



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 Planner

DATE: July 24, 2023

RE: **PB 23-08/The Library of New Jersey, Inc.**
Block: 120.01; Lots: 24 and 26; Zone: B-1
1 and 5 Washington Street
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 one-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. Proposed exterior site changes include the restriping of the parking areas and provision of new landscaping and lighting. The proposed use is permitted as a conditional use in the B-2 zone, and all conditional use standards for this use are met.

LAND USE

The subject property is 14,057 square feet (0.32 acres) in area and is located on the northeast side of Washington Street at its intersection with Meade Street. The property has 104 feet of frontage on Washington Street and 153 feet of frontage on Meade Street.



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The site is developed with a one-story commercial building with a building footprint of approximately 5,880 square feet and front and rear parking lots. There are three curb cuts for the parking area along Washington Street and one curb cut is provided on Meade Street for the rear parking lot. Photographs of the subject property are attached this memorandum.

The area surrounding the subject property is developed with a mix of land uses. Commercial uses are generally located along Washington Street, along with residential and mixed use buildings, and primarily residential uses are located elsewhere in the vicinity. The municipal boundary with the City of Orange is located just to the east.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Survey of Property	James Pica, P.L.S.	8/23/99
Architectural/site plans (5 sheets)	Michael J. Tormey, R.A.	6/28/23
Signage plans (2 sheets)	Ari Sorkin	7/1/23

VARIANCES REQUIRED

None

DISCUSSION/RECOMMENDATIONS

Description of Proposal

The applicant is seeking conditional use approval for a “Class 5 Cannabis Retail Dispensary (Micro)”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 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.”

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>)



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

The proposed dispensary would occupy 2,500 square feet of the existing building. The remaining 3,380 square feet would remain as warehouse space. There are two garage doors for the warehouse space: one facing Washington Street and one abutting the rear parking lot. The public entrance and exit to the dispensary are proposed facing Washington Street, and an emergency exit is proposed adjacent to the rear parking lot. A door to the "receiving room" is proposed facing Washington Street.

The exterior of the building is proposed to be painted black. One wall-mounted sign is proposed facing Washington Street. The sign will be one foot, 10 inches high by 12 feet, 4 inches wide, or 22.6 square feet in area.

The existing parking lots are proposed to be restriped. Eight parking spaces, including two accessible spaces and one electric vehicle charging space, are proposed in the lot along Washington Avenue. Eight additional spaces are proposed in the rear parking lot. These include four tandem spaces, with the two interior spaces reserved for the manager and for an employee. A 10-foot by 40-foot loading space is proposed in the lot. The rear lot is proposed to be repaved.



New landscaping is proposed in a five-foot wide strip along the northern property line (eight four-foot tall arborvitae “or other approved species”). Proposed lighting includes four new wall-mounted LED fixtures on the east- and north-facing walls in the rear of building, and eight new recessed lights under the soffits along both street frontages. A new trash and recycling enclosure is proposed along the northeast corner of the building abutting the rear parking lot.

Other Issues

The bulk table on the site plan includes incorrect or irrelevant information. For example, there is no front yard setback requirement for business uses in the B-1 zone, while the table lists a requirement of 35 feet and that a 56.76-foot front yard is provided (it is not). There is also no floor area ratio requirement.

The applicant should clarify how deliveries will be made, as the loading space is proposed in the rear parking lot but the receiving area door is on the front wall of the building.

Testimony should be provided regarding the use of the remaining space in the building not proposed to be included in the dispensary.







