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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: *February 21, 2024*

Re: *Application No. PB-24-05
Yerrr Canna LLC
Conditional Use & Minor Site Plan - Review #1
76-82 Ashland Avenue, 10 Park Avenue & 26 Park Avenue
Block 62, Lot 22.01, 32 & 34
Our File: VWRP0062.02*

CC: *Paul Grygiel, AICP, PP - Township Planning Director
Zayibeth Carballo, PE, PLS, PP – Ass't Municipal Engineer
Diana McGovern, Esq. – Planning Board Attorney
Yerrr Canna LLC - Applicant
Kenneth D. McPherson III, Esq. – Applicant's Attorney
Anthony Winston III, PE – Applicant's Engineer
Shawn T. Fisher, RA – Applicant's Architect*

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 print of a Site Plan (1 sheet) prepared by Shawn T. Fisher, RE with ARCH7 of Hammond, Louisiana dated February 7, 2024.
- A print of a Floor Plan (1 sheet) prepared by Shawn T. Fisher, RE dated January 10, 2024.
- A print of an unsigned Existing Conditions Survey of Block 62, Lot 32 prepared by Robert L. Cigol, PLS with DMC Associates, Inc. of Butler, New Jersey dated December 28, 2021.
- A print of a Location Survey of Block 62, Lot 22.01 (1 sheet) prepared by Vincent Manno, PLS, with Manno Surveying, Inc. of Lyndhurst, New Jersey dated November 29, 2022
- A completed Application Form dated January 18, 2024.
- A completed Site Plan/Subdivision Checklist.
- An Affidavit of Ownership and Consent for Block 62, lot 22.01 dated January 17, 2024.
- An Affidavit of Ownership and Consent for Block 62, Lots 32 & 34 dated January 17, 2024.
- A Corporate Ownership Disclosure for Yerrr Canna LLC.



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- A Project Description: Zoning Summary Table & Justification for Requested Submission Waivers prepared by Gibbons, PC and bearing a latest revision date of February 14, 2024.
- A copy of Resolution #249-22 which was adopted by the Township Council, of the Township of West Orange on September 20, 2022. By this resolution, the Township of West Orange, consistent with the recommendation of the West Orange Taskforce, declares its Local Support for the proposed location of the Applicant's proposed cannabis related business.
- A copy of a September 19, 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 Final Agency Decision dated February 9, 2023 from the State of New Jersey Cannabis Regulatory Commission which approves the annual license application by Yerrr Canna LLC.
- A Verification of Taxes & Sewer Charges Paid from the Office of the Tax Collector dated January 26, 2024 which states that the taxes are paid until January 31, 2024 and the 2023 sewer charges are paid in full.
- A list of property owners within 200 ft of Block 62, Lot 22.01 from the Office of the West Orange Assessor dated January 9, 2024.
- A list of property owners within 200 ft of Block 62, Lots 32 & 34 from the Office of the West Orange Assessor dated February 8, 2024.
- A list of property owners within 200 ft of Block 62, Lot 22.01 from the Office of the Tax Orange Assessor of the City of Orange Township dated January 11, 2024.
- A list of property owners within 200 ft of Block 62, Lots 32 & 34 from the Office of the Tax Assessor of the City of Orange Township dated February 14, 2024.
- A List of Adjacent Properties Under Common Ownership dated February 14, 2024.
- A List of Easements of Record on Block 62, Lots 22.01 & 32 dated February 14, 2024.
- A List of Required Regulatory Approvals.
- Four (4) photographs of the exterior of the existing building.
- A color rendering of the proposed building exterior.

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



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A. PROJECT DESCRIPTION

The property in question is an irregularly shaped tract which fronts on the easterly side of Ashland Avenue and the southerly side of Park Avenue. It has an area of 92,224.04 sf or approximately 2.117 acres and is located in the Industrial (I) Zone. The property is currently occupied by six (6) separate buildings. Paved areas surround the existing buildings. In addition, access is provided to the site from Ashland Avenue and Park Avenue.

The Applicant is seeking Conditional Use and Minor Site Plan approval to permit one of the existing buildings, a two-story metal warehouse building, to be occupied by a Class 1 Cannabis Cultivator use. The existing building has a floor area of approximately 9,482 sf including 5,335 sf on the first floor. The Applicant proposes 2,500 sf of cultivation space on the first floor and 836 sf of office, storage and breakroom space on the second floor. The remaining 3,192 sf on the second floor will be set aside for future expansion.

The Applicant also proposes to stripe eight new parking spaces, including an ADA compliant parking space. The Applicant also states that they have access to a total of twenty-four parking spaces pursuant to a parking agreement. Shipping and receiving will be handled at the front of the building and the facility will be enclosed by a security fence.

B. DESIGN COMMENTS

1. Based on our review, we find that the following items from the Township's Site Plan/Subdivision Checklist must be addressed:
 - a) Item #18 – *Location and dimensions of any existing or proposed streets*
 - b) Item #21 – *Any existing or proposed easement or land reserved for or dedicated to public use.*
 - c) As required by NJAC 13:40-7.2(a)1, a signed and sealed copy of a survey of the property being developed must be submitted to the Board with the site plan submission. It remains for the Applicant to submit a signed and sealed copy of a survey for Block 62, Lot 34.
2. The Applicant has requested the following waivers:
 - a) Item #3 – *Title Block denoting type of application, tax map sheet, county, name of municipality, block & lot, and street location.*
 - b) Item #4 – *A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500'.*
 - c) Item #7 – *Proof that taxes are current for Block 62, Lots 32 & 34.*
 - d) Item #8 – *Signature blocks for Chairman, Secretary and Municipal Engineer.*



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- e) Item #17 – *Size and location of any existing or proposed structures with all setbacks dimensioned.*
 - f) Item #30 – *Topographical features of subject property from U.S.G.S. map.*
 - g) Item #31 – *Existing and Proposed contour intervals based on U.G.S. and 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.*
 - 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 #40 – *Construction details as required by ordinance.*
 - p) Item #41 – *Road and paving cross-sections and profiles.*
 - 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 #47 – *Site identification signs, traffic control signs, and directional signs.*
 - u) Item #48 – *Sight triangles.*
 - v) Item #49 – *Vehicular and pedestrian circulation patterns.*
 - w) Item #52 – *Plans and legal documents for compliance with West Orange COAH Ordinances.*
 - x) From the requirement to submit a completed Sustainability Checklist Form
 - y) From the requirement to submit a Tree Removal Permit application.
3. The Site Plan drawing is lacking the information that is normally provided on a site plan in order to allow the Board to make an informed decision. No dimensions have been shown, no grading information is shown, no drainage information is shown, no site lighting is shown and no details of the proposed improvements have been provided.



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4. The Applicant should address the Board regarding the anticipated hours of at the site.
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 types of delivery vehicles that are anticipated at the site.
7. The Applicant should address the Board regarding the need to provide a loading zone at the site.
8. The Applicant should address the Board regarding the anticipated number of employees at the site.
9. 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 approved by the Police Department.
10. The Applicant should address the Board regarding their plans to mitigate any odors emanating from the site.
11. THE Applicant should address the Board regarding how the trash and recyclables generated at the site will be handled.
12. The Applicant should address the Board regarding their plans to provide a make-ready electric vehicle parking space at the site as required by §25-12.6 in the Township Code.
13. The Applicant should address the Board regarding whether any improvements are proposed to the existing parking lot such as repaving, restriping, etc.
14. The Applicant should address the Board regarding their plans to provide site lighting.
15. The Applicant should address the Board regarding their plans to install a site identification sign.
16. The Site Plan should be revised to include a Zoning Requirements table.
17. The Site Plan should be revised to include a calculation of the required parking.
18. It shows on the Site Plan that a back-up generator is proposed. Therefore, the Applicant must demonstrate that the generator will comply with all local, county and state noise regulations.
19. It shows on the Site Plan that 2 monitoring wells exist at the site. The Applicant should address the Board regarding the reasons for the monitoring well at the site. In addition, the Applicant should address the Board regarding whether there is any contamination at the site which must be cleaned up prior to construction.



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20. The Applicant should submit a turning movement plan to the Board to demonstrate that delivery vehicles, emergency vehicles garbage trucks will be able to safely circulate the site.
21. The Applicant should address the Board regarding whether any new utilities such as water, sewer, electric and/or gas lines, are required for the proposed project. If so, then the required utility extensions must be shown on the plan.
22. By scale, it shows on the Site Plan that purple parking spaces #16 to #24 and green parking spaces #1-4 will be will be 9 ft wide by 14 ft long whereas 9 ft wide by 18 ft long parking spaces are required.
23. The widths of the proposed drive aisles must be dimensioned on the Site Plan. We note that a drive aisle width of 24 ft is required for 2-way traffic whereas the drive aisle width between purple parking spaces #15 and #16 measures only 18 ft by scale.
24. The photograph of the front of the existing building shows an exterior staircase leading to an exterior door on the second floor. We note that the Floor Plan does not show the staircase and door. The Applicant should clarify if the existing door and stairs are to be removed.
25. It is our recommendation that details of all proposed site improvements be added to the plans.

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.