

RESOLUTION

Township of West Orange

Planning Board

PB 24-05 Yerrr Canna LLC

76-82 Ashland Avenue; 26 Park Avenue & 10 Park Avenue

Block: 62 Lots: 22.01; 32 & 34

Zone: I

Decided on April 15, 2026

Memorialized on May 6, 2026

**Extension of Time for Previously Granted Conditional Use, C2 Variance and Minor Site
Plan Approval**

WHEREAS, Yerrr Canna LLC (hereinafter the “Applicant/Developer”) received approval for conditional use, C2 Variance and minor site plan approvals by Resolution adopted on April 17, 2024 for a Licensed Cannabis Cultivation (Micro) use in an existing two-story commercial building at property located at 76-82 Ashland Avenue, also known as Block: 62; Lot 22.01, with access proposed through property located at 26 Park Avenue and 10 Park Avenue, also known as Block 62; Lots 32 and 34 (the “Property”), in the I- Industrial zone (the “Application”); and

WHEREAS, a properly noticed public hearing on the Application was conducted on April 15, 2026, at which members of the public were provided the opportunity to ask questions and make comments on the Application; and

WHEREAS, Applicant was represented by Kenneth D. McPherson, III, Esq. of FBT Gibbons LLP; and

WHEREAS, pursuant to *N.J.S.A. 40:55D-46.1c*, the zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted shall not be changed for a period of two years after the date of minor site plan approval; and

WHEREAS *N.J.S.A. 40:55D-46.1c* also states “the planning board shall grant an extension of this period for a period determined by the board but not exceeding one year from

what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued approvals; and

WHEREAS, pursuant to *N.J.S.A. 40:55D-46.1c*, the applicant/developer applied for the extension via letter dated April 10, 2026, such date being before the expiration date of the previously granted approvals; and

WHEREAS, this being Applicant's first request for a one-year extension for the approval adopted by the Board on April 17, 2024, to extend the approvals for one year or until April 17, 2027; and

WHEREAS, the Applicant having submitted a letter detailing the reasons for a request for an extension of time presented by the Applicant's attorney; and

WHEREAS, Applicant having appeared before the Board to further detail the reasons for the requested extension of time; and

WHEREAS, the Board reviewed and considered the request for an extension of time documents submitted therewith;

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 extension of time is requested due to the length of time required to obtain the orderly review and resolution of a separate, contemporaneous application for development affecting the same property (Blue Violet Grow, LLC PB-25-04 memorialized February 11, 2026) .
2. The companion application involved related cannabis uses within a separate existing building on the property and required coordination between the parties to ensure the consistency between both approvals to avoid conflicting development rights, operational constraints, or site obligations applicable to the property.
3. Applicant requests an extension of approvals from April 17, 2026 to April 17, 2027.

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

1. *N.J.S.A. 40:55D-46.1c* provides that a planning board shall an extension of minor site plan approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or

prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued approvals.

2. Chapter 25 §25-48.10 of the *Township of West Orange Code* provides that for good cause shown and upon written application, the Planning Board may extend the time period for limits set forth in this section.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of West Orange that an extension of time is granted for the approvals previously given for approval for conditional use, C2 Variance and minor site plan for one year from the date of the expiration of the previous approval or until April 17, 2027.

ADOPTED:

Jamilet C. Baquerizo Vite

Planning Board Secretary