

**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 April 26, 2022, the Township Council adopted Resolution 122-22, based upon the recommendations of the West Orange Cannabis Business Advisory Taskforce (the “Taskforce”), constituting a Resolution of Local Support for applicant **KEMISTRY, LLC** to operate a proposed cannabis retail microbusiness at a proposed location at 24 Park Avenue; and

**WHEREAS,** as part of the application submitted by Kemistry, LLC, the applicant provided a letter of intent from the owner of the property at 24 Park Avenue to lease the premises to the applicant; and

**WHEREAS,** the Taskforce has since received a new application for a proposed cannabis retail microbusiness at the same property at 24 Park Avenue which included an executed lease for the property executed by the owner of the proposed property; and

**WHEREAS,** the Taskforce sent a letter to Kemistry, LLC to confirm whether they are proceeding with the proposed cannabis retail microbusiness or whether the Township must revoke Resolution 122-22 based on the fact that the property will no longer be available to them; and

**WHEREAS,** Kemistry, LLC advised that it cannot proceed at the proposed property at 24 Park Avenue; and

**WHEREAS,** Kemistry, LLC has advised that it still seeks to pursue a Cannabis Retail Microbusiness at a new proposed location.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE,** that Resolution 122-22 be rescinded and revoked; and be it further

**RESOLVED,** the application submitted by Kemistry, LLC shall be deemed a pending application for a resolution of local support subject to an Amendment as to the proposed location of operations; 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.

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**Karen J. Carnevale, RMC, Municipal Clerk**

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**Susan McCartney, Council President**

**Adopted: October 25, 2022**