

May 31, 2023

VIA EMAIL & HAND DELIVERY

Township of West Orange Planning Board
Attn: Jamilet Baquerizo Vite, Board Secretary
66 Main Street
West Orange, New Jersey 07052
PlanningBoard@westorange.org

Re: Pure Natural Vibes, LLC (“Applicant”)
Application for Conditional Use (Class V Cannabis Retailer (Micro) Approval in B-2 Zone
470 Prospect Avenue, Suite 100 (Block 84.01, Lot 60)

Dear Ms. Baquerizo Vite :

This office represents Pure Natural Vibes, LLC, the contract lessee of approximately 2,065 square feet (approximate gross floor area) of commercial space property located at 470 Prospect Avenue, Suite 100 and designated on the tax maps of the Township of West Orange as Block 84.01, Lot 60 (the “Property”). The Property is located within the B-2 commercial zone.

Applicant seeks conditional use approval from the Township of West Orange Planning Board for the proposed interior alteration of existing first floor space for Class 5 Cannabis Retail Dispensary use (Micro).

In support of this Application, the following are enclosed for your review:

- Five (5) copies of the Township of West Orange Planning Board Application package, with applicable Checklists, to which the following Exhibits are attached:
 - o **Exhibit A:** Township of West Orange Resolution #335-22, adopted December 20, 2022 (Resolution of Local Support);
 - o **Exhibit B:** December 20, 2022 Letter of Confirmation Compliance with Township of West Orange Zoning Requirements from Township Zoning Officer;
 - o **Exhibit C:** Certification of Taxes Paid;
 - o **Exhibit D:** Affidavit of Ownership and Consent;
 - o **Exhibit E:** List of Properties within 200 Feet;
 - o **Exhibit F:** Corporate Ownership Disclosure;
 - o **Exhibit G:** Project Description;
 - o **Exhibit H:** Letter Agreement Concerning Access and Parking between Owners of Block 84.01, Lot 60 & Block 84.01, Lot 63 (Executed); and
 - o **Exhibit I:** List and Copies of Prior Approvals.

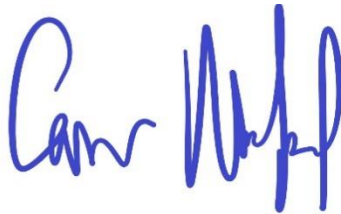
GIBBONS P.C.

Township of West Orange Planning Board
Attn: Jamilet Baquerizo Vite, Board Secretary
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Page 2: Pure Natural Vibes, LLC

- Five (5) copies of Survey of Property, dated July 21, 2021, prepared by Andrew A. Schmidt, P.L.S.;
- Five (5) copies of Proposed Tenant Fit Out, dated March 28, 2023, prepared by David M. Lawrence, R.A.;
- Five copies of Site Plan, dated April 4, 2023, prepared by Arna Engineering (Chirag V. Thakkar, P.E.);
- Executed Form W9; and
- Two (2) Checks payable to the Township of West Orange; \$3,250.00 (Escrow Deposit Fee) & \$300.00 (Application Fee).

If you or the Planning Board should require anything further in order to deem this application complete, please let me know. Thank you for your assistance in the review and consideration of this application, and we look forward to sharing it with the Planning Board in short order.

Very truly yours,



Cameron W. MacLeod
Director

Encl.

Cc (via email):

Pure Natural Vibes, LLC
Chirag V. Thakkar, P.E.
David M. Lawrence, R.A.
Peter J. Milano, Jr.

TOWNSHIP OF WEST ORANGE APPLICATION FORM FOR THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

A. APPLICANT INFORMATION

Full Legal Name: Pure Natural Vibes, LLC
(Last) (First)

Mailing Address: 206 Tremont Avenue, Orange, NJ 07060
(Street) (City) (State) (Zip)

Telephone Number: (862) 596-4008 Email: ngibbs@purenaturalvibes.com
LLC

Is the Applicant an: ☐ Individual, ☒ Corporation, ☐ Partnership, ☐ Other _____

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached. See Attached Corporate Disclosure

Relationship of the applicant to the property: ☐ Owner, ☒ Tenant or Lessee, ☐ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process. See Attached Affidavit of Owner's Authorization

B. PROPERTY OWNER INFORMATION

☐ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: 470 Prospect Avenue, LLC

Address: PO Box 1287, Montclair, NJ 07042

Telephone Number: (973) 544-8702 Email: daniel.realtymark@gmail.com

C. PROPERTY INFORMATION

Street Address: 470 Prospect Avenue, Suite 100

Block Number(s): 84.01; Lot Number(s): 60

Tax Plate: Tax Map Sheet 34; Zone of Property: B-2

The location of the property is approximately 65 feet from the intersection of Rooney Circle
_____ and Prospect Avenue (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?

☒ Yes, Date(s): See Attached List of Prior Approvals; ☐ No

If yes, please attach copies of the written decisions adopted by the Board to each application. See Attached Copies of Prior Approvals.
Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☐ Variance "C1" Reason: ☐ shape of property; ☐ physical features; ☐ exceptional situation.
- 4) ☐ Variance "C2".
- 5) ☐ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☐ Site Plan: ☐ preliminary; ☐ final; ☐ preliminary and final; ☐ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☒ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list. N/A

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property Mixed use commercial building (office/retail)

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)

Change of Use/interior renovation of 2065 square feet of commercial space into a Class V Cannabis Retail dispensary.

See attached Project Description for further detail.

The property is 18,722.09 (square feet); 0.4298 (acres)

Impervious Surface Coverage: Present: 29,878 SF; Proposed: 29,878 SF

Building Coverage: Present: 7,995 SF; Proposed: 7,995 SF

Is the property located:

Within 200 feet of another municipality? ☐ Yes ☒ No

Adjacent to an existing or proposed county road? ☒ Yes ☐ No

Adjacent to other county land? ☐ Yes ☒ No

Adjacent to a state highway? ☐ Yes ☒ No

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: Gibbons P.C.- Cameron W. MacLeod, Esq.

Telephone Number: (609) 858-2445 Email: cmacleod@gibbonslaw.com

Address: 50 W. State Street, Suite 1104, Trenton, NJ 08608

APPLICANT'S ENGINEER: Arna Engineering- Chirag V. Thakkar, P.E.

Telephone Number: (267) 733-7840 Email: cthakkar@arnaengineering.com

Address: 1456 Ferry Rd #603, Doylestown, PA 18901

APPLICANT'S ARCHITECT: Lawrence Architecture, LLC- David M. Lawrence, R.A.

Telephone Number: (646) 737-4769 Email: david@lawrencearchitects.com

Address: 1901 Elizabeth Avenue, Unit 3114, Rahway, NJ 07065

APPLICANT'S PLANNER: N/A

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S): Peter J. Milano, Jr. (Security Professional)

Telephone Number: (908) 428-1130 Email: pmilano@novacomtelephone.com

Address: 15 Ilene Court, Hillsborough, NJ 08844

If necessary, please list any additional experts below, including address, telephone number and email address.

N/A

G. REQUIREMENTS FOR VARIANCES

N/A

- 4A) Please attach a written statement labeled **"PROPOSAL"**, describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- 4B) Please attach a written statement labeled **"REASONS FOR RELIEF"**, which fully answers **4C-1**, **4C-2** or **4D** (Special Reasons) **AND** part **4E** (Negative Criteria).
- 4C-1) (*For C1 variances only*) The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) (*For C2 variances only*) State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) (*For D variances only*) State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION
Tenant Fit Out	David M. Lawrence, R.A.	3/28/23
Site Plan	Chirag V. Thakkar, P.E.	4/4/23
Survey of Property	Andrew A. Schmidt, P.L.S.	7/21/21

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature: _____

Nordia Gibbs

Date: May 8, 2023

NORDIA GIBBS, Authorized Member, Pure Natural

CONTINUANCE

Vibes, LLC

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statute time limit, the applicant grants permission for such an extension.

Applicant's Signature: _____

Date: _____

OWNER'S AUTHORIZATION – MUST BE SIGNED See Attached Affidavit of Owner's Authorization

I hereby certify that I reside at 91 Harrison Avenue Montclair
in the County of Essex and the State of New Jersey;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 84.0;
Lot(s) 60 on the Tax Map of West Orange which property is the subject of the above
application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site
which is the subject of this application.

Owner's Signature: _____

[Signature]

Date: 5/9/23

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

**CHECK LIST OF REQUIRED ITEMS
"C" AND "D" APPLICATIONS
INTERPRETATIONS AND APPEALS**

***APPLICATIONS FOR MAJOR/MINOR SITE PLAN OR SUBDIVISION MUST REFER TO THE
SITE PLAN/SUBDIVISION CHECKLIST -52 ITEMS. 20 Total (original and 19 copies).***

All checked items are required; please complete and submit to Board Secretary:

- ✓ **Completed Application Form, 20 Total** (original and 19 copies), including:
 - ✓ the written proposal;
 - ✓ list of variances being requested;
 - ✓ property information;
 - ✓ applicant and owner information;
 - ✓ statement or legal brief which clarifies why the variance should be granted and the specific reasons or hardship that pertain to the proposal, or
 - ✓ in the case of an appeal or interpretation, a statement or legal brief that clarifies the position of the applicant.
- ✓ **Survey** – original signed and sealed by New Jersey licensed Land Surveyor, **20 Total** (original and 19 copies).
- ✓ **Site Plan, all dimensions**, including setbacks, must be shown and prepared by New Jersey licensed Professional except for an owner occupied, single family home, in which case the property owner may prepare the site plan, **20 Total** (original and 19 copies).
- ✓ **Floor plans, all dimensions** must be shown-prepared by New Jersey licensed Architect except for an owner occupied, single family home, in which case the property owner may prepare the floor plan, **20 Total** (original and 19 copies).
- ✓ **List of property owners** within 200' certified by the Municipal Tax Assessor (original).
- ✓ **Proof that taxes have been paid**, certified by the Municipal Tax Collector (original).
- ✓ **A 200' radius map**, **20 Total** (original and 19 copies).
- ✓ **Application fee** (non-refundable) also a **Digitizing Fee**.
- ✓ **Elevations of three sides**, in the case of an existing structure with no proposed structural changes, photographs may be used, **20 Total** (original and 19 copies).
- ✓ **Height dimensions** to be included on all elevations, **20 Total** (original and 19 copies).
- ✓ **All plans and documents** for West Orange COAH requirements.
- ✓ **For all Major Subdivision applications**, major site plan applications and all applications applying for a "D" variance, a Planner's report prepared by a New Jersey licensed Planner must be submitted, **20 Total** (original and 19 copies).
- ✓ **For all Major Subdivision applications**, and major site plan applications, a Traffic Study prepared by a New Jersey licensed Engineer must be submitted, **20 Total** (original and 19 copies).
- ✓ **All Site Plan applications** must submit a tree removal application and a tree replacement plan and provide a report according to Chapter 31 of the West Orange general ordinances, **20 Total** (original and 19 copies).

Due to Covid-19

5 Paper Copies + 1 Digital emailed to
PlanningBoard@westorange.org
and/or ZonningBoard@westorange.org

Your application will not be deemed complete unless all these items are included. It is absolutely necessary that all dimensions and elevations be shown on the site plan and floor plan.

Please note: other materials may be requested by the Planning Director or Board Members.

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL		Pre-Application - Concept Plan	Minor Application		General Development Plan	Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED
Item Number	Description		Subdivision	Site Plan		Subdivision		Site Plan				
						Preliminary	Final	Preliminary	Final			
1. PROJECT-PLAN INFORMATION												
1. Item:	Name, address of owner and applicant.	X	X	X	X	X	X	X	X	X	✓	
2. Item:	Name, signature, license number, seal and address of engineer, land surveyor, architect, professional planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X	X	✓	
3. Item:	Title block denoting type of application, tax map sheet, county, name of municipality, block & lot, and street location.	X	X	X	X	X	X	X	X	X	✓	
4. Item:	A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500'.	X	X	X	X	X	X	X	X	X	✓	
Comment: Describes setting; may be less detailed in pre-application-concept plan and GDP stages.												
5. Item:	A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.	X	X	X	X	X	X	X	X	X	✓	
Comment: Schedule may be less detailed in pre-application-concept plan stages.												
6. Item:	North arrow and scale.	X	X	X	X	X	X	X	X	X	✓	
7. Item:	Proof that taxes are current.	X	X	X	X	X	X	X	X	X	✓	
8. Item:	Signature blocks for Chairman, Secretary and Municipal Engineer.	X	X	X	X	X	X	X	X	X	✓	
9. Item:	Appropriate certification blocks as required by Map Filing Law.	X	X	X	X	X	X	X	X	X	✓	
10. Item:	Monumentation as specified by Map Filing Law.	X	X	X	X	X	X	X	X	X		
Comment: Monumentation required only for final subdivision.												
11. Item:	Date of current property survey.	X	X	X	X	X	X	X	X	X	✓	
Comment: Required by Map Filing Law for final subdivision and site plan; necessary for vesting on GDP.												

N/A

N/A

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LICENSED PROFESSIONAL

Item Number Description

12. Item: One (1) of four (4) standardized sheets:
30" x 42", 24" x 36", 15" x 21", 8.5" x 13"
Comment: Required by Map Filing Law for
minor and major subdivisions.

13. Item: Metes and bounds description showing
dimensions, bearings, curve data, length of tangents,
radii, arcs, chords and central angles for all
centerlines and right-of-way, and centerline curves
on streets.

14. Item: Affidavit of ownership.
Comment: Map Filing Law for minor and major
subdivision.

15. Item: Acreage of tract to the nearest tenth of an
acre (for GDP--to nearest acre).

16. Item: Date of original and all revisions.
Comment: Item necessary for continuity-history
of project.

17. Item: Size and location of any existing or
proposed structures with all setbacks dimensioned.
Comment: Item important for detailed planning.

18. Item: Location and dimensions of any existing or
proposed streets (for GDP and pre-application-
concept plan -- general locations).
Comment: Item important for detailed planning.

19. Item: All proposed lot lines and area of lots in
square feet.

20. Item: Copy and/or delineation of any existing or
proposed deed restrictions or covenants. €

21. Item: Any existing or proposed easement or land
reserved for or dedicated to public use. €

22. Item: Development stages or staging plans (for
GDP--general staging).
Comment: Not applicable at pre-application-
concept plan stage; minor plans usually not built in
stages.

**Pre-Application -
Concept Plan**

Minor Application

Subdivision

Site Plan

Major Application

**General
Development
Plan**

Subdivision

Final

Preliminary

Site Plan

Preliminary

Final

COMPLETE

INCOMPLETE

WAIVER
REQUESTED

214

214

ALL DOCUMENTS MUST BE PREPARED,
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LICENSED PROFESSIONAL.

Item Number	Description	Pre-Application - Concept Plan	Minor Application		General Development Plan	Subdivision		Site Plan		COMPLETE	INCOMPLETE	WAIVER REQUESTED
			Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
23.	Item: List of required regulatory approvals or permits. Comment: Basic planning information. €		X	X	X		X		X	X		
24.	Item: List of variances required or requested. € Comment: Basic planning information.		X	X		X	X	X	X			X
25.	Item: Requested or obtained design waivers or exceptions. € Comment: Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan stages; required at site plan only if notice is required by ordinance.		X	X		X	X	X	X			X
26.	Item: Payment of application fees. Comment: Fee not imposed for pre-application conference.	X	X	X	X	X	X	X	X	✓		
27.	Item: Property owners and lines of all parcels within 200' identified on most recent tax map sheet. Comment: Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan only if notice is required by ordinance.				X	X	X	X	X	✓		
28.	Item: All existing street, water courses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of site. Comment: white detailed specification of environmentally sensitive areas may not be necessary at pre-application-concept plan and GDP stages, general specification of and sensitivity to such conditions is an important planning consideration.	X		X	X	X	X	X	X	✓		
29.	Item: Existing right-of-way and/or easements on and within 200' of tract. Comment: Rights-of-way and easements are often unknown at the pre-application-concept (see however, item 28).	X		X	X	X	X	X	X	✓		
30.	Item: Topographical features of subject property from U.S.G.S. map. Comment: More detailed topographic information is needed for major subdivision.	X		X	X							X

21A

21A

21A

21A

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ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL		Pre-Application - Concept Plan	Minor Application		General Development Plan	Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Subdivision	Site Plan		Subdivision		Site Plan					
						Preliminary	Final	Preliminary	Final				
31.	Item: Existing and proposed contour intervals based on U.G.S. & G.S. datum. Contours to extend at least 200' beyond subject property as follows: up to 3% grade - 1' 3% + grade - 2' Comment: Major site plan and subdivision requires level of detail of Item 31 as opposed to Item 30.					X	X						X
32.	Item: Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features (detail may vary). Comment: Basic for good planning.	X	X	X	X								X
33.	Item: Existing system of drainage of subject site and of any larger tract or basin of which it is a part. Comment: See Item 31. Extensive level of detail required only for major subdivision and site plan.												X
34.	Item: Drainage Area Map. Comment: Necessary for major application; inapplicable at GDP stage.												X
35.	Item: Drainage Calculations. Comment: Required for minor applications if deemed necessary by Planning Board; not required at GDP stage because storm water management evaluated at major subdivision and site plan stage.		X	X									X
36.	Item: Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric & cable TV. Comment: Information necessary for minor site plan because of potential effect on utility systems. Only general location for electric, telephone and cable TV required.		X	X		X	X	X	X				X
37.	Item: Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric and cable TV. Comment: Information necessary for minor site plan because of potential effect on utility systems. Only general location for telephone, electric and cable TV required.				X	X	X						X

2/A

2/A

2/A

2/A

2/A

2/A

2/A

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LICENSED PROFESSIONAL

Item Number Description

38. Item: Soil Erosion and Sediment Control Plan.
Comment: Required for soil disturbance over
5,000 sq. ft.

39. Item: Spot and finished elevations at all
property corners, corners of all structures or
dwellings, existing or proposed first floor elevations.
Comment: Not required for minor subdivision
because not involving construction of buildings.

40. Item: Construction details as required by
ordinance.
Comment: Such level of detail necessary only for
major applications.

41. Item: Road and paving cross-sections and
profiles.
Comment: See Item 40.

42. Item: Proposed street names.
Comment: Applicable only when new road is
proposed.

43. Item: New block and lot numbers confirmed
with local assessor or municipal designee.
Comment: Needed whenever a new lot is
created.

44. Item: Lighting plan & details.
Comment: Not applicable for minor subdivision
because just creating lots.

45. Item: Landscape plan & details prepared by a
professional landscape architect
Comment: Required for site plans because of
magnitude of required landscaping.

46. Item: Solid waste management plan.
Comment: Site plan consideration only; see Item
44.

47. Item: Site identification signs, traffic control
signs, and directional signs.
Comment: See Item 44.

**Pre-Application -
Concept Plan**

Minor Application

Subdivision

Site Plan

**General
Development
Plan**

Preliminary

Final

Subdivision

Preliminary

Final

Site Plan

Preliminary

Final

COMPLETE

INCOMPLETE

WAIVER
REQUESTED

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

✓

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL		Pre-Application - Concept Plan	Minor Application		Major Application						COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Subdivision	Site Plan	General Development Plan		Subdivision		Site Plan					
					Preliminary	Final	Preliminary	Final	Preliminary	Final				
48.	Item: Sight triangles. Comment: Necessary even for minor applications because sight triangle easement created.		X				X							X
49.	Item: Vehicular and pedestrian circulation patterns (less detail necessary for pre-application-concept plan and GSP stages). Comment: See Item 44.	X				X		X						
50.	Item: Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions. Comment: See Item 44.							X						
51.	Item: Preliminary architectural plan and elevations. Comment: Not required where building is not proposed.													
52.	Item: Plans and legal documents for compliance with West Orange COAH Ordinances.		X			X		X			X			X

= Proposed restrictions or covenants do not have to be included for pre-application-concept plan and GDP.
 ≠ Conditional approval may be granted subject to other regulatory approvals.

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.

REVISED: 8/30/05 aw

F:\Forms & Awards\PB-ZBAPP.FRM\CHECKLIST\CHECKLIST.FRM

SUSTAINABILITY CHECKLIST FORM

SUSTAINABLE BUILDING AND DESIGN STANDARDS	APPLICANT – PRINT OR TYPE – ALL SECTIONS TO BE COMPLETED:	TOWNSHIP OK (Date)
Name of LEED Accredited Professional working on project:		
List of Energy Star and WaterSense appliances, fixtures and construction techniques:		
List of green and recycled building materials in new construction, renovation, and maintenance:		
Waste Management Plan for recycling and/or reuse of 60 percent of all construction and demolition of waste generated in projects larger than \$25,000:		
Use of any water efficient landscaping:		
Use of any on-site renewable energy systems such as: (i) Solar (ii) Wind (iii) Geothermal		
Details of roofing materials designed to reduce the urban heat island effect such as: (i) Construction of roof top gardens to reduce solar gain in summer and insulate in winter (ii) Use of roofing materials that are no darker than a light gray or demonstrate how alternate roofing materials reduce the urban heat island effect		
Details of any sustainable stormwater systems employed such as: (i) Bioswales/ raingardens (ii) Permeable surfaces (iii) Grey water systems (iv) Retention and detention facilities (v) Continuous trenching		
A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides:		

Note: Please indicate for each of the sustainable building/design items listed, the extent to which the measure is being incorporated in the project or, alternatively, indicate the reason(s) why it is not being incorporated in the project.

As of April 2, 2015

EXHIBIT A

RESOLUTION

WHEREAS, following the adoption of the Jake Honig Compassionate Use Medical Cannabis Act in 2019 and passage of the 2020 ballot issue amending the New Jersey Constitution to legalize the possession, cultivation, processing and sale of retail marijuana, the State of New Jersey adopted the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act in 2021 (the “State Statute”); and

WHEREAS, the State Statute created the New Jersey Cannabis Regulatory Commission (the “Commission”) and established a framework for the application and issuance of a state license for the operation of cannabis related business licensed by the State of Jersey (“Licensed Cannabis Entities”) which includes the requirement that an applicant for a state license provide proof of local support as to the suitability of the proposed location for a proposed cannabis related business; and

WHEREAS, On August 19, 2021, pursuant to N.J.S.A. 24:6I-34(d)1a of the State Statute, the Commission established regulations further governing the application and issuance of a state license for Licensed Cannabis Entities (the “Commission Regulations”); and

WHEREAS, N.J.A.C. 17:30-5.1(g) of the Commission Regulations requires the applicant for a State License to include in its application “proof of local support for the suitability of a cannabis business’s proposed location indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business” (“Local Support”); and

WHEREAS, on July 13, 2021, the Township Council for the Township of West Orange (the “Township”) adopted Ordinance 2647-21 (the “Cannabis Ordinance”) which establishes both the zoning requirements and the Township’s licensing requirements for Licensed Cannabis Entities which seek to operate within the Township; and

WHEREAS, on July 13, 2021, the Township Council also adopted resolution 188-21 authorizing the establishment of a Taskforce and Advisory Committee regarding Cannabis Businesses for the Township (the “Taskforce”) to assist and advise with the implementation of the Township’s regulations governing cannabis related businesses within the Township; and

WHEREAS, PURE NATURAL VIBES LLC (the “Applicant”) has submitted a request for Local Support from the Township for a proposed cannabis related business with the proposed location at **470 Prospect Avenue, Suite 100** by way of an application to the Taskforce (the “Application”); and

WHEREAS, the Taskforce has evaluated to Application and has recommended the adoption of a resolution declaring Local Support consistent with the Commission Regulation; and

WHEREAS, the Local Support as set forth in this resolution does not constitute a declaration or promise that the Applicant shall receive any required approvals from any of the Township’s land use boards, but shall be required to proceed with any such application and approval process as needed; and

WHEREAS, the Local Support as set forth in this resolution does not constitute a declaration or promise that the Applicant shall be issued a license by the Township to operate a cannabis related business, but shall be required to apply for such a license with the Township as set forth in the Cannabis Ordinance; and

WHEREAS, the Local Support as set forth in this resolution does not constitute a declaration or promise that the Applicant shall receive any approvals as needed from any department of the Township, but shall be required to apply for such approvals consistent with all applicable laws; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that consistent with the recommendation of the

Taskforce, the Township declares its Local Support for the proposed location of the Applicant's proposed cannabis related business; and be it further

RESOLVED, that the Local Support as declared in this Resolution does **NOT**: (1) constitute a declaration or promise that the Applicant shall receive any required approvals from any of the Township's land use boards, but the Applicant shall be required to proceed with any such application and approval process as needed; (2) constitute a declaration or promise that the Applicant shall be issued a license by the Township to operate a cannabis related business, but the Applicant shall be required to apply for such a license with the Township as set forth in the Cannabis Ordinance; and (3) constitute a declaration or promise that the Applicant shall receive any approvals as needed from any department of the Township, but the Applicant shall be required to apply for such approvals consistent with all applicable laws; and be it further

RESOLVED, that a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law and shall be forwarded to the Applicant for inclusion in its application to the Commission.


Karen J. Carneyale, R.M.C.
Township Clerk


Susan McCartney
Council President

Adopted: December 20, 2022



State of New Jersey
CANNABIS REGULATORY COMMISSION

PHILLIP D. MURPHY
Governor

P.O. BOX 216
TRENTON, N.J. 08625-0216

SHEILA Y. OLIVER
Lt. Governor

DIANNA HOUEYOU, *Chair*
SAMUEL DELGADO, *Vice Chair*
KRISTA NASH, *Commissioner*
MARIA DEL CID-KOSSO, *Commissioner*
CHARLES BARKER, *Commissioner*
JEFF BROWN, *Executive Director*

July 29, 2022

Pure Natural Vibes LLC
Nordia Gibbs
ngibbs@purenaturalvibes.com
434 Lincoln Avenue, C1
Orange, New Jersey 07050

Re: **FINAL AGENCY DECISION**
APPROVAL OF CONDITIONAL LICENSE APPLICATION

Dear Nordia Gibbs:

Congratulations! The New Jersey Cannabis Regulatory Commission ("NJ-CRC") has received and reviewed your application for a Class 5 Cannabis Retailer to operate an adult personal-use cannabis business in the state of New Jersey. Upon the completion of the NJ-CRC's review, your application for a conditional license has been approved.

Pursuant to N.J.A.C. 17:30-7.2(f), the NJ-CRC shall approve a conditional license application where the applicant (1) has submitted a complete conditional license application in accordance with N.J.A.C. 17:30-7.3 and the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1; (2) has scored sufficiently high to be issued a conditional license in accordance with the criteria included in the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1 and 7.3; (3) is qualified to hold a conditional license pursuant to N.J.A.C. 17:30-7.4; and (4) has submitted application fees pursuant to N.J.A.C. 17:30-7.17. The above-referenced entity has satisfied all criteria.

Following this written notice of approval, the license applicant must notify the NJ-CRC within five (5) business days whether it will accept the license, or if it will abandon the license. Acceptance or abandonment of the license can be supplied by a letter from the applicant's listed primary contact, submitted electronically to crc.licensing@crc.nj.gov. Pursuant to N.J.A.C. 17:30-7.5(c), failure of the applicant to notify the NJ-CRC of its decision to accept or abandon the license by the specified deadline shall result in the license being deemed abandoned.

Should you choose to accept this license, the NJ-CRC will continue to verify information contained in your application and notify you when to submit the required conditional license application approval fee established at N.J.A.C. 17:30-7.17. Following receipt of the conditional license application approval fee,

the NJ-CRC will issue the conditional license and provide the same to the applicant.

Acceptance of the license, submission of the conditional license application approval fee, and issuance of the conditional license by the NJ-CRC to the applicant triggers the beginning of the conditional license phase as established at N.J.A.C. 17:30-7.6. During the conditional license phase, the conditional license holder must (1) establish control of the proposed site; (2) gain municipal approval; and (3) develop and submit a conditional license conversion application. The conditional license phase commences on the date the conditional license is issued to the license applicant and expires after 120 calendar days. Pursuant to N.J.S.A. 24:6I-36b.(2)(d)(i) the NJ-CRC may extend the conditional license phase of any applicant for an additional 45 calendar days at its discretion. **To create better efficiency and to support new applicants, the NJ-CRC will automatically extend the conditional license phase for the above-listed applicant for an additional 45 calendar days.** The applicant may satisfy the conditional license phase and begin the process to convert to an annual license at any time prior to the end date for the conditional license phase. The additional 45 calendar days are offered as a courtesy and to prevent the necessity of the applicant submitting a formal request for extension.

During the conditional license phase, the conditional license holder shall not engage in purchasing, possessing, selling, cultivating, manufacturing, or selling cannabis or cannabis products. N.J.A.C. 17:30-7.6(e). Failure to adhere to this restriction may subject the applicant to adverse action by the Commission and may expose the applicant to law enforcement action.

The following activities are permitted during the conditional license phase:

1. The conditional license holder may obtain additional funding by adding new loans or gifts from new or existing financial sources not listed in the conditional license application. Conditional license applicants are reminded, however, that during the conversion phase, the NJ-CRC may investigate and may conduct probity review of the license applicant, its owners, principals, and related entities and their finances, ownership, and control structure (See N.J.A.C. 17:30-7.7(e)), and conditional license holders are therefore advised to not execute any additional financing agreements that have not been received and reviewed by the NJ-CRC;
2. The conditional license holder may change the proposed location of the cannabis business, and such new location shall be reflected in the conditional license conversion application;
3. The conditional license holder may notify the NJ-CRC of its intention to abandon the license, which will then be returned to the Commission; and
4. The majority share of the ownership interest in the license holder shall remain the same as at the time of license issuance, however:
 - a. An owner or passive investor of the conditional license holder may transfer ownership interest to another qualified party; and
 - b. The conditional license holder may add new qualified owners and principals.

Certain businesses are subject to the following additional restrictions:

1. A Diversely-Owned Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Diversely-Owned business criteria, pursuant to N.J.A.C. 17:30-6.4;
2. An Impact Zone Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Impact Zone Business criteria, pursuant to N.J.A.C. 17:30-6.5;

3. A Social Equity Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Social Equity Business criteria, pursuant to N.J.A.C. 17:30–6.6;
4. A Microbusiness conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Microbusiness criteria, pursuant to N.J.A.C. 17:30–6.7; and
5. A conditional license holder shall not violate the limitations on owners and principals, pursuant to N.J.A.C. 17:30–6.8.

Prior to the end of the conditional license phase, the applicant must submit its conditional cannabis business conversion application pursuant to N.J.A.C. 17:30-7.8. If granted, the license will be converted from a conditional license to an annual license, subject to all conditions set forth in N.J.A.C. 17:30-7.9 through 7.14.

As a conditional license awardee, you are subject to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization (“CREAMM”) Act as well as all regulations implementing the CREAMM Act, set forth at N.J.A.C. 17:30. The NJ-CRC recommends that you familiarize yourself with those sections of the regulation pertaining to conditional cannabis licenses, specifically N.J.A.C. 17:30-7.2 through 7.8.

Again, congratulations on your successful application and thank you for your interest in working with the NJ-CRC to establish a safe and equitable cannabis industry for the state of New Jersey. Should you have any questions regarding this correspondence, please submit your inquiry to the NJ-CRC Licensing inbox at crc.licensing@crc.nj.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'DH' followed by a horizontal line.

Dianna Houenou
Chairperson
New Jersey Cannabis Regulatory Commission

EXHIBIT B



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

ROBERT D. PARISI
Mayor

Tel: (973) 325-4119
Fax: (973) 325-3959

GENIECE GARY-ADAMS
Zoning Officer

December 20, 2022

New Jersey Cannabis Regulatory Commission
c/o Darnelle A. Gibbs
Pure Natural Vibes LLC
206 Tremont Avenue
Orange, NJ 07060

Re: Pure Natural Vibes LLC
Letter of Confirmation Compliance with Township of West Orange Zoning Requirements

Dear New Jersey Cannabis Regulatory Commission:

I am the Zoning Official for the Township of West Orange (the "Township") and I have prepared and provided this letter pursuant to N.J.A.C. 17:30-5.1(f)(1) of the regulations promulgated by the New Jersey Cannabis Regulatory Commission (the "Commission").

Under the current zoning provisions of the Township Municipal Code, all category of cannabis businesses are permitted conditional uses in industrial zoning districts and cannabis retail is a permitted condition use in business zoning districts. The following are the conditions for cannabis businesses as enumerated in Chapter 25, Section 24.2(b)(2)(o) of the Municipal Code:

(o) Licensed Cannabis Entities. Licensed Cannabis Retailers and Licensed Medical Cannabis Dispensaries shall be permitted as a conditional use in the B-1, B-2, and I Districts. All other Licensed Cannabis Entities shall be permitted as a conditional use in the I Districts. These conditional uses shall be subject to the following conditions:



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www.westorange.org

- (1) The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (2) No Licensed Cannabis Entity shall be located within one hundred feet (100') from the property line of any property with a school building owned and operated by the West Orange Board of Education.
- (3) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.
- (4) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.
- (5) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment.
- (6) A Licensed Cannabis Entity shall meet of the required security measures as set forth in Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (7) 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.

I have reviewed the submissions of Pure Natural Vibes LLC regarding their request for a resolution of local support, including the identification of the proposed Cannabis Entity to operate within the Township. The proposed location of Cannabis Entity is **470 Prospect Avenue, Suite 100, West Orange, New Jersey 07052**. Under the Township's current zoning map, the location is within a B-2 zone.

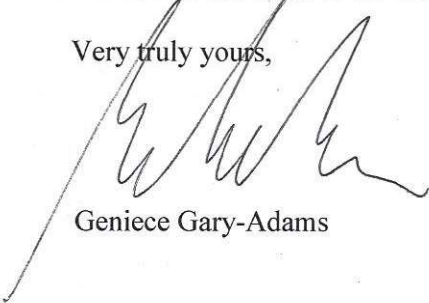
Subject to Pure Natural Vibes LLC's ability to obtain both a license from the Commission and a local license from the Township, including compliance with the required security measures under the Township Municipal Code and approval for any signage from one of the Township's land use boards, the operation of the proposed Cannabis Entity is in compliance with the zoning requirements for the I zone.



Disclaimer: The letter does NOT constitute a declaration or promise that Pure Natural Vibes LLC shall receive any required approvals from any of the Township's land use boards, but the Pure Natural Vibes LLC shall be required to proceed with any such application and approval process as needed; (2) constitute a declaration or promise that Pure Natural Vibes LLC shall be issued a license by the Township to operate a cannabis related business, but the Pure Natural Vibes LLC shall be required to apply for such a license with the Township as set forth in the Township Municipal Code; and (3) constitute a declaration or promise that the Pure Natural Vibes LLC shall receive any approvals as needed from any department of the Township, but Pure Natural Vibes LLC shall be required to apply for such approvals consistent with all applicable laws.

The Township reserves the right to revoke or revise this letter to the Commission.

Very truly yours,


Geniece Gary-Adams



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EXHIBIT C



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

OFFICE OF THE TAX COLLECTOR

SUSAN McCARTNEY

Mayor

KATHY LONGO

Tax Collector

Tel: (973) 325-4075

Fax: (973) 736-9182

Email: taxcollector@westorange.org

VERIFICATION OF TAXES & SEWER CHARGES PAID

DATE: 3/28/23

BLOCK: 84-01

LOT: 60 QUAL: _____

NAME: 470 Prospect Avenue LLC

ADDRESS: 470 Prospect Ave

TAXES PAID UNTIL: 4/30/23

2022 SEWER PAID IN FULL: ☒ YES ☐ NO

2023 SEWER NOT YET BILLED

TOWNSHIP OF WEST ORANGE
TAX COLLECTOR
66 MAIN STREET
WEST ORANGE, NJ 07052
PHONE (973) 325-4075
FAX (973) 736-9182



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EXHIBIT D

AFFIDAVIT OF OWNERSHIP AND CONSENT

STATE OF NEW JERSEY

}

} SS.

COUNTY OF ESSEX

}

I, Daniel Garcia-Pedrosa, being fully sworn, do hereby depose and say:

1. I am an authorized representative of 470 Prospect Avenue, LLC, the owner ("Owner") of certain property known as 470 Prospect Avenue (Suite 100), and otherwise known on the official tax maps of the Township of West Orange as Block 84.01, Lot 60 (the "Property").

2. Owner has entered into a lease with Pure Natural Vibes, LLC ("Tenant").

3. Tenant and its attorneys, Gibbons P.C., are hereby granted consent to apply for preliminary and final major site plan and conditional use approval, variances, waivers, exceptions, and any other related approvals as may be necessary for Tenant to develop and operate within the existing building on the Property as a cannabis retail dispensary together with associated parking requirements and other necessary site improvements. This consent permits Tenant and its attorneys, as well as any consultants and representatives, to seek all necessary governmental approvals, including those from any municipal, regional, County, or State agency which may have jurisdiction over either the proposed development or the Property itself.

5. Tenant is hereby authorized to allow representatives of governmental agencies from which any permit or approval is sought as may be required for the development of the Property to enter the Property as necessary to inspect same.

6. The undersigned hereby certifies that he is the duly authorized representative of Owner and that the information set forth in this document is true, correct, and complete.

470 PROSPECT AVENUE, LLC



Daniel Garcia-Pedrosa
Authorized Representative

Subscribed and sworn before me

This 6 day of MAY, 2023



Notary Public

My Commission Expires: 3/29/2024

JIMMY L. LOWE JR.
NOTARY PUBLIC OF NEW JERSEY
Commission # 80102078
My Commission Expires 3/29/2024

EXHIBIT E

Buffer Report

THE TOWNSHIP OF WEST ORANGE

Office of the Assessor

66 Main Street

West Orange, New Jersey 07052

Telephone: (973) 325-4060

Facsimile: (973) 669-4859

Highlighted feature(s)

Subject Property(s) (1)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	84.01	60		470 PROSPECT AVENUE	470 PROSPECT AVENUE LLC	P.O. BOX 1287	MONTCLAIR NJ	07042

§

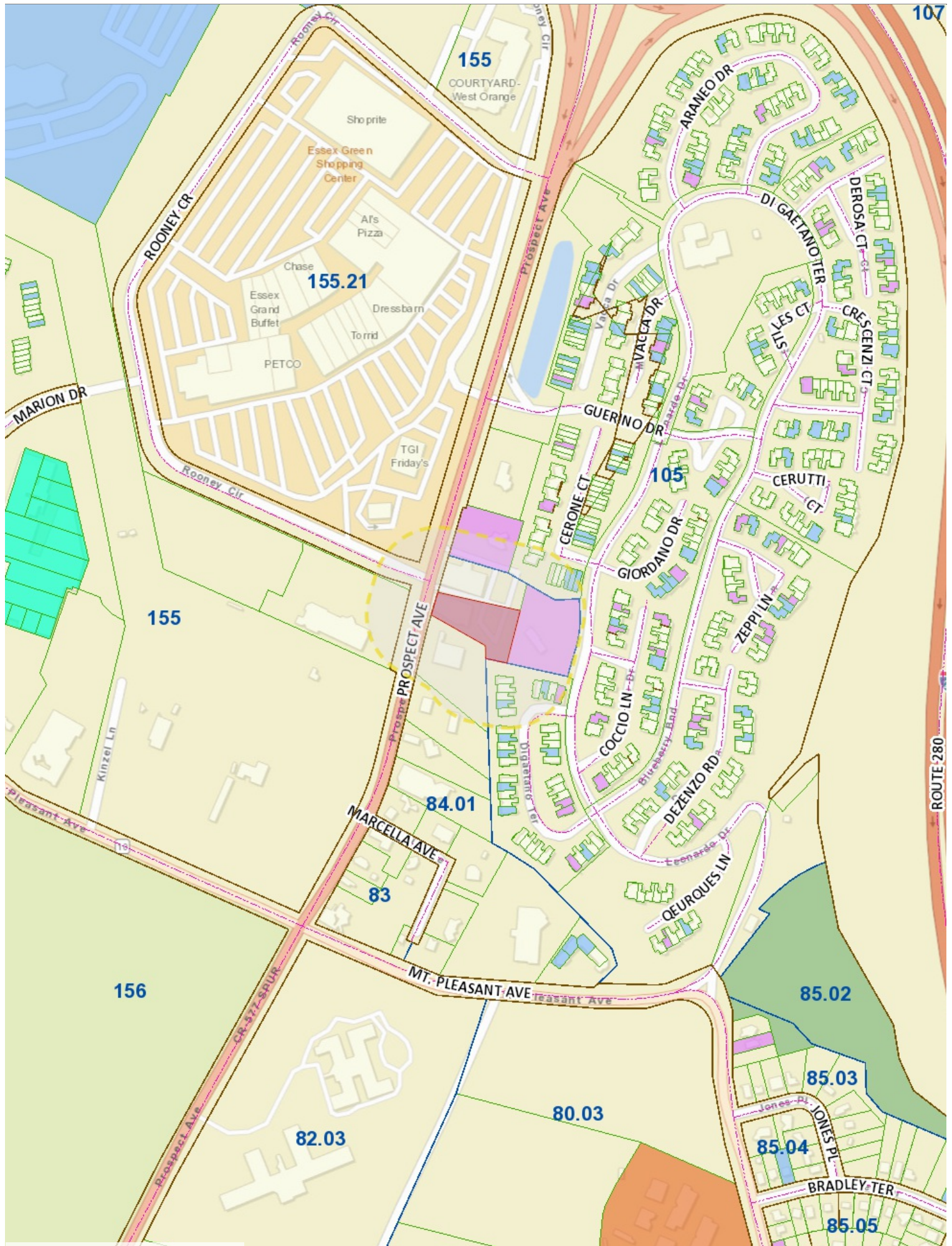
List of adjoining feature(s) that intersect 200 foot buffer from Subject Property(s).

Adjoining Properties (30)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	84.01	52		480 PROSPECT AVENUE	BELLOMO, ERIC	480-482 PROSPECT AVE	WEST ORANGE, N.J.	07052
West Orange Township	84.01	55		478 PROSPECT AVENUE	LLEWELLYN-EDISON SAV. & LOAN ASSN.	474 PROSPECT AVENUE	WEST ORANGE, N.J.	07052
West Orange Township	84.01	60		470 PROSPECT AVENUE	470 PROSPECT AVENUE LLC	P.O. BOX 1287	MONTCLAIR NJ	07042
West Orange Township	84.01	63		466 PROSPECT AVENUE	466 PROSPECT AVENUE REALTY, LLC.	420 BLOOMFIELD AVENUE	VERONA, NJ	07044
West Orange Township	84.01	86		BLUEBERRY BEND	FLBB LLC,	260 OVERBROOK AVENUE	OAKHURST, NJ	07755
West Orange Township	105	1		454 PROSPECT AVE	VILLAS AT EAGLE RIDGE	454 PROSPECT AVE	WEST ORANGE NJ	07052
West Orange Township	105	1	C0031	31 CERONE COURT	BALA, HIMMAT	31 CERONE COURT	WEST ORANGE, N. J.	07052
West Orange Township	105	1	C0032	32 CERONE COURT	NYONATOR, ELI	32 CERONE CT.	WEST ORANGE, NJ	07052
West Orange Township	105	1	C0033	33 CERONE COURT	ASKEW, ANITA	33 CERONE CT	WEST ORANGE, NJ	07052
West Orange Township	105	1	C0034	34 CERONE COURT	CHELSTOWSKI, MELANIA	34 CERONE COURT	WEST ORANGE, NJ	07052
West Orange Township	105	1	C0035	35 CERONE COURT	KOLTEN, GENE & FAYERMAN, RUZHENA	7 DONNA LEE COURT	DENVILLE, NJ	07834
West Orange Township	105	1	C0036	36 CERONE COURT	PICONE, JOHN & MICHELLE	36 CERONE COURT	WEST ORANGE NJ	07052
West Orange Township	105	1	C0037	37 CERONE COURT	CAMPBELL, MOLLY	37 CERONE COURT	WEST ORANGE, NJ	07052
West Orange Township	105	1	C0038	38 CERONE COURT	GORSLINE, ROBIN HAWLEY & LEBOLT, JON	38 CERONE COURT	WEST ORANGE, NJ	07052

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	105	4		454 PROSPECT AVE	VILLAS AT EAGLE RIDGE	454 PROSPECT AVE	WEST ORANGE, NJ	07052
West Orange Township	105	7		454 PROSPCT AVE	VILLAS AT EAGLE RIDGE	454 PROSPECT AVE	WEST ORANGE, NJ	07052
West Orange Township	105	7	C0370	370 DIGAETANO TERRACE	WASSERMAN, DAVID	370 DIGAETANO TER	WEST ORANGE, NJ	07052
West Orange Township	105	7	C0371	371 DIGAETANO TER.	HOCHHEISER, JEREMY S & LAUREN G	371 DIGAETANO TER	WEST ORANGE, NJ	07052
West Orange Township	105	7	C0372	372 DIGAETANO TER.	HUNTER, ROBERT A & BRATHWAITE, A	372 DIGAETANO TER	WEST ORANGE, NJ	07052
West Orange Township	105	7	C0373	373 DIGAETANO TERRACE	HUME, MURIETTE BAMIJOKO LAWRENCE-	373 DIGAETANO TERR	WEST ORANGE, NJ	07052
West Orange Township	105	7	C0374	374 DIGAETANO TER.	SASANPOUR, MAJID	PO BOX 110147	NUTLEY, NJ	07110
West Orange Township	105	7	C0375	375 DIGAETANO TER.	JIND REALTY 1 LLC,	300 E 55TH ST #24A	NEW YORK, NEW YORK	10022
West Orange Township	105	7	C0376	376 DIGAETANO TER.	PRASAD, NALINI & SAXENA, MAYUR	376 DIGAETANO TERR	WEST ORANGE, NJ	07052
West Orange Township	105	7	C0377	377 DIGAETANO TER.	BANKS, REBECCA & WADSWORTH, SUSAN	377 DIGAETANO TER	WEST ORANGE, NJ	07052
West Orange Township	105	7	C0378	378 DIGAETANO TER.	BRUNO, DAVID	117 VOSE AVENUE #9	SOUTH ORANGE, NJ	07079
West Orange Township	105	7	C0379	379 DIGAETANO TER.	LANGSAM, JOSEPH A & BETTY	379 DIGAETANO TERR.	WEST ORANGE, NJ	07052
West Orange Township	105	64.01		460 PROSPECT AVENUE	460 PROSPECT STREET LLC	1625 STATE RTE 10	MORRIS PLAINS, NJ	07950
West Orange Township	155	26.02		475 PROSPECT AVE	AMPC REAL ESTATE LLC % M. HALFACRE	1240 HDQRS PLZ 8TH FL EA	MORRISTOWN, NJ	07960
West Orange Township	155	40.03		ROONEY CIRCLE	CLPF ESSEX GREEN LLC,	230 PARK AVE.	NEW YORK,NY	10169
West Orange Township	155.21	40		495 PROSPECT AVENUE	CLPF ESSEX GREEN LLC,%LEVIN MANAGME	PO BOX 326	PLAINFIELD, NJ	07061

Buffer Report - Map



PUBLIC UTILITIES

ELECTRIC & GAS

Public Service Electric & Gas Company
Manager - Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

WATER

New Jersey American Water Company
167 John F. Kennedy Parkway
Short Hills, NJ 07078

CABLE TV

Comcast Cablevision
800 Rahway Avenue
Union, NJ 07083

TELEPHONE

Verizon
1 Verizon Way
Basking Ridge, New Jersey 07920-1025

SEWER

Township of West Orange
Municipal Building
66 Main Street
West Orange, NJ 07052

EXHIBIT F

CORPORATE OWNERSHIP DISCLOSURE

Applicant/Tenant: Pure Natural Vibes, LLC (206 Tremont Avenue, Orange, New Jersey 07050)

Property: Block 84.01, Lot 60 (470 Prospect Avenue, Suite 100, West Orange, New Jersey 07052)

In accordance with the ownership disclosure requirements of the New Jersey Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-48.1 et seq., the Applicant acknowledges that the following individuals have at least a 10% interest in Applicant:

- Darnnelle Gibbs
206 Tremont Avenue
Orange, New Jersey 07050
- Nordia Gibbs
206 Tremont Avenue
Orange, New Jersey 07050

EXHIBIT G

PROJECT DESCRIPTION

Applicant/Tenant : Pure Natural Vibes, LLC

Property: 470 Prospect Avenue, Suite 100
Block 84.01, Lot 60 (the “Property”)

Zoning: (B-2) Commercial Zone

The Property is approximately 0.71 acres located at 470 Prospect Avenue (CR 677) within the B-2 zone of the Township of West Orange. The Property enjoys direct access and egress from Prospect Avenue, and is improved with an existing 7,995 square foot (footprint) three story brick/masonry commercial building (the “Building”) with 42 parking spaces.

The Applicant seeks to renovate the interior of the Building’s Suite 100 commercial space consisting of approximately 2,065 square feet into a Class 5 Cannabis Adult Recreational Retail Dispensary (Micro). The existing building façade and lighting is to remain unchanged. There will be no increase in floor area, building coverage, or lot coverage under this application. As part of the Application, Applicant is not proposing any improvements of any portion of the exterior portion of the Building or the Property.

Specifically, the Applicant seeks conditional use approval, as well as any other permits, variances or design exceptions that may be necessary. Under the current zoning provisions of the Township of West Orange Municipal Code, all categories of cannabis businesses are permitted conditional uses in industrial zoning districts and cannabis retail is a permitted conditional use in business zoning districts.

The following are the conditions for cannabis businesses as enumerated in Chapter 25, Section 24.2(b)(2)(o) of the Municipal Code:

(o) Licensed Cannabis Entities. Licensed Cannabis Retailers and Licensed Medical Cannabis Dispensaries shall be permitted as a conditional use in the B-1, B-2, and I Districts. All other Licensed Cannabis Entities shall be permitted as a conditional use in the I Districts. These conditional uses shall be subject to the following conditions:

Condition	Applicant’s Compliance
(1) The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, § 5-34 of the Township of West Orange Municipal Code.	Applicant will comply and will continue to seek a Local License from the Township. As such licensing is a condition precedent to operation, Applicant requests that any such approval be conditioned on receipt of same, consistent with N.J.S.A. 40:55D-22(b).
(2) No Licensed Cannabis Entity shall be located within one hundred feet (100’) from the property line of any property with	Applicant complies. See 200’ list which is enclosed within this application.

a school building owned and operated by the West Orange Board of Education.	
(3) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.	Applicant complies. The existing Suite 100 tenant space within the existing commercial building will contain the proposed Class V Cannabis Retail Dispensary.
(4) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.	Applicant complies. The Building is not a home.
(5) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment.	Applicant is proposing signage consistent with the existing conditions and the Code, swapping out its signage for the prior tenant's. See Sheet A-213 (Exterior Renderings) of the Tenant Fit out Plan, dated 3/28/23.
(6) A Licensed Cannabis Entity shall meet of the required security measures as set forth in Chapter 5, § 5-34 of the Township of West Orange Municipal Code	Applicant will comply. Applicant has submitted a comprehensive Security Plan as part of its 2022 Application for Local Support for the Suitability of a Cannabis Business to the Township and to the Township's Cannabis Advisory Group, of which the Township's Chief of Police was a designated Member. Applicant has requested and will conduct additional meeting with representatives of the Township Police Department, as well as any other Township officials as is necessary to ensure the property safety at the property.
(7) 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 complies. No consumption area is proposed.

Township Council Resolution 335-22, enclosed as part of this application, represents a Resolution of Local Support by the Township and recognizes that the subject property is located within the B-2 zone and is suitable for the operations of a Class 5 Cannabis Retail Dispensary. Applicant is highly qualified to operate the proposed use in West Orange, as has been investigated by the

Township of West Orange Cannabis Advisory Group and which can be further testified to at the hearing of this application.

The Property is presently developed, and has existing buffering, parking, and access consistent with a retail use in the B-2 Zone. A summary table of the existing conditions and their compliance with the terms of the municipal code is provided in Applicant's submitted Site Plan, dated April 4, 2023. Pre-existing non-conformities are not being exacerbated by the proposed use.

Parking

As mentioned, an inspection of the Property demonstrates that there are 42 parking spaces available for use at 470 Prospect Avenue. Pursuant to the terms of the May 25, 2023 Letter Agreement Concerning Parking and Access (submitted with this Application as Exhibit H) (the "Agreement"), the respective owners of 470 Prospect Avenue (Block 84.01, Lot 60) and 466 Prospect Avenue (Block 84.01, Lot 63) have agreed to ensure that the Application's proposed use will be provided with compliant and adequate parking.

Under the Agreement, 466 Prospect Avenue Realty, LLC shall allow 470 Prospect Avenue, LLC, its tenants, and their respective licensees, patrons, employees, and invitees to use the 35 parking spaces at 466 Prospect for purposes of parking during the hours of 8:00 A.M. to 7:00 P.M. Monday through Friday.

The additional 35 spaces at 466 Prospect Avenue, plus the existing 42 parking spaces at the Property provides a total of 77 parking spaces available for 470 Prospect Avenue licensees, patrons, employees, and invitees to use during the hours of 8:00 A.M. to 7:00 P.M. Monday through Friday¹. On Saturdays, Applicant plans to operate via fulfillment of online pick-up orders only.

Current 470 Prospect Avenue Tenant Uses:

Acupuncturist	By Appointment
Psychiatrist	By Appointment
Office (Online Shopping)	Minimal Traffic
Nail Salon	By Appointment
Doctor's Office	By Appointment
Realtor's Office	Minimal Traffic
Therapist's Office	By Appointment
Dentist's Office	By Appointment
Therapist's Office	By Appointment
Realtor's Office	Minimal Traffic

Submission Waivers: As part of its application for development, the Applicant seeks waivers from the following checklist items:

- Item 9: As no physical improvements are proposed as part of the application, no certification blocks are on the submitted Site Plan.
- Item 10: As subdivision is not proposed, no Monumentation is required.
- Item 22: Applicant does not propose any staging of development on the Property.
- Item 24: No variances are requested at this time, and no list is provided.

¹ A Licensed Cannabis Entity may only operate from the hours of 8:00 a.m. through 7:00 p.m. § 5-34.8(a).

- Item 25: No design waivers or exceptions are proposed, and accordingly, no list is provided.
- Items 30-33: Applicant does not propose any exterior improvements to the property, and accordingly no topographical, contour intervals or physical feature information is provided.
- Items 34-38, 40-46: The Applicant does not propose any changes to drainage, soil disturbance, lighting, or landscaping, and is not proposing any new road ways.
- Item 39: Applicant is not proposing any development of the existing building, besides the interior renovation of Suite 100, accordingly no elevations are not provided.
- Items 49: Applicant does not include any information on sight triangles, as all are existing.
- Item 52: COAH Ordinances are not applicable to this Application, therefore plans and legal documents demonstrating compliance therewith are not provided.
- Sustainability Checklist Form: The Applicant is simply reusing and fitting out an existing tenant space in an existing commercial building, and therefore is not seeking to modify, construct, or renovate the structure, and seeks a waiver of these requirements accordingly.

EXHIBIT H

VIA HAND DELIVERY & EMAIL

466 Prospect Avenue Realty, LLC
420 Bloomfield Avenue
Verona, New Jersey 07044

RE: Letter Agreement Concerning Access and Parking as between 470 Prospect Avenue, LLC and 466 Prospect Avenue Realty, LLC (the "Entities") for the properties located at 470 Prospect Avenue (Block 84.01, Lot 60 ("470 Prospect")) and 466 Prospect Avenue (Block 84.01, Lot 63 ("466 Prospect")), (together the "Properties") in the Township of West Orange, County of Essex, State of New Jersey

As discussed, and in exchange for the mutual promises herein as consideration, the sufficiency of which being hereby acknowledged by both parties, this Letter Agreement (the "Agreement") memorializes the mutually agreed upon terms as between the above Entities, owners of the above respective Properties, with regard to allowing access to and parking upon to the Properties in accordance with the terms outlined below.

470 Prospect currently has [42] parking spaces located on its parcel, and 466 Prospect current has [5] parking spaces located on its parcel. In the interests of assuring compliance, safety, and continued viability of operations for both Properties, each Entity wishes to allow the owner, tenants, licensees, patrons, employees, and invitees to park during certain hours on both Properties, as set forth herein.

Terms

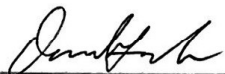
1. 466 Prospect Avenue Realty, LLC shall allow 470 Prospect Avenue, LLC, its tenants, and their respective licensees, patrons, employees, and invitees to use and park at 466 Prospect for purposes of parking during the hours of 8:00 A.M. to 7:00 P.M. Monday through Friday.
2. 470 Prospect Avenue, LLC, shall allow 466 Prospect Avenue Realty, LLC, its tenants, and their respective licensees, patrons, employees, and invitees to use and park at 470 Prospect for purposes of parking during the hours of 7:00 P.M. to 2:00 A.M. Monday through Friday.
3. Each of the Entities shall be responsible, consistent with customary and reasonable practices of prudent commercial property owners with respect to similarly situated properties utilized for similar purposes in the State of New Jersey, for the maintenance, repair, placement and operation (including, without limitation, snow and ice removal and prevention as to any roadways, sidewalks, drive aisles or parking areas) of their own Properties.
4. No act shall be performed by either Entity which would in any manner materially adversely affect or obstruct the free and continuous use and enjoyment of the access and parking rights provided by this Agreement. Each Entity may, at its sole cost and expense, construct

new improvements or make alterations (including, without limitation, reconstruction and additions) to the existing parking areas; provided, however, that such improvements or alterations shall not diminish the number of parking spaces or other benefits afforded to the other Entity by this Agreement or unreasonably interrupt such other Entity's use of the rights afforded by same.

5. Each of the Parties shall comply with all federal, state, municipal, and other laws and ordinances in connection with its enjoyment of the rights granted hereby, and shall not commit any act which shall constitute a nuisance or annoyance to the other Entity or for any illegal purpose. No act shall be performed by either Entity which would in any manner materially adversely affect or obstruct the free and continuous use and enjoyment of the rights granted by this Agreement by the other Entity. Each Entity shall have the right to use its own parking areas for any purpose which is not in conflict with this Agreement.
6. Each of the Entities shall indemnify and defend the other against and save it harmless from, any and all claims, actions, damages, liability and expense (including, but not limited to, reasonable attorneys' fees) in connection with personal injury, loss of life, or property or other damage arising from or out of the indemnifying party's breach of this Agreement or use of any of the access and parking rights granted by the other pursuant to this except to the extent of the negligence or willful misconduct of such either Entity, its licensees, agents, or employees.
7. The Entities hereby consent to the use of their respective parcels in support of applications for development for the sole purpose of demonstrating compliance with a parking requirement imposed through applicable law. In no event, however, shall this Agreement require either Entity to make modifications of parking areas required by a governmental entity related to an application for development, and any such modifications shall be governed by separate future agreement between the Parties.
8. Either Entity may terminate this Agreement upon thirty (30) days' written notice to the other Entity. Such notice shall be by way of certified mail to the current address of the Entities hereto.
9. No further amendments of this Agreement shall be effective without the execution of both Entities or their successors.

INTENDING TO BE LEGALLY BOUND, the Parties have agreed to the terms hereof as of the 25th day of May, 2023.

470 PROSPECT AVENUE, LLC

By: 
Name: Daniel Garcia Pedrosa
Title: Authorized Representative

466 PROSPECT AVENUE REALTY, LLC

By: 
Name: William Zolner
Title: Authorized Representative

EXHIBIT I

List of Prior Approvals Enclosed

470 Prospect Avenue, West Orange, NJ 07052
Block 84.01, Lot 60

1. ZB-99-03: Preliminary and Final Site Plan Approval with “D” use variance to expand a non-conforming structure, “C” height variance and “C” variances for parking and front and side yard setbacks for expansion of third-story of building. Approved July 15, 1999; Memorialized August 19, 1999.
2. PB-04-26T: Preliminary and Final Site Plan Approval for interior improvement of office space. Approved October 13, 2004; Memorialized November 3, 2004.
3. PB-07-05T: Preliminary and Final Site Plan Approval to operate day spa. Approved March 15, 2007; Memorialized April 11, 2007.

BOARD OF ADJUSTMENT
OF
THE TOWNSHIP OF WEST ORANGE
RESOLUTION
ZB-99-03

WHEREAS, Prospect Avenue, L.L.C., the Applicant, having its principal office at 470 Prospect Avenue, West Orange, New Jersey, 07052 and being the owner of said property at 470 Prospect Avenue, West Orange, New Jersey, where there are numerous offices of various kinds as tenants of the Applicant; and

WHEREAS, the Applicant has applied to the West Orange Zoning Board of Adjustment for a "D" use variance to expand a non conforming structure, and for a "C" height variance and for "C" variances for parking, and for front and side yard setback approvals and for preliminary and final amended site plan approval; the said property being designated as block 84.01, Lot 60 on the Tax Maps of the Township of West Orange and being located in Zone B-2; and

WHEREAS, the Applicant presented proof that adequate notice of the hearing on said application was published in the The West Orange Chronicle, one of the official newspapers of the Board; and

WHEREAS, the Applicant submitted proof of service of hearing upon all property owners within two hundred feet of the property; and

WHEREAS, the application was heard at a public meeting of the Board on July 15, 1999; and

WHEREAS, the Applicant made their presentation through Robert C. Williams, Esq., as their attorney and submissions

included Site Plan dated November 15, 1998 and revised January 25, 1999 prepared and signed by Michael J. Romanik, Licensed Architect and Planner; Floor Plans dated November 15, 1998 and Elevations dated November 15, 1998 all prepared and signed by the said Michael J. Romanik; together with various exhibits presented at the public hearing and viewed by the members of the Board and those in attendance at the meeting; and

WHEREAS, Bruce Buechler recused himself from participation in this matter because he has represented a member of Applicant in the past.

WHEREAS, the foregoing variances are needed in order to expand the third story of the building which will create an expansion of an existing non conforming condition, front yard and side yard setbacks; and also requires additional parking as the parking on site is deficient and also will exceed the maximum height requirement of two and one half stories, or 35 feet as it requires three stories with 35 feet and will also modify the front so that it will be three stories in order to enhance the aesthetics of the addition for additional office space; and

WHEREAS, the Applicant presented various witnesses who included Frank Ferrari, a partner in the ownership of the building, who described the existing building and the number of tenants and how they needed additional parking and had a parking agreement with Gatehouse Restaurant to provide the further space needed and described the proposed changes to be made in erecting additional office space for the third floor and to modify the front to comply

and to provide suitable aesthetic appearance; and Michael Romanik, Licensed Architect and Planner, who had prepared the plans submitted and explained them and reviewed them with the Board; and Peter Steck, Licensed Planner who testified to the positive and negative criteria required and being met in connection with the proposed use variance or "D" variance sought; and

WHEREAS, the Applicant submitted true copies of various prior resolutions adopted by the Planning Board and the Zoning Board heretofore which included reference to a 1963 site plan approval ordinance adopted by the Planning Board but regarding which the resolution was not available; copies of Planning Board approval of minor sub division and ordinance for change of zone of adjoining lot adopted November 3, 1971; Planning Board Resolution recommending approval of site plan as resubmitted adopted December 7, 1972; reference to Zoning Board Resolution approving mixed use as commercial and residential on the third floor of the property adopted March 15, 1978; Zoning Board Resolution approving use of additional space on the third floor for residential use adopted January 13, 1984; and Planning Board approval Resolution adopted April 1, 1987 approving the amended site plan; and

WHEREAS, the Applicant presented a copy of an executed agreement between the Applicant and the Gatehouse Restaurant, being owned by Barfaz Enterprises, Inc. extending the agreement they had for allowing the Applicant to park in the space of the Gatehouse Restaurant for an additional ten years starting November 1, 1998 through October 31, 2008 and providing for a second ten year

renewal through October 31, 2018 which would provide the additional parking space required; and

WHEREAS, the reports of Susan Borg, Township Planner and Allan J. Palmere, Assistant Municipal Engineer were considered along with their comments; and

WHEREAS, the Public Advocate did not conduct any questioning of the Applicant nor present any materials or evidence; and

WHEREAS, various members of the Board conducted questioning of various witnesses and of counsel for Applicant; and

WHEREAS, no one else appeared at the meeting and no one else testified in favor of or in opposition to the project; and

WHEREAS, all the facts and data contained in the submitted application and all the facts and testimony adduced at the public hearing on said application are incorporated herein as Findings of Fact of this Board as if set forth at length herein; and

THE BOARD HAVING MADE THE FOLLOWING SPECIFIC FINDINGS OF FACT AND CONCLUSIONS:

A. The Applicant is the owner of a multi-tenanted office building located at 470 Prospect Avenue, West Orange, New Jersey, 07052.

B. It is located in the B-2 Zone where offices are permitted and it is designated as Block 84.01, Lot 60 on the Tax Maps of the Township of West Orange.

C. Whereas the Board considered an agreement offered by Applicant between Applicant and Barfaz Enterprises, Inc. trading as the Gatehouse Restaurant, located immediately next door to Applicant's property providing for additional parking to meet the enhanced needs and to meet the requirements of the ordinance for a ten year period from November 1, 1998 through October 31, 2008 and for Applicant to have an option for a second ten year renewal period thereafter.

D. The Applicant presented evidence of various prior resolutions adopted by the Planning Board and the Zoning Board concerning the subject property which included the original site plan approval adopted by the Planning Board in 1963, although the resolution itself was not available; a Planning Board Resolution adopted November 3, 1971 approving minor sub-division and an ordinance for change of zone of the adjoining lot; a Planning Board Resolution adopted December 7, 1972 approving an amended site plan submitted; further site plan approval adopted by the Planning Board in 1975 but the Resolution itself was unavailable; Zoning Board Resolution adopted March 15, 1978 approving mixed use as commercial and residential on the third floor of the premises; Zoning Board Resolution adopted January 13, 1984 approving use of additional space on the third floor for residential use; and Planning Board Resolution adopted April 1, 1987 approving the amended site plan submitted.

E. Applicant seeks a "D" variance because it seeks to expand the third floor space to provide additional offices which are

permitted but it involves an expansion of a non conforming structure. Applicant seeks to add an additional 2,842 square feet of rentable space on the third floor and therefore will be required to finish off and resurface the rear to upgrade the appearance and likewise to make changes in the front to comply aesthetically as shown in the plans and it will consist of three stories which is not permitted, although the height will be 35 feet which is permitted.

F. In addition to the foregoing relief the Applicant seeks relief for "C" variances for the front yard setback of 4.95 feet which is existing and which will be expanded by virtue of the proposed improvements instead of the 30 feet required by ordinance; side yard setback of 1.99 feet which is existing and to be expanded by their proposed improvements instead of the requirement of 10 feet by ordinance; and a "C" variance for parking as the Applicant does not have the 85 spaces required by ordinance, having 46 parking spaces on site and having access to 45 additional spaces under a parking agreement made with the Gatehouse Restaurant, which adjoins the Applicant's property and which agreement was put into evidence.

G. In addition to the foregoing the Applicant seeks approval of preliminary and final amended site plan as submitted.

H. The traffic concerns for the proposed improvement were addressed by Frank Ferrari, one of the partners in the ownership of the building, who indicated that there are many small offices in the building where clients do not come to the premises but instead

the professional will go to them, such as accountants; and that they have never used all of the space for parking that they have and with the agreement with the Gatehouse Restaurant they will have more than ample parking which they have never used in its entirety; and pointed out that there is less traffic and less cars coming because of the foregoing reasons and therefore the proposed improvement will not impact upon the traffic situation which is not dangerous and not onerous and not a problem for the building site and the area.

I. The testimony of the professional planner, Peter Steck, indicated that the positive and negative criteria of the zoning ordinance were satisfied and that the proposed use represented a fuller use of the premises and that the changes architecturally would be aesthetically correct and pleasing and would enhance the building and the purposes of the zoning ordinances and the purposes of planning principals. Because the building is tiered it does not give the impression of the height being inappropriate. The said expert witness indicated there were special reasons for the granting of the "D" variance requested and that the footprint of the building would remain the same and that there would be a blending together in better fashion of the building with the neighborhood by virtue of the proposed improvements.

J. The said Peter Steck also commented on the various "C" variances as being necessary to complete the project and as satisfying the requirements of good planning principals and the

zoning ordinances of the Township of West Orange and the Master Plan with which he was familiar. He stated the proposed construction and use is designed to blend in with the character of the buildings in the neighborhood and will not impact negatively with the surrounding area and represents an improvement of the existing building.

K. Due to the nature of the proposed use, the design of the site, and the on site operation management, there will be no adverse impact to the health, safety or welfare of any of the other building occupants in the area or of the building occupant herein or to passersby.

L. The purposes of the Municipal Land Use Law will be advanced by the grant of the "D" variance and the "C" variances sought.

M. The granting of the "D" and "C" variances will not substantially impair the general purposes of the West Orange Zoning Plan, Master Plan or Zoning Ordinance of West Orange Ordinances.

N. The benefits of said variances will substantially outweigh any detriment and will not substantially negatively impact on the surrounded properties and neighborhood.

O. The proposed building addition and use are not out of character with the neighborhood, will enhance the utility of the property, and will considerably enhance the neighborhood and benefit the general welfare of the general public and surrounding area.

P. The proposed construction and improvements do not pose

any threat to the safety and well being of anyone in the existing building or the surrounding area.

Q. The granting of the application will not be a substantial detriment to the public good.

A motion to grant the Applicant's request for a "D" variance to expand a non conforming structure on the third floor to provide an additional 2,842 square feet of office space, which is permitted; and for a height variance to allow three stories instead of two and one-half stories but which will be 35 feet in height; and to continue the existing 4.95 feet front yard setback as the same will be expanded by the proposed plans and drawings instead of 30 feet as permitted by ordinance; and for 1.99 feet existing side yard setback to be expanded as required by the proposed plans instead of a side yard setback of 10 feet as permitted by ordinance and for a "C" variance for parking to permit the 46 spaces on site and availability of an additional 45 spaces by a parking agreement instead of 85 spaces as required; and for approval of preliminary and final amended site plan was made by Zal Velez, and seconded by William Sullivan and voted upon as follows:

AYES

NAYS

ABSTENTIONS

Gunning
Rosenberg
Sullivan
Vecchio
Velez
Weiss

0

0

NOW, THEREFORE, be it resolved that the Zoning Board of Adjustment of the Township of West Orange, based on the findings of fact and conclusions aforesaid, and upon the laws established in the State of New Jersey, hereby grants the Applicant, Prospect Avenue, L.L.C., the "D" variance requested to expand the third floor of the building at 470 Prospect Avenue, West Orange, New Jersey involving the expansion of a non conforming structure; and for it to be three stories, 35 feet high in accordance with the plan submitted, and to continue front yard setback of 4.95 feet as it now exists as it may be expanded by the plans shown, instead of the front yard setback of 30 feet as permitted and for the existing 1.99 feet side yard setback, to be expanded as the plans require as shown, instead of the side yard setback of 10 feet and for the "C" variance for parking for 46 spaces on site and for 45 additional spaces to be provided by a parking agreement with the Gatehouse Restaurant next door instead of 85 parking spaces required; and for preliminary and final amended site plan approval; in accordance with the plan submitted; and subject to the conditions stated below being satisfied; and for Applicant's request for a waiver from the requirement to submit an Environmental Impact Statement and Drainage Report to be granted since the site is already built; and

BE IT FURTHER RESOLVED, that the grant of said variances shall be conditioned upon the Applicant's full and complete satisfaction of the following conditions:

1. Applicant shall pay a development fee in accordance with Ordinance No: 1136-92.
2. Applicant shall pay a sewer fee of \$1.43 per square foot of building addition in accordance with Ordinance No: 1328-95.
3. The roof leader drains from the new addition must be connected to the drainage system on the south side of the building.
4. The rear gutter system shall be removed and replaced so it also drains into the system on the south side of the building to alleviate the problem now existing in the driveway on the north side of the building.
5. All mechanical equipment placed on the rooftop of the building shall be screened by a separate appropriate decorative screen not more than 3 1/2' high, to be satisfactory to the Township Planner.
6. Applicant shall install new awnings in the front and back and side of the building as required and the same shall match the existing awnings, and if they do not then the existing awnings will be replaced accordingly.
7. The existing sign shall remain and the directory sign in the rear shall be upgraded to conform to the directory sign in the front.
8. No parking shall be allowed in the fire zone and/or emergency drive areas.
9. The approvals granted herein are subject to the approval of the West Orange Fire Department.

10. All Findings of Fact and Conclusions of Law set forth herein are deemed conditions that are binding on the Applicant.

11. No building permit shall be issued unless real estate taxes are current.

12. All conditions imposed by prior Planning Board resolutions and Zoning Board resolutions heretofore adopted shall continue.

13. Suitable landscaping shall be installed in the front of the building at 470 Prospect Avenue, West Orange, New Jersey, as approved by the West Orange Township Planner.

14. All landscaping shall be planted in a healthy and vigorous manner and shall be maintained in perpetuity in accordance with the approved plan.

15. Hardwood mulch shall be used around all plantings and replaced annually.

16. All plants, shrubs, and trees that die shall be replaced with plants of equal or better quality in conformance with the approved landscape plan.

17. The landscape architect shall inspect the landscaping after it has been installed and report in writing in a timely fashion to the Township Planner the findings. Any deficiencies reported shall be promptly corrected by the Applicant to the reasonable satisfaction of the Landscape Architect and the Township Planner.

18. The Applicant shall execute prior to the issuance of a Certificate of Occupancy, an Affidavit of Compliance certifying

they have fulfilled all conditions set forth which shall be to the satisfaction of the Township Planner, Engineering Department and Building Department of the Township of West Orange, who shall be furnished with a copy of this resolution. No Certificate of Occupancy shall be issued until receipt of an executed Affidavit of Compliance approved and signed by the Zoning Official.

MOVED BY: Mr. Sullivan

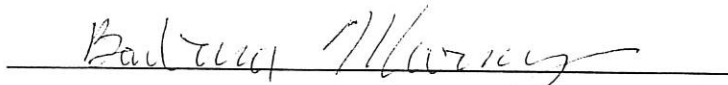
SECONDED BY: Mr. Vecchio

THOSE IN FAVOR: 6

THOSE OPPOSED: 0

ABSTENTIONS:

I hereby certify that the foregoing Resolution was adopted by the West Orange Zoning Board of Adjustment at its public meeting on August 19, 1999, memorializing the resolution adopted July 15, 1999, granting the application by a vote of 6 favor in and 0 against.


BARBARA MURRAY, Board Secretary

470 Prospect Avenue, West Orange, NJ

**RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF WEST ORANGE**

Granting preliminary and final approval for interior improvement of office space at the above location.

WHEREAS, the Technical Review Committee of the Planning Board of the Township of West Orange, at a meeting held on October 13, 2004, considered the application for preliminary and final site plan approval for interior improvement to 470 Prospect Avenue, suite 100 for a physical therapy office. This will entail removing one interior wall and adding one interior wall. Also moving some electrical outlets and changing some lighting. The property is located at Block 84.01, Lot 60, which was submitted by Frank Ferrari (the "Applicant"); and

WHEREAS, the Technical Review Committee of the Planning Board considered the presentation of Frank Ferrari, the Applicant;

WHEREAS, a complete application has been filed, all fees required by Ordinance have been paid and it otherwise appears that the jurisdiction and powers of the Planning Board, through its Technical Review Committee, have been properly invoked and exercised; and the Technical Review Committee having conducted a vote on this application on October 13, 2004; and

WHEREAS, the Applicants have requested preliminary and final site plan approval without variances for interior improvement to suite 100 for a physical therapy office.

NOW, THEREFORE, does the Planning Board of the Township of West Orange make the following findings of fact and conclusions of law with regard to this application:

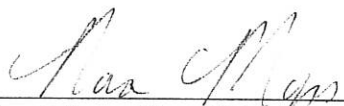
1. This is an application for preliminary and final site plan approval without variances to improve the suite 100 for a physical therapy office.

2. The Board has recommended and the Applicants have agreed to the following additional conditions of approval:

- (1) Enclose the outside dumpster.
- (2) Patch and stripe parking lot within 3 months because of construction next door.
- (3) Patch and match stucco by window on northern side and repair all cracked stucco.
- (4) Fix front steps and replace missing shingles on front roof.
- (5) All findings of fact and conclusions of law set forth herein are deemed conditions that are binding on the Applicants;
- (6) Before a Temporary or Final Certificate of Occupancy/Approval can be issued, the Applicant shall execute and submit to the West Orange Director of Planning, an Affidavit of Compliance certifying that all conditions of approval agreed to by the Applicants and set forth herein have been fulfilled and satisfied.

NOW, THEREFORE, BE IT RESOLVED that this preliminary and final site plan approval without variances to improve suite 100 for a physical therapy office.

The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.



Nora Myers, Board Secretary
Planning Board of the Township
of West Orange

Dated: November 3, 2004

PB-07-05 T

Liudmila Urakcheeva
470 Prospect Ave., W. Orange NJ 07052

RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF WEST ORANGE
(TECHNICAL REVIEW COMMITTEE)

Granting preliminary and final site plan approval (technical review committee), without variances, to operate day spa.

WHEREAS, the Technical Review Committee of the Planning Board of the Township of West Orange, at a meeting held on March 15, 2007, considered the application for preliminary and final site plan approval, without variances, to operate a day spa on property located in the B-2 Zone, identified as Block 84.01, Lot 60, which was submitted by Liudmila Urakcheeva (the "Applicant"); and

WHEREAS, the Planning Board considered the presentation of the Applicant, Liudmila Urakcheeva, and;

WHEREAS, a complete application has been filed, all fees required by Ordinance have been paid and it otherwise appears that the jurisdiction and powers of the Technical Review Committee of the Planning Board have been properly invoked and exercised; and the Technical Review Committee of the Planning Board having conducted a vote on this application on March 15, 2007; and

WHEREAS, the Applicant requested preliminary and final site plan approval, without variances, to operate an day spa;

NOW, THEREFORE, does the Planning Board (Technical Review Committee) of the Township of West Orange make the following findings of fact and conclusions of law with regard to this application:

1. This is an application for preliminary and final site plan approval, without variances, to operate day spa.

2. The Board (Technical Review Committee) has recommended and the Applicant has agreed to the following additional conditions of approval:

(1) In order to open applicant must get appropriate license from the board of Cosmetology.

(2) All licenses must be posted for inspection.

(3) No massage allowed below shoulder.

(4) If any massage to take place, a massage establishment license must be applied for.

NOW, THEREFORE, BE IT RESOLVED that this application for preliminary and final site plan approval, without variances, to operate day spa is approved, subject to the additional conditions set forth in this resolution.

The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.

Mabeles

Maria Abeles, Board Secretary
Planning Board of the Township
of West Orange

Dated: 4/11/07

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