SUPREME COURT OF NEW JERSEY
A-78 September Term 2024
090287

Hoboken for Responsible Cannabis, Inc., a New Jersey nonprofit corporation, and Elizabeth Urtecho,

Plaintiffs-Appellants,

v.

City of Hoboken Planning Board,

Defendant-Respondent,

and

Blue Violets, LLC,

Defendant-Respondent.

O R D E R

This matter involved an application to operate a cannabis retail business in Hoboken. After defendant Blue Violets, LLC submitted a conditional use application to the City of Hoboken Cannabis Review Board (CRB), the City of Hoboken adopted Ordinance B-446. The ordinance prohibited cannabis retailers from being located within 600 feet of a primary or secondary school. Code of Hoboken § 196-33.1(I).

The Hoboken Planning Board applied the Municipal Land Use Law's (MLUL's) Time of Application Rule (TOA) and approved Blue Violets'

application. Under the TOA Rule, "development regulations which are in effect on the date of submission of an application for development shall govern . . . any decision made with regard to that application." N.J.S.A. 40:55D-10.5.

The trial court vacated the approval. On appeal, the Appellate Division held that the TOA Rule applied and reversed. Hoboken for Responsible Cannabis, Inc. v. City of Hoboken Plan Bd., 480 N.J. Super. 357, 363 (App. Div. 2024). As part of its reasoning, the appellate court found that "the CRB falls within the" MLUL's definition of a "municipal agency" because it "serv[es] as an 'arm' to the Planning Board by reviewing cannabis-related applications and holding hearings." Id. at 378.

Plaintiffs Hoboken for Responsible Cannabis, Inc., a group "composed of residents of Hoboken," id. at 373, and its president, Elizabeth Urtecho, filed a petition for certification. They raised this issue, among others: "Whether a local cannabis review board established pursuant to N.J.S.A. 24:6I-45(c)(2) is [a] 'municipal agency' under the Municipal Land Use Law."

We granted the petition on July 10, 2025. 261 N.J. 189 (2025). Two months later, on September 18, 2025, the City of Hoboken amended Ordinance B-446. The amendment created an exemption to the 600-foot rule for "[a]ny cannabis dispensary that applied to the Cannabis Review Board prior to the effective date of the amendment setting forth the 600-foot" rule.

In light of the amendment, this case is now moot. See Brehme v. Irwin, 259 N.J. 505, 511 (2025) ("An issue is moot 'when [the Court's] decision . . . can have no practical effect on the existing controversy.'" (quoting In re Compressor Station (CS327), 258 N.J. 312, 327 (2024))). We therefore dismiss the appeal. Because we do not reach the merits, we do not address or adopt the reasoning of the Appellate Division's opinion. We await a future case to consider the issues addressed in the Appellate Division's decision.

For the Court

Stuart Rabner
Chief Justice

Date: March 23, 2026