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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: *June 26, 2023*

Re: *Application No. PB-23-07
Pure Natural Vibes, LLC
Conditional Use Application - Review #1
470 Prospect Avenue
Block 84.01, Lot 60
Our File: VWRP0084.02*

CC: *Paul Grygiel, AICP, PP - Township Planning Director
Leonard Lepore, PE – Township Engineer
Diana McGovern, Esq. – Planning Board Attorney
Pure Natural Vibes, LLC - Applicant
Cameron W. MacLeod, Esq. – Applicant's Attorney
Chirag V. Thakkar, PE – Applicant's Engineer
David M. Lawrence, RA – Applicant's Architect
Andrew A. Schmidt, 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 approval:

- A print of an unsigned site plan drawing (1 sheet) prepared by Chirag V. Thakkar, PE with arna Engineering Inc. of Doylestown, Pennsylvania dated April 4, 2023.
- A set of unsigned architectural plans (10 sheets) prepared by David M. Lawrence, RA with Lawrence Architecture LLC of Rahway, New Jersey and bearing a latest revision date of March 28, 2023.
- A print of a Survey of Property (1 sheet) prepared by Andrew A. Schmidt, PLS with Schmidt Surveying of Dumont, New Jersey dated July 21, 2021.
- A completed Application Form dated May 8, 2023.
- An undated Project Description.
- An Affidavit of Ownership and Consent dated May 8, 2023.
- A Corporate Ownership Disclosure.
- A completed Site Plan/Subdivision Checklist.
- A blank Sustainability Checklist Form.



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- A List of Waivers requested by the Applicant.
- A Verification of Taxes & Sewer Charges Paid from the Office of the Tax Collector dated March 28, 2023 which states that the taxes for Block 84.01, Lot 60 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 84.01, Lot 60 from the Office of the West Orange Assessor dated May 22, 2023.
- A copy of a July 29, 2022 letter from Ms. Dianna Houenou with the New Jersey Cannabis Regulatory Commission to Pure Natural Vibes LLC which states that the New Jersey Cannabis Regulatory Commission has granted conditional license approval for the proposed facility.
- A copy of Resolution No. 335-22 which was adopted by the Township Council of the Township of West Orange on December 20, 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 December 20, 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 regarding the subject application.
- A copy of an executed Letter Agreement Concerning Access and Parking between 470 Prospect Avenue, LLC and 466 Prospect Avenue, LLC dated May 25, 2023.
- Copies of the following prior Planning Board and Zoning Board of Adjustment Resolutions of Approval for the property in question:
 - Zoning Board Case ZB-99-03 which was memorialized on August 19, 1999.
 - Planning Board Case PB-04-26T which was memorialized on November 3, 2004.
 - Planning Board Case PB-07-05T which was memorialized on April 11, 2007.

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

A. PROJECT DESCRIPTION

The property in question is an irregularly shaped tract located on the easterly side of Prospect Avenue opposite the southerly intersection with Rooney Circle. It has an area of 31,221 sf or approximately 0.717 acres and is located in the B-2 Zoning District. The property is currently occupied by a three-story brick & masonry building having a footprint of approximately 7,995 sf



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and an asphalt parking lot behind the building which provides parking for 38 vehicles including 3 handicap accessible parking spaces.

The Applicant is seeking Conditional Use approval to permit Suite 100 on the first floor of the existing building to be occupied by a Class 5 Cannabis Adult Recreational Retail Dispensary (Micro).

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 #20 - *Copy and/or delineation of existing or proposed deed restrictions or covenants.*
 - b) Item #23 - *List of required regulatory approvals or permits.*
2. The Applicant has requested the following waivers:
 - a) Item # 24 - *List of variances required or requested.*
 - b) Item #25 - *Requested or obtained design waivers or exceptions.*
 - c) Item #30 - *Topographic features of subject property from U.S.G.S. map.*
 - d) Item #31 - *Existing and proposed contour intervals based on U.G.S. & G.S. datum.*
 - e) Item #32 - *Boundary, limits, nature and extend of wooded areas, specimen trees, and other significant physical features.*
 - f) Item #33 - *Existing system of drainage of subject site and of any larger tract or basin of which it is a part.*
 - g) Item #34 - *Drainage Area Map.*
 - h) Item #35 - *Drainage Calculations.*
 - i) Item #36 - *Proposed utility infrastructure plans.*
 - j) Item #37 - *Proposed utility infrastructure plans.*
 - k) Item #38 - *Soil Erosion and Sediment Control Plan.*
 - l) Item #39 - *Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations.*
 - m) Item #40 - *Construction details as required by ordinance.*
 - n) Item #41 - *Road and paving cross-sections and profiles.*
 - o) Item #42 - *Proposed street names.*



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- p) *Item #43 – New block and lot numbers confirmed with local assessor or municipal designee.*
 - q) *Item #44 – Lighting plan & details.*
 - r) *Item #45 – Landscape plan & details prepared by a professional landscape architect.*
 - s) *Item #46 – Solid waste management plan.*
 - t) *Item #48 - Sight triangles.*
 - u) *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 to demonstrate that the existing parking lot lighting complies with the Ordinance requirements.
 5. The Applicant should address the Board regarding the anticipated frequency and hours for deliveries to the site.
 6. The Applicant should address the Board regarding the need to provide a loading zone at the site.
 7. 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.
 8. The Applicant should address the Board regarding how trash collection will be handled at the site. We note that a trash enclosure is not shown on the site plan drawing.
 9. The Applicant should address the Board regarding their plans, if any, to provide an emergency generator at the site.
 10. The architectural plans must be revised to include a written and graphic scale on each sheet.
 11. The building footprint shown on the site plan drawing does not agree with the footprint shown on the architectural plans. The site plan drawing shows that the northerly wall of the building is continuous from the front to the rear of the building. However, the architectural floor plans show a substantial jog in the northerly wall. This discrepancy must be resolved.
 12. It shows on sheet A-140 that the entrance to Suite 100 is located on the northerly side of the building whereas sheet A-213 shows that the entrance is located on the rear (easterly side) of the building. This discrepancy must be resolved.



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13. It shows on the site plan drawings that 38 parking spaces exist at the site including 3 handicap accessible parking spaces. However, it states in the Project Description that 42 parking spaces exist at the site. This discrepancy must be resolved.
14. A calculation of the required parking should be included on the site plan drawing. The calculation should be based on the existing and proposed uses at the site. We note that the Project Description includes a list of the current tenants in the building.
15. The Applicant has submitted a Letter Agreement Concerning Access and Parking between 470 Prospect Avenue, LLC and 466 Prospect Avenue, LLC. This agreement states that the tenants, patrons, employees and invitees are permitted to park at 466 Prospect Street during the hours of 8:00 am to 7:00 pm Monday through Friday. The Applicant should address the Board regarding the number of spaces that are anticipated to be available at 466 Prospect Avenue during this time period.
16. The site plan drawing should be revised to show the existing parking spaces at 466 Prospect Avenue.
17. Based on our review of Google Earth, it appears that the existing parking lot striping and handicap space markings are faded. Therefore, the Applicant should address the Board regarding their plans to redo the parking lot striping and the handicap space markings.
18. Based on our review of Google Earth, it appears that the existing handicap parking signs do not comply with current ADA requirements. Therefore, the Applicant should address the Board regarding their plans to install conforming handicap parking signs.

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.