

DRAFT
MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
February 28, 2024 7:30 P.M.

The Township of West Orange Planning Board held its regular meeting on February 28, 2024 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 March 6, 2024 at 7:30 P.M.**

ROLL CALL

PRESENT: Mr. William Wilkes; Mr. Ken Alper; Mr. John Cardoza; Mr. Jerry Guarino; Mr. Lee Klein; Mr. Christopher Morgan, Sr.; Councilwoman Susan McCartney; Council President Bill Rutherford; Ms. Kapferer

ABSENT: Dr. Robert Bagoff; Mr. Peter Smeraldo;

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Paul Grygiel, Consulting Town Planner;
Mr. Doug Rohmeyer, Board Engineer;
Jamilet Baquerizo Vite, Planning Board Secretary

SWEARING IN

- The Township Professional(s) sworn in.

APPLICATIONS

- **PB-24-05 Yerrr Canna, LLC**
Block: 62; Lots:22.01, 32 & 34; Zone: I
76-82 Ashland Avenue

The applicant is proposing to occupy and develop the existing vacant two-story metal warehouse building space, consisting of approximately 9,482 square feet, into a Class 1 Cannabis Cultivator use with 2,500 square feet of cultivation space on the first floor, to stripe the parking lot and put up a security fence.

PRESENTATION

- Cameron MacLeod, attorney for the applicant, entered on record on behalf of the applicant.
- Mr. MacLeod introduced security consultant Mr. James Sherrard. He entered on the record, was sworn under oath and his credential were accepted by the board.
- He stated in his testimony that the building is approximately 9400 square feet. The business will be a Class 1 micro growth which is specifically under CRC regulations. It has to be within 2500 square feet of operating space and no more than 10 employees specifically in the site, but they do not anticipate more than 5 employees because of the size of the operation.
On a normal day, there will be three people and a maximum of five. In regards to the hours of operation, it's a grow site so it's operating internally 24 hours a day. They anticipate that the normal operations during the day would be from 8AM to 4PM.
- It is a CRC regulated site and the applicant has an annual license with the CRC.
- They will have CRC inspection, where basically, inspectors come in, they check the whole building to make sure it's completely compliant and then at that point they would issue the license to operate.
- The CRC regulations is strictly monitored, so a regulator can come in at any time 24 hours a day, seven days a week. They have their own ID card so they don't have to have special permission to get into the building. They can come in and inspect it anytime, do quarterly inspections and at the end of the year they have to do an annual inspection.
- Every plant in the building will have an individual serial number and each package will have its own metric number which is usually a 16-digit number.
- There will be a generator in the exterior, which is required by the CRC, to back up emergency lighting and security systems in the event of a power outage.
- There will be no signage on the building.
- There's a stairwell at the exterior next to the garage door, which is the loading dock area, that will be removed and placed inside the building for security reasons and for esthetics.
- There are 8 parking spots and 16 spots adjacent to the building, in which they have access to under the lease.
- They will be putting up a security fence and will work with the fire departments and the chief of police to make sure they have access to the building.
- They will include, if required, EV parking and handicap access parking spot as per ordinance. They will upgrade some of the landscaping to make it more aesthetically pleasing to the neighborhood.
- The building will be lit as per ordinance on foot candles, so for security reasons they will like to have mounted lights.
- The camera systems will have ability to record in the dark through infrared.

- They only expect a type of a sprinter van for any product that's transferred or any items brought in. The product is manifested, so if they were to be stopped on the road by law enforcement, they have to produce the manifest and show the items in in the van.
- They are not anticipating any commercial traffic that would require a designated loading zone.
- The garage door will be where the deliveries will take place.
- There are monitoring wells on site; there will be no impact to the wells for monitoring or to the cultivation site.
- The walls inside the grow rooms will be metal material and will be air and light tight.
- They will be utilizing carbon filtration ionizers and air curtains. The air curtains will be located on the garage door and the emergency exits, so if the door is open the air curtain activates and it forces the air not to escape the building.
- Any usable product has to be destroyed as per CRC guidelines and removed from the civility, usually through waste management
- They will be applying through the Township for any/all utilities that are needed for the building.
- The systems will consist of 24-hour surveillance cameras that have to be operational 24 hours a day and record a minimal of 30 days. The cameras are infrared, will have motion sensors and will be placed throughout the building strategically. There will be close to 50 cameras at this site.
- The exterior doors will have access control.
- No signage is proposed other than the numerical address to be mounted on the building.
- The staff will specifically train on emergency operations, fire operations, panic alarm operations and medical operations.

BOARD QUESTIONS

- Mr. Klein asked if the width of the parking spots are 24 ft and parking spot dimensions are 18 by 9 ft long. Mr. MacLeod said that it is an 18 ft drive aisle and 9ft by 14 ft long parking spaces.
- Mr. Guarino asked if the parking lot will be paved. Mr. Sherrard answered in the affirmative.
- Mr. Alpert asked if the cameras can be angled to not record the residential properties nearby by. Mr. Sherrard guarantees that will not happen.

PROFESSIONALS QUESTIONS

- Mr. Grygiel asked if the applicant will consider adding landscaping to the property. Mr. Sherrard said that they will do what is necessary to make the property look acceptable.
- Mr. Rohmeyer asked if the lighting will be compliant to the municipal code. Mr. Sherrard answered in the affirmative.
- Mr. Rohmeyer asked where will the generator be located. Mr. Sherrard said that it would be located to the left of the loading dock.
- Mr. Rohmeyer asked how do we ensure that the 24 required stalls for this use are maintained in perpetuity to this use. Mr. MacLeod said as long as this use is there that lease is going to exist and they are required to provide these spaces.
- Mr. Rohmeyer recommended for the fire lane striping and signage plan to be a condition of any approval.

- Mr. Rohmeyer asked if the applicant has had any discussion in regards to emergency responder radio coverage. Mr. Sherrard said that with a building this size it hasn't been an issue but they can test their systems in the case it doesn't work.
- Mr. Wilkes asked what is the back up for the security cameras and where is it located. Mr. Sherrard said that there's an NVR, which is a network recording device, that is secured in the facility in a location that you cannot get to.

NO PUBLIC QUESTIONS

PRESENTATION

- The applicant Mr. James Jackson entered on the record and he was sworn under oath.
- The applicant stated that he will pave and re stripe his side of the parking lot.
- The applicant testified that they will not have heavy traffic and they will have a delivery van coming every three weeks.

BOARD QUESTIONS

- Council President Rutherford asked there is no access for your property to go out through the Ashland Ave. exit or entrance. Mr. Jackson said technically they would not have access to that land from the property.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

PRESENTATION

- Mr. Chris Stelly and Mr. Shawn Fisher, architects for the applicant, entered on the record, they were sworn under oath and their credentials were accepted by the board.
- Mr. Stelly stated in his testimony that the monitoring wells are existing conditions.
- The bike rack is to provide additional spaces for those who do not wish to operate a car.
- The generator is on the backside of the property and, as they get deeper into design, if they feel that it is better located in the front of the property, they should be able to locate it there taking out any setbacks and distances.
- Mr. Stelly testified that the fence will be chain link 6-foot-high fence, in which they could add barbed wire top for more security.

BOARD QUESTIONS

- Mayor McCartney asked if the generator is an emergency generator or will it be part of your operation that will be running 24/7. She said that, if that's the case, how do you control the noise. Mr. Fisher said that the generator will only operate during a normal power outage and will come equipped with the standard muffler to lower the decibels.
- Mayor Cartney asked if the applicant is allowed to put up a 6-foot-high fence. Mr. Grygiel said that they are allowed six feet in the interior of sights and on non-residential sites.
- Council President Rutherford asked if the barbed wire could be removed. Mr. MacLeod said they are not planning on putting a barbed wire, it was just giving as an option.
- Mr. Klein asked for clarification in regards to the area that will they will be repaving. Mr.

Fisher said that there's existing asphalt that will be replaced. He said that they will not be doing any exterior improvements that would interfere with any storm water drainage.

- Mr. Klein asked if the muffler on the generator is going to be kept at 65 decibels or less at the property line. Mr. Fisher said that the decibel rating from any generator company is right at the generator itself and if for some reason it exceeded those decibels, they make additional enclosures that would muffle the sound even more.
- Mr. Klein asked how wide the access around the building is. Mr. Fisher said that they have about 4 to 5 feet on either side.
- Mr. Klein asked if they expect their employees to actually live that local that they're going to use their bicycles to get to and from work. Mr. Jackson said that he lives less than 3 minutes away from the property, so he will be using his bike and also, they do plan on hiring some local employees as well that may have the option of riding their bicycles
- Mr. Klein asked in regards to the monitoring wells, how many hours a day will that fence be locked and not accessible to people. Mr. Jackson said that if they come from anytime between 7:00 AM to 8:00 PM he would be there for them to be able to check the monitoring wells. The gate will be locked at all times and no public access is allowed.
- Ms. Kapferer asked if there is going to be any exterior changes to the existing building. Mr. Stelly stated that the only exterior change that's going to happen there is an existing exterior stairwell on the outside of the building that will be removed.
- Ms. Kapferer asked if there are any drainage improvements planned for the site. Mr. MacLeod said not for this applicant.
- Ms. Kapferer asked if emergency access is only through Park Avenue. Mr. Fisher answered in the affirmative.
- Mr. Klein asked how the property owner knows that he's putting the fence in the correct place and what are they using as a reference. Mr. Fisher said that the reason why there's no dimension on this particular drawing is because there's going to be a full set of construction documents once we get approval from the board tonight. They will move into full design which will go into all the MEP engineering, everything that will be needed for a contractor to not only bid the job but also construct the job so it'll have very specific dimensions.
- Council President Rutherford asked if emergency vehicles will have access and enough space to enter the property. Mr. Sherrard said that the intention is to have the Knox box, if the fire department approves it. They can put two Knox boxes; one on the fence and one at the building. The one at the building would have the key and access control and the one at the gate could either supply the fire department with the key or we could have a Knox box mounted on the fence, which makes more sense, and then have them where they could open or they could do both through the Knox box.
- Mayor McCartney asked if landscaping can be added to the property. Mr. Jackson said that they will commit to adding shrubs and trees around the building even though is an industrial area.
- Mr. Klein asked what the future expansion will include. Mr. Jackson said the idea of any cultivator is, at some point, to be able to go from a micro to a full scale to be able to produce more cannabis.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

PUBLIC COMMENT

- Dorothy Gibbs CEO of Natural Vibes LLC wanted to point out that it's really helpful to have a licensed cultivator in town, it's really helpful as a retailer to have someone that grows right in town.

BOARD COMMENTS

- The board members had concerns in regards the parking and vehicle movement within the parking lot.

CONDITIONS

- Parking plan will be submitted to show the size of spaces EV spaces and ADA spaces.
- The applicant will submit a lease that shows a reservation of the 24 parking spaces.
- The applicant will make sure that the Police Department and Fire Department have access to the security fence.
- The generator will comply with Township ordinances and decibel requirements.
- Landscaping to be reviewed and approved by engineer and planner.
- Lighting plan to be submitted and will comply with municipal code.
- No signs other than the address.
- The applicant will submit information regarding the monitoring well to the Township engineer.
- Fire lane, striping lane and fire plans to be approved by the fire department.
- The applicant will comply with first responder coverage requirements for radio coverage.
- The applicant will supply a turning template acceptable to the town engineer.
- The applicant must submit an engineer certification as no additional runoff and for any new runoff is properly handled.
- The fire department to advise on access into fenced area.

Motion: Mr. Guarino

Second: Mr. Cardoza

Alper:	N	Morgan:	N
Bagoff:	----	Rutherford:	Y
Cardoza (Alt.2):	Y	Smeraldo:	----
Guarino:	Y	Wilkes:	N
Kapferer:	N		
Klein:	N		
Mayor McCartney:	Y		

***The applicant files a motion to reconsider and requested to be heard again on March 6, 2024. ***

Meeting adjourned at 10:18PM.

ADOPTED:

Jamilet Baquerizo Vite
Planning Board Secretary