

January 26, 2024

VIA EMAIL & HAND DELIVERY

Township of West Orange Planning Board
Attn: Jamilet Baquerizo Vite, Board Secretary
66 Main Street
West Orange, New Jersey 07052

Re: Yerrr Canna, LLC (“Applicant”)
Application for Conditional Use and Minor Site Plan Approval in Industrial (I)
Zone
76-82 Ashland Avenue (Block 62, Lot 22.01)

Dear Ms. Baquerizo Vite :

This office represents Yerrr Canna, LLC¹, the contract lessee of approximately 9,482 square feet (approximate gross floor area) of industrial property located at 76-82 Ashland Avenue and designated on the tax maps of the Township of West Orange as Block 62, Lot 22.01 (the “Property”). The Property is located within the Industrial (I) zone.

Applicant seeks conditional use and minor site plan approval from the Township of West Orange Planning Board for a change of use via a proposed alteration of an existing warehouse building into a Class 1 Cannabis Cultivator use with 2,500 square feet of cultivation space. Striping of parking spaces and security fencing are also proposed.

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

- Five (5) copies of the Township of West Orange Planning Board Application, with applicable Checklists, for Conditional Use and Minor Site Plan, to which the following Exhibits are attached:
 - o **Exhibit A:** Project Description; Zoning Summary Table & Justification for Requested Submission Waivers;
 - o **Exhibit B:** Township of West Orange Resolution #249-22 (Resolution of Local Support), dated September 20, 2022;
 - o **Exhibit C:** September 19, 2022 Letter of Confirmation Compliance with Township of West Orange Zoning Requirements from Township Zoning Officer;
 - o **Exhibit D:** New Jersey Cannabis Regulatory Commission February 9, 2023 Final Agency Decision Approval Letter Granting Approval of Annual License Application;

¹ Yerrr Canna, LLC is a State of New Jersey Certified Minority Business Enterprise and Diversely Owned Business. Yerrr Canna, LLC received a Cannabis Equity Joint Ventures Grant from the New Jersey Economic Development Authority (NJEDA) on September 14, 2023, following a competitive application process.

GIBBONS P.C.

Township of West Orange Planning Board
Attn: Jamilet Baquerizo Vite, Board Secretary
January 26, 2024
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- **Exhibit E:** Verification of Taxes Paid;
 - **Exhibit F:** Affidavit of Ownership and Consent;
 - **Exhibit G:** List of Properties within 200 Feet with Radius Map (Township of West Orange and City of Orange);
 - **Exhibit H:** List of Adjacent Properties with same Ownership;
 - **Exhibit I:** List of Easements of Record;
 - **Exhibit J:** Fee Calculation;
 - **Exhibit K:** Corporate Ownership Disclosure; and
 - **Exhibit L:** List of Required Regulatory Approvals
-
- Five (5) copies of a property survey, dated November 29, 2022, prepared by Manno Surveying, Inc., Vincent Manno, P.L.S.;
 - Five (5) copies of Interior Floor Plan, dated January 10, 2024, prepared by Arch7, Shawn T. Fisher, R.A.;
 - Five (5) copies of Exterior Site Plan, dated January 18, 2024, prepared by Arch7, Shawn T. Fisher, R.A.;
 - Five (5) copies of existing exterior elevations;
 - Five (5) copies of proposed exterior building renderings;
 - One (1) Executed Form W9;
 - One (1) Check payable to the Township of West Orange in the amount of \$3,250.00 (escrow deposit); and
 - One (1) Check payable to the Township of West Orange in the amount of \$1,877.46 (application and digitizing fee).

If you or the 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,



Kenneth D. McPherson III

Enclosures

Cc:

Yerrr Canna LLC

Shawn T. Fisher, R.A.

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

A. APPLICANT INFORMATION

Full Legal Name: Yerrr Canna, LLC

Mailing Address: (Last) 1 Ashley Road, West Orange, NJ 07052 (First)

Telephone Number: (908) 705-3944 (Street) (City) (State) (Zip)
Email: james.jackson310@gmail.com

NJ Limited Liability Corporation

Is the Applicant an: ☐ Individual, ☐ Corporation, ☐ Partnership, ☒ Other Limited Liability Company

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 Owner's Affidavit of 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: Frank Ench

Address: 69 Ashland Avenue, West Orange, NJ 07052

Telephone Number: (201) 442-9200 Email: rollycpbuilding@gmail.com

C. PROPERTY INFORMATION

Street Address: 76-82 Ashland Avenue, West Orange, New Jersey 07052

Block Number(s): 62 ; Lot Number(s): 22.01 ;

Tax Plate: Tax Map Sheet 41 ; Zone of Property: (I) Industrial

The location of the property is approximately 400 feet from the intersection of Park Avenue
and Ashland Avenue (closest intersection.)

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

☐ Yes, Date(s): _____ ; ☒ No

If yes, please attach copies of the written decisions adopted by the Board to each application. N/A

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☐ None See Attached List

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.

(Minor)

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 Existing/vacant 2 story, 9,482 sf metal warehouse building previously used for storage for hauling company

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

Change of use to Class I Cannabis Cultivation Facility (Conditional Use Permitted in the I Zone) with 2,500 sf of cultivation space (9,482 sf of total gross floor area); striping of parking spaces; security fencing.

The property is 38,772.85 (square feet); 0.89 (acres)

Impervious Surface Coverage: Present: 100%; Proposed: no change

Building Coverage: Present: 12%; Proposed: no change

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.- Kenneth D. McPherson III, Esq.

Telephone Number: (973) 596-4415 Email: kmcpherson@gibbonslaw.com

Address: One Gateway Center, Newark, New Jersey 07102

APPLICANT'S ENGINEER: Winston Engineering Inc., Anthony Winston III, P.E.

Telephone Number: (951) 902-6600 Email: anthony@winstoneng.com

Address: 8605 Santa Monica Blvd, Suite 63454, CA 90069

APPLICANT'S ARCHITECT: Arch7- Shawn T. Fisher, R.A.

Telephone Number: (985) 355-0020 Email: shawn@arch-7.com

Address: 1905 W. Thomas Street, Suite D277, Hammond, LA 70403

APPLICANT'S PLANNER: N/A

Telephone Number: () Email:

Address:

OTHER EXPERT(S): iComply, LLC- Mark Slaugh, CEO

Telephone Number: (303) 481-6622 Email: mark@icomplycannabis.com

Address: 1410 Grant Street, Suite B303, Denver, CO 80203

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

None anticipated.

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. Please See Attached Cover Letter for additional exhibits annexed to this application.

ITEM	SIGNED BY	DATE/REVISION
Architectural Floor Plan (Interior)	Shawn T. Fisher, R.A.	1/10/24 (1 sheet)
Exterior Site Plan	Shawn T. Fisher, R.A.	1/18/24 (1 sheet)
Survey of Property	Vincent Manno, PLS	11/29/22 (1 sheet)
Existing Exterior Elevations	-	-
Proposed Exterior Renderings	-	-

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: James Jackson Date: 1/18/24
By: James Jackson
CEO, Yerr Canna, LLC

CONTINUANCE

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 statue time limit, the applicant grants permission for such an extension.

Applicant's Signature: Kenneth D. McPherson III Date: 1/31/24
By : Kenneth D. McPherson III, Esq.
Applicant's Attorney

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

I hereby certify that I reside at _____
in the County of _____ and the State of _____;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) _____;
Lot(s) _____ on the Tax Map of _____ 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: _____ Date: _____

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.

TOWNSHIP OF WEST ORANGE

APPLICANT: Yerrr Canna, LLC

Site Plan/Subdivision Checklist

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			
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 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		X
4.	Item: A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500'. Comment: Describes setting; may be less detailed in pre-application-concept plan and GDP stages.	X	X	X	X	X	X	X	X	X		X
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. Comment: Schedule may be less detailed in pre-application-concept plan stages.	X	X	X	X	X	X	X	X	X	See Project Description	
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		
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		N/A
10.	Item: Monumentation as specified by Map Filing Law. Comment: Monumentation required only for final subdivision.		X				X					N/A
11.	Item: Date of current property survey. Comment: Required by Map Filing Law for final subdivision and site plan; necessary for vesting on GDP.		X	X	X	X	X	X	X	X	X	See submitted survey

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					
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.		X			X	X				X			
13. Item:	Mets 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.		X					X				X		N/A Survey provided
14. Item:	Affidavit of ownership. Comment: Map Filing Law for minor and major subdivision.	X	X			X	X				X			
15. Item:	Acreage of tract to the nearest tenth of an acre (for GDP-to nearest acre).		X			X	X				X	X	X See submitted Survey	
16. Item:	Date of original and all revisions. Comment: Item necessary for continuity-history of project.		X			X	X				X			
17. Item:	Size and location of any existing or proposed structures with all setbacks dimensioned. Comment: Item important for detailed planning.	X	X			X	X				X			X
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.	X	X			X	X				X			X N/A
19. Item:	All proposed lot lines and area of lots in square feet.		X			X	X				X	X		
20. Item:	Copy and/or delineation of any existing or proposed deed restrictions or covenants. €	X	X			X	X				X	X		
21. Item:	Any existing or proposed easement or land reserved for or dedicated to public use. €	X	X			X	X				X	X		
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.					X	X							X N/A

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

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY 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		
24. Item:	List of variances required or requested. # Comment: Basic planning information.		X	X		X	X			X		X N/A
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 N/A
26. Item:	Payment of application fees. Comment: Fee not imposed for pre-application conference.	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: while 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 See survey		
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 See survey		
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

None requested
at this time.

None
requested at
this time.

ALL DOCUMENTS MUST BE PREPARED,
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LICENSED PROFESSIONAL.

Item Number Description

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.

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.

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.

34. Item: Drainage Area Map.
Comment: Necessary for major application; inapplicable at GDP stage.

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.

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.

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.

Pre-Application -
Concept Plan

Minor Application

Subdivision Site Plan

Major Application

General
Development
Plan

Subdivision

Preliminary Final

COMPLETE

INCOMPLETE

WAIVER
REQUESTED

X

N/A
Not trees or wooded
areas-Industrial
property

X

X

X

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ALL DOCUMENTS MUST BE PREPARED,
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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

Major Application

General
Development
Plan

Subdivision

Final

Preliminary

Subdivision

Final

Preliminary

Final

COMPLETE

INCOMPLETE

WAIVER
REQUESTED

Industrial site

To be addressed
via testimony

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		
			Subdivision	Site Plan	General Development Plan		Subdivision		Site Plan						
					Preliminary	Final	Preliminary	Final	Preliminary	Final					
48. <u>Item</u> : Sight triangles. <u>Comment</u> : Necessary even for minor applications because sight triangle easement created.			X				X	X				X			X
49. <u>Item</u> : Vehicular and pedestrian circulation patterns (less detail necessary for pre-application-concept plan and GSP stages). <u>Comment</u> : See Item 44.	X			X		X	X	X				X			X
50. <u>Item</u> : Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions. <u>Comment</u> : See Item 44.									X						
51. <u>Item</u> : Preliminary architectural plan and elevations. <u>Comment</u> : Not required where building is not proposed.				X								X			
52. <u>Item</u> : Plans and legal documents for compliance with West Orange COAH Ordinances.			X	X		X	X	X				X			X N/A

⊕ 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

EXHIBIT A

PROJECT DESCRIPTION; ZONING SUMMARY TABLE; JUSTIFICATION FOR REQUESTED SUBMISSION

WAIVERS

Prepared by Gibbons P.C.

January 22, 2024

Applicant / Lessee: Yerrr Canna, LLC
Property: 76-82 Ashland Avenue
Block 62, Lot 22.01
Zoning: Industrial (I) Zone

The Property is approximately 0.89 acres located at 76-82 Ashland Avenue within the Industrial (I) zone of the Township of West Orange. The Property enjoys access and egress from Ashland and Park Avenue, and is improved with an existing one story frame building (No. 80), an existing one story masonry building (No. 78), a three story brick building (No. 76) and an existing two story metal building. The existing two story metal building in the rear of the property is the sole subject of this application. Multiple principal uses are permitted in the I zone.

The Applicant seeks to occupy and develop the existing vacant two story metal warehouse building space, consisting of approximately 9,482 square feet, into a Class 1 Cannabis Cultivator use with 2,500 square feet of cultivation space on the first floor, inclusive of 1,861 square feet of canopy area. The first floor features an overall square footage of 5,335 square feet. Approximately 836 square feet of the second floor space will be utilized for office, storage and breakroom space. The remaining 3,192 square feet on the second floor will be set aside for future expansion. There will be no increase in floor area, building coverage, or lot coverage under this application.

As part of the Application, Applicant is proposing to stripe eight new parking spaces, including an ADA compliant parking space. The Applicant has access to a total of twenty-four parking spaces (as per the submitted exterior site plan) pursuant to a parking agreement¹. Shipping and receiving will be handled at the front of the building and the facility will be enclosed via security fencing.

¹ Pursuant to State Regulation, Applicant is not permitted to have more than ten (10) employees. Applicant does not plan to have more than five (5) employees. No other vehicles will be permitted on site except for state and local inspection officials and Applicant's delivery and transport vans making scheduled visits.

**Zoning Summary Table
Yerrr Canna, LLC
Block 62, Lot 22.01**

	Max. Height	Min. Lot Area (SF)	Min. Lot Area Per Unit (SF)	Min. Lot Width	Min. Front Yard (Ft.)	Min. Side Yards (Ft.)	Min. Rear Yards (Ft.)	Max. Building Coverage	Max. Lot Coverage	Parking Spaces Required (Light Industrial)
Required	65'	10,000	N/A	No minimum	None Required	None Required but 6' when provided. 10' adjacent to residence	30'	60%	75%	1 per 400 square feet of gross floor area
Existing/ Proposed	29.4 (Existing)	38,900 (Existing)	N/A	Varies (Existing)	+/- 240' (Existing)	4.5' & 107.2' (Existing)	2.83' (Existing)	12% (Existing)	100% (Existing)	24 (Proposed)

Specifically, the Applicant seeks conditional use and preliminary and minor site plan 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.

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 is actively seeking a Local License from the Township, the receipt of Planning Board approval being a prerequisite. 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 a school building owned and operated by the West Orange Board of Education.	Applicant complies. See 200' list which is enclosed within this application.
(3) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.	Applicant complies. The existing building will contain the proposed Class 1 Cannabis Cultivation facility.
(4) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.	Applicant complies. See (3) above.
(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 does not propose any signage as part of this Application.
(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 and supply security testimony at the hearing on the application. Applicant has submitted a comprehensive Security Plan to the State of New Jersey as part of its approved state license Application for Local Support for the Suitability of a Cannabis

	Business to the Township and to the state regulatory authority (NJCRC). Applicant will conduct additional meetings with representatives of the Township Police Department, as well as any other Township officials as is necessary to ensure the proper safety at the property as part of the local license application process.
(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 249-22, 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 I zone and is suitable for the operations of a Class 1 Cannabis Cultivator. Applicant's management team boasts significant skill and experience in the cannabis cultivation industry. Applicant is uniquely qualified to operate the proposed use in West Orange, as has been fully investigated and approved by the New Jersey Cannabis Regulatory Authority (NJCRC).

The Property is presently developed, and has existing buffering and access consistent with a cannabis cultivation use in the I Zone.

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

- Item 3: As no physical improvements (besides striping and fencing) are proposed as part of the application, no title block denoting the type of application, tax map sheet, county, name of municipality, block & lot and street location are included on the exterior site plan. If deemed necessary by the Board, Applicant will agree to revise the site plan during resolution compliance to include such information as a condition of approval.
- Item 4: As no physical improvements (besides striping and fencing) are proposed as part of the application, no key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc, within 500' are included

on the exterior site plan. If deemed necessary by the Board, Applicant will agree to revise the site plan during resolution compliance to include such information as a condition of approval.

- Item 8: As no physical improvements (besides striping and fencing) are proposed as part of the application, no signature blocks for Board Chair, Secretary and Municipal Engineer are included on the exterior site plan. If deemed necessary by the Board, Applicant will agree to revise the site plan during resolution compliance to include such information as a condition of approval.
- Item 17: As no physical improvements (besides striping and fencing) are proposed as part of the application, the setbacks of the other existing buildings are not dimensioned on the exterior site plan. If deemed necessary by the Board, Applicant will agree to revise the site plan during resolution compliance to include such information as a condition of approval.
- Items 30-31: The Applicant is not proposing any changes to drainage, soil disturbance or landscaping, and is not proposing any new road ways and as such no topographic information or contour intervals are shown on the submitted survey or exterior site plan. Proposed building lighting will be addressed via testimony at the hearing on the application. If deemed necessary by the Board, Applicant will agree to revise the survey and site plan during resolution compliance to include such information as a condition of approval.
- Items 33-45: The Applicant does not propose any changes to drainage, soil disturbance, or landscaping, and is not proposing any new road ways. Proposed building lighting will be addressed via testimony at the hearing on the application.
- Item 46: Applicant's solid waste management plan will be presented via testimony at the hearing on the application.
- Item 47: Applicant is not proposing any new site identification signs, traffic control signs or directional signs.
- Items 48-49: The Applicant does not include any information on vehicular circulation or sight triangles, as all are existing.
- Item 52: Applicant's proposal does not require COAH compliance.
- Sustainability Checklist Form: The Applicant is simply reusing, fitting out and repairing an existing building, and therefore is not seeking to modify, construct, or materially alter the existing structure, and seeks a waiver of these requirements accordingly.
- Tree Removal Permit: The Applicant is not proposing to remove any trees, and therefore requests a waiver from this requirement.

This document will be supplemented further with testimony before the Board to provide the necessary justifications for any requested submission waivers, design waivers, exceptions, or other relief that may be identified. Applicant reserves the right to modify this description as necessary to reflect the plans as filed and as amended.

EXHIBIT B

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, Yerrr Canna, LLC (the “Applicant”) has submitted a request for Local Support from the Township for a proposed cannabis cultivation microbusiness with the proposed location at **82 Ashland Avenue** 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

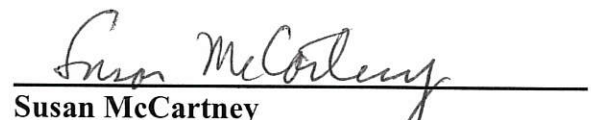
NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that consistent with the recommendation of the

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 Carneyale, R.M.C.
Township Clerk


Susan McCartney
Council President

Adopted: September 20, 2022

EXHIBIT C



TOWNSHIP OF WEST ORANGE

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

Department of Planning and Development

ROBERT D. PARISI

Mayor

GENIECE GARY-ADAMS

Zoning Official

Tel: (973) 325-4119

Fax: (973) 325-3959

Email: zoningofficial@westorange.org

September 19, 2022

New Jersey Cannabis Regulatory Commission
c/o James Jackson
Yerrr Canna, LLC
82 Ashland Avenue
West Orange, NJ 07052

**Re: Yerrr Canna, 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:

(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.



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- (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.

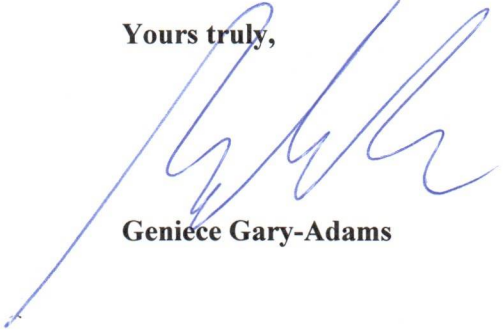
I have reviewed the submissions of Yerrr Canna, LLC regarding their request for a resolution of local support, including the identification of the proposed Cannabis Entity to operate within the Township. The proposed location of Cannabis Entity is **82 Ashland Avenue, West Orange, New Jersey 07052**. Under the Township's current zoning map, the location is within the I zone.

Subject to Yerrr Canna, 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 Yerrr Canna, LLC shall receive any required approvals from any of the Township's land use boards, but the Yerrr Canna, LLC shall be required to proceed with any such application and approval process as needed; (2) constitute a declaration or promise that Yerrr Canna, LLC shall be issued a license by the Township to operate a cannabis related business, but the Yerrr Canna, 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 Yerrr Canna, LLC shall receive any approvals as needed from any department of the Township, but Yerrr Canna, LLC shall be required to apply for such approvals consistent with all applicable laws.

Yours truly,


Geniece Gary-Adams



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EXHIBIT D



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*

February 9, 2023

YERRR CANNA LLC
James Jackson
james.jackson310@gmail.com
1 Ashley Road
West Orange, New Jersey 07052

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

Dear James Jackson:

Congratulations! The New Jersey Cannabis Regulatory Commission ("NJ-CRC") has received and reviewed your application for a Class 1 Cannabis Cultivator 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 an annual license has been approved.

Pursuant to N.J.A.C. 17:30-7.9(g), the NJ-CRC shall approve a license applicant for an annual license that: (1) has submitted a complete annual license application in accordance with N.J.A.C. 17:30-7.10; (2) has scored sufficiently high to be issued an annual license in accordance with the criteria included in the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1 and 7.10; (3) has been deemed qualified to hold an annual license pursuant to N.J.A.C. 17:30-7.11; and (4) has submitted its annual license application submission fee 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 seven (7) business days whether it will accept the license, or if it will abandon the license, pursuant to N.J.A.C. 17:30-7.14(b). The decision to accept or abandon 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. 17:30-7.14(c), an applicant's failure 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.

As an annual 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. Pursuant to N.J.A.C. 17:30-7.14(h), the license applicant shall request in writing that the NJ-CRC conduct a final onsite assessment after the license applicant has completed construction and preparation of its cannabis business premises. Thereafter, pursuant to N.J.A.C. 17:30-7.14(i), the NJ-CRC shall conduct a final onsite assessment of the cannabis business and shall determine whether the cannabis business premises, operations, plans, procedures, protocols, and actions are consistent with the annual license application and compliant with the CREAMM Act, the governing regulations, and any additional requirements provided by the NJ-CRC. Pursuant to N.J.A.C. 17:30-7.14(f), a license applicant shall have 365 days from the date of this written notice of approval to request a final onsite assessment. Pursuant to N.J.A.C. 17:30-7.14(j), the NJ-CRC shall issue the annual license and provide the annual license to the license applicant no later than 30 days after the onsite assessment, unless the NJ-CRC finds the applicant is not in compliance with the governing regulations or the NJ-CRC is notified by the relevant municipality that the applicant is not in compliance with its ordinances or regulations in effect at the time of the application. Pursuant to N.J.A.C. 17:30-7.14(l), the license holder shall notify the NJ-CRC in writing of a proposed opening date for the cannabis business within fourteen (14) days of being issued an annual license.

Additionally, please be advised that pursuant to N.J.A.C. 17:30-7.14(g), the license applicant has a **continuing duty to seek approval for or report changes** in the information submitted as part of the annual license application, pursuant to N.J.A.C. 17:30-9.2. Examples of material changes that must be reported to the NJ-CRC for approval include: (1) any changes in ownership, (2) changes of management services contractors and the terms of any management services agreements, (3) changes of financial sources and the terms of a financial source agreements, (4) changes of location, (5) modifications of capacity, physical plant or premises; or (6) changes of the cannabis business’s name. Please be advised that there will be an ongoing and continuing review of financial source and management services agreements to ensure the entity is compliant with the governing regulations. Applicants are required to obtain a separate NJ-CRC approval for any management services agreements, financial source agreements, or vendor-contractor agreements.

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 read 'Dianna', with a stylized flourish extending to the right.

Dianna Houenou
Chairperson
New Jersey Cannabis Regulatory Commission

EXHIBIT E



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: 1-26-24

BLOCK: 62

LOT: 22-01 QUAL: _____

NAME: Ench. Frank & Ashland Properties, LLC

ADDRESS: 76-82 Ashland Ave

TAXES PAID UNTIL: 1/31/24

2023 SEWER PAID IN FULL: ☒ YES ☐ NO

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 F

AFFIDAVIT OF OWNERSHIP AND CONSENT

STATE OF NEW JERSEY

}
} SS

COUNTY OF Essex

}

I, Rolando Cribeiro, being fully sworn, do hereby depose and say:

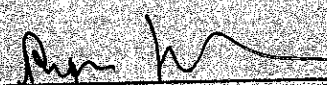
1. I am an authorized representative of Ashland Properties, LLC, the property manager for certain property known as 76-82 Ashland Avenue, and otherwise known on the official tax maps of the Township of West Orange as Block 62, Lot 22.01 (the "Property").
3. The Property is owned by Frank Ench, and Mr. Ench has entered into an agreement authorizing Ashland Properties, LLC to manage the Property, including entering into leases on his behalf. Ashland Properties, LLC has entered into a lease with Yerrr Canna, LLC ("Tenant").
4. 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 the Property as a cannabis cultivation facility together with associated 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 Ashland Properties, LLC and that the information set forth in this document is true, correct, and complete.

ASHLAND PROPERTIES, LLC



Rolando Cribeiro
Authorized Representative

Subscribed and sworn before me
This 17th day of January, 2024



Notary Public

My Commission Expires: _____

Ryan Linden

Attorney at Law

State of New Jersey

3030702.2 117367-107659

EXHIBIT G

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	62	22.01		76-82 ASHLAND AVENUE	ENCH, FRANK	69 ASHLAND AVENUE	WEST ORANGE N J	07052

§

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

Adjoining Properties (31)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	61	27		MAIN STREET & PARK AVENUE	TOWNSHIP OF WEST ORANGE	66 MAIN ST	WEST ORANGE, N.J.	07052
West Orange Township	61	39		77 ASHLAND AVENUE	77 ASHLAND HOLDINGS, LLC.	1113 NEW YORK AVENUE	UNION CITY, NJ	07087
West Orange Township	61	40		79 ASHLAND AVENUE	VANIKIOTIS, KOSTAS	43 DAVENPORT AVENUE	ROSELAND, N.J.	07068
West Orange Township	61	41		81 ASHLAND AVENUE	POLITI, KRISTINA M	81 ASHLAND AVENUE	WEST ORANGE, N.J.	07052
West Orange Township	61	42		83 ASHLAND AVENUE	83 ASHLAND AVENUE LLC	93 CENTRAL AVE A	JERSEY CITY NJ	07306
West Orange Township	61	43		85 ASHLAND AVENUE	380 NORTH LLC,	702 PROSPECT AVE	WEST ORANGE, NJ	07052
West Orange Township	61	44		89 ASHLAND AVENUE	89 ASHLAND AVENUE, LLC	89 ASHLAND AVENUE	WEST ORANGE, N.J.	07052
West Orange Township	61	45		89 ASHLAND AVENUE	89 ASHLAND AVENUE, LLC	89 ASHLAND AVENUE	WEST ORANGE, N.J.	07052
West Orange Township	61	46		93 ASHLAND AVENUE	PISERCHIA, GUISEPPE & PASQUALE	221 EAST MCCLELLAN AVENUE	LIVINGSTON, N. J.	07039
West Orange Township	61	46.01		91 ASHLAND AVENUE	91 ASHLAND AVE LLC,	56 FRANKLIN AVE	WEST ORANGE, NJ	07052
West Orange Township	61	49		95 ASHLAND AVENUE	MASINI, PASQUALE & GRACE	6 GLORIA LANE 2ND FLR	FAIRFIELD, NJ	07004
West Orange Township	62	1		5 WHITE STREET	L&B REALTY GROUP LLC	15 HILLTOP CIRCLE	WHIPPANY, NJ	07981
West Orange Township	62	15		98 ASHLAND AVENUE	ENCH, FRANK III & CAMILLE	16 HILLTOP CIRCLE	WHIPPANY, NJ	07981
West Orange Township	62	16		96 ASHLAND AVENUE	DE SANTIS, CARMEN RISCO	96 ASHLAND AVE	WEST ORANGE, NJ	07052

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	62	17		90-92 ASHLAND AVENUE	ENCH, FRANK	16 HILLTOP CIRCLE	WHIPPANY,NJ	07981
West Orange Township	62	19		88 ASHLAND AVENUE	MASINI, PASQUALE	6 GLORIA LANE 2ND FLR	FAIRFIELD, NJ	07004
West Orange Township	62	20		86 ASHLAND AVENUE	ASHLAND PROPERTIES LLC	5 JENNIE COURT	CEDAR GROVE, NJ	07009
West Orange Township	62	21		84 ASHLAND AVENUE	ENCH, FRANK	84 ASHLAND AVENUE	WEST ORANGE, NEW JERSEY	07052
West Orange Township	62	22.01		76-82 ASHLAND AVENUE	ENCH, FRANK	69 ASHLAND AVENUE	WEST ORANGE N J	07052
West Orange Township	62	27		36 PARK AVENUE	MASINI, PASQUALE & JOSEPH A.	6 GLORIA LANE 2ND FLR	FAIRFIELD, NJ	07004
West Orange Township	62	28		34 PARK AVENUE	MASINI, PASQUALE & GRACE	6 GLORIA LANE 2ND FLOOR	FAIRFIELD, NJ	07004
West Orange Township	62	29		32 PARK AVENUE	MASINI, PASQUALE & GRACE	6 GLORIA LANE 2ND FLR	FAIRFIELD, NJ	07004
West Orange Township	62	30		30 PARK AVENUE	MASINI, PASQUALE	6 GLORIA LANE 2ND FLR	FAIRFIELD, NJ	07004
West Orange Township	62	31		28 PARK AVENUE	MASINI, PASQUALE & JOSEPH	6 GLORIA LANE 2ND FLR	FAIRFIELD, NJ	07004
West Orange Township	62	32		26 PARK AVENUE	24 PARK AVENUE WEST ORANGE, LLC	215 N 5TH STREET	HARRISON, NJ	07029
West Orange Township	62	33.02		1 WHITE STREET	EPIC EIGHT PROPERTIES, LLC	90 DAYTON AVE BLDG 5 #200	PASSAIC, NJ	07055
West Orange Township	62	34		10 PARK AVENUE	24 PARK AVENUE WEST ORANGE LLC	215 N 5TH ST #1	HARRISON NJ	07029
West Orange Township	62	40.01		ORANGE	ASSESSED IN ORANGE	66 MAIN STREET	WEST ORANGE, NJ	07052
West Orange Township	62	40.02		ORANGE	ASSESSED IN ORANGE	66 MAIN STREET	WEST ORANGE, NJ	07052
West Orange Township	62.01	38		PARK & SPRING STREET	I & S INVESTMENT 530 PARK AVE., LLC	P.O. BOX 835	SHORT HILLS, NEW JERSEY	07078
West Orange Township	62.01	39		ORANGE	ASSESSED IN ORANGE	66 MAIN STREET	WEST ORANGE, NJ	07052

Adjacent Towns (14)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
City of Orange Township	1401	1		145 SPRING STREET	WEST ORANGE LOGISTICS, LLC	37-18 57TH ST.	WOODSIDE, N.Y.	11377
City of Orange Township	1401	2		139 SPRING STREET	LAZARUS REALTY III LLC	5 EAST 92ND STREET	BROOKLYN, NY	11212
City of Orange Township	1401	3		563-565 WHITE STREET	LAZARUS REALTY III LLC	5 EAST 92ND STREET	BROOKLYN, NY	11212
City of Orange Township	1402	1		522 PARK AVENUE	I & S INVESTMENT 530 PARK AVE, LLC	P. O. BOX 835	SHORT HILLS, N.J.	07078
City of Orange Township	1402	22		142 SPRING STREET	MARTINEZ, SAMUEL ARCEO	70 LOWELL AVENUE	WEST ORANGE, N.J.	07052

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
City of Orange Township	1402	23		144 SPRING STREET	ROBINSON, HOLLY	144 SPRING STREET	ORANGE, NJ	07050
City of Orange Township	1402	24		146 SPRING STREET	MARROQUIN, ERICK & ELIZABETH	146 SPRING STREET	ORANGE, N.J.	07050
City of Orange Township	1402	25		148 SPRING STREET	PIERRE, JEANNETTE C.	148 SPRING STREET	ORANGE, N.J.	07050
City of Orange Township	1402	26		150 SPRING STREET	GUALP, RUTH & PINGUIL, JOSE L.	150 SPRING STREET	ORANGE, NJ	07050
City of Orange Township	1402	27		154 SPRING STREET	FILS-AIME, FRANCOISE	154 SPRING ST.	ORANGE, N.J.	07050
City of Orange Township	1402	28		158 SPRING STREET	AGUILAR, MIGUEL A & ITXIN W	158 SPRING ST	ORANGE, NJ	07050
City of Orange Township	1402	29		160 SPRING STREET	MJ AND SONS ENTERPRISES, LLC	1972 US HIGHWAY 22 EAST	SCOTCH PLAINS, N.J.	07076
City of Orange Township	1402	30		162 SPRING STREET	STEVENS, SCOTT	PO BOX 127	LIVINGSTON, N.J.	07039
City of Orange Township	1402	31		168 SPRING STREET	GIBBONS, ULRIC & ROSE A	168 SPRING ST	ORANGE, NJ	07050

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



THE CITY OF ORANGE TOWNSHIP
OFFICE OF THE TAX ASSESSOR
Christopher L. Murray C.T.A, Tax Assessor
29 North Day Street, Orange, New Jersey 07050

P (973) 952-6062

F (973) 673-5878

**CITY OF ORANGE TOWNSHIP, NEW JERSEY
PROPERTY OWNER'S LIST**

**IN RESPONSE TO WRITTEN REQUEST OF: Kenneth D. McPherson III
Fee is \$10.00**

**Listed below are the names and addresses of owners of all Real Property as shown on our
current Municipal Tax Duplicate located in Orange within 200 or 300 feet of property
known and designated as:**

**Subject: 76-82 Ashland Avenue
Block 62 Lot 22.01**

**State of New Jersey/Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625**

**Comcast Cablevision
495 Prospect Street
West Orange, New Jersey 07052**

**Public Service, Electric & Gas Company
80 Park Plaza
Newark, New Jersey 07102**

**Verizon/New Jersey
P.O. Box 2749
Addison, Texas 75001**

**Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102**

**I hereby certify the above to be a list from the current City of Orange Township duplicate
of names and addresses of owners of real property located as described above.**

Date: January 11th, 2023

***Christopher L. Murray*
Christopher L. Murray C.T.A
Tax Assessor**

**WWW.OrangeNJ.Gov
CMurray@OrangeNJ.Gov**

Block Lot Qual	Property Location Additional Lot Additional Lot	Property Class	Owner Address City, State	Zip Code
1401 1	145 SPRING STREET	4B	WEST ORANGE LOGISTICS, LLC 37-18 57TH ST. WOODSIDE, N.Y.	11377
1401 2	139 SPRING STREET	4B	LAZARUS REALTY III LLC 5 EAST 92ND STREET BROOKLYN, NY	11212
1401 3	563-565 WHITE STREET	4B	LAZARUS REALTY III LLC 5 EAST 92ND STREET BROOKLYN, NY	11212
1402 1	522 PARK AVENUE	4C	I & S INVESTMENT 530 PARK AVE, LLC P. O. BOX 835 SHORT HILLS, N.J.	07078
1402 22	142 SPRING STREET	2	MARTINEZ, SAMUEL ARCEO 70 LOWELL AVENUE WEST ORANGE, N.J.	07052
1402 23	144 SPRING STREET	2	ROBINSON, HOLLY 144 SPRING STREET ORANGE, NJ	07050
1402 24	146 SPRING STREET	2	MARROQUIN, ERICK & ELIZABETH 146 SPRING STREET ORANGE, N.J.	07050
1402 25	148 SPRING STREET	2	PIERRE, JEANNETTE C. 148 SPRING STREET ORANGE, N.J.	07050
1402 26	150 SPRING STREET	2	GUALLPA, RUTH & PINGUIL, JOSE L. 150 SPRING STREET ORANGE, NJ	07050
1402 27	154 SPRING STREET	2	FILS-AIME, FRANCOISE 154 SPRING ST. ORANGE, N.J.	07050
1402 28	158 SPRING STREET	2	AGUILAR, MIGUEL A & ITXIN W 158 SPRING ST ORANGE, NJ	07050
1402 29	160 SPRING STREET	2	MJ AND SONS ENTERPRISES, LLC 1972 US HIGHWAY 22 EAST SCOTCH PLAINS, N.J.	07076
1402 30	162 SPRING STREET	4C	STEVENS, SCOTT PO BOX 127 LIVINGSTON, N.J.	07039

<u>Block Lot Qual</u>	<u>Property Location Additional Lot Additional Lot</u>	<u>Property Class</u>	<u>Owner Address City, State</u>	<u>Zip Code</u>
1402 31	168 SPRING STREET	2	GIBBONS, ULRIC & ROSE A 168 SPRING ST ORANGE, NJ	07050

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EXHIBIT H

List of Adjacent Property Owned by Owner

Applicant: Yerrr Canna, LLC (1 Ashley Road, West Orange, New Jersey 07052)

Owner: Frank Ench (69 Ashland Avenue, West Orange, New Jersey 07052)

Property: Block 62, Lot 22.01 (76-82 Ashland Avenue, West Orange, New Jersey 07052)

- **84 Ashland Avenue (Block 62, Lot 21)**
- **90-92 Ashland Avenue (Block 62, Lot 17)**

EXHIBIT I

Block 62, Lot 22.01

EASEMENTS AND RESTRICTIONS

The following are shown on the submitted property survey (dated November 29, 2022, prepared by Manno Surveying, Inc., Vincent Manno, P.L.S) and can be provided upon request:

1. 15' Wide Access Easement for a Storm Water Sewer and Drainage Facility to the Township of West Orange, Deed Book 5009, Page 192.
2. 12' Right-of-Way to Township of West Orange to Maintain a Concrete Culvert, Deed Book 190, Page 41.

EXHIBIT J

YERRR CANNA, LLC : Township of West Orange Planning Board Application: Fee Calculation Work-sheet
for Conditional Use and Preliminary and Final Major Site Plan Application

ESCROW FEE CALCULATION (25-55.1):

\$2,500.00 for 9,482 square feet of floor area

+

\$750.00 for resolution preparation

TOTAL ESCROW FEE = \$3,250.00

APPLICATION FEE CALCULATION (25-56.3 & 25-56.5):

\$300.00 for Conditional Use

+

Preliminary Non-residential Site Plan:

\$300.00 for Base Fee + \$189.64 for floor area fee (0.02 x 9,482 sf) + \$12.00 for parking space fee (0.50 x 24 spaces) + \$50.00 for acreage fee (0.89 acres) = \$551.64

+

Final Site Plan :

½ of preliminary site plan = \$275.82

+

Digitizing Fee (25-56.6):

\$750.00 for Conditional Use

TOTAL APPLICATION FEE= \$1,877.46

CODE SECTIONS ANNEXED HERETO BELOW

EXHIBIT K

CORPORATE OWNERSHIP DISCLOSURE

Applicant: Yerrr Canna, LLC (1 Ashley Road, West Orange, New Jersey 07052)

Property: Block 62, Lot 22.01 (76-82 Ashland Avenue, 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:

- James E. Jackson III
1 Ashley Road
West Orange, New Jersey 07052
- Demetrius Brock
2 Haggerty Drive
West Orange, New Jersey 07052

EXHIBIT L

Block 62, Lot 22.01
Applicant: Yerrr Canna, LLC

LIST OF REQUIRED REGULATORY APPROVALS

1. Local License from Township of West Orange (only necessary to operate the business, not development the property pursuant to planning board approval).
2. Township Water and Sewer Approval.
3. If deemed necessary by the Board and although the property is not located directly adjacent to a County Road, Applicant will seek a letter of no interest from the Essex County Planning Board.