

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

**OPEN PUBLIC MEETINGS ACT**

**Delran Township Planning Board regular meeting of Thursday, September 7, 2023, was called to order by Ms. Cure at 7:10 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. Giles, Mr. Parento, Mr. Ozdemir, Mr. Lyon & Ms. Cure

**Absent:** Mrs. Russell

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

**RESOLUTION**

**A.**

**Resolution #PP2023-09**

Resolution of Ordinance #2023-12

Amending the Township of Delran Code Chapter 355 "ZONING" Article XIII "Planned Commercial Development District PCD", Section 54 "Permitted, Conditional and Prohibited Uses" Subsection B and Chapter 355 "ZONING" Article XI "General Commercial District C-2", Section 43 "Permitted, Conditional and Prohibited Uses", Subsection B(10) and Establishing Subsections B through E of Chapter 355 "ZONING", Article XI "General Commercial District C-2", Section 44 "Conditional Use and Standards", and Establishing Chapter 355 "ZONING" Article XIII "Planned Commercial Development District PCD".

The Delran Township Mayor and Township Council have introduced Ordinance 2023-12 to amend and implement conditional use standards for accessory-use drive-through ATMs and restaurants.

The Delran Township Planning Board held a hearing on July 6, 2023, to review Ordinance 2023-12 per the requirements of *N.J.S.A. 40:55D-26*.

The Land Use Board has reviewed Ordinance 2023-12, considered the recommendations made by the Planning Board Planner, and determined that its provisions are substantially consistent with the goals and objectives outlined in the Delran Township Master Plan and previously adopted Master Plan Amendments.

The Planning Board of the Township of Delran finds and concludes that Ordinance 2023-12 is substantially consistent with provisions of the Delran Township Master Plan and any Amendments and is favorably recommended to the Mayor and Township Council.

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**Mr. Catrambone made a motion to adopt Resolution #PP2023-09, and Mr. Lunemann seconded it. The results are as follows:**

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

**Nayes:** None

**Absent:** Mrs. Russell

**APPLICATION**

**B.**

2<sup>nd</sup> Street Properties, LLC  
9006 Route 130 North  
Block 128, Lot 16  
PN2023-03  
Minor Site Plan Approval

2<sup>nd</sup> Street Properties, 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 with Submission Waivers, Bulk Variances and Design Waivers 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 Rt. 130 North; and Applicant’s case was presented before the Planning Board at a public hearing on September 6, 2023, in sworn testimony by (1) Brian Pearce, the Applicant’s Landlord; (2) Brian S. Peterman, P.E., the Applicant’s project engineer, and (3) through the legal representation of Thomas J. Coleman, III, Esq. of the law firm of Raymond Coleman Heinold, LLP, it appears that 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. Brian Pearce of 728 Stonehouse Road, Moorestown, New Jersey and Ryan Wigmore of 1416 2<sup>nd</sup> 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.
2. Applicant requests Minor Site Plan Approval with Submission Waivers, Bulk Variances, and Design Waivers in order 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. The Subject Property is in between the intersections with Creek Road and Bridgeboro Road in the northern end of the Township near the village of Bridgeboro. The Subject Property has approximately 130 feet of frontage on the Route 130

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exit/entry ramp between Creek Road and Bridgeboro Road. Most of the lot is wooded, however, the western end of the property is developed with a one-story building that was originally an office for a real estate business, as well as a small asphalt parking area in the front of the building. The site has one driveway access onto the Route 130 access road.

3. In addition to conversion of the building to a cannabis dispensary, the applicant proposes to clear some vegetation on the northern side of the property to construct an addition to the parking lot, and regrade portions of the existing parking lot. In total, the Applicant proposes sixteen (16) off-street parking spaces on the site with one accessible ADA accessible space, which will be located at least 30 feet from the dispensary building. The applicant is proposing to close the existing curb-cut and driveway onto Route 130 and construct a new entry/exit driveway further north on the site that would line up with the parking lot expansion. Two new pole-mounted lights are proposed to illuminate the parking areas, one in the existing parking area and one in the new parking lot area. A new 6-foot vinyl privacy fence, as well as a row of a mix of deciduous and evergreen trees along the western property line. An existing masonry planting bed in the front yard will be relocated. A garbage dumpster is proposed in the rear of the parking lot.

4. The applicant was previously granted Conditional Use Approval by Resolution #PP2023-06, approved on June 1, 2023.

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

- (a) Development Application and Checklist;
- (b) Aerial Plan, marked as Exhibit A-1 at public hearing;
- (c) Minor Site Plan, prepared by Peterman, Maxcy Associates, LLC, last revised to October 11, 2023, consisting of four (4) sheets, marked as Exhibit A-2 at public hearing;
- (d) Grading, Drainage and Lighting Plan, prepared by Peterman, Maxcy Associates, LLC, marked as Exhibit A-3 at public hearing;
- (e) Site Photos, marked as Exhibit A-4 at public hearing;
- (f) Site Photos, marked as Exhibit A-5 at public hearing;
- (g) The Board Engineer's review letter, dated September 1, 2023, consisting of ten (10) pages;
- (h) The Board Planner's review letter, dated, August 29, 2023, consisting of nine (9) pages;
- (i) Applicant's Engineer's Response letter to the Board Engineer's review memo, dated August 18, 2023, consisting of three pages;
- (j) The Applicant's Engineer's Response letter to the Board Planner's review memo, dated August 18, 2023, consisting of three pages;
- (k) Delran Fire Department's site plan review memo, dated May 2, 2023, consisting of two (2) pages.
- (l) Applicant's Engineer's Response letter to Delran Fire Department's site plan review memo, dated August 13, 2023, consisting of two pages.

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5. The applicant requested submission waivers from a traffic impact statement, since the New Jersey Department of Transportation (DOT) has exclusive jurisdiction over ingress/egress and plans for tree removal and replacement, the latter of which would later be provided as a condition of approval. The Planning Board Planner took no issue with the granting of these submission waivers in his review memo. The Board finds and concludes the submission waivers should be granted based on the Board Planner's recommendation.
6. Applicant's Engineer, Brian Peterman, P.E., provided the following testimony in support of the application. The building is currently serviced by a private well and septic, but the applicant intends to connect to the public sewer at a nearby location in the near future and will provide Burlington County Board of Health Approval for the septic system, in the interim. The applicant will eliminate the bulk variance requested for landscaping along the property frontage and will coordinate with the Board Planner on a landscape/tree replacement plan. A total of 15 parking spaces and one EV-ready parking space is proposed. The relocated driveway design will provide a sight triangle conforming to AASHTO standards. The applicant will relocate the proposed sign to the east side of the driveway to promote sight visibility and proposed signage will conform to the Township sign ordinance. The applicant will eliminate the requested bulk variance identified in Paragraph 12 of the Board Engineer's Report with respect to the driveway width at the throat. The applicant will provide conforming light fixtures at a height of 14 feet and will provide shields to minimize glare on the nearby residential properties.
7. Applicant's Landlord, Brian Pearce, testified that Applicant will improve the aesthetics of the building by adding new siding, roofing and doors. Deliveries of cannabis products will be made by smaller vans and SUV's. No scheduled times for deliveries are provided to ensure security. No loading zone is required for deliveries of smaller-sized packaged cannabis products. There will be two employees and one security guard present within the 1,300-square-foot dispensary building. Vinyl fencing will be provided with an earth-tone color with details to be provided. The existing chain-link fence will either be removed or relocated just inside the property line. The HVAC will be a small unit located at the rear of the building, and utilities provided will be underground. The applicant will provide any required contribution to the Delran Township Affordable Housing Trust Fund.
8. Applicant requests the following design waiver relief; A) from Section 310-34 for parking stall size (9' X 18' stalls proposed; 10' X 20' required) and B) from Section 310-34 for curbing not provided as required in parking areas; and C) from Section 310-41B from sidewalks along property frontage; none proposed or existing.
9. In support of the requested design waivers, Applicant's Engineer, Mr. Peterman, testified that cannabis packaging is small, thus, larger parking stalls are not necessary for package placement in a motor vehicle. Mr. Peterman further testified that some curbing would be provided to prevent sheet flow of

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stormwater runoff, but other curbing is omitted to provide flexibility for a future parking-lot expansion, if needed, in case the Township Zoning Officer determines there are parking congestion issues in the future. Parking still meets the ordinance requirements (16 spaces provided; 8 spaces required). Lastly, Mr. Peterman testified that the sidewalk has no utility on Route 130 at this location and would be a sidewalk to nowhere.

10. The Planning Board finds the design waivers should be granted, except that the applicant must provide a sidewalk along the Route 130 property frontage in accordance with Township policy for ensuring pedestrian safety.
11. Applicant requested the following bulk variance relief on its application: from Section 355-46.H (5) for minimum side-yard setback from parking spaces (5 feet proposed; 12.5 feet required); and from Section 355-89.B.(2)(a) to permit a fence in the front yard along the western property line; Applicant has withdrawn its bulk variance request from Section 355-92.1. Mr. Peterman testified that the existing conditions and structures on the property, and on adjacent residential properties justify the requested bulk variance relief. The Board Planner concurred and noted other developed areas deficient from bulk requirements, which constitute pre-existing non-conforming conditions. The Planning Board finds and concludes that the requested bulk variances should be granted, except for item #12 in the Board Engineer's review memo. The Planning Board finds there would be undue hardship for the applicant to demolish and replace the building and all existing accessory structures. The Board notes that the parking lot already exists, and the applicant can potentially expand the parking lot, if warranted, based on parking conditions. The Board further finds that the granting of such bulk variance relief will not substantially impair the neighborhood, Zone Plan, and Master Plan of Delran Township. The Board notes the proposed cannabis dispensary is a permitted use, having met the conditional use ordinance requirements.
12. The Planning Board finds that the applicant should be granted Minor Site Plan Approval with Submission Waivers, Design Waivers, and Bulk Variances for the reasons set forth above.

Adjoining resident, Marie D'Amico of 6 Mulberry Street appeared and testified that she had no objection to approval of the application after hearing the site plan presentation of the Applicant

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

**Ayes:** Mr. Catrambone, Mr. Lunemann, Mr. Giles, Mr. Parento, Mr. Ozdemir & Ms. Cure

**Nayes:** Mr. Lyon

**Absent:** Mrs. Russell

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The Township of Delran Planning Board, that the said application for Minor Site Plan Approval with Submission Waivers, Design Waivers and Bulk Variances for the proposed 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:

1. The applicant shall comply with the recommendations outlined in the Board Engineer's review letter dated September 1, 2023, except as modified herein.
2. The applicant shall comply with the recommendations outlined in the Board Planner's review letter, dated August 29, 2023, except as modified herein.
3. The applicant shall meet with the Township Fire Official to resolve any issues with conformance with the Township Fire Official's review letter, dated May 2, 2023.
4. The applicant shall comply with all requirements of the previously granted Conditional Use Approval.
5. The ADA accessible space shall be located at least 30 feet from the dispensary building.
6. The applicant shall coordinate with the Board Planner on the provision of additional landscaping.
7. The applicant shall provide evidence of County Board of Health Approval for the septic system.
8. The applicant shall relocate the proposed sign to the east side of the driveway.
9. The applicant shall provide conforming light fixtures at a height of 14 feet and shields to minimize glare on the nearby residential properties.
10. There will be two employees and one security guard present on the premises during business hours.
11. Vinyl fencing shall be provided with an earth-tone color with details to be provided.
12. The existing chain-link fence shall either be removed or relocated just inside the property line.
13. The applicant shall make any required contribution to the Delran Township Affordable Housing Trust Fund.
14. The applicant shall submit a supplemental site plan for parking in case the Township Zoning Officer determines there are parking congestion issues on site.
15. The applicant shall install sidewalks along the Route 130 property frontage.
16. The applicant shall obtain all required outside agency approvals.
17. The 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.
18. These General Conditions of Approval and any additional conditions of approval, if any, shall be binding upon the applicant, the owner, developer, and any successors and/or assigns of them.
19. The applicant has submitted certain plans and documents which were accepted by the Planning Board as part of its application and further made certain

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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.

20. 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.
21. The applicant/owner is responsible for obtaining all zoning and/or building permits and approvals necessary to construct the project/development approved herein.
22. The 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.
23. 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 plan or final site plan nor shall any zoning permit issue until the applicant has demonstrated that all conditions of the final approval have been satisfied.
24. 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.
25. 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.)
26. 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 before a certificate of compliance and certificate of occupancy being issued.
27. The applicant shall post the required inspection fee deposit with the application for a building permit.
28. 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.

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29. All improvements are subject to inspection by the Township. No site clearing or construction is to begin without proper notification to the Township Engineer.
30. No deed restrictions may exist in regard to this property/development, except those reviewed and included in the Board's approval.
31. A permit shall be obtained from the zoning officer after final approval and/or prior to any site clearing and/or construction.
32. 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. on a monthly basis, or as may be necessary. This shall continue until the improvements are accepted by the Township.
33. 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.
34. The applicant/owner shall schedule a pre-construction meeting through the Township Engineering office prior to the commencement of any work.
35. Landscaping shall be maintained on a continuing basis as a condition of approval and the certificate of occupancy.
36. 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.
37. 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.
38. The applicant/owner is 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.)

**OPEN/CLOSE TO THE PUBLIC**

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



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**ADJOURNMENT**

**Mr. Parento made a motion to adjourn the meeting.**

**Mr. Lunemann seconded the motion. The results are as follows:**

The motion passed with a unanimous voice vote.

Respectfully Submitted,

Colleen Kohn,  
Planning & Zoning Board Secretary