

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
February 2, 2022 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on February 2, 2022 at 7:34 PM. 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

- Special Meeting of the Planning Board will be held **Wednesday, February 9, 2022 at 7:30 P.M.**
- The next Regular Planning Board meeting will be held **Wednesday March 2, 2022 at 7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Lee Klein; Mr. John McNair; Councilwoman Susan McCartney; Mr. Peter Smeraldo; Mr. William Wilkes;

ABSENT: Mr. John Hess, Town Engineer; Mr. Christopher Morgan, Sr.;

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Paul Grygiel, Town Planner;
Diana L. Chandler, Acting Planning Board Secretary
Sarabraj Thapar, Esq., Public Advocate:

MINUTES & RESOLUTIONS

- [Planning Board Reorganization Resolution 2022](#)

Motion: R. Bagoff

Second: J. Guarino

Alper:	Y	Morgan:	-
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	Y		
McCartney:	Y	Yes: 7; Absent: 2	
McNair:	Y		

- [Planning Board Minutes 1/5/2022](#)

Motion: R. Bagoff

Second: S. McCartney

Alper:	Y	Morgan:	-
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	Y		
McCartney:	Y	Yes: 7; Absent: 2	
McNair:	Y		

SWEARING IN

- The Township Professional, *Mr. Paul Grygiel* Township Planning Consultant was sworn in.

APPLICATIONS

- [2673-21 Ordinance Governing Cannabis Businesses](#) (Carried from 1/5/2022 Regular Meeting)
 - [Cannabis Task Force Committee Meeting Agenda 12/2/2021](#)
 - [Cannabis Task Force Committee Meeting Minutes 12/2/2021](#)
 - [Cannabis Task Force Committee Meeting Minutes 12/9/2021](#)

PRESENTATION

- *Mr. Paul Grygiel* reviewed the previous Cannabis Ordinance (2647-21) and previous recommendations in regard to the Master Plan from the July 7, 2021 Regular Meeting of the Planning Board.
- *Chairman Bagoff* said that this evening's meeting is to speak to land use issues in regard to the Planning Board; 1) Grow Site from school (distance within 100 feet from a West Orange Public School. Chapter 4 in Ordinance in town; Recommendation update all names of schools instead of visiting it here in the I Zone. 2) Building itself or lot line (*Paul Grygiel* confirmed to being lot line.)
- *Council President Susan McCartney* said that the Cannabis Task Force and Alcoholic Beverage Control since no guidelines have been given needs some guidance. *Chairman Bagoff* said that no signs will be allowed for the grow site and to sell to. She also said that she would like to see 200 feet as opposed to 100 feet.
- *Lee Klein* asked why only West Orange Public Schools. In which *Ms. Diana McGovern* responded based on this definition schools have three (3) subdivisions. In these subdivisions, she said that it is definitely silent in regards to preschools and private schools. *Mr. Klein* said that it would probably make sense to use 200 feet for Alcoholic Beverage Control and Cannabis for consistency. *Mr. Klein* aside about the 200 feet in prohibition times which came first in regards to St. Cloud School. The school or the liquor store?
- *Mr. Ken Alper* opined saying that school playgrounds should be included as well in distance for grow site and asked about the scent in the grow outlet site. If video arcades are 1,000 feet, gas stations are 500 feet, and sex orientated businesses are 500 feet *Chairman Bagoff* asked for this to be brought to the Cannabis Task Force.
- *Mr. Jerry Guarino* asked how facilities can be in the I Ordinance? *Chairman Bagoff* said this is introductory.
- *Mr. Sarabraj Thapar*, Public Advocate asked if a map can be created to see amount of space for availability. *Chairman Bagoff* said that for a drug free zone 1,000 square feet must be zoned. However, we do not with this be zoned into "utility".
- *Mr. Peter Smeraldo* said that he agrees with *Mr. Alper* but if Town Council does not want to agree does Alcoholic Beverage Control have a distilling Radius? *Chairman Bagoff* referred to *Mr. Grygiel* who said that he would have to look into that.

- *Council President Susan McCartney* asked if patrons would have to obtain local license to get state license. *Chairman Bagoff* said this question is not part of the review this evening.
- *Chairman Bagoff* said that more information regarding parking is needed and plans for grow centers. To that *Mr. Klein* asked if that will have to do with the employees. *Chairman Bagoff* said that he wants to see if the medical facility even if this criterion stands for recreational purposes.
- *Council President Susan McCartney* asked for a new map including schools and churches. Where she was reminded by *Chairman Bagoff* that the intent for meeting so we do not zone this ordinance to utility.
- *Mr. Grygiel* said that the licensing in the I District will have the capability for four (4) total. The companies that he has seen for example in Montclair, NJ which has a total size in a storefront appearance. "It is a decent size, but no guarantee of being the same."
- *Chairman Bagoff* asked in regards to parking and distance how the traffic flow is displayed. In which there was no answer as a traffic study has not been performed.
- *Mr. Sarabraj Thapar, Public Advocate* asked if in regards to edibles or smoke is there a differencing factor. *Mr. Grygiel* said that this will be permissible no matter the format. "It's a matter of Syntax."
- *Chairman Bagoff* asked in regards to the average size for employees what the signage will be and what the head shop for supplies for sale of the product will be.
- *Council President Susan McCartney* asked what the difference between Micro Business and a Small Business is. *Mr. Paul Grygiel* said the only difference is the licensing. In response analytics from *Mr. Lee Klein* were given from the following Municipalities: Montclair, Union, and Rochelle Park.

PUBLIC QUESTIONS/PUBLIC COMMENT

- *Mr. Theo Mackly Pollack (14 N. Cobane Terrace)* about how this plan measures up in regards to the other municipalities. To which *Mr. Grygiel* answered that this is on par with other municipalities.
- *James Jackson (1 Ashley Road)* Spoke in approval of this ordinance and reminded the board that the goal of this ordinance review is to cultivate cannabis. *Chairman Bagoff* said that the Town Council should be given these comments which is not part of tonight's meeting. Main goal for this evening is to send comments and recommendations to the Town Council for evaluation. In which *Mr. Jackson* said that he will email answers to questions for the March 2, 2022 Regular Meeting after being qualified as an expert by the Planning Board to answer.

BOARD DISCUSSION

- *Chairman Bagoff* said that the proposed amendment concerning licensed cannabis entities groups together Licensed Cannabis Retailers, Licensed Medical Cannabis Dispensaries and all other licensed cannabis entities and makes only a distinction as to the permitted districts (limiting retail and medical dispensaries to B-1, B-2, and I Districts and “Other” which includes the cultivation/growth, distributors and manufacturers to the I District.
- *Chairman Bagoff* also asked that bring to the Town Council/Cannabis Task Force a question about any possible modifications for matters such as parking, signs, and limits on proximity to schools for those various cannabis entities. (i.e. should the same parking requirements for a retail establishment apply to a manufacturing concern when the issues regarding number and types of vehicles parking are probably different.
- Planning Board Members also raised questions pertaining to the language use in regards to the definition of a “school” and where pre-school and childcare centers fit in to the concept of limiting distances to schools.
 - With respect to the Alcoholic Beverage Control regulations related to the alcohol sales require 200 feet distance from schools. Other ordinances limit distances to schools include 1,250 feet from video arcades, 500 feet from gas stations and 500 feet from sexually oriented businesses. To that, the Board recommended that the distance separating a cannabis entity from a school be measured from the property line not the school building.
- The Board stated concerns that there may be a need to have separate parking, signage, and loading zone requirements for retail and medical cannabis entities as compared to the manufacturing and distribution cannabis entities.
 - More information needs to be developed as to trip traffic for retail cannabis concerns versus manufacturing. (i.e. What kinds of trucks are used for deliveries to retail, medical, manufacturing, or distribution cannabis entities?)
- The Planning Board had other questions in regards to the grow centers/manufacturing of cannabis. (i.e. What is the average minimum square footage required for a grow center? Do grow centers receive product in sealed containers to be processed or is the product delivered in bales or open containers such that interior delivery is recommended? Are there any noxious or unpleasant fumes that are produced from the manufacturing facilities?) The Board would like to hear more information addressed in the land use ordinance.
- The Board Members also noted that any signage for a Licensed Cannabis Entity should be subject to the approval from the Planning/Zoning Board of Adjustment to seek information as to whether there are sign restrictions already in place by the State and whether signs for entities (which again may differ as to the type of entity, retail vs. manufacturing) may not be covered by already existing sign ordinances.

- *Council President Susan McCartney* asked for the definition of “schools” to be added to questions for clarification. *Chairman Bagoff* agreed saying that preschools and childcare centers, churches, playgrounds should be included. She then confirmed that this is for new businesses/structures and previous sites existing would be grandfathered in.
- *Ms. Diana McGovern* asked in regards to signage, and if that could mean an automatic track to site plan review. To which *Mr. Grygiel* responded that site plan review is for site improvement. A sign would not be an automatic site plan review.

-2673-21 Ordinance Governing Cannabis Business Review is carried to the March 2, 2022 Regular Meeting with no further notice.

Meeting adjourned at 9:04P.M. by Chairman Bagoff. Seconded by Lee Klein.

ADOPTED:

Diana L. Chandler
Acting Planning Board Secretary

Panelists/Substitutions

- Cannabis Task Force:
 - Cindy Matute Brown cmatutebrown@westorange.org
 - Police Chief James Abbott policechief@wopd.org