



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

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TO: Planning Board Members

FROM: Paul Grygiel, AICP, PP, Township Planning Director

DATE: October 3, 2022

RE: **PB 22-12/West Orange Wellness, LLC**
Block: 4; Lot: 12; Zone: B-1
26 South Valley Road
Application for conditional use and preliminary and final major site plan approval
to permit Licensed Cannabis Retailer

INTRODUCTION

The applicant is proposing to locate a Licensed Cannabis Retailer in an existing commercial building. The only physical changes proposed as part of the application are interior building renovations and modifications to two building facades, including provision of new signage. No modifications are proposed to the site's layout, including parking areas and driveways. The proposed use is a permitted conditional use in the B-1 zone, and all conditional use standards for this use are met.



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LAND USE

The subject property is approximately 0.47 acres in area and is located on the southeast corner of South Valley Road and Nassau Street. It is irregularly shaped, with 50 feet of frontage on South Valley Road and 210 feet of frontage on Nassau Street, and has a rear portion that extends to Union Street.

The site is developed with a one-story commercial building with 3,041 square feet of floor area and two parking lots. One parking lot is located along South Valley Road and Nassau Street and has nine parking spaces according to the architectural plans (eight according to the survey), including two handicap spaces. The other parking lot is on the eastern portion of the lot and has 17 parking spaces according to the survey.

A restaurant is located to the south, followed by an automotive repair shop. A small shopping center is located to the north across Nassau Street. Other adjacent and nearby properties are residential, both in West Orange and Orange.

SUBMISSIONS

<u>ITEM</u>	<u>PREPARED BY</u>	<u>DATE/REVISION</u>
ALTA/NSPS Land Title Survey	Matthew W. Webb, PLS	6/15/22
Architectural plans (1 sheet)	Jason C. Christiansen, AIA	not dated
Interior rendering (1 sheet)	Jason C. Christiansen, AIA	9/12/22
Signage plans (1 sheet)	TAP Design Group	9/20/22

VARIANCES REQUIRED

None.

DISCUSSION/RECOMMENDATIONS

The applicant is seeking conditional use approval for a “Class 5 Cannabis Retail Dispensary”¹ as defined by State law, which is considered a Licensed Cannabis Retailer by local ordinance. The West Orange Land Use Regulations Ordinance was amended in 2021 following a change in State law that permitted recreational cannabis, subject to both State and local regulations. Licensed

¹ A Class 5 cannabis retailer is authorized to “purchase recreational use cannabis from licensed cultivators, manufacturers, or wholesalers and sell those items to consumers in a retail store.” (<https://www.state.nj.us/treasury/taxation/pdf/pubs/tb/tb104.pdf>)



Cannabis Retailers and Licensed Medical Cannabis Dispensaries are permitted as a conditional use in the B-1, B-2 and I Districts. The standards for review of a conditional use are outlined in § 25-24.2 a., which states that “Pursuant to the provisions of the Municipal Land Use Law, the Planning Board shall have the power to grant conditional uses on particular sites, according to the definite specifications and standards set forth in Subsection 25-24.2b.”

Below is a listing of the standards for this conditional use, as listed in § 25-24.2 b. (o) of the Land Use Regulations Ordinance:

- (1) The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, § 5-34 of the Township of West Orange Municipal Code.
- (2) No Licensed Cannabis Entity shall be located within one hundred feet (100’) from the property line of any property with a school building owned and operated by the West Orange Board of Education.
- (3) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.
- (4) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.
- (5) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment.
- (6) A Licensed Cannabis Entity shall meet of the required security measures as set forth in Chapter 5, § 5-34 of the Township of West Orange Municipal Code.
- (7) Cannabis Consumption Areas, as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq., shall be prohibited from all Licensed Cannabis Entities.

The application complies with all of the above standard, and therefore is permitted.

The applicant has requested preliminary and final major site plan approval. However, pursuant to the definitions section of the Land Use Regulations Ordinance, site plan approval is not required “for a change in use or modification of an existing use that does not change the size of an existing building or propose any modifications to existing site improvements such as sidewalks, driveways, parking areas, fences and walls.” Therefore, the current proposal does not appear to require site plan approval. However, should the applicant propose changes to the site layout in response to Board comments or for any other reason, minor site plan approval would be required.

As noted, exterior changes to the site are limited to two new signs proposed on the east and west facades of the building. Each of these signs would be 16 feet, 10 inches wide by 2 feet tall, or 33.67 square feet in area. The proposed sign text reads: “West Orange Wellness Dispensary.” The building currently has four windows: three on the west façade and one along the Nassau Street frontage. It appears from the plans that all of these will remain. The applicant should confirm if they will, and if so, whether the interior of the building will be visible through them.



The public dispensary portion of the facility and ancillary areas are proposed to encompass roughly the western half of the building. The architectural plans show building has doors on the east and west facades of the building. The proposed interior renovations would provide for public access from the west-facing door, while the east door provides access to areas of the facility limited to staff. The applicant should confirm whether this is the case.

However, as shown on the existing conditions photographs, there are two access points currently on the rear portion of the building, including double doors toward the southern end and two large windows and a door toward the northern end. Also, there are not stairs to the southern door, which are shown on the architectural plans. The applicant should confirm exactly what is existing and what is proposed.

The dispensary would include a vestibule and a reception/security area, a waiting area, the sales area and a restroom.

There is a connection between the rear parking lot on the subject property and the parking lot of the restaurant property to the south. The applicant should indicate whether access between these two properties is proposed to remain, and if there is any formal arrangement in place and/or proposed.

The applicant should confirm the actual number of parking spaces that exists and is proposed. As show in the existing conditions photographs, the parking lot on the west side of the building currently has no striping. Given that the applicant has requested site plan approval, the Board may consider requesting that a minor site plan be prepared that shows the improvements that are proposed as part of this application.





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