SOUTH ORANGE VILLAGE
Municipal Offices
76 South Orange Ave
Suite 302
South Orange
Essex County
New Jersey 07079

www.southorange.org
P 973.378.7715
F 973.763.0987

PLANNING BOARD
REGULAR MEETING MINUTES

Monday, August 7, 2023 - 7:30 PM
Virtual Webex Meeting
To access information on how to use WebEx to join the meeting, please click on the following link: https://www.southorange.org/800/WebEx-FAQs

ORDER OF BUSINESS

1. Call Meeting to Order
Chair Colton-Max called the meeting to order at approximately 7:30pm:

2. Roll Call

Jon Busch-Vogel
Lillian Harris
Cecil House
David Kraiker
Carolyn Morin
Christine Mason, Alternate - Absent
Vacant, Alternate
Harold Colton-Max, Chair
Michael Miller, Vice Chair
Bill Haskins, Village Trustee
Julie Doran, Village Administrator - Absent
Sheena Collum, Village President

William Sullivan, Board Attorney
Greer Patras, Board Planner/Zoning Officer
Eric Keller, Board Engineer
Ojetti Davis, Board Secretary

3. Meeting Notice Statement
Chair Colton-Max read the following statement:
Pursuant to Section 5, Chapter 231, P.L. 1975, this is to state for the record that adequate notice of this meeting has been provided to the public by posting and maintaining the annual notice of regular meetings on the bulletin board in the Village's municipal offices located at 76 South Orange Avenue, by mailing the annual notice of regular meetings for 2023 to the South Orange-Maplewood News Record and the Star Ledger in December, 2022 and by filing said notice in the Office of the Village Clerk.

4. Approval of Minutes

A. Regular meeting held on July 5, 2023:
Ms. Morin moved to approve the minutes of the meeting held on July 5th, seconded by Trustee Haskins. All members were in favor and none opposed. Ms. Harris abstained.

5. Approval of Resolution

A. **Case #296 - Garden State of Mind LLC**
Block 1007 Lot 24
111 South Orange Avenue
Conditional Use for Cannabis Retailer Business - The applicant is seeking a change of use to a Class 5 Cannabis Retailer and interior modifications associated with the change in use:

Ms. Morin moved to approved the Resolution for Case #296, seconded by Mr. Kraiker.
Roll Call Vote:
Haskins Yes
Kraiker Yes
Morin Yes
Motion carried.

6. Discussion

A. Master Plan Consistency Review for Ordinance #2023-10 - an ordinance authorizing and encouraging electric vehicle supply/service equipment & make-ready parking spaces:

Ms. Patras discussed her memo dated August 4 that explained the Township of South Orange is required to enforce the State's Electric Vehicle parking requirements for applications for development. She mentioned the main purpose for amending this section of the code is to codify the State's Electric Vehicle requirements within our Land Development Ordinance. Also, she explained the mandated requirements and standards as per State regulations and the relationship to the 2021 Master Plan's Land Use and Community Form Element as it relates to electric vehicle and charging stations.

Mr. Miller moved to deem Ordinance 2023-10 is consistent with the Master Plan, second by Ms. Harris.
Roll Call Vote:
Busch Vogel Yes
Harris Yes

Kraiker Yes
Morin Yes
Haskins Yes
Miller Yes
Colton-Max Yes
Motion carried.

B. Report from the Board of Trustee Member regarding the Planning & Economic Development Committee:
Trustee Haskins mentioned the Planning & Economic Development Committee is working on a new Tree Ordinance and discussed the storm water issues that the Board of Trustees are currently working on. He will continue to provide this board with updates on the storm water issues.

7. Application(s) to be Heard

A. **Case #297 - Lushly LLC**
Block 2006 Lot 6
55 Academy Street
Minor Site Plan & Conditional Use to operate Class 5 Micro Adult Use Cannabis Dispensary - The applicant is proposing interior renovations, new dispensary signage and frosted window film to be added to the store front.

Zachary Rosenberg attorney of the firm Bressler Amery & Ross on behalf of the applicant gave a brief overview of the application. Mr. Rosenberg stated this is a minority women owned family business that received a Resolution of Support from the Board of Trustees in August 2022 and received a conditional license from the State. The applicant did appear before the Historic Preservation Commission and the Technical Review Committee. Mr. Rosenberg introduced 3 witnesses. The first witness was Paul Ha COO of the business. Mr. Ha described the previous use of the site, square footage, current tenants, proposed setup, customer purchasing process, deliveries, number of employees and security plan. Also, discussed odor mitigation plan, garbage collection and the exterior view. In response to board questions, Mr. Ha discussed off peak time for deliveries, spacing time between customer transactions and plans for handling long lines outside. There were no questions from the public.

The second witness was David Lawrence sworn and recognized as an expert in architecture. Mr. Lawrence discussed the proposed site location and described the store front, design of the space, parking and existing loading zone, rear corridor, signage, lighting and security plan. Also discussed were the renderings of the street and sidewalk and front of the building and HVAC system. In response to board questions, Mr. Lawrence discussed the loading area, ADA bathroom, bike racks, demo plan, parking space calculations, window coverage, door signage and no proposed changes to the façade. Mr. Keller mentioned the sign should not be mounted on the utility pole and plans needs to be updated with correct size and specs for light fixtures. Mr. Rosenberg mentioned the landlord is open to installing bike racks on the site. There were no questions from the public.

The final witness was Douglas Polyniak sworn and recognized by the board as an expert in traffic engineer. Mr. Polyniak summarized the parking and impact study, described parking on the site, volume impacted, parking spaces and renting 6 spaces for employees. He mentioned some of the existing tenants close early which will free up parking spaces and mentioned the site is located in a pedestrian and transit area. He felt this site is well suited for this business with there being no negative impact with regards to parking. In response to board questions, Mr. Polyniak discussed ADA parking spaces, loading space, impact on street parking and nearest public parking lot. He explained the comparison of the previous nail salon and fitness business and the impact from Dominos being none as it currently exists. There were no questions from the public.

<u>Public Comment</u>
Chair Colton-Max opened the meeting for public comment. There were none.

Mr. Rosenberg thanked the board and professionals for their time on hearing this matter.

<u>Board Discussion:</u>
Mr. Sullivan and the board professionals listed the conditions discussed and the applicant agreed to the comments in the reports. Mr. House moved to approve the applicant subject to the conditions, seconded by Ms. Harris.

Roll Call Vote:
Busch Vogel Yes
Harris Yes
House Yes
Kraiker Yes
Morin Yes
Haskins Yes
Miller Abstained
Colton-Max Yes
Motion carried.

B. **Case #298 - 202 South Orange Avenue LLC**
Block 2022 Lot 14
202 South Orange Avenue
Preliminary & Final Site Plan with C Variance Relief - The applicant proposes to develop the property with a four (4) story 10-unit residential building with an elevator and on-site open parking garage.

Due to the late hour, Chair Colton-Max carried this case to September 6th with no further noticing required.

8. Next Regular Meeting Date

A. Wednesday, September 6, 2023 at 7:30 pm

9. Adjournment
There being no further discussion, Ms. Harris moved to adjourn the meeting, seconded by Mr. Busch-Vogel. Chair Colton-Max adjourned the meeting at approximately 10:00 pm.

Submitted by
Ojetti Davis, Secretary
Planning Board

***These minutes are a summary and the actual statements can be found on the video located on the Village's website at the following link:**
https://southorangetwpnj.portal.civicclerk.com/event/2301/media