



# TOWNSHIP OF WEST ORANGE

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

## Department of Planning and Development

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*Mayor*

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**TO:** Planning Board Members

**FROM:** Paul Grygiel, AICP, PP, Township Planner

**DATE:** June 14, 2023

**RE:** **PB 23-07/Pure Natural Vibes, LLC**  
Block: 84.01; Lot: 60; Zone: B-2  
470 Prospect Avenue  
Application for Conditional Use and Minor Site Plan Approval to permit Licensed Cannabis Retailer

### **INTRODUCTION**

The applicant is proposing to locate a Licensed Cannabis Retailer in an existing three-story commercial building. Physical changes proposed as part of the application include interior building renovations and modifications to the building's exterior, including provision of new signage. Changes proposed to the site layout are limited to the restriping of a portion of the parking area. The proposed use is a permitted conditional use in the B-2 zone, and all conditional use standards for this use are met.

### **LAND USE**

The subject property is 31,221 square feet (0.716 acres) in area and is located on the east side of Prospect Avenue across from Rooney Circle. It is roughly trapezoidal, with 73 feet of frontage on Prospect Avenue and depth of approximately 260 feet.



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The site is developed with a three-story commercial building with a building footprint of approximately 7,995 square feet and a rear parking lot. The parking lot has 38 parking spaces according to the site plan, and the building has a shared parking arrangement with the adjacent property to the north, providing for availability of additional parking spaces. Photographs of the subject property are attached this memorandum.

Nonresidential uses are generally located to the north, south and west, and a multifamily residential development is located to the east.

## **SUBMISSIONS**

| <b><u>ITEM</u></b>              | <b><u>SIGNED BY</u></b>   | <b><u>DATE/REVISION</u></b> |
|---------------------------------|---------------------------|-----------------------------|
| Survey of Property              | Andrew A. Schmidt, P.L.S. | 7/21/21                     |
| Architectural plans (10 sheets) | David M. Lawrence, R.A.   | 3/28/23                     |
| Site Plan (1 sheet)             | Chirag V. Thakkar, P.E.   | 4/4/23                      |

## **VARIANCES REQUIRED**

None

## **DISCUSSION/RECOMMENDATIONS**

The applicant is seeking conditional use approval for a “Class 5 Cannabis Retail Dispensary (Micro)”<sup>1</sup> 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 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:

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<sup>1</sup> 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>)



- (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 standards, or will do so as a condition of approval (i.e. obtaining a Local License), and therefore is permitted.

Minor modifications are proposed to the parking lot striping to adjust the dimensions of three accessible parking spaces to comply with ADA requirements.

There is one parking space shown on the site plan that is perpendicular to the southern property line. However, it is labeled as two spaces. The applicant should confirm the number and location of the parking spaces. Either way, there appear to be fewer parking spaces on the site than the 42 indicated in the application. The application states there are an additional 35 spaces on the adjacent lot at 466 Prospect Avenue, with a shared parking agreement between the two properties. No changes are proposed to the number of parking spaces.

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.” As the proposal is modifying site improvements, albeit to slightly modify existing parking spaces, it is my opinion the application requires minor site plan approval.









