

**DELRAN TOWNSHIP
PLANNING BOARD AGENDA
REGULAR MEETING MINUTES
FEBRUARY 2, 2023 – 7:00 P.M.**

OPEN PUBLIC MEETINGS ACT

Delran Township Planning Board regular meeting of Thursday, February 2, 2023, was called to order by Ms. Cure at 7 pm in the Delran Township Municipal Building.

The Open Public Meetings Act announcement was read by Ms. Cure and the Pledge of Allegiance was performed.

ROLL CALL

Present: Mr. Lunemann, Mr. Lyon, Mr. Giles, Ms. Cure, Mrs. Russell & Mr. Ozdemir

Absent: Mr. Catrambone, Mr. Jeney & Mr. Parento

Professionals: Mr. Chris Norman, Attorney; Mr. Fred Turek, Engineer & Mr. Christopher Dochney, Planner

APPLICATION

A.

Zacate, LLC
4037 Route 130 South
Block 9, Lot 41.24
PN2023-01
Minor Site Plan/Conditional Use

Zacate Cannabis, LLC (referred to as the “Applicant” or the “Developer”) filed an Application with the Delran Township Planning Board (“Planning Board”) for Conditional Use Approval and Minor Site Plan Approval for a Class 5 adult-use retail cannabis dispensary for real property identified as Block 9, Lot 41.24 on the Delran Township Municipal Tax Map (the “Subject Property”), which is more commonly known as 4037 Rt. 130 North.

The Applicant’s case was presented before the Planning Board at a public hearing on February 2, 2023, in sworn testimony by:

- (1) Gerald D. Looze, the Applicant’s Managing Member;
- (2) Eric Wudtke, of 9 Point Ventures, the Applicant’s retail cannabis consultant;
- (3) Robert R. Stout, P.E., the Applicant’s project engineer,
- (4) Nathan Moseley, P.E., of Shropshire Associates, the Applicant’s traffic engineer;
- (5) Ellie Siegel, of Longview Strategic, the Applicant’s cannabis consultant;
- (6) Tony Gallo, of Sapphire Risk Advisory Group, the Applicant’s security expert;
- (7) legal representation of James W. Burns, Esquire of Dembo, Brown and Burns, LLP;

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All jurisdictional and procedural requirements of applicable Township Ordinances have been satisfied.

The Board has considered the recommendations and comments of its professional staff; the Board, after carefully considering the evidence and examining certain exhibits, has made the following factual findings and statements of reasons:

1. Phoenix Delran Shopping Center, LLC of 402 Main Street, Suite 204, Metuchen, NJ 08840 is the owner of the Subject Property, which is located in the C-2 General Commercial Zoning District. The applicant has its office located at 554 N. Snyder Road, Boyne City, Michigan 49712

2. Applicant requests Conditional Use Approval and Minor Site Plan Approval to renovate vacant unit 4F of the strip mall/shopping center (“Shopping Center”), located at 4037 Rt. 130 North for a 3,427-square-foot cannabis dispensary. The Subject Property is on the southbound side of Route 130, just south of the intersection with Chester Avenue and across the street from Haines Mill Road. The Shopping Center is located on an irregularly shaped 7.8-acre parcel and currently has an auto repair center, Dollar Tree store, ice cream shop, and other small retail stores as tenants. The total general retail space within the Shopping Center is 38,000 square feet, with one stand-alone restaurant with 30 seats and 2 employees. The site is accessed by two right-turn-in/right-turn-out driveways onto Route 130 southbound.

3. The Shopping Center has ample parking (264 parking spaces existing; 182 required) including 18 spaces allocated to the cannabis dispensary by parking ordinance requirements. Applicant proposed 10-12 employees for the dispensary.

4. As noted in the Board Planner’s Report, the proposed cannabis retail use is a conditional use and meets all conditions of the Conditional Use Ordinance.

The Planning Board finds that Applicant has met the conditional use standards for the reasons set forth above and as outlined in the report and testimony of the Board Planner.

OPEN/CLOSE TO THE PUBLIC

Ms. Cure opened this portion to the public, with a Motion from Mr. Catrambone and seconded by Mr. Giles. Seeing no members of the public who wished to speak, Ms. Cure closed this public portion of the meeting with a Motion from Mr. Catrambone and seconded by Mr. Giles.

Upon motion duly made by Mr. Lunemann and seconded by Mr. Giles to grant the application for Conditional Use Approval and Minor Site Plan Approval for the proposed cannabis dispensary, the Board voting results are as follows:

Ayes: Mr. Lunemann, Mr. Lyon, Mr. Giles, Ms. Cure, Mrs. Russell & Mr. Ozdemir

Nayes: None

Recused: Mr. Catrambone & Mr. Jeney

Absent: Mr. Catrambone, Mr. Jeney & Mr. Parento

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The Board's findings of fact and its conclusions based thereon:

The Township of Delran Planning Board, that the said application for Conditional Use Approval and Minor Site Plan Approval for the proposed 3,247 square foot Class 5 cannabis dispensary, shall be and is hereby granted specifically subject, however, to the testimony, representations, and stipulations of the applicant, its attorney and witnesses at the time of the hearings and further specifically subject to the following conditions and stipulations:

Applicant shall comply with the recommendations outlined in the Board Engineer's review letter dated January 24, 2023, except as modified herein.

The recommendations outlined in the Board Planner's review letter, dated January 18, 2023, except for payment of the affordable housing fee contribution.

The recommendations outlined in the Township Fire Official's review letter, dated January 27, 2023, shall meet with the Township Fire Official concerning an after-hours response plan.

The applicant shall maintain and enforce the requirements of the Security Plan and shall provide an armed security guard. Proposed signage for the dispensary shall be reviewed and approved by the Board Planner in accordance with the Township Sign Ordinance and State Law.

No outside lines by customers shall be permitted outside the building. The hours of operation per the conditional use standard are from 9 AM to 10 PM.

The applicant shall coordinate with the Landlord, Eric Berger, regarding the relocation of existing dumpsters on 2-3 concrete pads with enclosures, regarding relocation and/or removal of the FOP drop-off bin, if such removal is requested by the Township.

The applicant shall comply with Americans with Disabilities Act (ADA) requirements with respect to occupancy for Unit 4F. The applicant shall obtain all required outside agency approvals.

Applicant shall promptly pay any professional staff fees billed, above the required application escrows, or file a written protest with the Township Clerk within seven (7) days of receipt of a final voucher from the Township.

These General Conditions of Approval and any additional conditions of approval, if any, shall be binding upon the applicant, the owner, the developer, and any successors and/or assigns of them.

The applicant has submitted certain plans and documents which were accepted by the Planning Board as part of its application and further made certain representations and provided testimony at the time of the public hearing, all of which have been relied upon by the Planning Board in making its determination. Should there be any material deviation from said documents, plans, representations, or testimony or from any conditions contained herein, then the Planning Board may, upon notice to the applicant and an opportunity to be heard, elect to rescind its approval.

Any improvement(s) to be constructed as a result of the Delran Township Planning Board approving this application shall be constructed and operated in full compliance with the Uniform Construction Code, Code of the Township of Delran, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.

The applicant/owner is responsible for obtaining all zoning and/or building permits and approvals necessary to construct the project/development approved herein, and is advised that this application and plan have not been reviewed for conformance with the Americans with Disabilities Act (ADA). It is the responsibility of the applicant/owner to conform to said legislation.

If the above application involves the granting of a final subdivision or site plan approval, the Township Clerk, Chairperson and Secretary of the Delran Township Planning Board shall not sign the final subdivision

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plan or final site plan nor shall any zoning permit be issued until the applicant has demonstrated that all conditions of the final approval have been satisfied.

If a final approval has been granted, the applicant shall submit to the Delran Township Planning Board Engineer for his review a minimum of 10 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

Performance guarantees (complying with N.J.S.A. 40:55D-53) shall be posted with the Township for the site and utility improvement installations. These guarantees shall be effective for both the time duration required for their installation, and upon completion to check for compliance with the approved plan prior to a certificate of compliance and certificate of occupancy being issued. (The applicant's engineer shall provide a cost estimate of the proposed site improvements, excluding building costs.) Inspection fees shall be posted with the Township for site and utility improvement inspections which are to be performed by the municipal engineer to check for compliance with the approved plan prior to a certificate of compliance and certificate of occupancy being issued.

The applicant shall post the required inspection fee deposit with the application for a building permit. It is the ultimate responsibility of the applicant/owner to construct the necessary improvements in accordance with the Township standards and to offer said improvements to the Township in proper condition and as approved. All damaged and/or defective improvements shall be properly repaired and/or replaced. All improvements are subject to inspection by the Township. No site clearing or construction is to begin without proper notification to the Township Engineer.

No deed restrictions may exist in regard to this property/development, except those reviewed and included in the Board's approval. A permit shall be obtained from the zoning officer after final approval and/or before any site clearing and/or construction.

The applicant/owner shall continue to properly maintain all improvements of the development including but not limited to streets, storm sewer, drainage swales, etc., and shall sweep the streets, clean the storm sewers, etc. monthly, or as may be necessary. This shall continue until the improvements are accepted by the Township.

The public road rights-of-way within the development shall not be used as storage areas or "staging" areas for the construction of either buildings or site improvements.

The applicant/owner shall schedule a pre-construction meeting through the Township Engineering office prior to the commencement of any work. The landscaping shall be maintained on a continuing basis as a condition of approval and the certificate of occupancy.

The inspection and testing by the Township of the work done by the applicant is solely for the benefit of the Township to determine the general quality of materials and workmanship. While the applicant may avail itself of the Township's testing/inspection data, any decisions made by the applicant as a result of the Township's test/inspection information shall be made at the applicant's own risk. The applicant has the right to conduct similar tests and inspections at its own expense to satisfy its need for information and data pertaining to materials and workmanship.

The applicant/owner is to be advised that the development of this property is to proceed in accordance with the approved plans and it is its responsibility to do so and obtain all necessary permits, inspections, and other approvals which may be necessary to ultimately obtain a certificate of occupancy, and/or acceptance of the improvements. As well as being responsible for obtaining all the permits and approvals necessary to construct the project/development and the variance improvements. (Copies of all permits and approvals shall be filed with the Board.)

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ADJOURNMENT

Mr. Lyon made a motion to Adjourn the meeting at 8:25 pm. Mr. Lunemann seconded the motion. The results of the motion are as follows:

The motion passed with a unanimous voice vote.

Respectfully Submitted,

Colleen Kohn,
Planning & Zoning Board Secretary