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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: *April 1, 2024
April 2, 2024 Updated*

Re: *Application No. PB-24-05
Yerrr Canna LLC
Conditional Use & Minor Site Plan - Review #2
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 set of Site Plan drawings (7 sheets) prepared by Shawn T. Fisher, RE with ARCH7 of Hammond, Louisiana and bearing a latest revision date of March 19, 2024.
- A report entitled "Evaluation of Existing Conditions / Ground Cover for Yerrr Canna LLC" prepared by Chirag V. Thakkar, PE with Arna Engineering Inc. of Doylestown, Pennsylvania dated March 20, 2024.
- A copy of a March 4, 2024 letter from Cameron W. MacLeod, Esq. with Gibbons PC of Trenton, New Jersey to the West Orange Planning Board which requests that the Board reconsider the denial of the application based on additional information being submitted by the Applicant.
- A copy of an executed Lease between Ashland Properties LLC (the Landlord) and Yerrr Canna, LLC (the Tenant) dated December 12, 2023.
- A copy of New Jersey Department of Environmental Protection (NJDEP) data activity reports relative to the existing on-site monitoring wells.
- A set of 8 photographs which show the condition of the existing pavement at the site.

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CONSULTING AND MUNICIPAL ENGINEERS

NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000

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In addition to the above, our office previously received the following information as part of the prior submission for this application:

- 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.
- 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 copy of a February 22, 2024 Memorandum from Chief James P. Abbott which states that he met with the Applicant's security consultant and he has nothing to add to the proposed security measures from a physical of staffing perspective as the plan meets or exceeds the minimum mandatory requirements.
- 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.



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- 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:

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 3,671 sf of support/office space on the second floor. The remaining 3,192 sf on the second floor will remain unused at this time.

The Applicant also proposes to stripe eight (8) parking spaces, including an ADA compliant parking space and an electric vehicle parking space. The parking spaces will include 6 full size parking spaces and 2 compact parking spaces.. Shipping and receiving will be handled at the front of the building. We note that the previously proposed security fencing around the parking spaces adjacent to the building has been eliminated.



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We note that this application was denied by the Planning Board at a Special Meeting on February 28, 2024. The Applicant's Attorney has submitted a Motion for Reconsideration to the Board and has submitted revised plans and documents to address the concerns raised at the prior meeting.

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 previously requested the following waivers. It is our understanding that these waiver requests remain in effect:
 - 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.*
 - 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.*



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- 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 parking requirements table on sheet Site1 shows that the Applicant has requested a variance to permit 48 parking spaces whereas 52 parking spaces are required. In addition, the Applicant has requested a separate variance from providing the 15 parking spaces required for the 3,671 sf of support/office space in the building. The Applicant should address the Board to clarify the locations of the space that comprises the support/office space.
4. By scale of the Floor Plan (Sheet A100), the building measures approximately 101 ft long by 46.5 ft wide. As a result, each floor has an area of approximately 4,696 sf. In addition, it shows on the parking requirements table that the cultivation area is 2,500 sf. The Applicant should clarify why the remaining 2,196 sf on the first floor was not included in the parking calculation. We note that this area would require an additional 5.5 parking spaces.
5. The Applicant should address the Board regarding their plans for the future expansion area of 3,192 sf on the second floor. We note that the parking requirements table does not address the parking requirements for this area. If this area is developed as office space, then an additional 13 parking spaces would be required.



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6. It shows on the Floor Plan that the Total Area (Gross) is 5,335 sf. The Applicant should clarify how this floor area was determined.
7. The Applicant should address the Board regarding the anticipated hours of operation at the site.
8. The Applicant should address the Board regarding the anticipated frequency and hours for deliveries to and pick-ups from the site.
9. The Applicant should address the Board regarding the anticipated number of employees at the site.
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. We note that the previously proposed security fencing has been removed from the plans. Therefore, the Applicant should address the Board regarding the need to provide security fencing at the site.
13. The Applicant should address the Board regarding their plans, if any, to install a site identification sign.
14. It remains for the plans to be revised to include a Zoning Requirements table.
15. It shows on sheet Site2 that a pole mounted light fixture is proposed adjacent to the exit drive onto Park Avenue. In our opinion, one light fixture will not be adequate to comply with the Township Ordinance which requires that parking lots in the I Zone have a minimum lighting level of 1 footcandle. Therefore, the plans should be revised to demonstrate that the proposed lighting will comply with the Township Ordinance. In addition, the isolux patterns for each type of light fixture must be shown on the plans.
16. The photographs submitted by the Applicant show that the existing parking lot pavement is in poor condition. However, Site Plan Note #8 on sheet Site1 states that the Applicant only proposes to restripe the parking lot for ADA parking and individual parking spaces. Therefore, the Applicant should address the Board regarding their plans to repave the parking lot.
17. 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.
18. 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.



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19. It shows on sheet Site2 that 2 compact parking spaces are proposed. We note that compact parking spaces are permitted if approved by the Board. The Applicant should provide testimony to the Board setting forth the reasons why compact parking spaces are proposed.
20. It shows on sheet Site2 that several landscape beds are proposed at the site. Therefore, the plans should be revised to include a landscape schedule which provides details on the proposed landscaping.
21. It shows on sheet Site2 that 2 monitoring wells exist at the site. The NJDEP data activity reports show that the required site remediation work has been completed. Therefore, the Applicant should address the Board regarding their plans to remove the existing monitoring wells.
22. It shows on sheet Site6 that a fire truck will have to perform a back-up movement in order to circulate the site. It is our recommendation that the parking layout be revised to eliminate the need for a the fire truck to perform a back-up movement.
23. 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.
24. It remains for details of all proposed site improvements to 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.