

February 2, 2024

VIA EMAIL

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

Re: Request for February 21, 2024 Special Meeting
Yerrr Canna, LLC (“Applicant”)
PB-04-05: Application for Conditional Use and Minor Site Plan Approval in Industrial (I) Zone
Township of West Orange Planning Board (the “Board”)
76-82 Ashland Avenue (Block 62, Lot 22.01) (the “Property”)

Dear Ms. Baquerizo-Vite:

This firm represents Yerrr Canna, LLC¹ (“Applicant”), in its application for conditional use and minor site plan approval before the Township of West Orange Planning Board (“Application”).

Applicant received *final annual license approval* from the New Jersey Cannabis Regulatory Commission (NJCRC) on February 9, 2023, to operate a Class 1 Cannabis Cultivation facility with 2,500 square feet of cultivation space located in West Orange. A copy of that final NJCRC approval letter is enclosed herewith (“State License”). Applicant has received a *Resolution of Local Support* via Township Council Resolution # #249-22 and has also received a *Letter of Confirmation of Compliance with Township of West Orange Zoning Requirements* from Township Zoning Officer, copies of which are also enclosed herewith. On September 14, 2023, following a competitive application process., Applicant received a *Cannabis Equity Joint Ventures Grant* from the New Jersey Economic Development Authority (NJEDA) (“Grant”).

Applicant is strongly positioned to finalize the local license process with the Township in short order, which itself is contingent on proof of satisfaction of the various conditions of the conditional use standard, in order to secure the necessary zoning permits for fit out and ultimate operation of the cultivation facility. Given the length of time permitting has taken to date for the project overall, Applicant is in a rather unique position of having state licensure virtually complete, and simply requires finalizing its local approvals as a threshold to its operations. Applicant’s local license, State License and Grant funding are closely linked to Applicant’s timely obtaining Board approval for the fit-out of the cultivation facility at the Property.

¹ Yerrr Canna, LLC is a State of New Jersey certified *Minority Business Enterprise* and *Diversely Owned Business*.

GIBBONS P.C.

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The Application itself proposes limited site improvements, falling within the scope of minor site plan approval under the Township's Land Use Code and is most akin to a change in use application for occupancy of an existing warehouse space. Accordingly, in an effort to secure Planning Board review and approval for this straight-forward application, ***Applicant respectfully requests that a special meeting of the Board be scheduled on February 21, 2024. If a quorum of the Board is not available on that date, Applicant respectfully requests that the Board consider holding a special meeting on February 28, 2024 for purposes of hearing this Application.***

In the event that the Board is prepared to consider Applicant's request for a special meeting, Applicant will have a representative present at the Board's February 7th meeting to discuss scheduling. Applicant is available at the Board's convenience to provide the direct testimony required in support of the Application.

Applicant understands that certain fees are associated with holding a special meeting, pursuant to Section 25-55.1 of the Township's Code. Applicant fully understands that such fees may be assessed against the escrow posted for this Application, to the extent same are required.

We appreciate the Board's consideration of this request, and look forward to presenting this Application in short order.

Very truly yours,



Kenneth D. McPherson III

Encl.
Cc: (via email):
Yerrr Canna, LLC
Diana P. McGovern, Esq.
Paul Grygiel, AICP, PP
John J. Hess, PE, CME
Cameron W. MacLeod, Esq.
Diana Zimmerman-Chandler
Geniece Gary-Adams
Dr. Robert M. Bagoff



State of New Jersey
CANNABIS REGULATORY COMMISSION

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

PHILLIP D. MURPHY
Governor

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

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

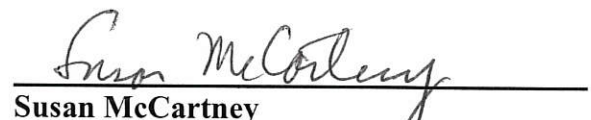
NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that consistent with the recommendation of the

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



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.

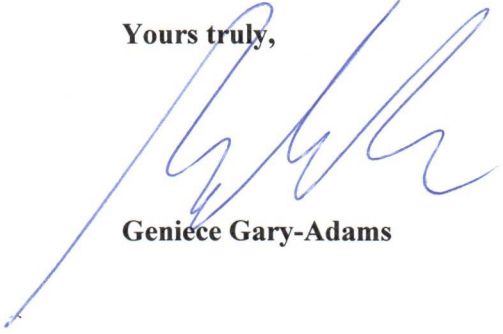
I have reviewed the submissions of Yerrr Canna, LLC regarding their request for a resolution of local support, including the identification of the proposed Cannabis Entity to operate within the Township. The proposed location of Cannabis Entity is **82 Ashland Avenue, West Orange, New Jersey 07052**.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