

RESOLUTION

Township of West Orange

Planning Board

PB 25-04 Blue Violet Grow, LLC

76 Ashland Avenue

Block: 62 Lots: 22.01, 32 and 34

Zone: I

Decided on January 7, 2026

Memorialized on February 11, 2026

Application for Conditional Use and Minor Site Plan Approval with Bulk (c2) Variances

WHEREAS, Blue Violet Grow, LLC (hereinafter the “Applicant”) has made an application for conditional use and minor site plan approvals with bulk (c2) variances for the proposed licensed cannabis cultivation and manufacturing use in an existing three-story commercial building at property located at 76 Ashland Avenue, also known as Block: 62; Lot 22.01, with access through Block 62 Lots 32 and 34, in the I- Industrial zone (the “Application”); and

WHEREAS, the Application was set down for a properly noticed regular public hearing conducted on December 3, 2025, and January 7, 2026; and

WHEREAS, the Applicant was represented by William C. Sullivan, Esq. of the firm Scarinci Hollenbeck, LLC; and

WHEREAS, the Applicant provided expert testimony from Joseph Golden, P.E., and William Moran, P.E. as licensed professional engineers; Gianfranco Sarrido, R.A., as a professional architect; John Barree, as a licensed professional planner, Hector Corchado, as a cannabis security expert and operational testimony from Jennifer Hardell, as a representative of the Applicant; and

WHEREAS, the Applicant submitted the following documents to the Board in the form of the application package:

ITEM	SIGNED BY	DATE/REVISION
Minor Site Plan, Landscape and Lighting (2 pages)	Joseph Golden, PE, PP	11/21/25
Topography Survey	Robert L. Cigol, N.J.P.L.S.	7/17/2023
Survey	Manno Surveying, Inc.	11/29/2022
Cannabis Cultivation Building Renovation (CS-1.0 and A-1.1	Bersa Architects	4/30/2025

WHEREAS, the Board also considered the testimony and filed review letters of its professionals at the hearing, including review memos dated August 22, 2025 from Phillip Scott, P.E., C.M.E. of Matrix New World, November 26, 2025 from Leonard Lepore P.E. of Matrix New World, and a Planner's Report by Malvika Apte, PP, AICP, of Heyer, Gruel & Associates (Township Consulting Planner) dated December 1, 2025; and

WHEREAS, representatives of the public were provided with an opportunity to pose questions of the Witnesses and also had an opportunity to offer statements in regard to the Application; and

WHEREAS, the Board reviewed and considered the Application and the documents submitted therewith, the testimony of the Witnesses and members of the public.

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at its public hearing, at which a record was made:

1. The Applicant is requesting approval for a conditional use, that being a Class 1 Cannabis Cultivator & Class 2 Cannabis Manufacturer as well as minor site plan approval and c2 variance relief.

2. The Property is comprised of portions of three tax lots, which have frontages on Ashland Avenue, Park Avenue and Spring Street.
3. The building proposed to house the Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer use is located in the rear portion of Lot 22.01, an L-shaped parcel with frontage on Ashland Avenue.
4. Access and parking for the proposed business is proposed on portions of Lots 32 and 34, utilizing existing driveways on Park Avenue.
5. The area surrounding the subject property is developed with a mix of land uses, including commercial, industrial, and residential uses.
6. The Applicant is seeking conditional use approval for a cannabis manufacturing and cultivation site use as such term is defined by State law, which fits within the definition of a “Licensed Cannabis Entity” by local ordinance.
7. As testified to by the Applicant, the Applicant is seeking to cultivate and manufacture cannabis products and has received a letter of support from the Township Council.
8. One of the goals of the Applicant is to focus on wellness and health and supply local cannabis retailers with cannabis product.
9. The Applicant’s representative, Jennifer Hardell, the founder, owner and CEO of Blue Violet Grow, LLC, testified that cultivation means growing of plants and manufacturing means processing of the plants. The manufacturing end of the business may utilize product from other cultivators.
10. The hours of operation of the business will be Monday through Friday, 8AM to 4PM.
11. No retail sales will occur on the site and there will be no signs advertising the business.
12. No more than 10 employees are expected on the property at any one time.

13. Deliveries to the site would be limited to 2-7 per month and would consist of sprinter vans with packages consisting of non-cannabis items such as soil and plastic containers.
14. Outgoing shipments will be approximately two trips per day to take product out in secure vaulted [??] trucks.
15. Waste management to remove cannabis related refuse will be an authorized licensed cannabis waste hauler (with copy of agreement and SOP to be submitted to the Planning Office).
16. Engineer, Joseph Golden PE, testified that in response to the Board's suggestion, the Applicant eliminated two compact car spaces and the perpendicular space near the fence which reduced the parking spaces on site to 37 which is still in compliance with the required parking.
17. The majority of the drive aisle width is the required 24'; however, there is a small section of the drive aisle near the residence that is 18' and the Applicant is requesting a variance due to pre-existing conditions.
18. Security expert, Hector Corchado testified that the proposed security plan complies with all of the State requirements under N.J.S.A. 17:30-9.10, 9.11 and 9.12.
19. The Applicant is installing video cameras that will have recording retention of 90 days (where 30 days is required) and they are using enhanced mega-pixel video which works very well in low light.
20. All of the surveillance video is monitored 24 hours a day remotely and will be monitored by Mr. Corchado as the head of security for the site.
21. Every door within the facility will be key fob access only and the key fobs will be assigned to employees as per their level of security clearance.

22. There are back up batteries for the system that have up to 72 hours of battery power to keep the system running if there is a power failure.
23. Any contractors necessary to do work at the site will be scheduled and escorted by an employee.
24. The Application requires the following variance relief from the Board:

Section	Required	Existing	Proposed
§25-12.1 Prohibited Parking Space Location	Parking space not permitted within 50 feet of public right-of-way along Ashland Avenue	Parking spaces exist within this setback	No change (Pre-existing condition)
§25-12.1 Prohibited Access Drive Location	Access driveways are not permitted within 5 feet of a side lot line	Driveway is within this setback	No change (Pre-existing)
§25-12.1 Insufficient Sidewalks	5-foot-wide sidewalks between any building and parking area	No sidewalks	No sidewalks
§25-14.3 Parking Illumination	Minimum illumination required is 1.0 footcandles	<1.0 footcandles	<1.0 footcandles
§25-12.1h. Drive Aisle Width	24 feet	18 feet	18 feet (Pre-existing condition)

25. No signage is proposed other than the numerical address to be mounted on the building.
26. N.J.S.A. 40:55D-67 governs the Board's review of the application for Conditional Use. N.J.S.A. 40:55D-67a. provides that a zoning ordinance may provide for conditional uses to be granted by the planning board according to definite specifications and standards which shall be clearly set forth with sufficient certainty and definiteness to enable the developer to know their limit and extent. N.J.S.A. 40:55D-67b. provides that

- the review by the planning board of a conditional use shall include any required site plan review pursuant to N.J.S.A. 40: 55D-37 to 40:55D-59.
27. A conditional use is defined under the MLUL (N.J.S.A. 40:55-D-3) as a use permitted in a particular zoning district only upon a showing that such a use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the zoning ordinance, and upon the issuance of an authorization therefor by the planning board. If a planning board finds compliance with the specified standards of the ordinance for the specific proposed conditional use, it will be required to approve the application. Exxon Co. U.S.A. v. Livingston Tp. In Essex Cty, 199 N.J. Super. 470, 477 (App. Div. 1985).
28. N.J.S.A. 40:55D-46.1 is the starting point for consideration of a minor site plan application and provides that “minor site plan approval shall be deemed to be final approval of the site plan.” N.J.S.A. 40:55D-50a is the focal point for consideration of the minor site plan as it provides that final site plan approval “shall” be granted if the detailed drawings, specifications, and estimates of the application conform to the standards of all applicable ordinances and the conditions of preliminary approval. As such, if the application complies with all ordinance requirements, the Board must grant approval.
29. Chapter 25, Section 14.2(b)(2)(o) of the Township of West Orange Municipal Code, as amended by Ordinance #2808-23 adopted on August 22, 2023, sets forth the conditions that are required for a cannabis business as follows:

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, §5-34 of the Township of West Orange Municipal Code.
- (2) No Licensed Cannabis Entity, except a Pre-Approved Entity at its originally approved location, shall be located within five hundred feet (500') from the property line of any property with any school building.
- (3) No Licensed Cannabis Entity, except a Pre-Approved Entity at its originally approved location, shall be located within five hundred (500') feet from the property line of any property with a House of Worship, as defined under Chapter 25, Section 4.
- (4) All Licensed Cannabis Entities shall comply with the following Parking Requirements for Nonresidential Uses: (i) License Cannabis Retailers shall comply with the minimum required number of parking spaces for Retail Stores and personal service stores or studios not separately listed; and (ii) all other Licensed Cannabis Entities shall comply with the minimum required number of parking spaces for Light industrial, laboratory and research uses except that a Cannabis Cultivator or Cannabis Manufacturer with no more than

10 employees shall provide at least one total parking space per 1000 square feet of first floor area.

(5) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.

(6) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.

(7) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment under the guidelines and standards governing commercial signs as set forth within the Township Municipal Code.

(8) A Licensed Cannabis Entity shall meet all of the required security measures as set forth in Chapter 5, Section 34 of the Township of West Orange Municipal Code.

(9) 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 License Cannabis Entities.

30. The Applicant received a Resolution of Local Support from the Township as set forth in Resolution 357-24 on December 10, 2024; and on July 13, 2022, received a Conditional License from the New Jersey Cannabis Regulatory Commission as a Class 2 Cannabis Manufacturer and a Conditional License from the New Jersey Cannabis Regulatory Commission on July 29, 2022, for a Class I Cannabis Cultivator.

31. In addition, the testimony provided by Applicant at the hearing and the certified list of properties within 200 feet of the Property establish that the location of the proposed cannabis entity is not within 500 feet of the property line of any property with any

school building or within 500 feet from the property line of any property with a House of Worship.

32. Only 10 employees maximum are permitted at the proposed cultivation facility by formula established by State statute pertaining to micro cannabis cultivation and manufacturing facilities and West Orange Ordinance 2852-24 states that the Applicant must provide one space for every 1000 square feet of gross floor area which in this case requires a total of 19 parking spaces and a total of 37 spaces for all of the uses on the property. The Applicant is providing 37 parking spaces on site.
33. N.J.S.A. 40:55D-60 permits a Planning Board to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance as part of site plan review. The variance proofs are the same as for “c” variances as set forth in N.J.S.A. 40:55D-70. A c (2) variance may be granted when the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c (2)” variance must include benefits to the community as a whole, not just the applicant or property owner. A “c” variance must address the “negative criteria,” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality.
34. Applicant’s planning expert, John Barree, PP, testified that as to the variances being requested, all are pre-existing conditions (parking space closer than 50 feet of public right-of-way for the deli, access driveway within five (5’) of a side lot line and eighteen

(18') foot drive aisle in the section near the residence, are pre-existing conditions not being expanded by the proposed application.

35. As to the variance requested for illumination less than the required 1.0 foot candles, Applicant presented planning testimony to establish that the reduced footcandle illumination is supported as a c(2) variance as it satisfies purposes a (promotes the general welfare because the neighboring property in the area where the lower lighting is located is a residential home and the security cameras are designed to work in lower lighting areas), g (is identified by the Code as an appropriate location for a Cannabis manufacturing and cultivation site), h (is an improvement on circulation), and m (is a more efficient use of the property) under the M.L.U.L.
36. Applicant's planner also testified that the reduced foot candle section of the parking lot will have no negative impact and will not adversely affect the Zone plan.
37. The Applicant is also improving the site by reducing the impervious coverage by 1.5% from 99.5% to 98%.
38. The CRC (Cannabis Regulatory Commission) mandates that cannabis cultivators maintain and update their security plans and the CRC does periodic inspections to ensure that such security plans are followed and up to date.

NOW, THEREFORE, based upon the foregoing findings of fact, the Board reaches the following conclusions of law:

1. This application meets all the zoning conditions for a Licensed Cannabis Cultivator as set forth in the Township of West Orange Land Use Regulations Ordinance, §25-24.2b.(o), as amended by Ordinance #2808-23.

2. This Application requires the following variance relief pursuant to N.J.S.A. 40:55D-70(c)(2):

Section	Required	Existing	Proposed
§25-12.1 Prohibited Parking Space Location	Parking space not permitted within 50 feet of public right-of-way along Ashland Avenue	Parking spaces exist within this setback	No change (Pre-existing condition)
§25-12.1 Prohibited Access Drive Location	Access driveways are not permitted within 5 feet of a side lot line	Driveway is within this setback	No change (Pre-existing)
§25-12.1 Insufficient Sidewalks	5-foot-wide sidewalks between any building and parking area	No sidewalks	No sidewalks
§25-14.3 Parking Illumination	Minimum illumination required is 1.0 footcandles	<1.0 footcandles	<1.0 footcandles
§25-12.1h. Drive Aisle Width	24 feet	18 feet	18 feet (Pre-existing condition)

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of West Orange that the Applicant has met all zoning conditions for a Licensed Cannabis Cultivator and Manufacturer (Micro) and Conditional Use, C2 Variance and Minor Site Plan approval for the application of Blue Violet Grow, LLC for property located at 76 Ashland Avenue; and

IT IS FURTHER RESOLVED that the approval granted to Blue Violet Grow, LLC is subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations, and directives, including without limitation, obtaining all applicable local, state, and federal approvals, or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction but excluding interior renovations, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental land use approvals. Recognizing the unique regulatory scheme for cannabis, the Board expressly recognizes that a final license from the CRC and the Township is a condition precedent to operation of the facility but is not a zoning condition precedent to the signing of plans and associated construction.
2. If another governmental entity or agency grants a waiver or a variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.
3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successor or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval,

the Board hereby reserves the right to withdraw, amend or supplant the instant approval.

4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.
5. The Applicant shall pay all outstanding application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of the notification or this approval shall be deemed withdrawn.
6. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.
7. Proof that a local license was obtained must be supplied to the Planning Department before a Certificate of Occupancy may be issued.
8. A list of the chemicals (the "MSDS Sheets") for all pesticides and fertilizers utilized and the quantities kept on site for the business and their storage location depicted on the plans must be supplied to the Code Office.
9. Applicant shall install a generator, the location of which must be included on the site plan. Applicant shall provide all necessary design specifications for such a generator, including noise data to demonstrate that the generator will comply with all applicable State and local noise codes, within 30-days of the issuance of a certificate of occupancy, and the installation of such a generator shall not be a condition of zoning

compliance or occupancy; however, a generator shall be installed within 90 days of the issuance of the certificate of occupancy.

10. The Electric Vehicle parking space must be operational from the inception of the business.

11. Applicant shall repave or resurface or patch the parking lot of the Property at the direction and discretion and approval of the Zoning Officer.

12. Applicant shall stripe the parking spaces for use by its employees and properly designate the ADA parking space. A plan demonstrating the parking lot striping shall be submitted to the Planning Department and the Township Engineer.

13. Applicant shall provide emergency vehicle striping for the parking lot pavement.

14. Deliveries and product movement from the facility shall be by the Park Avenue ingress and egress only (with the exception of emergency vehicles which have use of the Ashland Avenue entrance).

15. No large trucks, box trucks or other vehicles larger than a sprinter van shall be permitted for pickup or delivery to the site.

16. Pressure controlled doors shall be installed at the entrance and exit of the cultivation site.

17. Applicant guarantees that all proposed landscaping will be maintained for two years.

18. Applicant shall submit a new easement to be reviewed by the Board attorney, Board engineer and with their approval filed and a filed copy shall be provided to the Code Office.

19. Applicant must plant and maintain a tree and other landscaping in the tandem spot area with approval of the Township Forester.
20. Applicant agrees to evaluate existing drainage improvements and clean up, repair or revise as per the direction of the Township Engineer.
21. The spaces associated with the existing delicatessen shall be restriped to a width of 8.5' as per A-1 dated 1/7/2026.
22. (space eliminated]Applicant must obtain Fire Department review and approval of fire truck turning template.
23. The letter required from the Police Department approving security plan must be submitted to the Planning Department.
24. Only an address number shall be permitted on the building (no identification signs shall be affixed to the exterior of the building.)
25. Applicant shall provide an emergency contact list with an emergency action plan to the Township Engineer and Chiefs of both the Police and Fire Departments.
26. A "No Overnight Parking" sign with language advising that vehicle will be towed must be posted.
27. Only an authorized licensed cannabis waste hauler may be utilized by the facility and a copy of the agreement with that hauler and SOP will be submitted to the Planning Office.
28. If there is any change in the security company or waste removal vendor, such information must be supplied to the Police Department.
29. Applicant will reduce the fencing above the canopy to 8 feet.
30. A new board-on-board fence must be installed surrounding the generator.

31. The door to the north of the building shall be used for emergency use only.
32. All testing of the generator must be in compliance with the Township Ordinance.
33. The Applicant shall list all conditions of approval onto a final site plan submission prior to the submission of the building permit.

Adopted:

Jamilet Baquerizo Vite
Planning Board Secretary

Vote Action Taken by the Board on January 7, 2026:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper			X			
J. Guarino		X	X			
L. Klein			X			
S. McCartney			X			
C. Morgan					---	
S. Scarpa			X			
F. Noborine			X			
W. Wilkes			X			
J. Cardoza					----	
L. Kapferer					----	
R. Bagoff	X		X			

Vote on Memorialization on February 11, 2026:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper						
J. Guarino						
L. Klein						
S. McCartney						
C. Morgan					----	
S. Scarpa						
F. Noborine						
W. Wilkes						
J. Cardoza					----	
L. Kapferer					----	
R. Bagoff						