

Planning & Real Estate Consultants

MEMORANDUM

To: Township of West Orange Planning Board

From: Paul Grygiel, AICP, PP

Date: July 1, 2021

Re: **Master Plan Consistency Review – Ordinance 2647-21**

The Municipal Land Use Law at N.J.S.A. 40:55D-26a includes the following requirement:

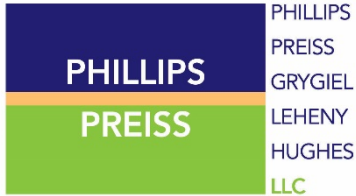
Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.

The Township Council introduced a proposed ordinance amendment, Ordinance 2647-21 at their June 22, 2021 meeting, which includes changes to the Township's Land Use Regulations Ordinance. I have reviewed these proposed changes for Master Plan consistency and offer the following for your consideration.

Ordinance 2647-21 proposes to modify certain zoning provisions of the Land Use Regulations Ordinance to incorporate the legal operation of licensed cannabis entities, including medical marijuana dispensaries and licensed cannabis businesses as regulated by State law. The specific changes include adding definitions consistent with State regulations, permitting licensed cannabis retailers and licensed medical marijuana dispensaries as a conditional use in the B-1, B-2 and I zone districts, and allowing all other licensed cannabis entities (cultivation, manufacturing, wholesale and alternative treatment centers) in the I zone. Certain conditions are applicable to these uses, which if not met, require a "d(3)" variance from the Zoning Board of Adjustment.

The Township's 2019 Master Plan Update addresses this topic. It includes the following language under the recommendation to "consider changes to permitted uses":

"Evaluate whether there are locations appropriate to permit medical cannabis production and/or sales, or places where it should be prohibited, in advance of potential future change in laws to permit recreational production and sales. An



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appropriate means of regulating these uses could be by only allowing them as conditional uses in certain zoning districts. Conditional use standards could include distance requirements from sensitive uses such as schools. Zoning districts in West Orange where these uses could be permitted as conditional uses could include certain business, office building and industrial zones for dispensaries, as well the Industrial zone for production.”

Therefore the proposed ordinance essentially implements this recommendation. It is noted that the suggestion to consider a distance requirement from “sensitive uses” was determined not to be necessary or feasible during discussions with Township staff and professionals, including the Chief of Police, while this ordinance was being drafted.

In addition, the proposed ordinance is consistent with another recommendation of the 2019 Master Plan Update to “(m)odify permitted uses in commercial zones, in recognition of market changes for retail and other nonresidential uses.”

It is my opinion the proposed ordinance is therefore consistent with the Township’s Master Plan for the reasons discussed above.

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