

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
April 12, 2023 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on April 12, 2023 at 7:30 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

- *Chairman Bagoff* requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board regular meeting will be held **Wednesday May 3, 2023** at **7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Ken Alper; Mr. Jerry Guarino; Mr. Christopher Morgan, Sr.; Mayor Susan McCartney; Mr. Peter Smeraldo; Councilwoman Tammy Williams; Mr. Sal Jensen (7:43PM); Mr. Cardoza;

ABSENT: Mr. William Wilkes

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Paul Grygiel, Town Planner;
Mr. John Hess, Board Engineer;
Sarabraj Thapar, Esq., Public Advocate
Jamilet Baquerizo Vite, Planning Board Secretary

MINUTES & RESOLUTIONS

(Adopted 4/12/2023)

- [PB-22-13 West Crescent Realty LLC \(14-16 Northfield Avenue\)](#)

Motion: Chairman Bagoff

Second: Mayor McCartney

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Cardoza (Alt.2):	Y	Wilkes:	---
Guarino:	Y	Williams:	Y
Jensen (Alt. 1):	---		
Klein:	---		
Mayor Susan McCartney:	Y		

SWEARING IN

- The Township Professionals *Mr. Paul Grygiel, Township Planner* and *Mr. Dave Barry* were sworn in.

APPLICATIONS

- **PB-20-03/The Alpert Group, LLC**
18 Central Avenue
Block: 9; Lots: 32, 36; Zone: Central Valley Corridor Redevelopment Area
Mixed use project with 94 residences, 1223 of amenity, 3640 sf of commercial space and related infrastructure- request for extension of time.

PRESENTATION

Mr. William Sullivan, Esq entered on the record on behalf of the applicant The Alpert Group LLC. He stated that the applicant obtained approval by the Board in 2021 for the next phase of the redevelopment of the Central Valley Corridor in the Valley Under the ordinance, approvals expire unless the applicant starts construction or requests an extension before two years from the date the resolution was adopted.

Mr. Sullivan stated that this area is significantly contaminated and, under the redevelopment agreement between the township and my client, the contamination is being investigated and then being remediated by Matrix New World, a consultant retained by the Township. They have delineated the contamination and are now in the process of getting an approval from the DEP

that is required for the remedial action for the necessary approvals before the work can be done. This will include contaminated soil removal and all the things that are typically found in situations like this, particularly on the site known as the Biddleman property which is where the one building that's still standing. He said that you may know the smokestack next to the Krauzers and the dry cleaner almost at the corner of Central Avenue, Mr. Sullivan stated that is the most significantly contaminated area of the site and the work is well underway. He said that they are working with the Township to move it along as quickly as possible to get the approval because this is a very important project not just for my client but also for the town. Mr. Sullivan said that my client respectfully requests an extension so that we can do what we have to do to get the approval, get the remediation done and then build the project.

BOARD QUESTIONS

Chairman Bagoff asked how long this will take before you will be granted approval to start. Mr. Sullivan said they will obtain approval of the remedial action work plan within the next two to three months and then work can commence it doesn't mean construction is going to commence.

NO PROFESSIONAL QUESTIONS
NO PUBLIC ADVOCATE QUESTIONS
NO PUBLIC QUESTIONS
NO PUBLIC COMMENT

Motion: Chairman Bagoff

Second: Mr. Smeraldo

Alper: Y	Morgan: Y
Bagoff: Y	Smeraldo: Y
Cardoza (Alt.2): Y	Wilkes: ---
Guarino: Y	Williams: Y
Jensen (Alt. 1): ---	
Klein: Y	
Mayor Susan McCartney: Y	

- PB-22-14 Crest Ridge Realty LLC**
200 Mount Pleasant Avenue
Block: 80.03 Lot: 36 Zone: R-G
 Addition of 986 square feet work out room next to the existing pool house and wooden fence on the property.

PRESENTATION

Mr. Jeffrey Chang, Esq. entered on the record on behalf of the applicant. He stated that the applicant is requesting a minor site plan amendment for the dumpster's relocation and the bulk variances for two story community gym building adjacent to existing pool house. There will be a general area, a kitchenette and manager's office on the first floor approximately 900 by 2.86 square feet in size and a gym and two changing rooms on the second floor approximately 1242.44 square feet in size. Mr. Chang stated that the final plans that we resubmitted include the dumpster relocation; he said that the applicant can describe further about how that came to be, but basically back in 2018-2019 there were some relocation dumpsters as accommodation to the residents just to give them more options of where to put their refuse. Mr. Chang stated that when it was done, he believed, administratively, they had permits when they were installed. He stated, for clarification, that the workout room is only for residents. Mr. Chang stated that two trees will be removed around the pool to accommodate the improvement and there will be a concrete sidewalk reconstruction on both sides of the development. He stated that here is an existing nonconforming rear yard setback of 37.4 feet, where as 75 feet is permitted there are two variances that we have our planner that would justify the board section 25.7.1 and 25-28.8 maximum lot coverage of 42.8% is proposed for 42.6% exist and 40% is permitted. It's the applicant's contention that is at the minimum increase and also variance for section 25.8.8 a maximum height of accessory this building at a residential zone of two stories and 24 feet 8 inches is propose for 1.5 story and 15 feet is permitted.

Mr. Tal Steinberg, property manager, entered on the record and was sworn under oath. He stated that this is a 178-unit apartment community in West Orange, in which the applicant would like permission to build a gym on the property for the benefit of the residents only; he said that it will be open 24/7. Mr. Steinberg stated that the pool is open from 10:00AM to 6:00PM from Memorial Day to Labor Day. In regard to the dumpsters, it was decided a few years ago to add two locations for dumpsters because it's a 12-acre property and residents had to carry their garbage all the way to one area, he said that it will be easier for residents to get rid of their trash. He also stated that the permits were approved.

NO BOARD QUESTIONS

Mr. Klein asked how many handicapped accessible apartments there are. Mr. Steinberg said he is not sure how many, but there are some available.

PROFESSIONAL QUESTIONS

Mr. Barry asked how does the applicant feel with regard to installing gates on these enclosures. Mr. Steinberg said they can comply with that request.

Chairman Bagoff asked at what time does the dumpster get emptied. Mr. Steinberg is not sure, but will find out the answer.

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTION

Kevin Malanga of 57 Ridge Road asked if the dumpsters will be located in the front yard of the apartment complex. Mr. Steinberg said no.

NO PUBLIC COMMENT*

PRESENTATION

The engineer Mr. Paul Anderson entered on the record, he was sworn under oath and his credentials were accepted by the board. He stated that the facility has 16 two-story apartment buildings, a pool and a pool house. The site plan was submitted with the application and you can see the pool house is located in red in the rear of the site Mr. Anderson stated that it is surrounded by apartment buildings that are two stories and you also have a rock Cliff behind the property. He said that it is somewhat isolated

from all the adjacent properties in terms of anyone being able to see it or having any impact to the adjoining properties.

Mr. Anderson stated that there are variances required for the second story and also for the lot coverage from 42.6 to 42.8% where 40% is permitted, where the existing dumpsters are located. The grass area where the addition is being proposed, which is on the opposite side of the cliff face from the next to the pool building, it's a fairly level area and there's not much there to remove.

Mr. Anderson stated that the addition will not have any new utilities that will utilize the water sewer, gas and electric services that are already connected to the pool house; the only new utility would be the roof leaders that are connected from the building to the existing inlet that is located in the yard which is 20 feet away from the proposed building. There will be minimal grading and disturbance associated with this project. The landscape and lighting plan associated with the project was not to allow swimming at night so there are just wall packs on three sides of the building that provide lighting for the sidewalk to get in the building and for people coming in and up to the recreation facility.

Mr. Anderson stated that the landscape plans are fairly simple; with foundation plantings and one new tree proposed but if the board chooses to have them plant more trees, they can add additional trees because there's plenty of places to put additional flowering trees or shade trees.

Mr. Anderson stated that there are two C variances required for this project; The maximum lot coverage from section 25-7.1 40% is permitted 42.6% is existing and 42.8% is proposed which is an extremely minor increase in the impervious coverage. Also, from accessory building height 25-8.1F one story is permitted, but two stories are being proposed. The variances are justified with the C2 criteria. The added amenity for the apartment complex meets purpose of zoning G providing space in appropriate locations for recreation on site. Also, it meets the purpose of zoning C, but with the two stories instead of one because it reduces lot coverage and provides more light, air and open space for the residents in the area. It also minimizes the increase in the impervious coverage required. The negative criteria or the negative impacts of this project are minimal such as the location of the addition in the back of the site that is not visible from the neighboring properties, it's buffered by the two-story apartment buildings and the rock face to the rear so it is not visible to the neighbors. There's very little impact to any of the adjoining properties and the amount of impervious coverage is .2% in addition to what's already there and that's relatively minor. The roof leaders will be connected to the storm drains so the storm drainage from this will be controlled; he said that it isn't a relatively flat area of the site so additional runoff is not really that concerning from an erosion standpoint. In conclusion, the benefits outweigh the detriments in a substantial way and the variances can be granted without substantial detriment to the zone plan ordinance or the neighborhood.

BOARD QUESTIONS

Chairman Bagoff asked if the present building will be demolished or rebuilt. Mr. Anderson said that it will remain, but the Architect can give more specifics.

Chairman Bagoff asked would it be possible to put a dumpster between the existing pool building to the right and Mr. Anderson said that it is possible, since there is a lot of room.

Chairman Bagoff asked if pick up or delivery of the of the garbage trucks would in any way be detrimental to the rock face. Mr. Anderson responded in the negative, rock face is currently solid there's been studies by another engineering company who has looked at its condition and they designed the fence to protect from falling rocks. He said that they periodically go up and knock off loose rocks.

Mayor McCartney asked that the applicant review the tree ordinance regarding the replacement of the two trees. Mr. Anderson said that either they will be in compliance or you have the four trees that were just mentioned; He said that if the four exceeds compliance, then they will plant the four.

Chairman Bagoff asked if the roof will be white. Mr. Anderson said that is for the architect to answer.

Council President Williams just wanted to understand the direction of the lighting if it will be facing down and if it will have any impact on any of the neighboring apartments; also, will that lighting be automatic. Mr. Anderson said that they have not talked about the dust or dawn element of it, but there are 4 wall packs that are mounted on the wall of the building that are not that high and basically provide light for the grass and sidewalk and are fairly well cut off before they get to the apartments across the way.

Diana McGovern asked if it is a condition that the lights are to be on from dusk to dawn. Mr. Anderson said it's a 24-hour facility according to the applicant, so someone could come in with a card and work out at 10:00 at night, it would make sense to have the sidewalk lit all night.

Mr. Alper asked how many feet would the building be from the rock face and related to that, have there been any instances of falling rocks. Mr. Anderson said that he is not sure of the entire history of it. He did look behind the fence and did not see any significant buildup of rocks that indicate any recent falling; he said that it looked fairly solid to me.

Mr. Guarino asked a question which pertains to the potential development of the other project that was put on hold; he asked if that project were to move forward would that have any impact on the rock face. Mr. Anderson said he is not clear with the development at the top of the Ridge, but if they were to comply with your ordinance, I would think that it should have minimal impact on the property below.

Mr. Smeraldo asked if there are any plans to replace the fence or is there plans to repair the fence because it needs some significant attention. Mr. Anderson said the fence will be replaced.

Chairman Bagoff asked if there are handicap and guests spots in the parking area Mr. Anderson said this project was never to add parking or to modify the parking; he said that this application is for residents who are to park at their apartment and to walk to the gym or pool area so it wouldn't require additional parking up in the vicinity. Mr. Anderson stated that is why we did not modify or add ADA spaces in that location.

Chairman Bagoff asked what if someone at 3:00AM has a medical issue or a cardiac event, how they are going to get help, how they are going to notify somebody will there be a button or something voice activated that they can call for help. Mr.

Anderson said that if the applicant wants to add emergency button, it certainly can add that on the interior of the building very easily with connection to emergency services. And in regards to fire prevention and smoke alarms everything required by the building code, it will be provided on the interior of the new building.

Mr. Smeraldo asked if AED will be available at the new building. Mr. Anderson said that he agrees to adding the AED to the new building.

Chairman Bagoff asked if there will be an emergency standby generator. Mr. Porter said that there is none shown on the plans.

Chairman Bagoff asked if any of the water that comes off the leaders will be use to feed the ground as oppose to using sprinkler systems. Mr. Porter said that it is certainly possible, but sprinkler system has not been proposed.

NOPROFESSIONAL QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

NO PUBLIC QUESTION

PUBLIC COMMENT*

PRESENTATION

The architect Mr. Brent Porter entered on the record, he was sworn under oath and his credentials were accepted by the board. He said that there will be a two-story building that will have hardy board panels and cedar planks. It will have the tall glass; the roof of the existing building is going to be taken down and flattened and it will be a new white roof. The building design is a modern structure with traditional colors matching the surrounding development. The ground floor will have the main lobby, there will be an office and a bathroom for the staff and it will have the changing rooms for male and females. The second floor will have the workout room and there will two large changing rooms with bathrooms. In terms of the overall building, they feel that they have done a nice job with the glazing to find plenty of daylight and they feel that the brick will work well with the existing neighborhood. The quality of the new building will provide access at the hours that have been stated for the use of the gym upstairs. The building height is 24 feet 8 inches measured from the proposed average grade to the top of the roof which complies the there are areas of green aspects to making energy conscious.

BOARD QUESTIONS

Chairman Bagoff asked if the roof will be white. Mr. Porter said there will be a white roof that will help to decrease the heat buildup inside.

Chairman Bagoff asked about the glazing in the front and will that light shine out onto the apartment building across the way when somebody's in there at 3:00 in the morning Mr. Porter said no since the lighting will be adjusted and will have minimal projection.

Chairman Bagoff asked if somebody's in there at 3:00 in the morning on one of the exercise machines, what would happen if they have a medical event. Mr. Porter said that there will be a way to contact emergency telephone numbers on the site.

Mr. Alper asked if the entrances and exits are to the pool area. Mr. Porter said the new building will allow you to come in and go out in an easy way to the pool.

Mr. Alper asked is there a plan or a way to keep people who are in the gym building from leading to the pool area when the pool is closed at night or out of season. Mr. Porter said that the residents won't have access to the pool late at night.

Mr. Smeraldo asked what is entailed for the Fire Protection Systems that go within that building. Mr. Porter will defer the question to the Engineer.

Mr. Smeraldo asked what is the current staff size and will the new office accommodate the current staff or any anticipated staff. Mr. Porter said that the office will have a desk and a round table to fit all the staff.

Chairman Bagoff asked if there is an incident in the pool, how close can an emergency vehicle get to the pool area and if you're putting a new fence in would it

be possible to put an access for an ambulance to back up to the pool. Mr. Porter said that current open area is all open and directly back to the floor area, it has double doors, so an emergency vehicle could back up right in front of those double doors and immediately go to the pool.

Chairman Bagoff asked will this new project be the same height as the two-story buildings in the area. Mr. Porter said that it will not be in excess to the existing height of the buildings.

NO PROFESSIONAL QUESTIONS

PUBLIC ADVOCATE QUESTIONS/COMMENTS

Mr. Thapar said that if they will start losing a lot of money because people who are ADA that don't live there will want to live at some other place, so it will force them to do it. However, he thinks that effectively does create a community where they are essentially keeping out anyone who has a disability by having the gym on the second floor and not having capabilities to get up, so people will come they'll look at the area they say show me the gym, they'll see the gym on the second floor and decide to find another place to live and one by one that it will continuously happen. He also thinks in effect they will be keeping out anyone who has a disability from residing at this facility

PUBLIC QUESTION

Kevin Malanga at 57 Ridge Road asked if the second floor is only accessible by stairs. Mr. Porter answered in the affirmative; he said that the rules are if there are 10,000 steps or less then you're not required to have an elevator. The stairs will be 4 foot wide and there may be a lift put on the stairs railing if necessary but the elevator isn't required to reach the second level.

BOARD COMMENT*

Ms. Williams made the comment that she is a real estate professional for over 20 years in the business and that is an opportunity for her to assist persons with disabilities often as well as persons without disabilities. So, she will advocate on clients that she has supported and assisted with residential needs that if they have them, they absolutely disclose that information. Since the residents are absolutely seeking opportunities where they do have accessibility, so if there is a need she has no doubt that a person with those needs will absolutely vocalize and she is very comfortable in recommending that the management pull the current residents to ask, if there is a need and it's requiring a condition that if that need arises and then we require them to institute some type of accommodation. She doesn't think is required looking at the fact that there are no handicap accessible parking spaces currently on the premises, listening to the testimony of several professionals indicating it is a very steep location doesn't mean that someone without necessary accommodations wouldn't live there. But again she doesn't want to insist that the board puts an unnecessary cost or hardship on management when there is not a need. She would be very comfortable in saying if the need arises, then they will be required to do so.

PUBLIC COMMENT*

Ms. Linda Stiles indicates that on Tuesdays and Fridays between 6:30 and 8:00 the garbage collected from the dumpsters and she's indicating that it is a noise issue.

Chairman Bagoff recommended to contact the West Orange Public Works Department, so Ms. Stiles can direct them to a different pick-up time. Kevin Malanga at 57 Ridge Road said that it's reasonable to say that most tenants would be afraid of retaliation if they requested the landlord to install a stair lift just for them, he thinks that it's fair to say that we will never see a stair lift at that facility whether or not it's needed. It will be fair for the landlord to have it as a condition for approval to install the stairlift.

CONDITIONS

- Gates to the two-dumpster enclosure will be in place within 30 days and maintained in good repair.
- Applicant will plant and maintain four additional trees.
- The new roofs will be white color.
- The fire lanes must be repainted throughout the complex.
- Applicant must create one ADA parking space and one visitor space located by the new office.
- An AED shall be located in the most accessible area.
- Rain barrels or other approved method to reclaim as much rainwater runoff.
- The applicant shall work with the Public Advocate for a practical solution to accommodate persons with disabilities who may need to use the second floor.

Motion: Chairman Bagoff

Second: Mayor McCartney

Alper: Y	Morgan: Y
Bagoff: Y	Smeraldo: Y
Cardoza (Alt.2): ---	Wilkes: ---
Guarino: Y	Williams: Y
Jensen (Alt. 1): Y	
Klein: Y	
Mayor Susan McCartney: Y	

- **PB-23-02 Dogwood Green, LLC**
5 Central Avenue
Block: 10 Lot: 1.01 Zone: I – Industry

The applicant is proposing to renovate the interior of the building for a cannabis dispensary.

PRESENTATION

The attorney Mr. Richard Schkolnick entered on the record on behalf of the applicant. The applicant is requesting conditional use approval for a cannabis dispensary and the applicant has confirmation from the town planner memo that all conditional use standards for a cannabis retail facility have been satisfied. They are also seeking minor site plan approval for some modest changes to the existing property. Those changes include resurfacing the

parking lot, install a garbage enclosure, installing a pad for a backup generator, replacing a security fence and add a security gate, also add lighting and cameras and some modest signage. The applicant is requesting a variance for impervious coverage. They are adding 112 square feet which is for the trash enclosure and the concrete pad for the backup generator that pushes them from 88.21% to 89.07, so they are increasing impervious by less than 1% with 75% permitted in the zone. The applicant is also requesting variances related to the signage which architect is going to discuss in more detail. Also, the applicant met with chief Abbott to make sure the local community is comfortable with the security plan. Mr. Scholnick introduced the architect Mr. Ron Elkins in which he entered on the record, he as sworn in and his credentials were accepted by the board. The property is an existing building, it's approximately 2,050 square feet, it was a bank most recently as a Paragon Federal branch within the industrial I zone of which cannabis retail is allowed as a permitted conditional use and as mentioned before the property does meet all of the conditional use standards. This property is 1 1/2 story - it's really just essentially one story but it's a tall building. The rear parking lot will be resurfaced and restriped to accommodate the parking layout which does meet the standards of the retail. The applicant is required to have 8 parking spaces, but they are proposing 11 parking spaces. On the plans it shows a generator which is essentially just to provide power for low voltage security electronic door locks, video cameras and any other essentials needed to satisfy the state requirements. A trash enclosure will be added, since in the state of New Jersey all cannabis or all cannabis related waste is required to be stored within the building itself, until a private hauler does remove it on a scheduled basis. They are also including a new fence around the entire property, all three sides. As well as new security gates in the front of the property, in which those will only be closed off during non-operating hours. They will be using the vault already installed at the property. They are still maintaining the pedestrian access to the front of the property, although separating that into entrance and exit vestibules, so customers get their identification checked by going to the security desk to make sure that they're over 21 and then they're allowed into the retail floor, so then once they make their purchases or pick up their items based on their online orders, they exit through a different vestibule mainly just to keep customer flow efficient and the customer experience quick. The handicap accessible entrance for disabled customers is maintained through the rear of the property, this is the existing location currently, so disabled customers will park in existing handicap space, access the building from the existing sidewalk and existing sidewalk ramp to the rear door. There will be an intercom at the rear of the building notifying the employees that someone is there needing assistance, they would be allowed into the hallway and escorted into the property. They are also adding a number of security cameras and identification points throughout the building, the red circles on the plans are 360 degree cameras throughout the property, the blue designation is 180 degree cameras and then the green cameras are just single directional high definition cameras basically at every entry and exit point as well as every purchase point of the cash registers, ATM's and other features, basically everything will be captured and stored from the time the customer entered the building, to the time they exit the building just in case there's an emergency, so they are covering the building 360 degrees on the outside as well as the inside. There is an existing rooftop unit that is well past its usable life span so that's going to be replaced in the same location and will add a screen around the rooftop. The exterior of the building will be kept intact, only adding the screen around the rooftop unit, the security fencing and the security gates around the property. They will be staining the brick and painting certain areas to just give it a new look as well as replacing the signage that is currently there. At the rear of the building, they are proposing to add a new entrance mainly just to provide a secure entry point for deliveries of cannabis products. Loading zones is not required for this application as they are under the 2500 square foot threshold. The proposed

loading conditions which from my understanding are going to be proposed mainly not during non-operating hours when the parking lot would be vacant and also the security gates could be closed so it's a secure entry point for deliveries. The existing tree is in the way of the trash enclosure so we're proposing to remove that tree and propose to screen the generator in the rear of the property with landscaping so it isn't visible from Central Avenue. The vegetation that they have proposed looks like it's not the best option, so we are looking at alternatives that were proposed or recommended. The trash enclosure and the concrete pad total around 112 square feet. The addition of the trash enclosure was mainly due to the fact that there was an existing enclosure and the addition of the generator pad was to give a level spot for the generator to be installed, which is a requirement to provide backup power for security equipment, since cannabis businesses are required to be self-monitoring 24/7. They will have a carbon filtration system that will be outside of the typical heating ventilation and air conditioning system to clean any odors that may come from the storage or the sale of the cannabis products, so there won't be any disturbance to any of the neighbors in the immediate area. Although they are not really changing the site as far as the pedestrian access from the parking spaces to the front of the building or the rear of the building if someone is parking in the handicap space, they are striping the property to basically designate the safe pedestrian walkway, to the public way on the South of the property in order to access the building. A new ramp was recommended at the northwest corner of the building from this existing sidewalk and that'll be easy to comply. The applicant will adjust the existing handicap ramp up to the existing sidewalk to accommodate that that site strike aisle. The system they are planning on using is some of the existing light fixtures that were on the building already and there's also some pole lights in the corner the northeast and northwest corners of the property currently. The architect thinks that the foot candle ratings were coming down lower is that the vegetation is overgrown currently, so once that's maintained and cleaned up that will give more access for the lights to land on the surface of the parking as well as changing those light fixtures to more modern and higher efficiency LED security lights. On the west facade the bank had bulletproof window drive up teller stations, in which the applicant is planning on using those as order pickup windows. So, from the architect understanding, a customer would make their order online, schedule a 15-minute time slot window time as to when they're coming to pick up the order and drive around, pick up and go. All the orders will be prearranged and prescheduled. The other window will remain but they will board that up on the inside, they will cover it with an opaque security film and essentially building a wall inside that existing opening and it won't be use for anything at all. They are proposing a new sign that will be located at the same place as the previous one and it will not be illuminated. The blade sign will be located at the southeast corner of the property and it will around 24 inches in diameter. On the southwest corner is going to be essentially a logo sign with a small box sign below to just outline the cannabis dispensary.

BOARD QUESTIONS

Chairman Bagoff asked if the emergency standby generator is tested every week. Mr. Elkins believes it is every week and it's also natural gas powered and the testing will be done during the day.

Chairman Bagoff asked if in the vault area there will be an emergency button just in case somebody gets stuck in there. Mr. Elkins said answered in the affirmative and said that every room of the dispensary will have a panic alarm and an intercom.

Chairman Bagoff asked if the applicant will stripe the parking lot for fire zone and how high is the fence. Mr. Elkins said if it is a requirement they will comply and said that the fence is 6 feet high.

Chairman Bagoff asked if they are redoing the roof. Mr. Elkins said they are not redoing the roof, but there might be some patches that have to be done. It's currently in decent shape, but he thinks once they get up there and start doing construction on the property, they will probably end up resealing the roof. Also, the roof already has a highly reflective coating that will be maintained.

Council President Williams asked if the signage could be more discreet by taking down the word Cannabis and the Cannabis leaf proposed on the plans. Mr.

Schkolnick said that they will take the recommendation under advisement.

Mr. Guarino asked if there will be clear lines of sight for cars exiting and entering the facility to prevent any accidents of pedestrians. Mr. Elkins said that the property has a significantly set back from the street, they do have a quite a bit of open space and he believes it's probably 20 feet or more from the edge of the curve to the edge of the building, so there will be a lot of space.

Mr. Klein asked about what the applicant will do to the steps in front of the building on the left side. Mr. Elkins said that they were thinking about putting a handicap ramp, but because Dogwood Green is renting the space there is a city easement.

Mr. Smeraldo asked what is the actual capacity between staff and occupants based on the design. Mr. Elkins said that the building code occupancy is 20 between employees and customers.

BOARD COMMENTS

Mayor McCartney said that it is totally unacceptable to have a drive through window for this type of operation. People need to be identified even though the customer place the order online. And she doesn't see a reason why the second window needs to be boarded up; it is just aesthetically not pleasing.

Council President Williams recommends that the applicant removes or boards up the window completely to provide more security and also that the applicant considers removing the drive through window from the application. And Council president wants to make sure that the property is 100% secured by cameras.

PROFESSIONAL QUESTIONS

Mr. Barry asked if Mr. Elkins could clarify what he means by resurfacing. Mr. Elkins said that there are some superficial cracks the paint has mostly faded, so it is his understanding that the parking lot would be ground and resurfaced.

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTION

Mr. Brown at 36 Joy Street asked how the applicant will make sure that this area is secure. Mr. Elkins said that he will have to leave that question to the security expert although they do have video cameras all the way around the property, which aren't just for the use of the property because that video feed is required to go back to the Police Department and so it'll be monitored 24/7.

PUBLIC COMMENT*

PRESENTATION

The applicant Danielle Grado entered on the record and was sworn under oath. Ms. Grado started her testimony by highlighting how a transaction will be taking place at Dogwood Green. Whether it's for a pickup or a walk-in customer, it does require two points of ID verification, so nobody is allowed on site if they're under the age of 21 and that is strictly enforced. The customer experience will be one of three ways we anticipate serving customers through the front checking their ID and the customer

will enter directly into the cannabis dispensary where they'll have an opportunity to place an order either with one of our team members or at a kiosk if they want to go a self-service route they'll then proceed to a pickup at the counter where they'll be checked out have their ID verified again, their order will be confirmed that it's accurate and compliant before dispensing and the customer will exit the dispensary. The applicant anticipate that transaction would take on average about 8 minutes. Another way they plan to serve the customer is through pickup channels, so that would require customers to do a pre-order online pick up where they can either come into the dispensary having their ID verified at the door or through our proposed pickup window, so again requiring that pre purchase ID upload two-point verification. According to the ordinance they are allowed to operate within the hours of 8:00 AM and 7:00 PM, in which they will comply. The applicant anticipates serving anywhere from 180 to 200 customers a day, however that number could decrease significantly as the New Jersey market stabilizes and continues to mature. There were concerns about odor and Ms. Grado can confirm the odor concerns typically will generate from the cultivation sites, the retail dispensaries really don't have an odor to them, as the product are prepackaged. And opening of products and use of products is strictly prohibited so there should be no smell in or around the dispensary and it's a typical retail establishment and those things are kept very secured. In regards to trash cannabis specific waste disposal will never go into the typical trash that's being housed in that proposed exterior housing and they don't anticipate accumulating any more than a standard business of their size. In terms of product deliveries those typically happen in unmarked unlabeled vans at unscheduled but not recurring time, so they don't want anyone to know a schedule of when they have deliveries. They will of course try to prioritize those when the business is not operational, so they can utilize the security gates. They do have a separate processing area and moving area to ensure that is kept safe, secure and separated. Regardless of what kind of transaction the client will experience, they'll have at least two points of ID verification. For in-store order the ID will be scan at the front door to confirm the age of the client and the second is to provide ID at the time of purchase. If the client is purchasing online to come for an in store pickup they will actually have to provide their ID at the time of purchase through an upload online, so that's the first point of verification, the second point of verification is when the customer comes to the dispensary for pickup and they show the security guard or team member their ID at the door and then the third point of ID verification would be when the customer goes up to that pickup counter to get their order. In terms of employees the applicant anticipates hiring around seven employees and they are planning to have 5 employees per shift and their goal is to hire exclusively West Orange local residents that would be able to commute very quickly to work, since their plan is to limit employee parking in the parking lot, but the applicant is in the process of securing off-site parking for the employees.

BOARD QUESTIONS

Mayor McCartney asked if the applicant is looking at renting or leasing parking. Ms. Grado said that they have made contact with several of their neighbors that have parking spot. So, couple of restaurants one in orange, a couple in South orange, there's also a dentist office that's directly across the street that they are looking at as well as their immediate next-door neighbor who might be able to free up a couple of spots. They have also made contact with the Harvard printing apartment complex

across the street to see if there's any viability there and then as a very last resort, we would be open to providing a rideshare stipends for our local team members. Chairman Bagoff asked for confirmation that there is no West Orange public school within 100 feet of the perimeter of this space. Mr. Schkolnick said that there is confirmation that there is no school within 100 feet based on Mr. Grygiel review memo.

Mr. Alper asked what's the maximum number of customers that would be allowed inside at once. Ms. Grado said that the standard would be 3 customers per employee which is much lower than what the building capacity is at.

Mr. Alper asked if there will be staff to make sure there is no consumption while the client is waiting in line. Ms. Grado answered in the affirmative, a staff member will be outside ensuring that there's not only a positive customer experience, but that anything that is prohibited on site is not happening.

Mr. Alper asked if a handicapped customer comes through the back, will there be someone at the back or will they have to come to the front to have their ID check. The applicant will provide a mobile handheld device that staff can use to meet that person at the back door once they've used the intercom, so they can be let in through the back door into the sales floor.

Mr. Alper asked if the cameras are being monitored in real time. Ms. Grado said the cameras are monitoring in real time, so they can be able to see any activity around the building and if anything, illegal happens it will handle by the facility security and West Orange Police Department.

Mr. Guarino asked how their strategy would change in their operation model if a pick-up window was not available. Ms. Grado said that a part of the model they plan to operate, if the window is operational, we would still offer an in-store pickup option where you would just kind of express past the kiosk, go right to a counter to pick up your order, so if the window was not an option, we would still be able to offer them counter pickup.

Mr. Klein asked what time is trash pick-up. Ms. Grado said that it will depend on typical pickup time with the town and they would ensure that they have somebody there on site and available to open the gates and ensure that the trash is able to get picked up.

Mr. Klein asked if they have done any kind of a trip generation calculation based on IT data or anything based on your square footage. Ms. Grado said they are not anticipating extremely long lines, but the technology have become really efficient which is why they will provide QR codes so customers can use and be able to place an order and pick-up in a different time and other technology will be available that will help them with the customer flow.

Mr. Smeraldo asked if they were to approve the drive through is that the same driveway, they'd be lining up with people picking up and driving out. Ms. Grado said that cars would be on the drive through window and then two lanes over along the fence side is where the customer queue would be then they still have to walk across the driveway to get to the front of the building.

Mr. Smeraldo asked how you check IDs twice in a drive through and get the product out and everything done in less than two minutes. Ms. Grado said that the first point that they're going to upload their ID for verification when they make the purchase, so they have to take a picture utilizing the POS technology that we have available to do the ID verification. The second point comes when they go to the pickup window to receive the product that has already been pulled from our fulfillment space and staged for the team member to deliver to the customer, so in that two-to-three-minute

window we're checking their ID, we're confirming that it matches the name, age and address.

PROFESSIONAL QUESTIONS

Mr. Barry asked about the frequency and hours of deliveries. Ms. Grado said they're made at unpredicted hours and they don't stick to a set schedule for security purposes, but we would try to limit them to prior to hours of operation so that they can utilize their security gates.

PUBLIC ADVOCATE QUESTIONS

Mr. Thapar asked about what type of training will the security staff will have to detect a fake ID. Ms. Grado said that there's not only technology that would help with that but there's also ID verification training that is provided through their vendor and every team member will go through that training.

PUBLIC COMMENT*

- Chairman Bagoff announced that application **PB-23-02 Dogwood Green, LLC** is being carried to the **April 26, 2023, Special Meeting** with no further notice.

Meeting adjourned at 11:36PM.

ADOPTED:

Jamilet Baquerizo Vite
Acting Planning Board Secretary