

**DELRAN TOWNSHIP
PLANNING BOARD
REGULAR MEETING MINUTES
MAY 4, 2023– 7:00 PM**

OPEN PUBLIC MEETINGS ACT

Delran Township Planning Board regular meeting of Thursday, May 4, 2023 was called to order by Ms. Cure at 7:02 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. Catrambone, Mr. Lunemann, Mr. Lyon, Mr. Giles, Mr. Parento, Mrs. Russell, Mr. Ozdemir & Ms. Cure

Absent: None

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

RESOLUTION

A.

Resolution #PP2023-05

Castaway Cannabis LLC
6006 Route 130 North
Block 120.07, Lot 23
PN2023-02
Conditional Use Approval

OPEN/CLOSE TO THE PUBLIC

Ms. Cure opened this portion of the meeting to the public, seeing no public in attendance, Ms. Cure closed this portion of the meeting to the public.

Mr. Lunemann motioned to adopt Resolution #PP2023-05, and Mrs. Russell seconded it. The results are as follows:

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

Nayes: None

Absent: None

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APPLICATIONS

B.

Castaway Cannabis LLC
6006 Route 130 North
Block 120.07, Lot 23
PN2023-02

Minor Site Plan Approval of a Class 5 Cannabis Adult Use Retail Cannabis Dispensary

Castaway Cannabis, LLC (referred to as the “Applicant” or the “Developer”) filed an Application with the Delran Township Planning Board (“Planning Board”) for Minor Site Plan Approval of a Class 5 adult-use retail cannabis dispensary at real property identified as Block 120.07, Lot 23 on the Delran Township Municipal Tax Map (the “Subject Property”), which is more commonly known as 6006 Route 130 North.

The applicant’s case was presented before the Planning Board at public hearings on May 4, 2023, and June 1, 2023, in sworn testimony by:

- (1) Josh Weaver, the Applicant’s Principal;
- (2) Matt Walsh, P.E. and Robert Stout, P.E., the Applicant’s project engineers;
- (3) John Caveney, the Applicant’s architect;
- (4) legal representation of Jennifer Cabrera, Esquire of the law firm of Vicente, LLP

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 following documents and exhibits were reviewed by the Board and are incorporated herein by reference:

- (a) Development Application and Checklist, dated February 14, 2023;
- (b) Plan of Survey and Topography, prepared by Stout and Caldwell Engineers, dated March 7, 2023, consisting of one sheet;
- (c) Copy of Delran Township Resolution 2022-131, supporting license application for Castaway Cannabis;
- (d) Site Plan Drawings, prepared by Stout & Caldwell Engineers, dated March 17, 2023, last revised to May 10, 2023, consisting of four (4) sheets;
- (e) Architectural Construction Drawings, prepared by Caveney Architectural Collaborative, dated January 10, 2023, consisting of twenty-one (21) sheets;
- (f) Mechanical, Electrical, and Plumbing Plan Drawings, prepared by Kea Engineers, dated January 10, 2023, consisting of twenty-seven (27) sheets;
- (f) Parking and Traffic Mitigation Plan, prepared by Castaway Cannabis, undated;
- (g) Traffic Analysis Report, prepared by Shropshire Associates, dated March 7, 2023;
- (h) Security/ Odor Mitigation/Waste Management Plan, prepared by Castaway Cannabis, undated;

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- (i) The Board Engineer’s review letter, dated May 1, 2023 and May 26, 2023 and;
- (j) The Board Planner’s review letters, dated, April 25, 2023, and May 22, 2023;
- (k) Delran Chief of Police, Review Email of Security Plan, Dated March 30, 2023, consisting of two pages;
- (l) Colored Aerial Photo, marked as Exhibit “A-1” at the public hearing;
- (m) Colored Rendering of Site Plan, marked as Exhibit “A-2” at the public hearing;
- (n) Colored Rendering of Site Plan, dated May 4, 2023, marked as Exhibit “A-3” at the public hearing;
- (o) Colored Architectural Rendering of Proposed Dispensary, marked as Exhibit “A-4” at the public hearing;
- (p) Overall, Aerial Photo of Subject Property, marked as Exhibit “A-5” at the public hearing;
- (q) Updated Landscaping Plan, prepared by Applicant’s Engineer, marked as Exhibit “A-1” at the public hearing;
- (r) Stout & Coldwell Engineering Response Letter to Board Engineer’s 5/1/23 Report, dated May 17, 2023, consisting of four (4) pages; and
- (s) Stout & Coldwell Engineering Response Letter to Board Planner’s 4/25/23 Report, dated May 17, 2023, consisting of three (3) pages

The Board, after carefully considering the evidence and examining certain exhibits, has made the following factual findings and statements of reasons:

1. Koach Delran, LLC of 111 E. Merrill Street, 3rd Floor, Birmingham, MI 48009 is the owner of the Subject Property. The Applicant has its office located at 554 N. Snyder Road, Boyne City, Michigan 49712.
2. Applicant requests Minor Site Plan Approval to operate a Class 5 Cannabis Dispensary within an existing 3,800 square-foot building at 6006 Route 130 North within the PCD Planned Commercial Development Zoning District. The applicant was previously granted conditional use approval by the Planning Board by Resolution #PP2023-05, memorialized on March 2, 2023, subject to later submitting a development application for minor site plan approval.
3. The Subject Property is located at 6006 Route 130 North, just north of the intersection with Hartford Road. The irregularly shaped site is approximately 1.8 acres in size and has frontage on both State Highway Route 130 and Hartford Road, although it is not a corner lot. The Subject Property contains a 3,800-square-foot building with a parking lot containing 70 spaces previously operated as a Pizza Hut restaurant. The site has an access driveway from each frontage with the driveway on Hartford Road permitting full movement and limited right-in and right-out on Route 130. The applicant proposes to renovate the building for a Class 5 adult-use licensed cannabis dispensary. Other than new building signage for the business, and a new dumpster enclosure in the rear of the Subject Property, the only proposed site alternations are the removal of existing freestanding signs on Hartford Road and within the parking lot, and restriping of parking spaces.
4. The Applicant’s Project Engineer testified that the Applicant proposed no additions/removals to the parking lot area, the front building entrance would be reoriented to face Route 130, LED lighting and a new trash enclosure would be proposed with a masonry gate and lock, fencing would be added including fencing of 4’ height along the frontage, additional landscaping would be proposed along Route 130,

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additional concrete curb cuts would be installed and two (2) EVSE make ready parking spaces would be provided.

5. The site plan as presented at the public hearing was not well received because:

- A) It did not include a 25-foot-wide landscaped buffer as required under the Land Development Ordinance, which would update the site and provide meaningful green space along the Route 130 streetscape;
- B) It included a mural design of an “octopus” brand logo on the rear of the building, which raised concerns with aesthetics and sign variance relief;
- C) There was insufficient landscaping at the rear of the site; and
- D) The dispensary front door entrance had ADA accessibility issues.

The applicant agreed to request a continuance to present an updated site plan to address these concerns.

Ms. Cure opened this portion of the meeting to the public, with a motion from Mr. Parento, and seconded by Mr. Giles, seeing no public Ms. Cure closed this portion of the meeting to the public with a motion from Mr. Lyon and seconded by Mrs. Russell. The results are as follows:

Motion passed with a unanimous voice vote

A Motion to continue the hearing was made by Mr. Lunemann, and seconded by Mr. Lyon. The results are as follows:

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

Nays: None

Absent: None

C.
2nd Street Properties, LLC
9006 Route 130 North
Block 128, Lot 16
PN2023-03
Conditional Use Approval

2ND Street Properties, LLC (referred to as the “Applicant” or the “Developer”) filed an Application with the Delran Township Planning Board (“Planning Board”) for Conditional Use Approval for a Class 5 adult-use retail cannabis dispensary for real property identified as Block 128, Lot 16 on the Delran Township Municipal Tax Map (the “Subject Property”), which is more commonly known as 9006 Route 130 North.

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The Applicant's case was presented before the Planning Board at a public hearing on May 4, 2023, in sworn testimony by

- (1) Catherine Turcich-Kealey, the Applicant's Chief Operating Officer.
- (2) Brian Pearce, the Applicant's landlord.
- (3) through the legal representation of Thomas Coleman, Esquire of the law firm of Raymond Coleman Heinold, LLP.

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 following documents and exhibits were reviewed by the Board and are incorporated herein by reference:

- (a) Development Application and Checklist, dated February 28, 2023, filed by Applicant's Attorney's Letter dated March 14, 2023;
- (b) Letter from Applicant's Attorney, dated March 22, 2023, addressing Conditional Use Compliance with Attachments, consisting of seven (7) pages;
- (c) Minor Survey and Site Plan Drawing, prepared by Peterman Maxcy Associates, dated March 13, 2023;
- (d) Site Plan, 11" X 17" delivered to Planning Board, 5/02/23, marked as Exhibit A-1 at Public Hearing;
- (e) Main Floor Security Layout Plan, Emailed to Police Chief, Board Secretary and Board's Professionals, dated 5/3/23, marked as Exhibit A-2 at Public Hearing;
- (f) Basement Security Layout Plan, Emailed to Police Chief, Board Secretary and Board's Professionals, dated 5/3/23, marked as Exhibit A-3 at Public Hearing;
- (g) The Board Engineer's review letter, dated May 1, 2023, consisting of five (5) pages;
- (h) The Board Planner's review letter, dated, April 24, 2023, consisting of eight (8) pages;
- (i) Delran Fire Department's site plan review memo, dated May 2, 2023, consisting of two (2) pages; and

The Board, after carefully considering the evidence and examining certain exhibits, has made the following factual findings and statements of reasons:

1. Brian Pearce of 728 Stonehouse Road, Moorestown, New Jersey and Ryan Wigmore of 1416 2nd Street, Delanco, New Jersey are the contract purchasers of the Subject Property and Applicant's landlord. Robert Verrochio of 9 Hastings Place, Cinnaminson, New Jersey is the current owner of the Subject Property. Katherine Turcich-Kealey of 824 Hickory Street, Delanco, New Jersey is the chief operating officer of Larry's Best Buds, LLC.

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2. Applicant requests Conditional Use Approval to operate a Class 5 Cannabis Dispensary within a converted residential structure on a 1.3-acre irregularly shaped parcel at 9006 Route 130 North within the C-2 General Commercial Zoning District. Class 5 Cannabis retail businesses are permitted as a Conditional Use, subject to the following requirements:

- a) Such facility meets all requirements for licensure, and has an application pending for the appropriate license with the New Jersey Cannabis Regulatory Commission.
- b) No facility shall permit on-site consumption of cannabis or cannabis-related products.
- c) No outside storage of any cannabis, cannabis products, or cannabis-related materials shall be permitted.
- d) The hours of operation for any cannabis retail facility shall not exceed 9 AM to 10 PM.
- e) A security plan shall be submitted to the Township Police Department demonstrating how the facility will maintain effective security and control of operations. The security plan should identify the type of security systems to be employed, tracking and record keeping of products and materials, surveillance systems to be used, and whether or not any armed security personnel will be on the premises.
- f) The facility shall provide an air treatment system with sufficient odor-absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located in the same building if the use occupies a portion of the building.
- g) There shall be a maximum of six (6) licensed cannabis businesses or any cannabis classification within the Township, and no more than four (4) of those may be retail cannabis facilities.

3. The Subject Property consists of 1.3 acres and is located at 9006 Route 130 North, in between the intersections with Creek Road and Bridgeboro Road in the northern end of the Township. The Subject Property is irregularly shaped, and has approximately 130 feet of frontage on the Route 130 exit/entry ramp between Creek Road and Bridgeboro Road. The majority of the lot is wooded, except that the western end of the property is developed with a one-story building that was originally a residence, having a small asphalt parking area in the front of the building. The site has one driveway access onto the Route 130 access road.

4. Applicant is proposing to convert the existing residential structure on the property into a Class 5 licensed retail dispensary. In addition to the conversion of the building, the Applicant is proposing to clear some of the vegetation on the northern side of the property to construct an addition to the parking lot. In total, there would be sixteen (16) off-street parking spaces on the site with one ADA-accessible space located in the front yard. The applicant is proposing to close the existing curb cut and driveway onto Route 130 and construct a new entry/exit driveway further north of the site that would line up with the parking lot expansion. Two new pole-mounted lights are proposed to illuminate the parking areas. An existing masonry planting bed in the front yard would be relocated. A garbage dumpster is proposed in the front of the parking lot. No new signage or landscaping appears to be proposed at this time.

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5. Regarding the conditional use requirements, Applicant represented that:

- a) it has been issued a conditional Class 5 Cannabis Retailer license from the New Jersey Cannabis Regulatory Commission and has obtained the required “Letter of Support” from the mayor and Township Council of Delran Township, thus not exceeding the limit of the number of cannabis dispensaries in the municipality;
- b) no on-site cannabis consumption will be permitted;
- c) no outside storage of cannabis or cannabis-related products would be permitted on-site;
- d) cannabis products would be stored in a vault/safe in the basement;
- e) hours of operation will not exceed 9 AM to 10 PM;
- f) odor mitigation will be provided through sealed packaging requirements of retail cannabis products and carbon filters will be installed in the ventilation system;
- g) a security plan has been presented for review and approval by the Delran Township Police Department.

6. Applicant’s legal counsel further represented that only Conditional Use Approval is being requested on this application. Applicant will still be required to obtain Site Plan Approval as a condition of Conditional Use Approval. As part of that future site plan application, the following improvements will be proposed:

- a) increase the number of parking spaces to fifteen (15);
- b) install parking bumpers for existing parking stalls;
- c) remove portions of concrete and pavement along Route 130 and restore with topsoil and seed;
- d) replace portion of existing stall pavement;
- e) install concrete sidewalks;
- f) install lighting;
- g) install an ADA-compliant building entrance.

7. Concerning the Security Plan, the Applicant’s representative testified that a store manager and armed security guard will always be present at the dispensary during business hours. Security cameras and motion detectors will be installed to monitor activity both inside and outside the building and will be remotely accessible by Delran Township Police. Card readers will limit access to the vault to employees only. Patrons will have their government-issued identification scanned and maintained for compliance with age requirements. Biotrack software will monitor sales activity to provide an audit trail. Deliveries will be made by licensed transporters. Secured access will be provided as shown on the Floor Plan, Exhibit A-2. Delivery driver vans will have cameras installed for security and monitoring.

8. The Planning Board’s professionals posed no objection to the granting of Conditional Use Approval, subject to the Applicant obtaining site plan approval.

9. The Planning Board finds that Applicant has met the conditional use standards for the reasons set forth above.

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OPEN TO THE PUBLIC

Ms. Cure opened this portion of the meeting to the public, with a motion from Mr. Catrambone, and seconded by Mr. Ozdemir. The results are as follows:

Motion passed with a unanimous voice vote

These members of the public appeared and/or testified regarding site plan-related concerns with tree clearing at the public hearing:

Marie D'Amico of 6 Mulberry
Jessie Eastburn of 113 Creek Rd
Stacy Anderson of 7 Mulberry
Wanda Rodriguez of 11 Creek Rd

CLOSE TO THE PUBLIC

Ms. Cure closed this portion of the meeting to the public with a motion from Mr. Lyon and seconded by Mr. Parento. The results are as follows:

Motion passed with a unanimous voice vote

Mr. Catrambone motioned and was seconded by Mr. Lunemann to grant the application for Conditional Use Approval for the proposed Class 5 retail cannabis dispensary. The results are as follows:

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

Nayes: None

Absent: None

The Township of Delran Planning Board, that the said application for Conditional Use Approval for a proposed Class 5 retail cannabis dispensary within the existing building at 9006 Route 130 North, 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:

1. Applicant shall procure license approval for a Class 5 dispensary from the New Jersey Cannabis Regulatory Commission.
2. No on-site cannabis consumption shall be permitted.
3. No outside storage of cannabis or cannabis-related products shall be permitted on-site.

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4. Hours of operation will not exceed 9 AM to 10 PM;
5. Applicant shall obtain site plan approval from the Planning Board within six (6) months of the date of memorialization of this Resolution.
6. Applicant shall comply with the recommendations outlined in the Township Fire Official's review letter, dated May 2, 2023.
7. Applicant shall maintain and enforce the requirements of the Security Plan and shall provide an armed security guard at all times during normal business hours.
8. At the time of site plan approval, proposed signage for the dispensary shall be reviewed and approved by the Board Planner in accordance with the Township Sign Ordinance and State Law.
9. Applicant shall obtain all required outside agency approvals.
10. Applicant shall promptly pay any professional staff fees billed, in excess of 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.
11. 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.
12. 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.
13. Applicant/owner is hereby 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.

ADJOURNMENT

**Mr. Parento made a motion to adjourn the meeting at 8:40 pm.
Mr. Lunemann seconded the motion. The results are as follows:**

Motion passed with a unanimous voice vote

Respectfully Submitted,

Colleen Kohn,
Planning & Zoning Board Secretary