

MEMORANDUM

TO: Township of West Orange Planning Board

FR: Gerard M. Haizel, PP, AICP, Principal 

RE: PB-25-04 – 76 Ashland Avenue – Blue Violet Grow, LLC
Block 62, Lots 22.01

DT: August 19, 2025

The following is prepared on behalf of the West Orange Planning Board. The information is for advisory purposes only and is intended to assist the Board's decision-making process. Below are descriptions of the projects based on the supplied plans and documentation as well as commentary on issues evident from them.

Items Reviewed

In preparation of this report, I have reviewed the following items:

- Township of West Orange Application form for the Planning or Zoning Board of Adjustment, dated May 21, 2025.
- Site Plans titled, "Cannabis Cultivation and manufacturing Facility Building Renovation, 76 Ashland Avenue, West Orange, NJ, consisting of eight (8) sheets, dated 4-30-2025, prepared by Gianfranco C. Sarrido, RA of Bersa Architects.
- Lighting Plan, Tax Lot 22.01, Block 62, aka 76-82 Ashland Avenue, Township of West Orange, Essex County, New Jersey, consisting of one (1) sheet, dated 4-30-2025, prepared by Joseph Golden, PE, PP of Golden & Moran Engineering, LLC, Planning & Design.
- Minor Site Plan, Landscape and Lighting Plan, Tax Lot 22.01, Block 62, aka 76-82 Ashland Avenue, Township of West Orange, Essex County, New Jersey, consisting of one (1) sheet, dated 4-30-2025, prepared by Joseph Golden, PE, PP of Golden & Moran Engineering, LLC, Planning & Design.
-

- Township of West Orange Site Plan / Subdivision Checklist: PB-25-04, 76 Ashland Avenue - Blue Violet Grow, LLC
- Township of West Orange Planning Board Resolution – PB 24-05 – 76-82 Ashland Avenue & 10 Park Avenue - Yerrr Canna, LLC, Application for Conditional Use, C(2) Variance and Minor Site Plan Approval, decided on April 3, 2024, memorialized April 17, 2024.

Project Overview

On property located in the Township's ***I (Industry) District***, the applicant, ***Blue Violet Grow, LLC***, proposes to operate a cannabis cultivation and manufacturing facility on the subject site. The Applicant has obtained a *Conditional License* dated July 13, 2022 from the State of New Jersey Cannabis Regulatory Commission (CRC) as a Class 2 Cannabis Manufacturer and a Conditional License dated July 29, 2022 for a Class 1 Cannabis Cultivator.

Further, on December 10, 2024, the West Orange Township Council adopted Resolution 357-24 declaring its local support for the Applicant's facility as required by the CRC regulation, N.J.A.C. 17:30-5. l(g).

Licensed Cannabis Entities are **permitted as a conditional use** in the I-District within the Township. This means that in order to be permitted in the I-District, the proposed facility must meet specific conditional use requirements. The applicant is seeking conditional use approval as well as minor site plan approval for the proposed facility.

Pursuant to the Township of West Orange Code, Chapter 5, Article VII-Cannabis Licenses, Section 5-34.2 – Definitions, the following words and phrases shall be defined as follows:

LICENSED CANNABIS ENTITY - Shall mean either a Licensed Cannabis Establishment or a Licensed Medical Marijuana Facility as defined in this section.

LICENSED CANNABIS ESTABLISHMENT - Shall mean a duly licensed Cannabis Cultivator, a Cannabis Manufacturer, a Cannabis Wholesaler, or a Cannabis Retailer licensed under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

CANNABIS CULTIVATOR - Means any licensed person or entity who holds a Class 1 Cannabis Cultivator license that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers or as otherwise defined under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

CANNABIS MANUFACTURER - Means any licensed person or entity who holds a Class 2 Cannabis Manufacturer license that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers or as otherwise defined under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

Required Variances

No variances are required for this application. However, there are outstanding items that were included as conditions of approval for the *Yerrr Canna, LLC* application (PB-24-05), which proposed a similar use/development on the subject site. **The applicant for the current application (Blue Violet Grow, LLC) has indicated their intent to satisfy these outstanding conditions as part of their application.**

Requested Checklist Waivers

A waiver is requested from providing the following items from Township of West Orange *Site Plan/Subdivision Checklist*:

- **Item 5:** A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.

Planner's Comment: *I have no objection to this waiver being granted. The applicant proposes the internal fit-out of an existing building on the subject site and does not propose any changes to the location nor footprint of any of the existing structures on the site. As such, no setbacks or related dimensions will change.*

Project Description

The subject site encompasses 38,497-SF (0.89-acre). The site is improved with several buildings, including a 1-story commercial building and an adjacent 2-story dwelling located on the Ashland Avenue frontage and a 3-story brick commercial building, in which the applicant proposes to lease space for the proposed cannabis establishment. Additionally, there is an existing 2-story metal building located in the southern, "flag" area of the site.

The building in which the proposed establishment will be located is situated adjacent to the northern property line and is setback from the Ashland Avenue frontage, to accommodate

a paved parking area with eight (8) striped parking spaces, including one (1) ADA-compliant space. Sixteen (16) additional parking spaces are proposed on the southern side of the building, including one (1) additional ADA-compliant space and two (2) spaces designated for compact cars. Eight (8) spaces are proposed along the eastern side (rear) property line, including one (1) ADA-compliant space. To the south of these spaces, adjacent to and existing 2-story metal building, is proposed a striped area that will be a designated no parking fire lane.

Ingress onto the site will be an existing one-way driveway located to the south of the 2-story dwelling located on the site at 80 Ashland Avenue. This driveway will extend beyond the dwelling, where there are four (4) parking spaces. Beyond the parking spaces, plans show an existing gate and fence, which will remain. This fence will extend to the north to a pedestrian gate between the fence and the southwestern corner of the building where the cannabis establishment will be located.

The southern end the existing fence will meet a proposed new 6-foot-tall slatted chain-link fence, which will extend along the southern property line at the rear of the proposed row of parking stalls.

The applicant indicates that ingress and egress to and from the site will also be from a two-way access off Park Avenue, across the adjoining lots 32 and 34 located to the north of the subject site.

The applicant proposes to undertake both internal and external modification of the existing 3-story building to facilitate the proposed cannabis cultivation and manufacturing operation. Plans show that the proposed facility will occupy all three floors of the building.

The main entry to the building will be located at the northwestern corner, where a door on the western façade will open to an internal vestibule and staircase, which will access a corridor that will extend along the northern side of the building to the eastern end. On the southern side of this corridor, immediately inside the entry, is a second corridor that will branch off the southern side of the main corridor and access men's and women's bathrooms and locker rooms on the eastern and western sides. At the end of this access corridor is proposed an office, which will provide access a utility area located on the southwestern perimeter of the 1st floor.

At the eastern end of the main corridor is proposed an elevator and an adjacent enclosed staircase, both of which will access all three floors of the building, as well as the northern side yard. To the west of the elevator and stair enclosure is a room identified as a processing room. Abutting this area to the east (and south of the elevator/staircase) is a packaging room, a room identified as the vault and a receiving room, which will access a delivery room,

which will be located in an area that extends out beyond the building façade, to a proposed enclosed area under the existing canopy on the southern frontage.

In the southeastern corner of the 1st floor is a room identified as a dry/trim room, opposite to which is proposed a mechanical room, located in the northeastern corner of the 1st floor.

The layout on the 2nd and 3rd floors will be similar to the 1st floor, with the same corridor extending between the front entry staircase and the rear elevator and staircase. Four (4) doors off of the corridor will access four (4) rooms identified on the plans as flower rooms and a single “veggie room.”

Eight (8) HVAC units are proposed on the roof top of the existing canopy, and a fence and steel wall are proposed on the perimeter to conceal them from sight.

Exterior Finishes

- The existing brick façade of the building will remain. Plans show existing windows and door opening on the exterior that will no longer be used will be infilled.
- The existing aluminum framed glass entry door, transom and sidelights will remain, with updated weather seals and hardware
- The area under the existing canopy will be enclosed up to the existing canopy.
- An 8-foot-tall chain link fence with slats will be installed above an 8-foot-tall solid sheet metal fence on the perimeter of the canopy rooftop to conceal the duct work and HVAC condenser units proposed to be installed there.

Landscaping

- Eighteen (18) Red Osier Dogwood trees are proposed, with eight (8) proposed on the southern side property line and six (6) adjacent to the building façade on the eastern elevation. Four (4) additional trees are proposed on the southern side of the existing 2-story metal building located in the southern area of the site.
- Twenty-seven (27) Ruby Spider Daylily shrubs are proposed, with fifteen (15) proposed on the southern side property line and twelve (12) adjacent to the building façade on the eastern elevation.

Lighting

- Five (5) NLS Lighting Single T4-32L-1-HSS Wall-Mounted Light fixtures are proposed, on the southern façade of the building.
- Two (2) NLS Lighting Single T2-16L Pole-Mounted Light fixtures are proposed, on the southern property line in the area of the proposed row of parking stalls.

- Two (2) NLS Lighting Single Wall-Mounted T2 Light fixtures are proposed, with one (1) proposed on the southern façade of the existing dwelling on the northern side of the proposed ingress off of Ashland Avenue and one (1) proposed on the eastern façade of the proposed delivery room located under the canopy area.
- Two (2) NLS Lighting Single Corner Left Wall-Mounted Light fixtures are proposed, on the western side façade of the main building.
- Two (2) NLS Lighting Single Right Corner Optics Wall-Mounted Light fixtures are proposed, on the western and northern side façades in the northwestern corner of the main building.
- Three (3) NLS Lighting Single Canopy Light fixtures are proposed under the canopy area.
- Six (6) NLS Lighting Single Egress Wall-Mounted Light fixtures are proposed, with three (3) proposed on the northern side façade and two (2) on the southern façade of the main building.

Site & Area Description

Street Address: 76 Ashland Avenue
Block & Lot: Block 62, Lot 22.01
Zoning District: I (Industrial) District
Total Site Area: 38,497-SF (0.89-acre)

Location Map



Location Map – The subject site is a corner parcel located on the western side of Ashland Avenue between Park Avenue and White Street. Surrounding the site is a mix of commercial/industrial and residential uses fronting on both sides of Ashland Avenue.

Photo Survey



Photo 1: View of the subject property located at 76 Ashland Avenue. Pictured here is the western façade of the building in which the applicant proposes to establish the cannabis cultivating and manufacturing operation.



Photo 2: View of two of the four existing structures on the subject site. These building are located and 78 and 80 Ashland Avenue.



Photo 3: View of the proposed ingress driveway located to the right of the dwelling structure located at 80 Ashland Avenue.



Photo 4: Aerial view of the subject site.



Photo 5: View showing the southern façade of the subject building.



Photo 6: View looking south across the site towards the 2-story metal building. A row of parking stalls is proposed in the area in front of this building.



Photo 7: View looking south across the site. A row of parking stalls is proposed along the fence on the property line.



Photo 8: View from Park Avenue showing the proposed ingress/egress route over the adjoining lots 32 and 34.

Planning Considerations

The subject site is located within the **I - Industrial District**. Among the permitted principal, Accessory and Conditional uses in this district are:

Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
• Light industry, including Dry Cleaning Plants, Machine Shops, Publishing or Printing Plants, Research Laboratories and Steam Laundries • Office Building • Warehouse • Self-Storage Facility • Storage Yard • Wholesale Business • Motor Vehicle Fueling Station • Motor Vehicle Service Station • Car Wash • Public Utility Building	• Required accessory parking • Signs	• Billiard Parlor Establishment • Bowling Alley • Commercial Recreation • Commercial Antenna • Motor Vehicle Sales • Microbreweries, Craft Distilleries and Wineries • Licensed Cannabis Entities

Conditional Uses Analysis

Pursuant to the Township of West Orange Zoning Ordinance **§25-7.1, Part A**, Licensed Cannabis Entities are **permitted as a conditional use** in the I-District. Pursuant to the Township of West Orange Zoning Ordinance **§25-24.2(b)(2)(o)** Licensed Cannabis Entities must meet the conditional use requirements to be permitted in the I-District.

The following are the required conditional use standards along with Applicant's statement of compliance regarding each.

- 1) *The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, Section 5-34 of the Township of West Orange Municipal Code.*

Applicant Comment: As a condition of approval, the applicant will obtain a local license.

- 2) *No Licensed Cannabis Entity, except a Pre-Approved Entity at its originally approved location, shall be located within five hundred feet (500') of the property line of any property with any school building.*

Applicant Comment: The property in question is not within 500 feet from the property line of any property with any school building.

- 3) *No Licensed Cannabis Entity, except a Pre-Approved Entity at its originally approved location, shall be located within 500 feet (500') from the property line of any property with a House of Worship, as defined under Chapter 25, Section 25-4.*

Applicant Comment: The property in question is not within 500 feet from the property line of any property with the House of Worship.

- 4) *All Licensed Cannabis Entities shall comply with the following Parking Requirements for Nonresidential Uses: (i) Licensed Cannabis Retailers shall comply with the minimum required number of parking spaces for Retail Stores and personal services stores or studios not separately listed; and (ii) all other Licensed Cannabis Entities shall comply with the minimum required number of parking spaces for Light industrial, laboratory and research uses, except that a Cannabis Cultivator or Cannabis Manufacturer with no more than ten (10) employees shall provide at least one (1) total parking space per 1,000 square feet of gross floor area.*

Applicant Comment: The proposed facility will employ a maximum of 10 employees. Under Ordinance 2852-24, the Applicant must provide one space for every 1,000 square feet of gross floor area. In this instance, that means that the Applicant must provide nineteen (19) parking spaces for its use. Combined with the twenty (20) spaces required for the Yerr Canna use described below, the proposed site uses generate a total demand of thirty-nine (39) spaces. The Applicant is providing a total of 41 parking spaces on the site.

In connection with its approval of Application PB 24-05, Yem Canna, LLC by Resolution adopted April 17, 2024, this Board found that the total demand for parking for this site is fifty-two (52) spaces. That calculation included an assignment of thirty-two (32) parking spaces for the 76 Ashland Avenue building that is the subject of this application, based on the assumption of a warehouse/ light industrial use. Because the building will be used instead for a cannabis cultivation and manufacturing use with a parking demand of nineteen (19) spaces, the property overall will now be in compliance with the parking regulations and a parking variance is not required.

- 5) *No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.*

Applicant Comment: The facility will not be housed in a vehicle or any movable or mobile structure

- 6) *No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.*

Applicant Comment: The facility will not operate as a home occupation.

- 7) *Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment under the guidelines and standards governing commercial signs as set forth within the Township Municipal Code.*

Applicant Comment: Any signage for the facility will comply with the zoning ordinance sign requirements or an application for a variance will be filed with this Board.

- 8) *A Licensed Cannabis Entity shall meet all of the required security measures as set forth in Chapter 5, Section 5-34 of the Township of West Orange Municipal Code.*

Applicant Comment: The security plan for the facility will meet or exceed the requirements of the CRC regulations and, as a condition of approval, the Applicant will meet with the Chief of Police and the Fire Chief and address any comments to their satisfaction.

- 9) *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.*

Applicant Comment: On-site consumption will be prohibited.

Standards for Granting Variance Relief

C - (Bulk) Variances

The Municipal Land Use Law (MLUL) at **N.J.S.A. 40:55D-70c** sets forth the standards for variances from the bulk regulations of a zoning ordinance.

C(1) Variance - The Board must find that there is either undue hardship or practical hardship with the strict application of the zoning requirements as stipulated in the Zoning & Land Use Regulations, as a result of:

- a) exceptional narrowness, shallowness or shape of a specific property, or
- b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
- c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

C(2) Variance – The Board must find that the proposed deviation from the Zoning & Land Use Regulations will advance the purposes of the MLUL and that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant or the property owner. Here too, the Board must be satisfied that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the Township.

Planner's Comments

The applicant proposes to operate a cannabis cultivation and manufacturing facility on the subject site. The Applicant has obtained a *Conditional License* dated July 13, 2022 from the State of New Jersey Cannabis Regulatory Commission (CRC) as a Class 2 Cannabis Manufacturer and a Conditional License dated July 29, 2022 for a Class 1 Cannabis Cultivator.

Further, on December 10, 2024, the West Orange Township Council adopted Resolution 357-24 declaring its local support for the Applicant's facility as required by the CRC regulation, N.J.A.C. 17:30-5. l(g).

Licensed Cannabis Entities are **permitted as a conditional use** in the I-District within the Township. This means that in order to be permitted in the I-District, the proposed facility must meet specific conditional use requirements. The applicant is seeking conditional use approval as well as minor site plan approval for the proposed facility.

As indicated above, the applicant has stated that they either meet, or are able to meet as a condition of approval, all the conditions required to be permitted in the I-District of the Township. **The applicant should review the each of the nine (9) conditional use requirements and provide testimony to the Board as to how they meet or will meet each.**

The applicant should also provide testimony detailing the planned operation of the proposed facility. Testimony should include hours of operation and number of employees. Testimony should also include operational details such as the plan for refuse storage and disposal, delivery of any raw materials and overall security on the site.

With respect to the required on-site parking, pursuant to Township Ordinance 2852-24, one (1) off-street parking space is required for every 1,000-SF of gross floor area in the cannabis facility. Based on the size of the proposed facility, nineteen (19) parking spaces will be required for the proposed use. Additionally, the previous approval of the Yerrr Canna application (PB-24-05) on the same site required twenty (20) spaces, for a total combined requirement of thirty-nine (39) spaces. **Based on the application currently before the Board, a total of forty-one (41) parking spaces is proposed.** As such, the applicant is compliant in parking.

Notwithstanding the above, however, **the applicant should provide testimony explaining ingress/egress on and off the site. Areas of the site will be fenced in and will, need to be accessible to vehicles. The applicant should provide testimony as to how this will be managed while maintaining security on the site.**

Additionally, adjoining lots 32 and 34 will be used to access the site. **The applicant should attain an easement agreement to ensure that this circulation plan is appropriately memorialized.**

Recommended Conditions of Approval

Should the Board be inclined to grant the requested variance relief in full or in part, or to approve the accompanying site plan, the following are recommended conditions that should be placed on the approvals.

1. The applicant shall comply with all comments and recommended conditions provided by the Board Engineer and other Professionals.
2. The applicant shall review the each of the nine (9) conditional use requirements and provide testimony to the Board as to how they meet or will meet each.
3. The applicant shall also provide testimony detailing the planned operation of the proposed facility. Testimony shall include hours of operation and number of employees,

as well as operational details such as the plan for refuse storage and disposal, delivery of any raw materials, distribution of finished products and overall security on the site.

4. The applicant shall provide testimony explaining ingress/egress on and off the site. Areas of the site will be fenced in and will, need to be accessible to vehicles. The applicant shall provide testimony as to how this will be managed while maintaining security on the site.
5. The applicant shall attain an easement agreement with the property(s) located on lots 32 and 34 to ensure that the proposed circulation plan is appropriately memorialized.