

TO: Township of West Orange Planning Board

FROM: Malvika Apte, PP, AICP, Township Consulting Planner 
Megan Adam, AICP Candidate, Associate Planner

RE: **Planning Review Memorandum #3 (HGA Planner Memo # 2)**
76 Ashland Avenue
Block 62, Lots 22.01, 32, and 34
PB- 25-04
Cannabis Conditional Use Approval with Minor Site Plan and bulk (C) Variances

DATE: December 1, 2025

As requested, we have reviewed the following revised materials:

- Response Letter from Golden & Moran Engineering, dated November 21, 2025;
- Minor Site Plan, Landscape and Lighting Plan prepared by Golden & Moran Engineering, LLC, Planning & Design, dated April 30, 2025, and revised through November 21, 2025;
- 8-sheet Architectural Plan set prepared by Bersa Architects, dated June 30, 2023, and revised through November 21, 2025;
- 3-sheet Security Plans prepared by Bersa Architects, dated June 30, 2023, and revised through November 21, 2025; and
- Emergency Action Plan: Standard Operating Procedures for Blue Violet Grow LLC., prepared by Radiant Professional Solutions, undated.

This is review # 2 in response to the revised drawings/ application material that was submitted.

1. Site Description:

A memorandum dated November 10, 2025, prepared by this office outlines the existing site conditions and aerial map, previous site approvals, and scope of the proposed application. We note that the proposed use and required approvals for the current application have not changed; the Applicant, Blue Violet, LLC is seeking conditional use, site plan, and bulk variance approval to rehabilitate/renovate the existing three-story brick building on site and use it as Class 1 Cannabis Cultivation and Class 2 Cannabis Manufacturing Facility.

2. Proposed Revisions:

The proposed access easement through Lots 32 and 34 of Block 62 is now denoted on the plan.

- a. If these two lots are part of the application, they must be listed in the formal application. Signatures of authorization from the owner(s) of these neighboring lots must also be submitted.
- b. It appears that an annotation is missing from the site plan drawing regarding this easement. The applicant shall provide testimony regarding whether the owner(s) of these neighboring properties have been informed of the proposed application.
- c. Additionally, a copy of the easements shall be provided to Board Engineer and Board Attorney for approval. A circulation diagram showing the vehicle as well as truck circulation from the site should be provided.

The response letter provided by Golden & Moran indicates that the revised plans outline a total of 40 on-site parking spaces, but only **39** are physically evident in the plans (in the existing parking lot, nine (9) are noted, where eight (8) physical spaces are drawn.

- d. The applicant shall confirm the total number of on-site parking spaces and ensure that the drawing sheet articulates consistent information.
- e. We are concerned about the minimal setback between the parking spaces and the Ashland Avenue right-of-way. Per the standards for Parking Space Location (§25-12.1) in the Township Ordinance, "Off-street parking facilities may be placed in the front yard, provided that it is at no point closer to the public right-of-way than 1/2 the setback requirement or 50 feet, whichever is less." There is no minimum front yard setback requirement in the I Zone; therefore, a minimum setback of 50 feet is required. This insufficiency triggers the need for **variance relief**.
- f. A concrete wheel stop shall be added to the perpendicular-oriented parking space along the southern property line.
- g. The applicant shall also confirm which spaces are assigned for the current application.

Additional landscaping is now proposed between the deli building and surface parking lot, to correspond with the submitted renderings. The proposed landscaping includes boxwood plants.

3. Previous Site Plan Approvals/Conditions of Approval from Yerr Canna Application

As stated in our November 10, 2025, memorandum, the subject site was part of previous approved for application PB 24-05 , Yerr Canna, LLC to retrofit the existing 2 story metal frame building in the southwest

corner of the subject property into a Class 1 Cannabis Cultivation facility. The conditions of approval for that previous application included 22 conditions.

Each condition of approval from the "Yerr Canna" application that was relevant to the site plan of the current Blue Violet application was specifically outlined in the response letter from Golden & Moran Engineering. However, the following information should be addressed:

- Condition 9: The plans shall denote that the proposed generators conform with State and local requirements, and any relevant documentation should be submitted.
- Condition 12: No revised lighting plan was submitted. Therefore, all planning comments and variances outlined in our previous memo related to lighting remain relevant.
- Condition 17: Aisle widths have not been provided and should be added to the site plan drawings.

4. Zoning Review

Further, the following outstanding Conditional Use Requirements for Licensed Cannabis Entities (§25-24.2(b)(2)(o)):

1. The Applicant 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 elated July 29, 2022, for a Class 1 Cannabis Cultivator. **The applicant should clarify the status of their State license and confirm that it has not expired. A copy of all licenses shall be submitted to the Township Planning Division.**
2. 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. **A copy of approved local license shall be provided to the Planning Division.**
3. With this application, the site is going to contain another Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer facility. In total this site shall contain a total of three Cannabis Class 1 and Class 2 Licenses.
4. Applicant shall confirm that the submitted Security Plan has been approved by Township of West Orange Police Department.
5. The applicant shall confirm that 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.

5. Site Plan Review

The following is noted:

- a. The applicant should confirm if the Building Coverage of 31.8% that is provided includes all the four (4) buildings on the site, or only the Blue Violet building. If this includes all buildings, applicant to confirm that this variance was granted in the previous application.
- b. Applicant notes that overall impervious coverage is reduced by 315 square feet. The site plan notes impervious coverage as 99.5%. Applicant should confirm if this variance was granted in the previous application.
- c. Applicants should identify what spaces shall be for the residential and the deli store on the site. How they will be identified and how will they egress out of site. Will they have to egress out of Lot 32 and 34 and do they have access to the gate to the rear of the property?

6. Landscaping and Fencing

The following is noted:

- a. Due to the proximity of these shrubs along the building and perimeter of this site, we recommend that at least two years maintenance of this planting should be required.
- b. With all the fencing proposed, the applicant should confirm who has access to the rear of the site and front of the lot. Are the 8 parking spaces in the front of the lot reserved for particular use? Applicant should provide the location for residential and deli parking.
- c. It appears the barbed wire has been removed from the 3D rendering, this should be confirmed.
- d. Applicant has indicated that there is a walk-in freezer to the rear of the Deli and not a loading dock.
- e. The site plan indicates all fencing is 6 feet high, the existing fencing along Ashland Ave, which is located in front yard, should be discussed. The height of that fence should be provided.

7. Architectural Plan Revisions

A new 4-foot-tall solid metal fence enclosure is proposed to conceal the ground-mounted transformer and generator. **The applicant shall provide testimony regarding their decision for the metal fence material and whether a board-on-board fence can achieve the desired screening result.**

The gross floor area for the second floor has been revised from 5,622 square feet to 7,081 square feet, as a result of adding the second-floor canopy area to the calculation. A new staircase leading up to the second-

floor canopy area with the proposed HVAC units is also proposed. This staircase will be the only means to access the canopy, which is denoted as a “support/administrative area.”

- a. The applicant shall provide testimony regarding who will have access to this canopy area, and if access will be restricted.
- b. The increase in gross floor area at the second level increases the building’s overall gross area from ±17,341 square feet to ±18,800 square feet. Thus, per the Township’s Ordinance Section (§25-24.2(b)(2)(o)), a total of 19 parking spaces will be required for the facility.
- c. The western (i.e., parking lot-facing) façade of the proposed Blue Violet cannabis facility has been revised to reduce the total height of the fencing which screens the enclosed canopy area from 16 feet to 14 feet. This screening will now consist of a 3-foot-tall stucco panel atop an 8-foot chain link fence atop a 3-foot-tall brick wall. It appears that this extension is going to house all HVAC Units. The “walls” of this area are depicted to be 14 feet height, with three different materials. Applicant should provide testimony on the height of these units and why a 14 feet high enclosure is required. Is this covered with a roof?

Further, the new staircase which leads up to the second-floor canopy will be lined with a new metal railing. An additional note on the revised elevation drawings states that the existing brick will be patched and/or repointed as necessary, and that the eastern and southern façades will be painted in a light grey color. Additionally, all existing windows shall be removed and infilled. Applicant should discuss the need for concealing the windows.

The following is noted:

1. The applicant should provide the location of the proposed ADA ramp to access the building; it appears ADA space is provided along the front and side of the building but no ramp is provided.
2. A door to the northern façade of the building elevation is shown, however it appears there is not enough room to exit from there, applicant should confirm if this door is needed.
3. The applicant should confirm if the generator meets the state sound regulation requirement and complies with the Township’s Noise Ordinance (§4-4).

8.Lighting

No revised plan was provided. Applicant indicates that additional lighting shall be provided however none is shown.

- a. The applicant should revise the lighting plans to eliminate any light spillage on lots outside of the subject property and adjacent egress Lots 32 and 34.
- b. Lighting needs to be provided along the egress driveway from Park Avenue; this is not currently shown on the lighting plan.
- c. The 3D Image shows freestanding light along the parking lot. Is that being proposed?
- d. The applicant shall confirm compliance with the following illumination standard in §25-14.3. Currently a variance is needed for providing less than 1.0 footcandle in parking areas.

9. Parking and Site Circulation

The overall site requires 37 parking spaces (per Resolution PB- 24-05- Yerr Canna was approved for only 7 spaces). The proposal shows 39 spaces. The following is noted:

- a. Will there be any commercial vehicles parked on site?
- b. The applicant shall provide testimony regarding:
 - i. The frequency of deliveries expected to the site and intended location for such delivery trucks to park (no loading spaces are proposed).
- c. Will either of the gates be attended? How will access to the property be granted?
- d. The applicant shall clarify any proposed security or locking mechanisms on the gates at both the ingress-only driveway and the ingress-egress driveway through Lots 32 and 34 and onto Park Avenue.
- e. The applicant shall confirm the width of the proposed driveways and add this information to the proposed site plans. Per §25-12.1, the minimum width for two-way driveways is 24 feet. Additional variance relief may be required.

10. Security Plans and Emergency Action Plan

Two (2) newly-submitted documents include the Emergency Action Plan, and the annotated floor plans outlining security measures (the “security plans”).

The security plans outline the locations of security cameras, access control doors, doors with digital security controls, motion sensors, panic buttons, intercom systems, fire alarm panels, IT server, and network server throughout the entire facility. The plan confirms that Blue Violet Grow LLC will install backup power solutions (e.g., generators or battery backups) for both its security cameras and lighting. We recommend that this security plan be approved by Township of West Orange Police Department.

The Emergency Action Plan outlines standard operating procedures for: secure receipt of cannabis products, opening and closing of the facility, community engagement (i.e., neighborhood patrolling and nuisance/noise prevention), controlling access to the premises, security equipment maintenance, securing the premises, and responding to emergencies (including loss of cannabis, burglary, hazardous spills, lockdowns, etc.). Further, the plan also outlines waste disposal procedures for both regular waste and cannabis waste, as well as employee training methods. The waste plan notes that cannabis plant trimmings and waste materials will be separated from usable parts. There will be dedicated, labeled bins for organic waste.

The following is noted:

- a. If exterior dumpsters are proposed compliance with section 25-11.4 should be provided. The applicant shall provide testimony regarding the frequency of and intended hours for pickup of cannabis-related waste. **We recommend no Cannabis related waste to be stored outside.**

The proposed cannabis facility will operate according to the hours of operation outlined in §5-34.8 “Operating Requirements and Prohibitions” of the Township’s Ordinance: “Sundays from 8:00 A.M. through 7:00 P.M.; Mondays, Tuesdays, and Wednesdays from 8:00 A.M. through 8:00 P.M.; and Thursdays, Fridays, and Saturdays from 8:00 A.M. through 9:00 P.M. A Licensed Cannabis Cultivator and a Licensed Cannabis Manufacturer shall not be subject to these hours of operations, except that incoming or outgoing deliveries of any kind shall only occur between the hours of 8:00 A.M. through 8:00 P.M.” **Applicant should confirm the hours of operation for the proposed facility as well as maximum number of employees at peak shift.**

- b. The applicant shall provide the list of materials to be stored on site including chemicals, pesticides, fertilizers, or other potentially hazardous materials that are expected to be used in the cultivation process and any repair materials along with their quantity. Location of where these materials are to

be stored is also to be provided. **This list shall be provided to the Township of West Orange Fire Department for their approval.**

- c. The nuisance prevention in this document notes that Blue Violet shall use advanced ventilation and filtration systems to minimize the smell of Cannabis inside and outside the cultivation site. Applicant should further clarify what advanced mean? Typically, when a cannabis cultivation and manufacturing plan is involved robust type of filters are used to scrub the odor and refilter the air, applicant should provide the Board on detail testimony on how that is to be achieved. This is especially keeping in mind there is residential on this site.

11. Statutory Criteria:

The applicant has confirmed that the three (3) existing non-conforming conditions:

- a. **Insufficient Side Yard Setback (Chapter 25 Attachment 3)** – A minimum side yard setback of 10 feet is required when adjacent to residences, where less than 10 feet exists, and is proposed to remain.
- b. **Prohibited Parking Space Location (§25-12.1)** – Where parking spaces are not permitted within 50 feet of the public right-of-way along Ashland Avenue, parking spaces exist within this setback and are proposed to remain.
- c. **Prohibited Access Drive Location (§25-12.1)** – Where access driveways are not permitted within 5 feet of a side lot line, a driveway exists within this setback and is proposed to remain.

Further, all three (3) newly-created variances outlined in our previous memo remain relevant:

1. **Insufficient Sidewalks (§25-12.1)** – Where 5-foot-wide sidewalks between any building and a parking area or drive used by the public are required, no sidewalks are proposed.
2. **Insufficient Number of Loading Spaces (§25-12.3)** – Where a total of 3 loading spaces is required, 0 loading spaces are proposed.
3. **Insufficient Parking Area Illumination for I District (§25-14.3)** – Where a minimum illumination throughout the parking area is 1.0 footcandles (fc), less than 1.0 fc is proposed periodically.

12. Bulk/ "C" Relief

1. The applicant requires c-variance relief for this application. The applicant shall provide testimony that demonstrates how the request for relief may be granted based on one of the standards

provided in the MLUL at N.J.S.A. 40:55D-70c. It is the applicant's responsibility to bear the burden of proof.

In order to satisfy the positive and negative criteria for each c variance enumerated above, the applicant should provide testimony that satisfies either the c(1) hardship criterion or c(2) flexible criterion as set forth in the MLUL.

- a. Positive criteria: There are two types of c variances - the **c(1) hardship** and the **c(2) flexible variance**.

The *c(1) hardship* criteria states that a "hardship" will occur if the variance is not granted. The hardship relates to the physical or topographical features of the property and cannot relate to financial or personal hardship. Hardship relating to property can include:

- i. Narrowness, shallowness, or irregular shape
- ii. An exceptional topographic condition
- iii. Other unique conditions or features affecting the property

The *c(2) flexible variance* states that by granting the variance, the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and that the benefits of granting the variance substantially outweigh the detriments.

- b. Negative criteria: The applicant must satisfy the two-prong test of the negative criteria;
- i. The variance can be granted without substantial detriment to the public good; and
 - ii. The variance can be granted without causing substantial detriment to the zone plan.

The applicant's testimony regarding the negative criteria should address any potential impacts that the proposed variances may have on the neighborhood, as well as how the proposed development is consistent with, or in potential conflict with, both the zoning ordinance and the Township's Master Plan.

13. Conformance with Township's Master Plan

The Township's 2019 Master Plan Update (Reexamination Report with Plan Element Amendments) notes that, "Existing development in West Orange is generally consistent with zoning, although there are deviations due to changes in zoning that made preexisting uses nonconforming or by use variance approval" (p. 33).

Further, the 2010 [Master Plan Reexamination] further noted the need to maintain the community scale by limiting the intensity of commercial/retail, industrial and residential development to assure compatibility with existing neighborhood character (p. 12).

- a. The applicant shall provide testimony regarding the implications of deviating from the Reexamination Report's vision.