

TOWNSHIP OF WEST ORANGE
TASKFORCE AND ADVISORY COMMITTEE REGARDING CANNABIS BUSINESS

EVALUATION REPORT

**APPLICATION FOR RESOLUTION OF LOCAL SUPPORT FOR THE SUITABILITY
OF A CANNABIS BUSINESS WITHIN THE TOWNSHIP OF WEST ORANGE –
CANNABIS RETAIL - MICROBUSINESS**

Overview

The Township of West Orange Taskforce and Advisory Committee Regarding Cannabis Business (the “Taskforce”) presents this Evaluation Report for the evaluation of the second amended application submitted by Kemistry, LLC (“Kemistry”) seeking a Resolution of Local Support for the Suitability of a Cannabis Business (“Resolutions of Local Support”) consistent with N.J.A.C. 17:30-5.1(g) of the regulations promulgated by the New Jersey Cannabis Regulatory Commission (the “Commission”). Kemistry is seeking a Resolution of Local Support as part of its application to operate a Cannabis Retail Microbusiness within the Township of West Orange (the “Township”).

Kemistry had first submitted an application for a Resolution of Local Support in response to the Township’s Request for Application (the “RFA”) published on February 25, 2020. Its initial application listed a proposed location of 216 Main Street. As set forth in the Taskforce’s March 10, 2022 Evaluation Report, the location at 216 Main Street falls within the Main Street Subdistrict within the Downtown Redevelopment Area governed by the Redevelopment Plan for that area. As the Redevelopment Plan did not include cannabis related uses within the Main Street Subdistrict, Kemistry’s application could not proceed.

By letter dated March 10, 2022, the Taskforce invited Kemistry to revise its application with a new proposed location. On March 16, 2022, Kemistry provided a Letter of Intent to Lease for the property at 24 Park Avenue advising that this location was the new proposed location for the proposed Cannabis Retail Microbusiness. On April 12, 2022, Kemistry submitted an updated set of proposed drawings reflecting the new proposed location. On April 26, 2022, the Township Council for the Township of West Orange adopted Resolution 122-22 expressing the Township’s support of Kemistry’s proposed Cannabis Retail Microbusiness at 24 Park Avenue.

However, the Township then received an application for a Resolution of Local Support from another Applicant with the same exact proposed location at 24 Park Avenue. This new application included an executed lease agreement for the property at 24 Park Avenue. In light of this new application with an executed lease agreement for use of the property at 24 Park Avenue, the Township issued a letter to Kemistry seeking confirmation as to whether Kemistry was still proceeding with a proposed Cannabis Retail Microbusiness at 24 Park Avenue to which Kemistry confirmed that it had since lost the use of the property. On October 11, 2022, the Township Council adopted Resolution 283-22 revoking Resolution 122-22 based upon Kemistry’s loss of the property at 24 Park Avenue.

On or about October 21, 2022, Kemistry then submitted a Second Amended Application for a Resolution of Local Support with a new proposed location for its Cannabis Retail Microbusiness at 455 Pleasant Valley Way, including a executed Agreement of Sale evidencing Kemistry's purchase of the proposed location.

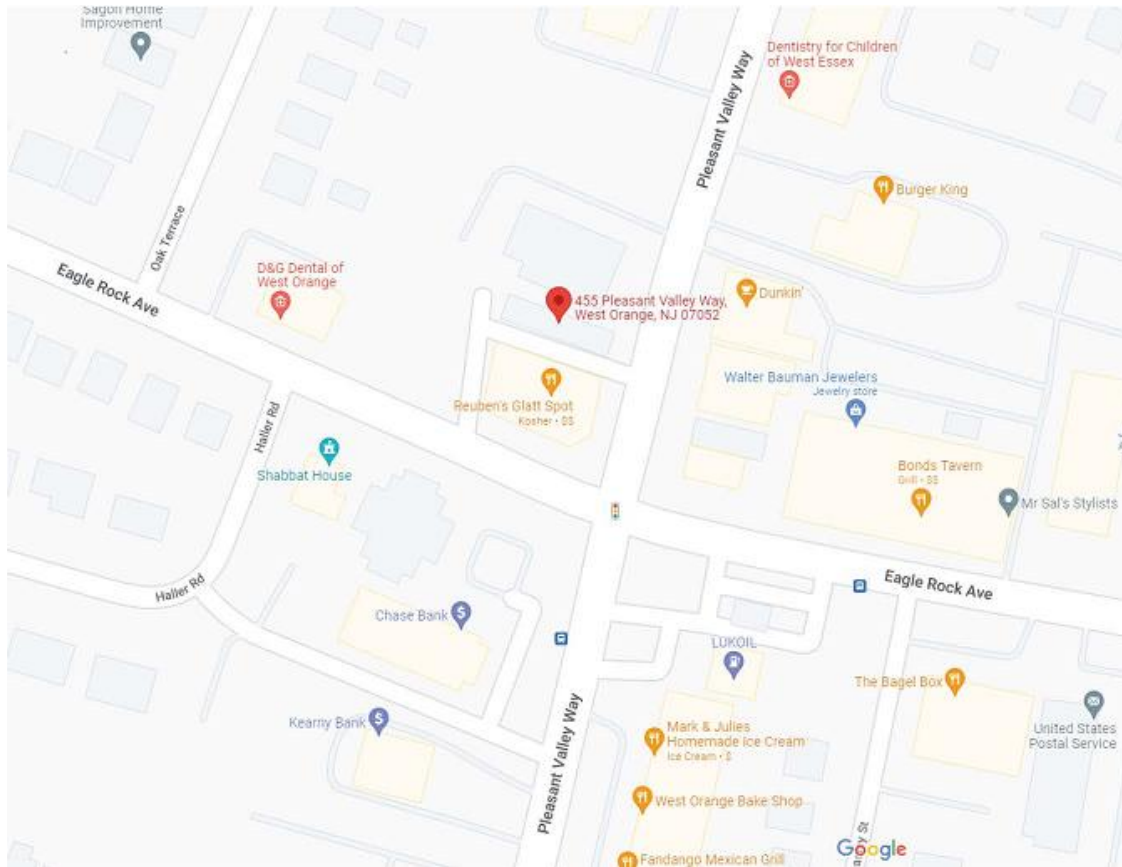
On the morning of December 17, 2022, the Taskforce conducted a meeting via Zoom video teleconference wherein the Taskforce discussed the Second Amended Application for a Resolution of Local Support. By a vote of 5-1 the Taskforce approved its support and recommendation for the adoption of a Resolution of Local Support for Kemistry's Second Amended Application.

In addition, the Committee utilized a legal advisor to assist in evaluating Kemistry's application and preparation of this Evaluation Report: Mark Y. Moon, Esq. from the office of the Township Attorney, Richard D. Trenk, Esq.

Evaluation

	<u>NAME</u>	<u>PROPOSED LOCATION</u>
	Kemistry	455 Pleasant Valley Way

In its Second Amended Application, Kemistry proposes the operation of a Cannabis Retail Microbusiness at 455 Pleasant Valley Way. The location is within an B-1 Zone which includes Cannabis Retail as a conditional use within the zone.





The Taskforce determined that this proposed location was suited for a proposed Cannabis Retail Microbusiness. Currently the proposed location includes a vacant single story building which was formerly a Chinese Restaurant. The Taskforce noted that the property included a parking area behind the building on the property.



A member of the Taskforce commented that the proposed location was particularly well-suited, because it was the only proposed location, thus far, that was closer to the Township’s border to the Township of Verona and other West Essex municipalities providing cannabis retail to customers from municipalities that did not opt in to allow cannabis retail.

There was some concern regarding the proximity of the proposed location to the Burger King and Dunkin Donuts located across the street which are a known “hangout spots” for many high school students. Ultimately, however, the Taskforce felt that because the Burger King and Dunkin Donuts were across the street, the proposed location was sufficiently removed to operate without drawing underaged teens to the business. In addition, based upon the proposed security measures for Kemistry’s proposed Cannabis Retail Microbusiness, there were sufficient measures to insure that underaged teens would not be able to gain access to the business.

As to the qualification of Kemistry’s management and the potential community impact, the Taskforce reiterated all of the positive contributions that Kemistry’s majority owner, Talia Young, has had in her commitment to the West Orange Community. As set forth in the Taskforce’s previous evaluation report of Kemistry’s previous application:

The Taskforce found compelling Kemistry’s Certification of approval under the Small Business Set-Aside Act and Minority and Women Certification Program. The Taskforce felt that this applicant embodied the social justice goals expressed by the Commission.

Most notably, however, the Taskforce was most impressed with Ms. Young and her commitment to the West Orange community. As a Township resident, Ms. Young has been active in the community, including her organization of the Black Santa Workshop event at Rock Spring Golf Course and her role on the Township's Juneteenth Committee including the planning of a fireworks display at Rock Spring in celebration of the Juneteenth holiday, and through her role as Chief Executive Officer and founder of Space 2 Create Social Impact Community Development Corporation, an entity seeking to open doors to economic equity and sustainability in communities of color. Members of the Taskforce were able to describe their own experiences with Ms. Young having had their own dealings with her in a variety of community service contexts.

The Taskforce recognized that Kemistry's loss of its prior location should not constitute a basis for penalizing Kemistry in its efforts to operate a Cannabis Retail Microbusiness within the Township.

Therefore, based on these reasons, the Taskforce recommends the issuance of a Resolution of Local Support for Kemistry.

Conclusion/Recommendation

Based on the Taskforce's review and evaluation of Kemistry's Second Amended Application and for the reasons set forth in this Evaluation Report, the Taskforce recommends to the Township Council that it adopt a Resolution of Local Support for the Suitability of a Cannabis Business consistent with N.J.A.C. 17:30-5.1(g) to the Kemistry. The Taskforce notes however, that Kemistry will need to update the drawings and layout for the proposed Cannabis Retail Microbusiness to reflect the new proposed location.