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MEMORANDUM

**To: Chairman and Members of the
West Orange Planning Board**

**From: John J. Hess, PE, PP, CME
Planning Board Engineer**

Date: April 10, 2023

**Re: Application No. PB-23-02
Dogwood Green, LLC
Conditional Use and Minor Site Plan
Review #2
5 Central Avenue
Block 10, Lot 1.01
Our File: VWRP0010.01**

**CC: Paul Grygiel, AICP, PP - Township Planning Director
Leonard Lepore, PE - Township Engineer
Diana McGovern, Esq. - Planning Board Attorney
Dogwood Green, LLC - Applicant
Richard S. Schkolnick, Esq. - Applicant's Attorney
Ronald T. R. Elkins, RA - Applicant's Architect
James T. Sapio, PLS - Applicant's Surveyor**

Our office has received for review the following documents which were submitted in support of the above referenced application for Conditional Use and Minor Site Plan approval:

- A set of architectural plans (14 sheets) prepared by Ronald T. R. Elkins, RA of Chicago, Illinois and bearing a latest revision date of March 27, 2023.

In addition to the above, our office previously received the following information as part of the original submission for this application:

- A Survey of Premises prepared by James T. Sapio, PLS with JTS Engineers and Land Surveyors, Inc. of Stratford, New Jersey dated August 25, 2016.
- A completed Application Form dated February 13, 2023.
- A Project Narrative dated February 13, 2023.
- A copy of a Stockholder Disclosure Statement.
- A completed Site Plan/Subdivision Checklist.
- A List of Waivers requested by the Applicant.
- A completed Sustainability Checklist Form.



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- A Verification of Taxes & Sewer Charges Paid from the Office of the Tax Collector dated February 9, 2023 which states that the taxes for Block 10, Lot 1.01 are paid until April 30, 2023 and the sewer charges are paid in full for 2022.
- A Buffer Report which lists the owners of properties within 200 feet of Block 4, Lot 12 from the Office of the West Orange Assessor dated February 8, 2023.
- A copy of Resolution No. 58-22 which was adopted by the Township Council of the Township of West Orange on March 15, 2022. By this resolution, the Township of West Orange, consistent with the recommendation of the West Orange Taskforce and Advisory Committee regarding Cannabis Businesses, declares its Local Support for the proposed location of the Applicant's proposed cannabis related business.
- A copy of a March 15, 2022 Letter of Confirmation of Compliance with the Township of West Orange Zoning Requirements from the West Orange Zoning Official, Geniece Gary-Adams, to the New Jersey Cannabis Regulatory Commission.
- A copy of a February 13, 2023 letter from Richard S. Schkolnick, Esq. of Millburn, New Jersey to the West Orange Planning Board which details the Applicant's proposed use of the site and the various improvements that are proposed.
- Copies of the following prior Planning Board and Zoning Board of Adjustment Resolutions of Approval for the property in question:
 - Planning Board Case PB-89-26(b) dated February 7, 1990.
 - Planning Board Case PB-02-03 dated May 1, 2002.
 - Planning Board Case PB-04-31T dated January 5, 2005.
 - Planning Board Case PB-05-14T dated April 20, 2005.

We have reviewed the information submitted in support of this application and offer the following comments:

A. PROJECT DESCRIPTION

The property in question is a rectangular tract located on the northerly side of Central Avenue approximately 150 ft east of the intersection with Valley Road. It has an area of 11,955.24 sf or approximately 0.274 acres and is located in the I Zone. The property is currently occupied by a one-story brick & frame building having a floor area of 2,045 sf and an asphalt parking lot behind the building. The building was previously occupied by a full service banking facility with a drive through lane. Access is provided to the site via a one-way entrance drive on the easterly side of the building and a one-way exit drive on the westerly side of the building. A drive-through lane also exists on the westerly side of the building. On-site parking exists for 11 vehicles including 1 handicap accessible parking space and 2 spaces for compact vehicles.



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The Applicant is seeking Conditional Use and Minor Site Plan approval to permit the building to be occupied by a Class 5 Retail Cannabis Dispensary. In addition, the Applicant proposes the following improvements at the site:

- Resurface/Restripe rear parking lot.
- Install garbage enclosure with security gate.
- Replace existing security fence around perimeter.
- Add concrete slab (48 sf) for residentially-sized electrical back-up generator.
- Add security gate at vehicle entrance/exit.
- Add exterior security lights/cameras.
- Replace an existing wall mounted sign and a blade sign on the front of the building.
- Add a new wall mounted sign on the westerly side of the building.
- Add a wall graphic on the front facade.
- Add a logo graphic on the northerly drive-up window.

B. DESIGN COMMENTS

1. Based on our review, we find that the following item from the Site Plan/Subdivision Checklist must be addressed:
 - a) Item #46 – *Solid Waste Management Plan.*
2. The Applicant has requested the following waivers:
 - a) Item #20 - *Copy and/or delineation of existing or proposed deed restrictions or covenants.*
 - b) Item #21 – *Any existing or proposed easement or land reserved for or dedicated to public use.*
 - c) Item # 24 – *List of required regulatory approvals or permits.*
 - d) Item #25 – *Requested or obtained design waivers or exceptions.*
 - e) Item #29 – *Existing right-of-way and/or easements on and within 200' of tract.*
 - f) Item #30 – *Topographic features of subject property from U.S.G.S. map.*
 - g) Item #31 – *Existing and proposed contour intervals based on U.G.S. & G.S. datum.*
 - h) Item #33 – *Existing system of drainage of subject site and of any larger tract or basin of which it is a part.*



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- i) Item #34 – *Drainage Area Map.*
 - j) Item #35 – *Drainage Calculations.*
 - k) Item #36 – *Proposed utility infrastructure plans.*
 - l) Item #37 - *Proposed utility infrastructure plans.*
 - m) Item #38 – *Soil Erosion and Sediment Control Plan.*
 - n) Item #39 – *Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations.*
 - o) Item #41 – *Road and paving cross-sections and profiles.*
 - p) Item #45 – *Landscape plan & details prepared by a professional landscape architect.*
 - q) Item #52 – *Plans and legal documents for compliance with West Orange COAH Ordinances.*
3. The Applicant should address the Board regarding the proposed hours of operation at the site.
 4. The Applicant should address the Board regarding the anticipated frequency and hours for deliveries to the site.
 5. The Applicant should address the Board regarding the need to provide a loading zone at the site.
 6. The Applicant should address the Board regarding the proposed security at the site. In addition, the Applicant must demonstrate that the security plan has been reviewed and approved by the Police Department.
 7. It shows on the Site Plan on sheet A0001 that new shrubs are proposed around the proposed generator. In addition, the Landscape Materials list on sheet A0001 shows that the shrubs are to be Winged Burning Bush, euonymous alatus. Our office finds the proposed species to be unacceptable. . In addition, this is an invasive species which is no longer recommended. We recommend that consideration be given to one of the following species:
 - Upright Japanese Plum Yew
 - Skip Laurel
 - Compressa Common Juniper
 - Sky Pencil Japanese Holly
 - Green Mountain Boxwood
 8. The Landscape Materials list on sheet A0001 must be revised to specify the quantity of shrubs that are proposed.



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9. It shows on the Site Plan on sheet A001 that a 4 ft wide striped pedestrian walkway is proposed along the westerly side of the parking lot and exit aisle. In order to comply with ADA requirements, the walkway width should be revised to 5 ft.
10. The Site Plan on sheet A0001 must be revised to show that a handicap ramp will be installed at the northwest corner of the building where the sidewalk connects to the proposed striped pedestrian walkway.
11. It shows on the Site Plan on sheet A001 that the handicap parking space access aisle is not aligned with the existing handicap ramp. In addition, it shows that the access aisle will encroach into the handicap parking space which is not acceptable. Therefore, the plan must be revised to address these issues and comply with the ADA requirements.
12. The Pavement Detail on Sheet A003 shows that the Applicant proposes to install a new 1.5" thick asphalt surface course over the parking lot. The Applicant should clarify if the existing pavement will be milled to accommodate the new surface course. If so, then the detail must be revised to reflect the required milling.
13. The Ordinance requires that a minimum level of illumination of 1.0 footcandles be provided in the parking area and 0.4 footcandles be provided along pedestrian walkways. The Electrical Site Lighting Plan (sheet E102) shows that areas within the parking lot and along the pedestrian walkway which do not meet the minimum level of illumination specified in the Ordinance. Therefore, the lighting must be revised to comply with the Ordinance.

The Applicant is hereby advised that any revised plans or other documents submitted to the Board should be accompanied by a cover letter which addresses each of the comments in this review letter and also details any other changes that have been made to the plans as these may not be readily apparent.