

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 October 25, 2022, the Township Council for the Township of West Orange (the “Township”) adopted Resolution 284-22 expressing the Township’s support for **THE LIBRARY OF NEW JERSEY, INC. (the “Applicant”)** for a proposed cannabis related business with the proposed location at 24 Park Avenue; and

WHEREAS, on May 15, 2023, the Applicant sent a letter to the Township advising that the property owner at 24 Park Avenue terminated the lease for use of the property at 24 Park Avenue with the Applicant; and

WHEREAS, the Applicant was seeking to revise the resolution adopted by the Township Council expressing the Township's support for the proposed cannabis retail business with a new location; and

WHEREAS, pursuant to the Township's instruction, on May 24, 2023, the Applicant submitted an updated application for Local Support from the Township with a new proposed location at **1-3 Washington Street** for its proposed cannabis retail business; and

WHEREAS, on Thursday, May 25, 2023 by way of an email vote, a majority of the members of the Township Council voted to authorize the revision to the resolution of Local Support for Applicant's proposed cannabis retail business as the new proposed location at **1-3 Washington Street**; and

WHEREAS, the Local Support as set forth in this resolution and the prior resolution adopted as to Local Support for the prior location 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 the Township authorizes the revision to Resolution 284-22 to replace the address listed as 24 Park Avenue to the address at **1-3 Washington Street** and further declares its Local Support for the new proposed location of the Applicant's proposed cannabis related business at

1-3 Washington Street; and be it further

RESOLVED, that the revision of Resolution 284-22 shall be subject to a ratification by a vote of the Township Council at its next Township Council meeting; and be it further

RESOLVED, that the Local Support as declared in this Resolution and previously declared in Resolution 284-22 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 J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: June 13, 2023