

RESOLUTION-AMENDED

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LLC** to operate a proposed cannabis retail microbusiness at a proposed location at 24 Park Avenue which was later rescinded; and

WHEREAS, thereafter Kemistry, LLC submitted a new application to pursue a Cannabis Retail Microbusiness at 455 Pleasant Valley Way which was considered and subject to a Resolution on December 20, 2022; and

WHEREAS, upon further review, the proposed new location is on a major thoroughfare with no on-site parking which will likely lead to major congestion and safety issues;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that Resolution 336-22 be and is hereby rescinded and revoked, but providing Kemistry, LLC with an opportunity to cure; and be it further

RESOLVED, that a copy of this Resolution shall be forwarded by the Municipal Clerk to the New Jersey Cannabis Regulatory Commission and made available in the Clerk's office in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: January 10, 2023