advertisement for the building, but just more as wayfinding because they are concerned that if the building were had been reduced back to the signage requirements for the industrial zone allowances that can cause blocking of traffic on the street and they feel is actually beneficial in the building, beneficial of the neighborhood and beneficial to the customers to identify where the building is and minimize the back of potential traffic. The signage on the front basically is almost 3 feet by 8 feet similar in scale to the large rectangle that's there, although since it's Oval in shape, it's less square footage. The dimensions of the sign on the West side of the building are approximately 14 feet by 2 feet.

BOARD QUESTIONS

Chairman Bagoff asked if the three signs will be illuminated. Mr. Elkins answered in the affirmative.

Chairman Bagoff asked if they signs will go off at certain hours or will they be illuminated 24 hours. Mr. Elkins said that the signs will have a timer.

Chairman Bagoff asked if it is going to be lit when the business is open and off when it's closed. Mr. Elkins said they haven't discussed in detail and the applicant Ms. Grado may be able to speak to that in more detail, but he says that the signs will be lighted during most of the time of the operating hours and they won't necessarily need to be illuminated during the evening hours.

NO PROFESSIONAL QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

NO PUBLIC QUESTION

NO PUBLIC COMMENT*

PRESENTATION

Safety expert Mr. Kevin Craig entered on the record, he was sworn in and his credential were accepted by the board. The plan calls for fire burglar alarm central monitoring systems as well as surveillance video the client has engaged with ADT the company to provide those services on a 24/7 basis. ADT is a trusted security company for over 25 years and does have experience in providing those services to the cannabis industry. The applicant plans to recruit for the position of director of security a retired West Orange police officer with the belief that who better to have the antibody knowledge of the safety and security needs of the community of West Orange than a former West Orange police officer. The video surveillance system platform will store all footage for a minimum of 30 days. The systems will be tested every 30 days and maintained for all surveillance and security technology be performed including cleaning of surveillance cameras and the maintenance of the security alarm system. The existing vault will be used for storage of cash acquired through transactions as well as the storage of the product. The company will secure and store cannabis products ready for sale in the locked area in the vault, which will be surveilled at all times with limited access to authorized persons and that would be the director of security and management personnel. There'll be a two-level identification process, one just to enter the facility and second verification at the time of purchase. Also, in the security plan or potential contract security firm, they will be a licensed Security Agency meaning that every security guard that they employ has to undergo a state certification. A component within that training is to be able to identify a false identification, so no one under the age of 21 will even be allowed to enter this establishment. There are burglar alarm systems, intrusion alarm systems and there's also eight panic buttons strategically placed throughout the retail store for employees to access in emergency situations, those will all be monitored 24 hours a day seven days a week. there's also a redundancy provision within the security plan that if for any reason the system becomes not operational or there's a power failure the place will be shut down at that point, until the proper security measures can be put back in place and the product can be moved into to a place that's suitable under the CRC regulations. In addition to the video surveillance that covers the entire interior and exterior of the facility, they'll be parking lot attendance to not only monitor the traffic in the parking lot but also activity in the parking lot so if there's any activity that that's not consistent with appropriate conduct on the property such as usage of the product in vehicles or outside the facility those things will be reported immediately to the security director and to law enforcement to address those issues immediately.

BOARD QUESTIONS

Chairman Bagoff asked when the supplies are being delivered and what security is there when it's delivered. Mr. Craig said he is not sure about the time of the deliveries, but the deliveries will be escorted by the security staff that are present and the deliveries will be done on camera and certainly recorded, proper security will be made to ensure that the inventory is placed in the vault.

Mr. Guarino asked does the cannabis itself get placed into vaults when business closes at night or does it stay in the retail floor. Mr. Craig referred the question to Ms. Grado and she said that the regulations require that they take all cannabis product and secure it at the vault at the end of the night.

Chairman Bagoff asked if the video is destroyed after the 30 days. Mr. Craig said that once the 30 days expire the video will not be available.

Mr. Smeraldo asked what's the control mechanisms to make sure that that they don't have an overcrowded situation. Mr. Craig said that the control mechanism is that at the check point at the main entrance, where you have security officers be checking those ID's and they'll only be able to allow as many people in the building as the occupancy is allowed, so they'll be consistent with the with the fire codes and occupancy of the building.

Mr. Smeraldo asked if people can use both exits. Mr. Craig said the egress is only for the front except for handicap access in the rear, so if there was some type of emergency both exits will be available, but for business purposes the main entrance will be for the clients to enter to the facility and be vetted except for the rear of the building which will be for handicap.

Mr. Wilkes asked how far can the cameras see. Mr. Craig said that he is not sure that he can reveal those details to the public for security purposes, but our primary focus is for the building and the property itself to have complete 360-degree coverage that will be viewable not only by the security staff on site, but also available to the Police Department and emergency, which is required by the regulations to the cannabis Regulatory Commission.

Chairman Bagoff asked if the applicant can agree that there will be no overnight parking. Mr. Scholnick has confirmed to that request.

Chairman Bagoff asked if applicant agrees that the police have free access to the parking lot. Mr. Scholnick agrees.

Chairman Bagoff asked if the backup video will be saved for one year and or at the request of whatever authority that is investigating that it will be kept in perpetuity till the authority says you can release it. Mr. Craig said if there's an incident that's reported on, the footage can be preserved.

NOPROFESSIONAL QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTION

Mr. Brown at 36 Joy Street is there any way that we can guarantee that their privacy is not going to be compromised, since the building will have security cameras. Mr. Craig said that security cameras are mounted on the building, since the intended view is of the business property and parking lot and not the surrounding area. But Mr. Craig recommends that once the director of security is appointed that can possibly be discussed with the director of security to make sure that the camera views that are in place are not are not overreaching to the point where anyone's privacy is impacted.

PUBLIC COMMENT*

CONDITIONS:

- The applicant shall submit a certification or other written confirmation that the Chief of police or his designee has approved the property security system and that the plans are available upon demand
- Exterior lighting shall match state and Township requirements.
- The parking lot pavement will be resealed and restriped to clearly show ADA parking and individual parking.
- Lighting plans pertaining to security including those required by the state shall be provided on their plans.

- The parking lot shall be off limits to overnight parking of vehicles after hours and the applicant consents to the police patrolling the parking lot to enforce the prohibition of after-hours parking.
- The handicapped/ADA required parking spaces one of which must be van accessible must have signage providing identification of the ADA parking spaces and limiting their use to those demonstrating the appropriate license for use of such parking.
- The drive through windows will be opaque and will not be used.
- The applicant agrees to clean up and maintain the landscaping on site and will submit a written landscape plan showing use of native vegetation.
- The roof will be resealed with a white roof.
- The name of the video coordinator shall be supplied to the police for contact if necessary to preserve video.
- The applicant shall install a new ramp in the northwest corner as per the report of John Hess Township engineer dated April 20th 2023 and Paul Grygiel dated March 21, 2023.
- The sign will be lit during business hours, but they cannot be lit between 10PM and 7AM.
- Applicant must limit the surveillance cameras view to capture just the business and not adjacent properties to the rear, to protect the privacy of those residents.
- The Zoning Official will determine that refuse and recycling produced on the site is excessive then the Zoning Official shall mandate that the applicant retain and use a private refuse and/or recycling carter. If the Zoning Official find that there is frequent disruption of the trash on site, the Zoning Official may require that the applicant uses a private trash hauler.
- The sign on the plans above the door was an error and will be removed from the plan.
- Applicant withdraws any plans to use the drive through window at this time and the drive through windows will be designed in such a way to make clear to the public that they are not in use and any signs that might be necessary to convey this will be approved by the planning department.

Motion: Chairman Bagoff

Second: Mr. Smeraldo

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	---
Cardoza (Alt.2):	---	Wilkes:	Y
Guarino:	Y	Williams:	Y
Jensen (Alt. 1):	----		
Klein:	Y		
Mayor Susan McCartney:	Y		

Meeting adjourned at 8:48PM. by *Council President Williams*. Second by *Mr. Guarino*.

ADOPTED: 9/6/23



Jamilet Baquerizo Vite
Acting Planning Board Secretary

2/6/53

W. H. H.