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# PRIME & TUVEL

ATTORNEYS AT LAW

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August 28, 2023

**VIA HAND DELIVERY & EMAIL**

Borough of Oakland Planning Board  
One Municipal Plaza  
Oakland, NJ 07436  
Attn: Mariela Castro, Planning Board Secretary

**RE: Kusala Care LLC ("Applicant")  
27 Muller Rd., Oakland Block 301, Lot 2 (the "Property")  
Application for preliminary and final major site plan review for  
construction of a cannabis cultivation facility (the "Application")**

Dear Ms. Castro,

This office represents the Applicant in connection with the above-referenced Application, which proposes the construction of a cannabis cultivation and personal-use business at the Property. In connection with the application, please find enclosed the following materials for your review:

- Twenty (20) copies of the Borough of Oakland Land Development Application;
- Twenty (20) signed and sealed site plans prepared by McNally, Doolittle Engineering, L.L.C., consisting of three (3) sheets, dated 7/12/2023;
- Twenty (20) signed and sealed architectural plans prepared by Blueline Architects, L.L.C., consisting of one (1) sheet dated: 08/18/2023.
- Twenty (20) Kusala Care LLC- Secure Transport of Cannabis SOP;
- Twenty (20) Kusala Care-Public Safety and Security Plan;
- Twenty (20) Kusala Care Security Plan email from Oakland Police Chief;
- Twenty (20) Odor & Nuisance Control Plan, prepared by EWMA, consisting of seven (7) pages, dated August 2023;
- Twenty (20) letters from the State of New Jersey, Cannabis Regulatory Commission, consisting of three (3) pages, dated May 25, 2022;
- Twenty (20) Certified, Borough of Oakland, 200' POI, consisting of three (3) pages, dated August 9, 2023;
- Twenty (20) copies of the Borough of Oakland Ordinance §59-55;

TIMOTHY M. PRIME, Esq.

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2000 ADAMS STREET TO THE PENNSYLVANIA  
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- Twenty (20) copies of the Borough of Oakland, Bergen County, New Jersey Resolution No: 23-128;
- Twenty (20) copies of the Water Usage Plan-Engineering Assessment, prepared by E/WMA, consisting of two (2) pages, dated August 15, 2023;
- 

The application does not include the tax certification or the traffic study. The owner of the Property is working to bring the taxes current and the Borough has asked us to hold off on the traffic study until the school year commences. The traffic engineer will be performing the study on September 12<sup>th</sup> and the report will be provided to the Board as soon as practicable. We ask that the Application be reviewed and deemed complete pending these items. Upon your review of the enclosed items, kindly advise if this Application may be deemed complete and scheduled for a hearing before the Zoning Board of Adjustment at the next available date.

Very truly yours,

*Jason R. Tuvel*

Jason R. Tuvel, Esq.

Attorney for Applicant

JRT:cmt

Enclosures

**BOROUGH OF OAKLAND  
BERGEN COUNTY, NEW JERSEY**

**LAND DEVELOPMENT APPLICATION**

Date 8/17/2023

**NOTE: APPLICATION SETS MUST BE COLLATED AND  
SUBMITTED IN PACKET FORM FOR PROCESSESSING.**

Application No.	_____
Date Received	_____
Fee Submitted	_____
Jurisdiction Date	_____
Complete Date	_____
Decision Date by	_____
Board Action	_____
<b>FOR OFFICIAL USE ONLY</b>	

The undersigned, as Applicant/Owner of the subject property identified herein hereby makes application to the Borough of Oakland for (check all that apply)

<input checked="" type="checkbox"/> New Application	<input type="checkbox"/> Major Subdivision Preliminary	<input type="checkbox"/> Major Site Plan Preliminary
<input type="checkbox"/> Amendment to prior approval	<input type="checkbox"/> Major Subdivision Final	<input type="checkbox"/> Major Site Plan Final
<input type="checkbox"/> Concept Plan (PB only)	<input type="checkbox"/> General Development Plan	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Minor Site Plan	

**Indicate Relief to be Requested in Conjunction with this Application**

<input type="checkbox"/> Use Variance (N.J.S.A. 40:55D-70.d)	<input type="checkbox"/> Bulk Variance(s) (N.J.S.A.40:55D-70.c)
<input type="checkbox"/> RSIS Exception (N.J.A.C. 5: 21-3.2)	<input type="checkbox"/> Design Standard Waiver(s) <input type="checkbox"/> Environmental Protection Waiver

1. APPLICANT INFORMATION

- a. Name: **Kusala Care**
- b. Address: **27 Muller Rd. Oakland, NJ 07436**
- c. Telephone (include fax number if desired): **201-419-0346**
- d. Applicant is a: (check applicable status)
- ☒ Corporation ☐ Partnership ☐ Individual (s)
- e. If applicant is a corporation or a partnership, please list the names and addresses of persons having a 10 % interest or more in the corporation or partnership on a separate sheet and attach to this application.
- f. Relationship of applicant to property (check applicable status):
- ☐ Owner ☐ Purchaser under contract ☒ Lessee
- ☐ Other (please specify): \_\_\_\_\_
- g. If applicant is represented by an attorney:
- Name: **Prime and Tuvel**
- Address: **1 University Plaza, Suite 500, Hackensack, New Jersey 07601**
- Telephone: **201-883-1010** Fax: **856-273-8383**
- h. Preparation of Plans by:
- Name: **Matthew Greco, McNally, Doolittle Engineering, LLC**
- Address: **169 Ramapo Valley Road, Oakland, NJ 07436**
- Tel: **201-337-9051** Fax: **n/a**

## 2. PROPERTY INFORMATION

a. Street address **27 Muller Rd. Oakland, NJ 07436**

b. Tax Map Block(s) 301 Lot(s) 2

c. Zone District 1-4 (OC/IP)

d. Existing Use of Property Warehouse Storage

e. Please list prior applications or municipal actions regarding this property:

f. Property is located (check applicable status):

f. Property is located (check applicable status):

       Within 200 feet of another municipality.

X Adjacent to a State Highway.

\_\_\_\_ Adjacent to an existing or proposed County road.      \_\_\_\_ Adjacent to other County land.

**Note: If any category is checked, notification concerning this application to the appropriate agency is required.**

g. Property has public sanitary sewer access available? ☒ Yes ☐ No. If not what solution is proposed to handle sanitary waste. \_\_\_\_\_

3. NATURE OF APPLICATION: (check where appropriate)

a. N/A Minor Subdivision/ Major Subdivision:

(1) Indicate total tract size: N/A acres

(2) Proposed number of lots: N/A

b. N/A Residential Development (clearly detail proposed use of property): \_\_\_\_\_

c. **X** Non-Residential Development (clearly detail proposed use of property): \_\_\_\_\_

**Interior warehouse property will be outfitted with separate, sealed rooms with multi-zone HVAC systems,**

**LED lighting systems, and air purification systems to be suited for indoor cannabis cultivation, in accordance**

**with the rules and regulations set forth by the Borough of Oakland and the NJ Cannabis Regulatory Commission.**

d. Contemplated form of ownership (check all that apply):

☐ Fee simple      ☐ Condominium      ☐ Cooperative      ☒ Rental

e. Are there any existing Deed Restrictions?   X   No        Yes (attach copy of restriction)

f. Are there any proposed Deed Restrictions?   X   No        Yes (attach copy of restriction)

g. List exhibits accompanying this application: (attach separate sheet if necessary)

Please see attached.

---

h. Indicate if this is a shared-use variance application.      yes   X   no

h. Indicate if this is a bifurcated use variance application:      yes **X** no

If yes, note that any approval, if granted by the Board of Adjustment, shall be conditioned upon submittal of a completed site plan application being submitted to the Board of Adjustment for approval (N.J.S.A. 40:55D-76).



4. VARIANCE (S) REQUESTED: If this application requires a variance from the strict application of the Borough of Oakland Zoning Ordinance for a use permitted in the Zone in which the property is located complete the section below requesting said relief. You may attach additional sheets if needed.

<u>Section</u>	<u>Required</u>	<u>Proposed</u>
N/A		

5. SPECIFIC DESIGN WAIVER (S) RELIEF REQUESTED

<u>Section</u>	<u>Required</u>	<u>Proposed</u>
Please see attached		

7. SPECIFIC RELIEF REQUESTED


If relief is requested in connection with this development proposal for any category as indicated on the front page of this application and outlined above, attach hereto a separate exhibit(s) for each category of relief sought, stating the factual basis, legal theory, and whether they have been previously granted. Failure to supply this information if applicable will result in your application being deemed incomplete.

8. OTHER INFORMATION REQUIRED

- Attach completed checklist.
- Attach certification of payment of taxes from Township Tax Collector.
- Attach any other government approvals if received in connection with this application such as NJDEP permits, NJDOT permits, Passaic County Approvals etc.

9. VERIFICATION AND AUTHORIZATION

- Applicant's Statement: I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are, to the best of my knowledge, true and accurate.

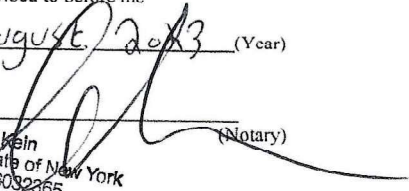
 8/22/23  
 Applicant's Signature Date

- Owner's Statement: I, the undersigned, being the owner of the property described in this application, hereby consent to the making of this application and the approval of the plans submitted. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency.

 Date  
 Owner's Signature

Sworn and Subscribed to before me

22 day of August, 2023 (Year)

  
 Israel Klein (Notary)  
 Notary Public, State of New York  
 NO. 01KL6032265  
 Qualified in Kings County  
 Commission Expires Oct. 25, 2025

## **WAIVERS**

### **ITEM 15: COMPLETE STORM DRAINAGE SYSTEM**

- The drainage does not pertain to any of our improvements, the increase in coverage is for equipment pads and negligible on a 13-acre site.

### **ITEM 19: LOCATION AND DETAILED OF SIDEWALK AND STREET SHADE TREES**

- Shade trees and sidewalk improvements don't pertain to the project, we aren't doing work on any roadway frontage.

## Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type.  
See Specific Instructions on page 3

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Kusala Care LLC</b>		
2 Business name/disregarded entity name, if different from above		
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ►	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>	
5 Address (number, street, and apt. or suite no.) See instructions. <b>504 7th St, Side A</b>		Requester's name and address (optional)
6 City, state, and ZIP code <b>Palisades Park, NJ 07650</b>		
7 List account number(s) here (optional)		

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-					
or									
Employer identification number									
8	6	-	3	1	1	9	1	4	8

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ► 	Date ► <b>8/17/23</b>
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### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

COUNTY OF BERGEN )  
 ) ss.  
STATE OF NEW JERSEY )

1. I am the owner of certain property located within the Township of Oakland, the same of which is located at 27 Muller Road, Oakland, NJ 07436 ("Owner").

3. Owner grants to Applicant, and its attorneys, Prime & Tuvel, consent to apply to the Township of Oakland Planning Board (or any other governmental agency with jurisdiction over the development of the Property), for site plan approval, waivers and any related approvals or permits as may be required from any governmental entity.

this 22 day of August 2023.

**Israel Kain**  
Notary Public, State of New York  
NO. 01KL6032365  
Qualified in Kings County  
Commission Expires Oct. 25, 20

**Corporate Ownership Disclosure Statement**

**Application of APPLICANT**

**27 Muller Rd. Oakland, NJ 07436  
Block 301, Lot 2**

*This Corporate Ownership Disclosure statement is provided in compliance with the requirements of N.J.S.A. 40:55D-48.1 et seq.*

Owners holding 10% or more of any class of stock/interest in **Kusala Care:**

1. George Lutfey
  - a. 50% owner
  - b. 7 Bannehr St., Oakland, NJ 07436
2. Justin Lee
  - a. 50% owner
  - b. 7 Bannehr St., Oakland, NJ 07436

PLANNING BOARD  
BOROUGH OF OAKLAND  
DETERMINATION OF COMPLETENESS CHECKLIST  
SITE PLAN

Project Title \_\_\_\_\_  
 Lot, Block \_\_\_\_\_ Lot: 2; Block: 301  
 Docket No. \_\_\_\_\_

ITEM	YES	NO	N/A	COMMENTS
(1) Site plan drawn to a scale of not more than 1"=50', unless permitted by Board.	<u>X</u>	___	___	_____
(2) Signed and sealed statement of certifications by both N. J. registered professional Engineer and Land Surveyor, as to the accuracy of the site plan and topographical map.	<u>X</u>	___	___	_____
(3) Name and title of applicant, owner and plan preparer.	<u>X</u>	___	___	_____
(4) Approval block bearing titles of Chairman and Secretary of Planning Board and the Borough Engineer.	<u>X</u>	___	___	_____
(5) Lot, Block, and Tax Map Sheet Numbers,	<u>X</u>	___	___	_____
(6) Date, scale and north arrow.	<u>X</u>	___	___	_____
(7) Zone Boundaries of adjoining properties.	<u>X</u>	___	___	<u>CS-1</u>
(8) Existing/proposed contours referred to U.S.C.&G.S. datum.	<u>X</u>	___	___	_____
(9) Location of zoning setback lines and existing man-made or natural features.	<u>X</u>	___	___	_____
(10) Existing/proposed signage and lighting detail and location.	___	___	<u>X</u>	<u>Applicant proposes a sign 3" X 10".</u>

ITEM	YES	NO	N/A	COMMENTS
(11) Location of existing/ proposed buildings and structures.	<u>X</u>	___	___	_____
(12) Location of all structures within one hundred (100') feet of the property.	<u>X</u>	___	___	_____
(13) Proposed sanitary sewers and water systems.	___	___	<u>X</u>	_____
(14) Building floor plans and elevations drawings of proposed principal building and accessory structures.	<u>X</u>	___	___	_____
(15) Complete storm drainage system.	___	___	___	<u>waiver</u>
(16) Drainage Design Data/ Calculations.	___	___	<u>X</u>	_____
(17) Location and detail of existing/ proposed site improvements (i.e. curbs, sidewalks, etc.)	<u>X</u>	___	___	_____
(18) Dimensions of all adjacent streets and roadway improve- ments, and all existing driveways within 100' of site.	<u>X</u>	___	___	_____
(19) Location and detail of sidewalk and street shade trees.	___	___	___	<u>waiver</u>
(20) Profiles and construction cross section for parking, aisles and driveways, curbing, walkways, exterior stairways and railings.	___	___	<u>X</u>	_____
(21) Proposed off-street parking Schedule.	<u>X</u>	___	___	_____
(22) Number and type of proposed uses of land, buildings and units, together with the floor area for same and the estimated number of employees or occupants of each unit.	<u>X</u>	___	___	_____





ADDITIONAL COMMENTS \_\_\_\_\_



State of New Jersey  
CANNABIS REGULATORY COMMISSION

PHILLIP D. MURPHY  
Governor

P.O. BOX 216  
TRENTON, N.J. 08625-0216

SHEILA Y. OLIVER  
Lt. Governor

DIANNA HOUEYOU, *Chair*  
SAMUEL DELGADO, *Vice Chair*  
KRISTA NASH, *Commissioner*  
MARIA DEL CID-KOSSO, *Commissioner*  
CHARLES BARKER, *Commissioner*  
JEFF BROWN, *Executive Director*

May 25, 2022

Kusala Care  
George Lutfey  
[g.lutfey@yahoo.com](mailto:g.lutfey@yahoo.com)  
5 Stoney Brook Ct  
Ramsey NJ 07446

Re: **FINAL AGENCY DECISION**  
**APPROVAL OF CONDITIONAL LICENSE APPLICATION**

Dear George Lutfey:

Congratulations! The New Jersey Cannabis Regulatory Commission ("NJ-CRC") has received and reviewed your application for a Class 1 Cannabis Cultivator to operate an adult personal-use cannabis business in the state of New Jersey. Upon the completion of the NJ-CRC's review, your application for a conditional license has been approved.

Pursuant to N.J.A.C. 17:30-7.2(f), the NJ-CRC shall approve a conditional license application where the applicant (1) has submitted a complete conditional license application in accordance with N.J.A.C. 17:30-7.3 and the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1; (2) has scored sufficiently high to be issued a conditional license in accordance with the criteria included in the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1 and 7.3; (3) is qualified to hold a conditional license pursuant to N.J.A.C. 17:30-7.4; and (4) has submitted application fees pursuant to N.J.A.C. 17:30-7.17. The above-referenced entity has satisfied all criteria.

Following this written notice of approval, the license applicant must notify the NJ-CRC within five (5) business days whether it will accept the license, or if it will abandon the license. Acceptance or abandonment of the license can be supplied by a letter from the applicant's listed primary contact, submitted electronically to [crc.licensing@crc.nj.gov](mailto:crc.licensing@crc.nj.gov). **Pursuant to N.J.A.C. 17:30-7.5(c), failure of the applicant to notify the NJ-CRC of its decision to accept or abandon the license by the specified deadline shall result in the license being deemed abandoned.**

Should you choose to accept this license, the NJ-CRC will continue to verify information contained in

your application and notify you when to submit the required conditional license application approval fee established at N.J.A.C. 17:30-7.17. Following receipt of the conditional license application approval fee, the NJ-CRC will issue the conditional license and provide the same to the applicant.

Acceptance of the license, submission of the conditional license application approval fee, and issuance of the conditional license by the NJ-CRC to the applicant triggers the beginning of the conditional license phase as established at N.J.A.C. 17:30-7.6. During the conditional license phase, the conditional license holder must (1) establish control of the proposed site; (2) gain municipal approval; and (3) develop and submit a conditional license conversion application. The conditional license phase commences on the date the conditional license is issued to the license applicant and expires after 120 calendar days. Pursuant to N.J.S.A. 24:6I-36b.(2)(d)(i) the NJ-CRC may extend the conditional license phase of any applicant for an additional 45 calendar days at its discretion. **To create better efficiency and to support new applicants, the NJ-CRC will automatically extend the conditional license phase for the above-listed applicant for an additional 45 calendar days.** The applicant may satisfy the conditional license phase and begin the process to convert to an annual license at any time prior to the end date for the conditional license phase. The additional 45 calendar days are offered as a courtesy and to prevent the necessity of the applicant submitting a formal request for extension.

**During the conditional license phase, the conditional license holder shall not engage in purchasing, possessing, selling, cultivating, manufacturing, or selling cannabis or cannabis products.** N.J.A.C. 17:30-7.6(e). Failure to adhere to this restriction may subject the applicant to adverse action by the Commission and may expose the applicant to law enforcement action.

The following activities are permitted during the conditional license phase:

1. The conditional license holder may obtain additional funding by adding new loans or gifts from new or existing financial sources not listed in the conditional license application. Conditional license applicants are reminded, however, that during the conversion phase, the NJ-CRC may investigate and may conduct probity review of the license applicant, its owners, principals, and related entities and their finances, ownership, and control structure (See N.J.A.C. 17:30-7.7(e)), and conditional license holders are therefore advised to not execute any additional financing agreements that have not been received and reviewed by the NJ-CRC;
2. The conditional license holder may change the proposed location of the cannabis business, and such new location shall be reflected in the conditional license conversion application;
3. The conditional license holder may notify the NJ-CRC of its intention to abandon the license, which will then be returned to the Commission; and
4. The majority share of the ownership interest in the license holder shall remain the same as at the time of license issuance, however:
  - a. An owner or passive investor of the conditional license holder may transfer ownership interest to another qualified party; and
  - b. The conditional license holder may add new qualified owners and principals.

Certain businesses are subject to the following additional restrictions:

1. A Diversely-Owned Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Diversely-Owned business criteria, pursuant to N.J.A.C. 17:30-6.4;
2. An Impact Zone Business conditional license holder shall not make any ownership interest transfer

- that causes the license applicant to no longer comply with the Impact Zone Business criteria, pursuant to N.J.A.C. 17:30–6.5;
3. A Social Equity Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Social Equity Business criteria, pursuant to N.J.A.C. 17:30–6.6;
  4. A Microbusiness conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Microbusiness criteria, pursuant to N.J.A.C. 17:30–6.7; and
  5. A conditional license holder shall not violate the limitations on owners and principals, pursuant to N.J.A.C. 17:30–6.8.

Prior to the end of the conditional license phase, the applicant must submit its conditional cannabis business conversion application pursuant to N.J.A.C. 17:30-7.8. If granted, the license will be converted from a conditional license to an annual license, subject to all conditions set forth in N.J.A.C. 17:30-7.9 through 7.14.

As a conditional license awardee, you are subject to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization (“CREAMM”) Act as well as all regulations implementing the CREAMM Act, set forth at N.J.A.C. 17:30. The NJ-CRC recommends that you familiarize yourself with those sections of the regulation pertaining to conditional cannabis licenses, specifically N.J.A.C. 17:30-7.2 through 7.8.

Again, congratulations on your successful application and thank you for your interest in working with the NJ-CRC to establish a safe and equitable cannabis industry for the state of New Jersey. Should you have any questions regarding this correspondence, please submit your inquiry to the NJ-CRC Licensing inbox at [crc.licensing@crc.nj.gov](mailto:crc.licensing@crc.nj.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'DH' followed by a horizontal line.

Dianna Houenou  
Chairperson  
New Jersey Cannabis Regulatory Commission



## BOROUGH OF OAKLAND, NEW JERSEY

November 1, 2022

George Lutfey  
Kusala Care, LLC

**RE: 27 Muller Road  
Block 301 Lot 2  
Oakland, NJ 07436**

Dear: George Lutfey,  
The property is located in the IP Industrial Park Zone §59-55

☐ § 59-55 I-P Industrial Park Zone.

(8) Cannabis Operations.  
[Added 12-20-2021 by Ord. No. 21-Code-863]

(a) Cannabis Wholesaling.

(b) Cannabis Distributing.

[1] Furthermore, to protect the public health, safety and welfare, the uses in (a) and (b) listed above are subject to the standards enumerated herein:

[a] As authorized by the enabling legislation, Oakland is permitted and has chosen to place an upper limit the number of cannabis licenses and thus cannabis operations that may locate in Oakland. No more than 10 cannabis enterprises of any type shall be authorized in the Borough. An applicant seeking site plan approval shall provide as an item of completeness a signed Affidavit attesting to and indicating the owner, type of license held and location of every cannabis operation in the Borough.

[b] Every cannabis operator/owner/applicant must possess a valid State of New Jersey license for the particular cannabis use being applied for. All conditions associated with the required New Jersey issued cannabis license are also requirements of any local approval that may issue.

[c] Each and every cannabis operator must in addition to securing a license from the State of New Jersey must also secure a cannabis license from the Borough of Oakland. The fee for such license shall be established by separate ordinance. The Oakland Site Plan Checklist is herein revised and amended to include as a checklist item proof of possession of both a valid State of New Jersey and a Borough of Oakland license for all cannabis applications and the aforementioned listing of all cannabis operations within the Borough.

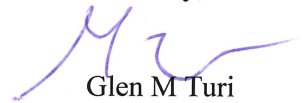
[d] All proposed cannabis operations must secure site plan approval as a prior approval before seeking a construction permit.

[e] All cannabis applicants must produce a public safety and security plan and secure approval from the Oakland Police Department or an approved outside agency approved by the Oakland Police Department. Certification of all employees shall comprise one aspect of the public safety and security plan. Strict implementation of the public safety and security plan is a continuing obligation of every cannabis operator. All cannabis operations shall deposit in its escrow account an additional \$3,500 to fund all reviews by or required by the Police Department or Health Department. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.

- [f] All cannabis applicants must produce an odor control plan. Approval of this odor control plan prior to the issuance of a construction permit will be a requirement of all cannabis operators. Strict implementation of the odor control plan is a continuing obligation of every cannabis operator. The Health Department, or an outside agency as designated by the Health Department, shall be the designated reviewing agency. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.
- [g] Off street parking requirements for each listed cannabis operation shall be based on § 59-61G(2), except that parking requirements for all office space in said cannabis operations shall conform to § 59-61G(3).
- [h] Off street loading requirements for all cannabis operations shall be the same as adopted for industrial uses.
- [i] All trucks owned by the cannabis operator and used in the distribution and wholesaling of cannabis or related products shall be stored or parked in a lot that is enclosed by fencing with a gate that shall at all times be locked, except for when trucks are entering or leaving the enclosed truck storage area. Employee parking shall be located in a separate area of the site.

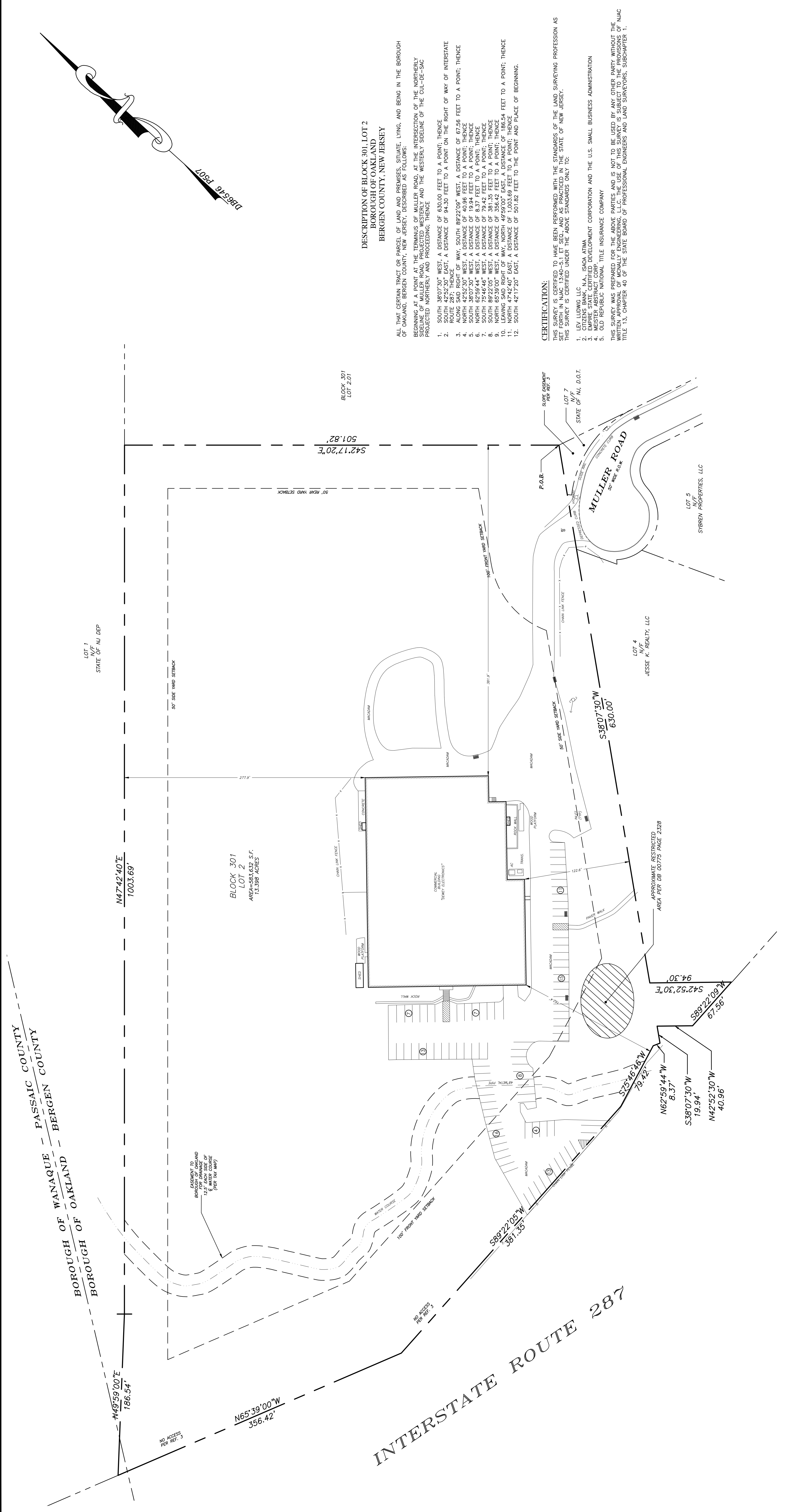
This is an approved use in the zone.

Sincerely,



Glen M Turi  
Zoning Officer  
201-405-7710





INTERSTATE ROUTE 287

DESCRIPTION OF BLOCK 301, LOT 2  
BOROUGH OF OAKLAND  
BERGEN COUNTY, NEW JERSEY

ALL THAT CERTAIN TRACT OR PARCEL OF LAND AND PREMISES, SITUATE, LYING, AND BEING IN THE BOROUGH OF OAKLAND, BERGEN COUNTY, NEW JERSEY, DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT AT THE TERMINUS OF MULLER ROAD, AT THE INTERSECTION OF THE NORTHERLY SIDELINE OF MULLER ROAD PROJECTED WESTERLY AND THE WESTERLY SIDELINE OF "THE GUL-DE-SAC" PROJECTED NORTHERLY AND PROCEEDING; THENCE

1. SOUTH 38°07'30" WEST, A DISTANCE OF 630.00 FEET TO A POINT; THENCE
2. SOUTH 42°52'30" EAST, A DISTANCE OF 94.30 FEET TO A POINT ON THE RIGHT OF WAY OF INTERSTATE ROUTE 287; THENCE
3. ALONG SAID RIGHT OF WAY, SOUTH 89°22'09" WEST, A DISTANCE OF 67.86 FEET TO A POINT; THENCE
4. NORTH 42°52'30" EAST, A DISTANCE OF 19.94 FEET TO A POINT; THENCE
5. SOUTH 38°07'30" WEST, A DISTANCE OF 19.94 FEET TO A POINT; THENCE
6. NORTH 62°59'44" WEST, A DISTANCE OF 8.37 FEET TO A POINT; THENCE
7. SOUTH 75°46'46" WEST, A DISTANCE OF 79.42 FEET TO A POINT; THENCE
8. SOUTH 89°22'09" WEST, A DISTANCE OF 351.35 FEET TO A POINT; THENCE
9. NORTH 42°52'30" EAST, A DISTANCE OF 19.94 FEET TO A POINT; THENCE
10. LEAVING SAID RIGHT OF WAY, NORTH 49°59'00" EAST, A DISTANCE OF 186.54 FEET TO A POINT; THENCE
11. NORTH 47°42'40" EAST, A DISTANCE OF 1,003.68 FEET TO A POINT; THENCE
12. SOUTH 42°17'20" EAST, A DISTANCE OF 501.82 FEET TO THE POINT AND PLACE OF BEGINNING.

CERTIFICATION:

THIS SURVEY IS CERTIFIED TO HAVE BEEN PERFORMED WITH THE STANDARDS OF THE LAND SURVEYING PROFESSION AS SET FORTH IN N.J.A.C. 17:27, SECTION 10.1, AND AS PRACTICED IN THE STATE OF NEW JERSEY.

THIS SURVEY IS CERTIFIED UNDER THE ABOVE STANDARDS ONLY TO:

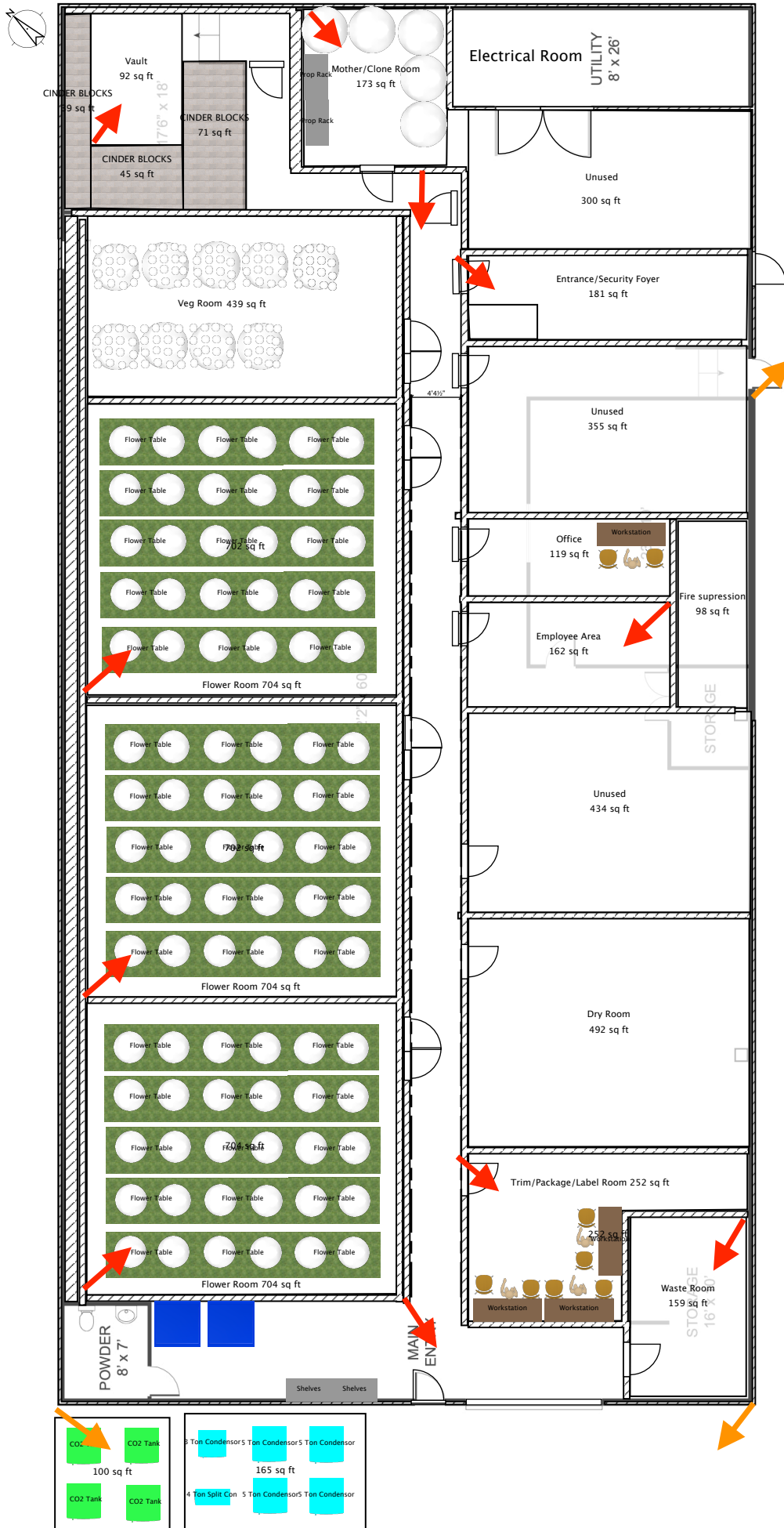
1. LEV LUDWIG, LLC
2. CITIZENS BANK, N.A., ISAXIA ATMA
3. EMPIRE STATE CERTIFIED DEVELOPMENT CORPORATION AND THE U.S. SMALL BUSINESS ADMINISTRATION
4. MID-REPUBLIC NATIONAL TITLE INSURANCE COMPANY
5. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

THIS SURVEY WAS PREPARED FOR THE ABOVE PARTIES AND IS NOT TO BE USED BY ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF DOUGLAS W. DOOLITTLE, PROFESSIONAL ENGINEER, LICENSE NO. 246A27928700, OF N.J.A.C. 17:27, CHAPTER 40 OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS, SUBCHAPTER 1.

- NOTES:
1. SUBJECT TO EASEMENTS, GRANTS, RESTRICTIONS, RIGHT-OF-WAYS AND CONDITIONS OF RECORD AND SUCH OTHER INSTRUMENTS OF RECORD IN THE PUBLIC RECORDS OF THE COUNTY OF BERGEN, NEW JERSEY.
  2. STREET NAMES AND RIGHT-OF-WAY WIDTHS AND BLOCK AND LOT DESIGNATIONS ARE PER THE CURRENT MUNICIPAL TAX MAPS.
  3. LINES SPECIFICALLY STATED OR SHOWN ON THIS PLAT THIS SURVEY DOES NOT PURPORT TO REPEL OR SUPERSEDE ANY PREVIOUS RECORDS, EASEMENTS, RESTRICTIONS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND USE REGULATIONS.
  4. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. ANY SUCH CONDITIONS, INCLUDING BUT NOT LIMITED TO, ROCK, COAL, OIL, GAS, OR OTHER SUBSURFACE OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
  5. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY SIGNED BY THE SURVEYOR AND MARKED WITH AN "ORIGINAL" OR "COPY" SHALL BE CONSIDERED VALID FOR ANY PURPOSE.
  6. SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE N.J. STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY WAS PREPARED AND NOT TO ANY OTHER PERSON OR ENTITY, INCLUDING BUT NOT LIMITED TO ANY INSTITUTION LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
  7. ALL EXISTING PHYSICAL CONDITIONS FOUND AT THE SITE ON THE DATES OF THE FIELD SURVEY AND ON DEED, FILED, AND UNFILED MAP INFORMATION.
  8. DEED BOOK 6603 PAGE 942 DOES NOT EFFECT THE PROPERTY.
  9. DEED BOOK 6603 PAGE 945 DOES NOT EFFECT THE PROPERTY.
  10. DEED BOOK 6558 PAGE 465 DOES NOT EFFECT THE PROPERTY.

- REFERENCES:
1. TAX MAP SHEET NO. 3 FOR THE BOROUGH OF OAKLAND, BERGEN COUNTY, N.J.
  2. "FINAL MAP, SECTION NO. 3, WEST OAKLAND INDUSTRIAL PARK, BOROUGH OF OAKLAND, BERGEN CO., N.J.," DATED JUNE 5, 1988 AND FILED IN THE BERGEN COUNTY CLERK'S OFFICE ON JUNE 27, 1988 AS MAP NUMBER 6710.
  3. "SECTION 21, PASSAIC-BERGEN COUNTY LINE TO CAMPSAW ROAD, PARCEL EBE, BOROUGH OF OAKLAND, COUNTY OF BERGEN," DATED JUNE 10, 1988.
  4. "LOCATION SURVEY, DEWEY ELECTRONICS, 27 MULLER ROAD, OAKLAND, BERGEN COUNTY, NEW JERSEY" DATED JUNE 10, 1988.
  5. "COMMITMENT FOR TITLE INSURANCE PREPARED BY WESTCOOR LAND TITLE INSURANCE COMPANY FOR FORTRESS TITLE AGENCY, INC. TITLE NO. 4379 DATED 2/1/19.
  6. "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 287 (1983) CONSTRUCTION PLAN - C29, NEW JERSEY DEPARTMENT OF TRANSPORTATION, CONSTRUCTION PLANS, MAHAHA, COUNTY OF BERGEN," SHEET 5A & 8A/91, DATED FEBRUARY 1983 REVISED 11/16/92.
  7. "CONSTRUCTION PLAN - C29, NEW JERSEY DEPARTMENT OF TRANSPORTATION, CONSTRUCTION PLANS, MAHAHA, COUNTY OF BERGEN," SHEET 5A & 8A/91, DATED FEBRUARY 1983 REVISED 11/16/92.
  8. "STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, CONSTRUCTION PLANS, ROUTE 287, SECTION 20B, 20C & 21B, FROM NORTH OF THE PEQUANOCK RIVER TO SOUTH OF RAMAPO RIVER, GRADING AND STRUCTURES" SHEET 77 & 79/629.
  9. A LETTER, UNRECORDED IN THE BERGEN CLERK'S OFFICE FROM THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, CONSTRUCTION PLANS, MAHAHA, COUNTY OF BERGEN, DATED JUNE 10, 1988.
  10. UNFILED MAP ENTITLED, "MINOR SUBDIVISION, DEWEY ELECTRONICS CORPORATION, TAX MAP SHEET 3, BLOCK 301 - LOT 2, 27 MULLER ROAD, BOROUGH OF OAKLAND, BERGEN COUNTY, NEW JERSEY" PREPARED BY MCNALLY, DOOLITTLE ENGINEERING, LLC DATED 03/27/19 REVISED 10/30/19.
  11. FIELD SURVEY PERFORMED BY DOUGLAS W. DOOLITTLE, PROFESSIONAL ENGINEER, LICENSE NO. 246A27928700, OF N.J.A.C. 17:27, CHAPTER 40 OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS, SUBCHAPTER 1.
  12. FIELD SURVEY PERFORMED DECEMBER 2019.

3	14/13/2024	ADDED PARKING STRIPING
2	17/20/2024	REVISED PER CLIENT COMMENTS
1	17/15/2024	ADDED RECORDED DEED REFERENCE
REV	DATE	DESCRIPTION
DRAWN BY : CC		
CHECKED BY : DWD		
PROJECT No.: 19002		
DOUGLAS W. DOOLITTLE PROFESSIONAL ENGINEER, LAND SURVEYOR & PLANNER		
DOUGLAS W. DOOLITTLE P.E., L.S., P.P. NJ Lic. No. 246A27928700		
DRAWING TITLE		
BOUNDARY SURVEY		
LEV LUDWIG LLC TAX MAP SHEET 3- BLOCK 301 - LOT 2 27 MULLER ROAD BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY		
MCNALLY, DOOLITTLE ENGINEERING, L.L.C. Certificate of Authorization 246A27928700 169 RAMAPO VALLEY ROAD OAKLAND, NJ 07436 (201) 337-9051		
SCALE	DATE	SHEET No. OF
1"=50'	12/09/19	1 OF 1
ENC. NOS.	SB-1	







**PERRY M. PETRILLO ARCHITECTS, PC**

August 29, 2022

Robert Weiss  
27 Muller Road  
Oakland, NJ

**Proposal:** Perry M. Petrillo Architects, PC is pleased to provide a proposal for Architectural Design Services at 27 Muller Road, Oakland, NJ for an Indoor Cannabis Grow Farm.

**1.0 PROJECT DESCRIPTION**

1.1 Provide **Architectural Services** to prepare permit construction documents for the following:

A. Design of new interior build out of a +/- 7,200 square foot grow facility.

**2.0 SCOPE OF SERVICES**

2.1 Architectural – Base Services

Based on the above referenced project, Perry M. Petrillo Architects, PC proposes to provide the following:

2.1.1 Construction Document Phase

A. Based on the approved Schematic Design, the architect and his sub-consultants shall provide complete architectural and MEP/FP construction documents as listed below.

**ARCHITECTURAL**

1. Cover and Code Analysis Sheet
2. Architectural Site Plan
3. Demolition Plan
4. Floor Plans of areas of work (as required)
5. Reflected Ceiling Plan (as required)
6. Finish Floor and Wall plans
7. Interior Elevations for scope areas only
8. Details as required



**PERRY M. PETRILLO ARCHITECTS, PC**

*Robert Weiss, Cannabis Grow Farm  
27 Muller Rd, Oakland NJ  
August 29, 2022, Page 2 of 10*

**HVAC**

1. Reuse existing exterior RTU for general area (Single zone system) and existing controls.
2. Add ducts and diffusers for general distribution.
3. Incorporate general de-humidification as the space is basically a basement with moisture issues.
4. HVAC to the vault from the existing RTU system – no separate controls.
5. HVAC with dehumidification for the 5 separate grow and work rooms.
6. Air circulation fans for the grow rooms.
7. Selection of units by owner in conjunction with our load analysis.
8. Ductwork system design, including balancing dampers and diffuser and grille section.
9. System design to incorporate proper introduction of outside air to interior spaces as per ASHRAE 62.
10. Existing toilet room exhaust only to remain (No work in the bathroom).
11. Janitor closet ventilation system design not included.

**PLUMBING**

1. Bathroom group to remain as is.
2. Central condensate return system to capture condensate from de-humidifiers and re-use for humidifiers.

**FIRE PROTECTION**

1. Relocate existing sprinkler heads as may be required.
2. Delegated design for any local or state requirements for hydraulic calculation or Sprinkler Certifications shall be provided by the installing contractor.

**ELECTRICAL**

1. Reuse the existing 400A 480v electrical service disconnect and distribution panel.
2. Reuse the exiting EMON Sub-metering system.
3. Reuse the existing 480:208Y120V Transformer.
4. Relocate the existing 480 and 208 panels.
5. Addition and alteration to the existing electrical service.
6. Coordination with local utility company.
7. Power system design.
8. Power and receptacle layout with specialty and power connections for various equipment, including HVAC equipment.
9. Lighting system design, light fixture selection and specification, and design of switching and circuiting – Selection of lighting by the owner.



**PERRY M. PETRILLO ARCHITECTS, PC**

*Robert Weiss, Cannabis Grow Farm  
27 Muller Rd, Oakland NJ  
August 29, 2022, Page 3 of 10*

10. Fire alarm system design, location of pull stations, smoke detectors, strobes, horns, and water flow switches.

**2.1.2 Construction Administration Phase**

- A. Coordinate with owner's contractor to obtain all required contractor information in order for AOR to submit and obtain building permits.
- B. Submit drawings for bidding to owner.
- C. Respond to contractor questions or requests for clarifications of construction drawings.
- D. Respond to building department comments.

**3.0 COMPENSATION**

**3.1 Basic Services**

Perry M. Petrillo Architects, PC proposes to provide the services described under Section 2.1, Architectural Basic Services and permitting submission services, for a fee of **\$40,500.00**, plus reimbursable expenses.

Contract fees due when Construction Documents are completed and submitted for building permits.

Upon review and implementation of the interior design documents any plan revisions/ changes required to meet code will be invoiced as an add service. Add service fees to be determined based on the required code compliant changes to the project.

**Project Changes**

Changes in overall project scope after approval, changes to construction documents, site meetings and/or meetings with local officials will be invoiced on an hourly basis. See section 3.2 Billing Rates.



PERRY M. PETRILLO ARCHITECTS, PC

Robert Weiss, Cannabis Grow Farm  
27 Muller Rd, Oakland NJ  
August 29, 2022, Page 4 of 10

3.2 Additional Services Billing Rates

Hourly Rates:

Principal Architect	\$ 230.00
Site Development Director	\$ 200.00
Sr. Project Manager/Architect	\$ 160.00
Project Manager/Architect	\$ 140.00
Sr. CADD Technician	\$ 115.00
CADD Technician	\$ 105.00
Administrative	\$ 85.00
Permit Coordinator	\$ 80.00
Clerical	\$ 80.00
Consultants	1.15 times the amount billed to the Architect for such services.

3.3 Additional Site Visits

Site visits at client requested site observations shall be invoiced on an hourly basis per section 3.2 Billing Rates.

3.4 Required Services Performed by Others

- Environmental test and reports.
- Civil Engineering – site plan, grades, site work, sidewalks, utilities, landscape, site lighting platforms, stairs, ramps and conform to ADA design.
- All governmental permits – local, state and federal.

3.5 Additional Services Not Included

- Costs of reproduction, blueprints or other copies of plans provided to governmental agencies, building contractors or material suppliers.
- Construction management or supervision of the construction process and meetings with local construction officials, planning board meetings, and board of adjustment meetings.
- Preparation of scale models or rendered perspectives.
- Costs of overnight deliveries of plans for review to be reimbursed at a cost of 1.15%.
- Preparation of construction punch list when project is substantially complete or for C.O.
- Typical site and construction observations including reports and photos.



**PERRY M. PETRILLO ARCHITECTS, PC**

*Robert Weiss, Cannabis Grow Farm  
27 Muller Rd, Oakland NJ  
August 29, 2022, Page 5 of 10*

- Final inspection for C.O. with certified letter of completion for building department/landlord.
- Civil engineering services or drawings.
- Structural engineering or drawings.
- IT/low voltage engineering services or drawings.
- Certified engineered fire alarm system plans, signed and sealed for space.
- State/Juridical required architect inspection.
- Building sign drawings and details, plus permits and code regulations.
- Building security alarm system and drawings.

#### **4.0 FEE SCHEDULE**

- Additional billing will be invoiced on a monthly basis to reflect the percentage of work completed to date.
- Should the project be terminated or halted at any point, billing for the project will be based on total hours to date plus reimbursables.
- Reimbursables are billed at 1.15 x actual cost.

#### **5.0 EXCLUSIONS**

- All construction costs.
- Hazardous or pollutant engineering and abatement.

If this proposal meets with your approval, please sign where indicated and return one copy to my office at which time we will prepare an AIA contract.

Thank you for the opportunity to provide this proposal and we look forward to working with you on this project. If you have any questions or need additional information, please feel free to call.

Respectfully,

Perry M. Petrillo, AIA

Accepted by: \_\_\_\_\_

Date: \_\_\_\_\_

PMP: at

## **EXTERIOR SIGNAGE PLAN**

*KUSALA CARE LLC*

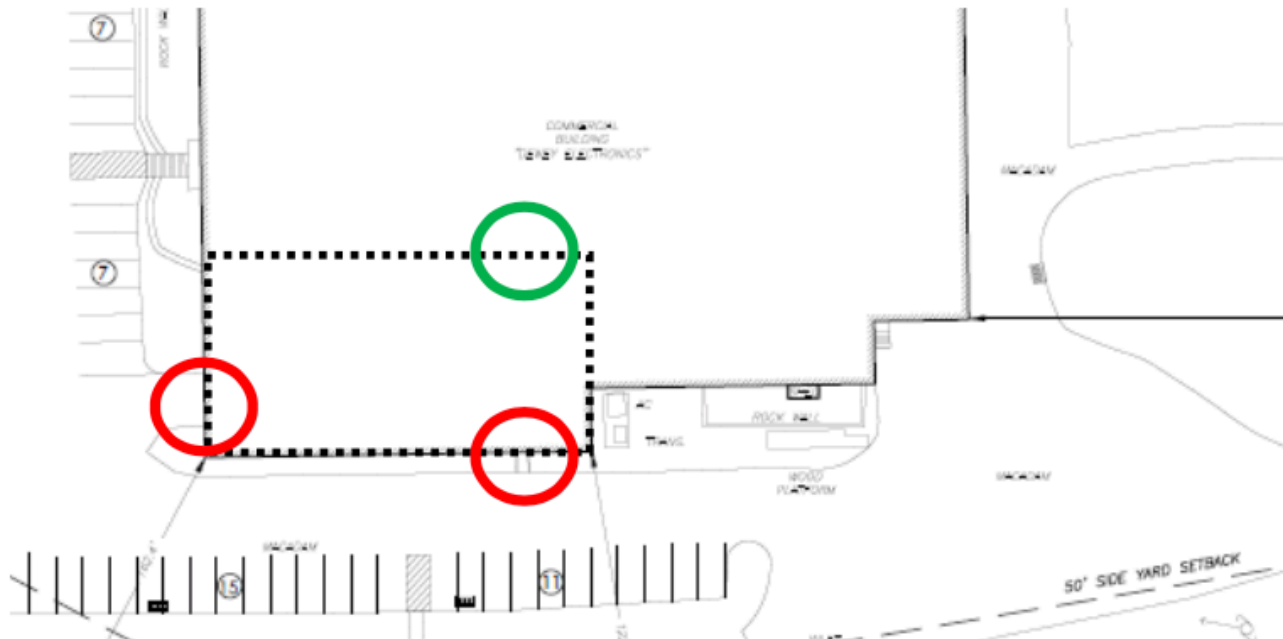
### **Description of Proposed Location of Signs**

The diagram below attached hereto as **(Exhibit A)** depicts the exterior of the proposed business site located at 27 Muller Road, Oakland, New Jersey. **Exhibit A** and the dedicated markings attached thereto indicate the proposed placement of all signage thus establishing the presence of the business known as Kusala Care LLC. In sum, **Exhibit A** demonstrates three (3) key components, the first being the location of the business itself in relation to the surrounding area and road, as indicated by the **black dashed line** (borders of the proposed business space). The second component, being exterior doors as indicated by the **red circles** (exterior doors) to be used for ingress and egress to be used only by employees unless in case of an emergency. Finally, the third component being the interior door as indicated by the **green circle** (interior doors) which demonstrates the interior door in its capacity as a door which leads to a common area on the inner border of the proposed space. This area will not be utilized, and the door will remain locked at all times as to prevent ingress or egress by unauthorized personnel, unless in case of an emergency. These are all the standard sized entry doors giving access to the space.

### **Description of Proposed Signage Type**

Kusala Care LLC aims to have clear and recognizable signage so that its business purpose, and who is authorized to enter can be easily seen and understood. In an effort to achieve this goal, the property will be outfitted with three (3) appropriately fitted signs. Each sign will be identical in size and text. Each sign shall be placed securely over the three (3) doors as indicated in **Exhibit A** (Red Circles and Green Circles) The signs will be 3" x 10" with simple white text on a black background reading "Kusala Care LLC" in large font on the first line and "Employees Only" in large font on the second line. A depiction of the proposed sign(s) is attached hereto as **(Exhibit B)**.

**EXHIBIT A**



## **EXHIBIT B**

**Kusala Care LLC**

**Employees Only**

## **EXTERIOR LIGHTING PLAN**

*KUSALA CARE LLC*

### **Description of Proposed Lighting Locations**

The diagram attached hereto as **(Exhibit A)** demonstrates the current lighting layout of the premises located at 27 Muller Road, Oakland, New Jersey.

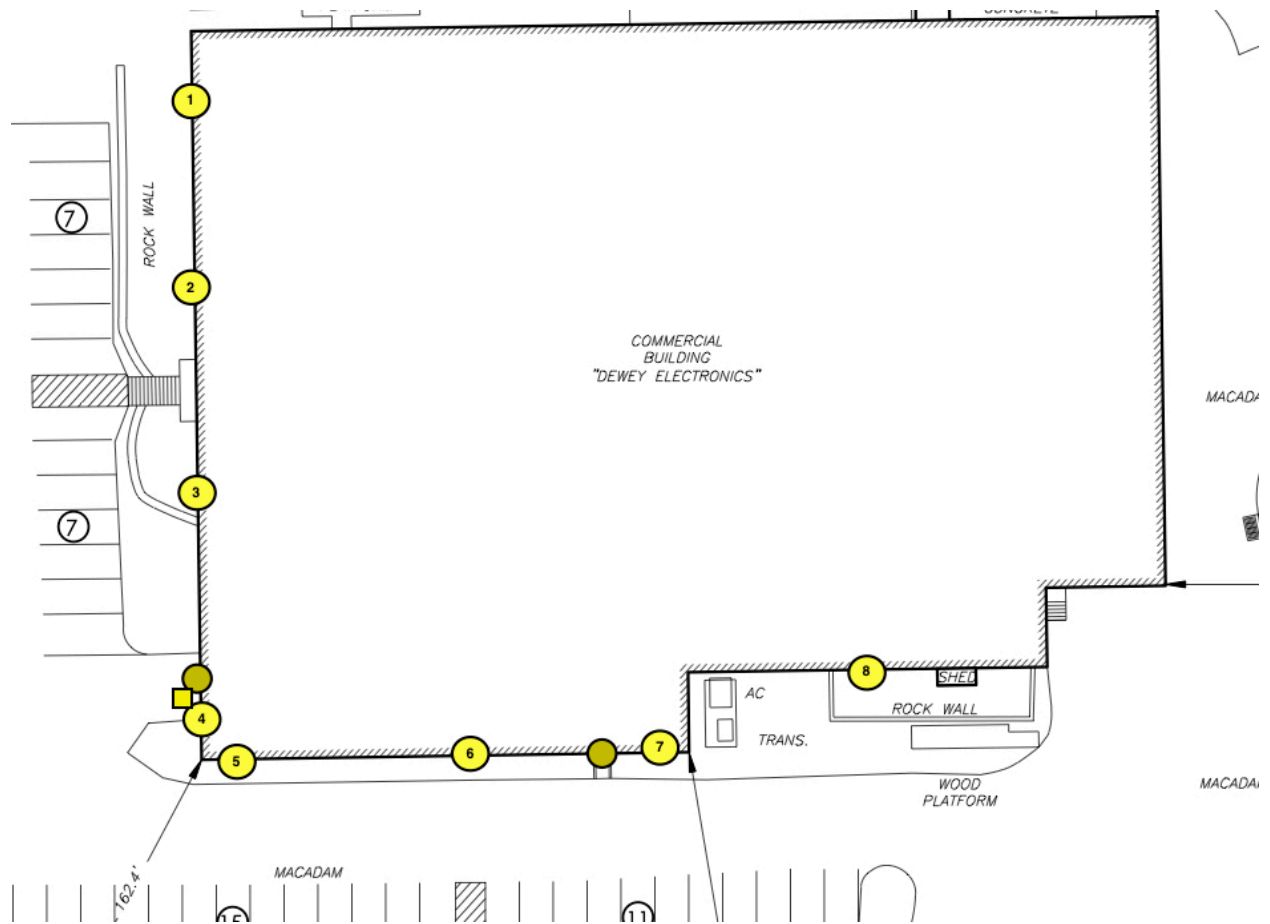
As depicted on **Exhibit A**, the yellow circles numbered 1-8 each depict 2,000 watt halogen flood lights which are currently installed on the surrounding area of the roof of the building. These lights are maintained by the landlord at his sole expense. Given the sufficient power and abundance of these floodlights, additional exterior lighting will not be necessary as these powerful 2,000 watt halogen floodlights provide sufficient lighting of the exterior area including the parking lot, outdoor walking areas, main entrance of the building, as well as the two (2) exterior entrance doors the proposed space. Security and safety are a top priority for Kusala Care LLC and as such, our staff will be tasked with proactive monitoring of these lights with instruction to bring any and all concerns with damaged or non-working lights to our attention as well as the attention of the landlord. To ensure that the maintenance of these lights is properly attended to, any and all concerns shall be provided to the landlord in writing in order to ensure that any issues that exist are documented and dealt with promptly.

Further, **Exhibit A** also contains a small yellow square in the bottom left corner. This depicts the white LED flood light that is affixed above the loading dock entrance. As this light is closer to ground level, it will provide additional lighting at the main access of the proposed space. Moreover, there are two (2) darker yellow circles which depict the smaller single head flood lights mounted directly above the two (2) exterior entrance doors. These lights are crucial in providing additional lighting during the night for security cameras. The additional light will allow for clearer and more visible recording feeds to identify any person that may be approaching the building after hours. It is important to note that prior to opening its doors, Kusala Care LLC will replace the single head flood lights with stronger and brighter double head LED lights. The whiter light emitted by LEDs will further increase the clarity of recordings by security cameras. Kusala Care will be responsible for the maintenance of these lights, and due to the long lasting nature of LED lights, the building will have a reliable light source surrounding the entrances at all times. In case of the need for any maintenance of the lights, Kusala Care LLC's Facilities Manager will be tasked with resolving any such issues.

Lastly, **Exhibit B** depicts an actual photo of the exterior of the premises showing the lighting fixtures in working condition. There are numbered labels above the lights on the roof that correspond with the numbers outlined in **Exhibit A**.

**EXHIBIT A**





**EXHIBIT B**



## **PROPOSED PARKING PLAN**

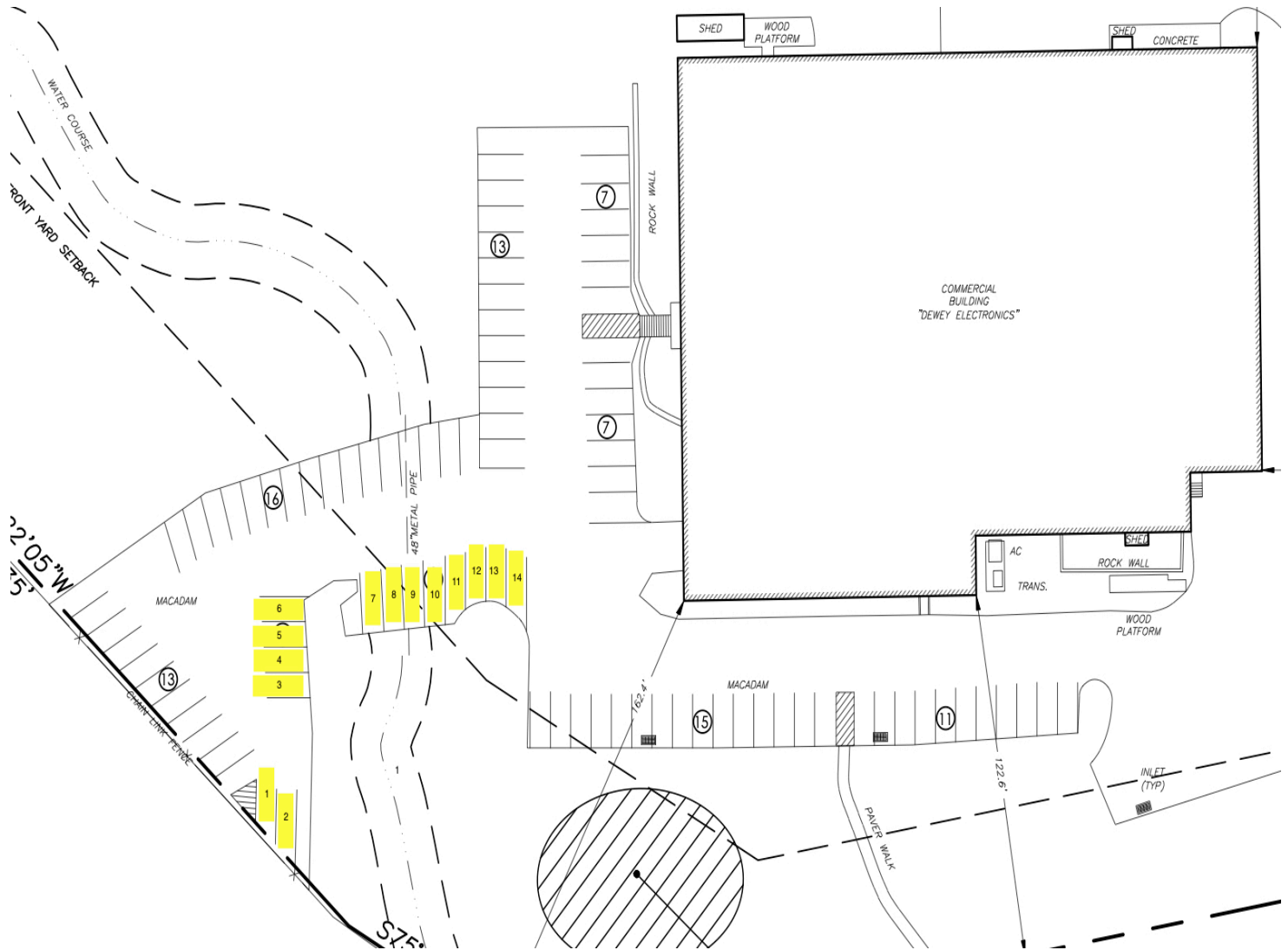
*KUSALA CARE LLC*

### **Description of Proposed Location and Layout of Parking Spaces**

Attached hereto as **(Exhibit A)** is a diagram of the exterior property of the location known as 27 Muller Road, Oakland, New Jersey. Located on the property is a private parking lot with ninety (90) parking spaces in total which wrap around two (2) sides of the building. In accordance with the lease agreement entered into by Kusala Care LLC and the owner of the building (hereinafter "landlord"), it has been agreed that of the ninety (90) total available parking spaces, **fourteen (14)** parking spaces shall be dedicated for the exclusive use of Kusala Care LLC. Respectfully these **fourteen (14)** spaces are marked with yellow numbered squares on **Exhibit A** below. It is also important to note that the section marked/circled as "13" is also open to be used for parking for Kusala Care LLC albeit not exclusively.

As a micro-business, the New Jersey requires the employment of no more than ten (10) employees. Kusala Care LLC will meet this requirement with a proposed plan to employee a total of six (6) employees. As this business is not open to the public and given the low number of employees, there will be an abundance of unused parking spaces available to any vendors or other interested parties authorized to do business with or enter the premises. Additionally, the buildings other tenants currently have designated parking areas as located in areas "11", "13", "15" and "16" as designated on **Exhibit A**. Additionally, there are twelve (12) "visitor" parking spaces located outside the main entrance of the building as marked with the number "7" on **Exhibit A**. In sum, given the excess of parking space, the designation of assigned spaces, and the low amount of total Kusala Care LLC employees, there will likely be no issues with parking.

**EXHIBIT A**



# **ODOR & NUISANCE CONTROL PLAN**

*Property Known As:*

**Kusala Care**

**27 Muller Road**

**Oakland, Bergen County, New Jersey 07436**

*Prepared for:*

**Kusala Care LLC**

**27 Muller Road**

**Oakland, New Jersey 07436**

**August 2023**

*Prepared by:*

**EWMA**

**100 Misty Lane**

**Parsippany, New Jersey 07054**

**EWMA Project No. 211056**

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## 1.0 FACILITY IDENTIFICATION AND SUMMARY DESCRIPTION

Name of Facility:	Kusala Care Cultivation Facility
Address of Facility:	27 Muller Road, Oakland, New Jersey 07436
Name of Owner:	Kusala Care LLC
Facility Owner's Contact Info:	Justin Lee Founder, CEO, Head Cultivator (201) 681-5163  George Lutfey Founder, COO (201) 419-0346

Kusala Care is a conditionally approved micro-business that will be cultivating and harvesting cannabis at this location and is dedicated to ensuring its operations result in minimal environmental and community impact, including odor, waste, and noise. The proposed site is located in the Industrial I-4 Zone which currently has only industrial and manufacturing facilities and no residential homes. The site is also located at the end of a cul-de-sac with two nearby industrial buildings and two other tenants in the building.

The proposed facility is approximately 7,300 square feet of one floor within a larger two-story industrial/manufacturing facility and will have rooms for flowering plant growth, propagation, mother-stock, vegetative plant growth, drying, and trimming, packaging and labeling. This Odor & Nuisance Control Plan applies to all operations within the proposed facility.

## 2.0 FACILITY ODOR CONTROL PRACTICES

### 2.1 ADMINISTRATIVE CONTROLS

The facility will implement the following industry-specific best control technologies and best management practices for odor control:

#### 2.1.1 Procedural Activities

Dedicated staff will be responsible for the following activities:

- Regularly monitor and ensure HVAC and odor mitigation equipment throughout the facility is properly operating to maintain air flow towards engineering controls for odor treatment.
- Implement and document regularly scheduled inspections, monitoring, and maintenance activities to ensure carbon filtration, odor neutralizing, and exhaust systems are running as required.
- Isolate odor-emitting activities from other areas of the buildings through closing doors.
- Employ good agricultural practices to reduce venting frequency.

#### 2.1.2 Employee Training

A facility manager will be responsible to ensure all staff members that are properly trained for odor control. Training will be conducted onsite and in person and will include the operation and maintenance of facility-specific odor control administrative activities, engineering controls, maintenance plan, monitoring plan, and related procedures and protocols set forth in this Odor Control Plan.

### **2.1.3 Recordkeeping**

Records will be maintained by the facility manager with the Odor Control Plan file for the following:

- Records of purchases of replacement carbon;
- Work orders / maintenance records;
- Documentation and notification of malfunctions; and
- Monitoring of administrative and engineering controls.

## **2.2 ENGINEERING CONTROLS**

The facility will be equipped with industry leading carbon filtration systems, air handlers, and air purifiers, as described below:

### **2.2.1 Carbon Filtration**

Carbon air filters are designed to filter gases through a bed of activated carbon (also called activated charcoal) and are typically used to fight against volatile organic compounds (VOCs) released from common household products. They are also often used to remove odors from the air, such as the smell of tobacco smoke. Activated carbon air filters remove pollutants from the air with a process known as adsorption, which differs from absorption. For example, when you absorb water with a sponge, the water does not become chemically bonded to the sponge. It simply fills the spaces inside it. During adsorption, in the case of carbon filters, the contaminants stick to the outside of the carbon, which removes the odor. Utilizing these filters is a standard and they have been successful in mitigating odors produced by the cannabis cultivation process.

Additionally, each of the facility's main cultivation spaces will be air-tight sealed, with the only airflow in or out of the rooms, controlled by carbon filtered vents that will be exhausted outside of the building. The exhausts will expel carbon filtered, odor neutral air from each cultivation space out through the roof of the building. Any air/odors escaping from the cultivation rooms caused by opening and closing of the doors, will also be filtered by carbon-based air purifiers, one stationed outside of each cultivation room. These carbon filters, air purifiers, and air handlers will be maintained on a bi-weekly basis by the facility manager to ensure smooth operations, airflow, and odor mitigation. Carbon filters will be replaced on an as-needed basis, or at least every 3 months (per manufacturer's specifications) to ensure optimal odor control.

## **2.3 WASTE DISPOSAL**

### **2.3.1 Waste Minimization Techniques**

In an effort to reduce its carbon footprints, as well as minimize operational expenses, the facility will integrate many regenerative, organic agricultural techniques used outdoors into its indoor operations. The main waste product from its organic operation will be green waste. Green waste is defined as biodegradable waste that can be composed of such as leaf or flower cuttings, less than one (1) inch in diameter.

The facility will utilize and remediate a large percentage of green waste produced from manicuring plants, culling, and trimming, by incorporating it back into its soil bed's mulch layer. This practice feeds soil with the exact vital nutrients needed to produce cannabis plants, by decomposing cannabis green waste back into its soil systems. This eliminates the need to process or dispose of green waste separately which mitigates waste and environmental impact. At the same time, revitalizing our soil beds for the next round of production.



## **2.4 NOISE MITIGATION**

All of the facility's proposed equipment is energy efficient and does not produce excessive noise pollution. Therefore, nuisances stemming from noise for cultivation operations will be a minimal concern.

Air handlers are the only piece of equipment that will generate noise outside the building's premises. They will be operational 24/7, but greatly below maximum capacity, reducing noise pollution levels significantly. All operations will take place in newly-built individual sealed, airtight rooms within the building. Any other dehumidifiers or fans located inside will have minimal noise output.

Employees will be trained and regularly referred to the employee handbook which will set expectations for limiting loud voices and to be aware and respectful of neighboring tenants and surrounding businesses. With an estimated maximum of five employees on site at any given time, there will be minimal noise and noise pollution that would cause issues with neighboring tenants.

## ODOR CONTROL MAINTENANCE LOG

Date and Time: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Weather Conditions: \_\_\_\_\_

Odor Engineering Control	Condition	Action Taken/Follow Up Required
Carbon Filters <ul style="list-style-type: none"><li>• Operations</li><li>• Carbon Filter Replacement</li></ul>		
Air Purifiers <ul style="list-style-type: none"><li>• Operations</li><li>• Filter Replacement</li></ul>		
Air Handlers <ul style="list-style-type: none"><li>• Operations</li><li>• Parts Replacement</li></ul>		
Exhaust Stacks / Vents <ul style="list-style-type: none"><li>• Operations</li></ul>		
Other		

## RESIDENT AWARENESS FORM

Each of the following must be completed to document each odor-related complaint, question, or concern raised by each reporting person (*use additional sheets if necessary*).

Date and time:	
Name of employee:	
Name and contact information for reporting person ( <i>if they wish to provide</i> ):	
Date, time, and frequency of odors:	
Distance from the building or approximate location of odor detection:	
Outcome of inspection, including confirmation of no further odors outside and fully effective odor control equipment and procedures have been implemented:	
Nature and date of any corrective action that was taken:	
Details if reported to NJDEP or Bergen County Health Department:	
Describe resolution:  <i>Resolution occurs when, as applicable, (i) facility manager confirms the issues has been effectively inspected and any necessary corrective actions have been taken, (ii) the facility manager confirms that no odor was escaping the facility perimeter that could be detected by a reasonable person of normal sensitivity, (iii) equipment maintenance logs and complaint response documentation is completed and filed, and (iv) reasonable actions required by NJDEP or Bergen County Health Department have been completed to their satisfaction.</i>	

**AFFIDAVIT OF OWNERSHIP & OWNER CONSENT**

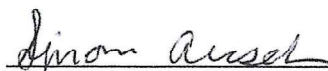
COUNTY OF BERGEN                    )  
  ) ss.  
STATE OF NEW JERSEY                )

I, LEV LUDWIG, LLC being duly sworn, depose and say:

1. I am the owner of certain property located within the Township of Oakland, the same of which is located at 27 Muller Road, Oakland, NJ 07436 ("Owner").
2. Said property is designated as Block 301, Lot 2 as shown on the Tax Map of the Township of Oakland, County of Bergen and State of New Jersey (the "Property").
3. Owner grants to Applicant, and its attorneys, Prime & Tuvel, consent to apply to the Township of Oakland Planning Board (or any other governmental agency with jurisdiction over the development of the Property), for site plan approval, waivers and any related approvals or permits as may be required from any governmental entity.
4. Owner grants the Township of Oakland and its consultants, authorized representatives and/or experts to enter on to said property for the purpose of evaluation of the application that is presently pending before the Township of Oakland Planning Board. The Township of Oakland does hereby indemnify and hold harmless the property owner from any and all liability or claims for damages by virtue of said entry, inspection and studies, for the purpose of inspecting the property, performing surveys and site evaluation studies.

Sworn and Subscribed to before me

this 22 day of August 2023.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Notary Public

By: Simon Ausch  
CEO Trade Mart Inc.

Israel Klein  
Notary Public, State of New York  
NO. 01KL6032365  
Qualified in Kings County  
Commission Expires Oct. 25, 2025

**AFFIDAVIT OF OWNERSHIP & OWNER CONSENT**

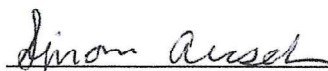
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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Notary Public

By: Simon Ausch  
CEO Trade Mart Inc.

Israel Klein  
Notary Public, State of New York  
NO. 01KL6032365  
Qualified in Kings County  
Commission Expires Oct. 25, 2025

COUNTY OF BERGEN )  
 ) ss.  
STATE OF NEW JERSEY )

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3. Owner grants to Applicant, and its attorneys, Prime & Tuvel, consent to apply to the Township of Oakland Planning or Zoning Board (or any other governmental agency with jurisdiction over the development of the Property), for site plan approval, subdivision approval, variances, exceptions, waivers and any related approvals or permits as may be required from any governmental entity.

Sworn and Subscribed to before me

Signature

By: Simon Ausch  
CEO Trade Mart Inc.

4. VARIANCE (S) REQUESTED: If this application requires a variance from the strict application of the Borough of Oakland Zoning Ordinance for a use permitted in the Zone in which the property is located complete the section below requesting said relief. You may attach additional sheets if needed.

<u>Section</u>	<u>Required</u>	<u>Proposed</u>
N/A		

5. SPECIFIC DESIGN WAIVER (s) RELIEF REQUESTED

<u>Section</u>	<u>Required</u>	<u>Proposed</u>
Please see attached		

7. SPECIFIC RELIEF REQUESTED

If relief is requested in connection with this development proposal for any category as indicated on the front page of this application and outlined above, attach hereto a separate exhibit(s) for each category of relief sought, stating the factual basis, legal theory, and whether they have been previously granted. Failure to supply this information if applicable will result in your application being deemed incomplete.

8. OTHER INFORMATION REQUIRED

- a. Attach completed checklist.
- b. Attach certification of payment of taxes from Township Tax Collector.
- c. Attach any other government approvals if received in connection with this application such as NJDEP permits, NJDOT permits, Passaic County Approvals etc.

9. VERIFICATION AND AUTHORIZATION

- a. Applicant’s Statement: I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are, to the best of my knowledge, true and accurate.

\_\_\_\_\_

Applicant’s SignatureDate

- b. Owner’s Statement: I, the undersigned, being the owner of the property described in this application, hereby consent to the making of this application and the approval of the plans submitted. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency.

\_\_\_\_\_

Owner’s SignatureDate

Sworn and Subscribed to before me

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (Year)

\_\_\_\_\_

(Notary)

## **Corporate Ownership Disclosure Statement**

### **Application of APPLICANT**

**27 Muller Rd. Oakland, NJ 07436  
Block 301, Lot 2**

*This Corporate Ownership Disclosure statement is provided in compliance with the requirements of N.J.S.A. 40:55D-48.1 et seq.*

Owners holding 10% or more of any class of stock/interest in **Kusala Care:**

1. George Lutfey
  - a. 50% owner
  - b. 7 Bannehr St., Oakland, NJ 07436
2. Justin Lee
  - a. 50% owner
  - b. 7 Bannehr St., Oakland, NJ 07436



**Request for Taxpayer  
Identification Number and Certification**

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

**Give Form to the  
requester. Do not  
send to the IRS.**

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Kusala Care LLC</b>		
2 Business name/disregarded entity name, if different from above		
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <small>(Applies to accounts maintained outside the U.S.)</small>	
5 Address (number, street, and apt. or suite no.) See instructions. <b>504 7th St, Side A</b>	Requester's name and address (optional)	
6 City, state, and ZIP code <b>Palisades Park, NJ 07650</b>		
7 List account number(s) here (optional)		

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

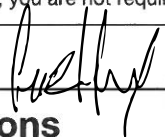
<b>Social security number</b>								
			-			-		
<b>or</b>								
<b>Employer identification number</b>								
8	6		-	3	1	1	9	1 4 8

**Part II Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person ► 	Date ► <b>8/17/23</b>
------------------	--	-----------------------

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

## **WAIVERS**

### **ITEM 15: COMPLETE STORM DRAINAGE SYSTEM**

- The drainage does not pertain to any of our improvements, the increase in coverage is for equipment pads and negligible on a 13-acre site.

### **ITEM 19: LOCATION AND DETAILED OF SIDEWALK AND STREET SHADE TREES**

- Shade trees and sidewalk improvements don't pertain to the project, we aren't doing work on any roadway frontage.