

**DELRAN TOWNSHIP
PLANNING BOARD
REGULAR MEETING MINUTES
JUNE 1, 2023– 7:00 PM**

OPEN PUBLIC MEETINGS ACT

Delran Township Planning Board regular meeting of Thursday, June 1, 2023, was called to order by Ms. Cure at 7:00 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. Lyon, Mr. Giles, Mr. Parento, Mrs. Russell & Ms. Cure

Absent: Mr. Lunemann & Mr. Ozdemir

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

APPLICATION

A.

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

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.

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, and
- (4) through the legal representation of Jennifer Cabrera, Esquire of the law firm of Vicente, 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;

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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;
- (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’s office is located at 554 N. Snyder Road, Boyne City, Michigan 49712.
2. The 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

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Planned Commercial Development Zoning District. The Applicant was previously granted conditional use approval by the Planning Board by Resolution #2023-05, 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. At the first public hearing on the minor site plan application on May 4, 2023, 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, 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 May 4, 2023, 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 a "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) there were ADA accessibility issues at the dispensary front-door entrance. The applicant agreed to request a continuance to present an updated site plan to address these concerns.

6. At the public hearing on June 1, 2023, Applicant presented a revised site plan which included the elimination of pavement and installation of a vegetative buffer and a berm along the Route 130 frontage and enhanced landscaping at various locations on the site, demonstrated ADA compliance with a revised front entrance to the dispensary, added board-on-board fencing and eliminated the "octopus" mural that advertised Applicant's brand logo. The revised plan also indicated a 12' X 47' loading area immediately behind the building.

7. The Planning Board Planner and Engineer were supportive of the proposed changes and the Board Engineer further recommended the installation of irrigation for the landscaped plantings within the buffer area along the Route 130 frontage.

8. The Planning Board finds that minor site plan approval should be granted based upon the proposed revisions to the site plan.

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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

Mr. Catrambone motioned and was seconded by Mr. Giles to grant the application for Minor Site Plan Approval for the proposed Class 5 retail cannabis dispensary. The results are as follows:

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

Nays: None

Absent: Mr. Lunemann & Mr. Ozdemir

The Township of Delran Planning Board, that the said application for Minor Site Plan Approval for the proposed 3,808 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:

1. Applicant shall maintain compliance with the requirements of the conditional use approval previously granted by the Planning Board by Resolution #2023-05.
2. Applicant shall install and maintain irrigation for the landscaping within the buffer area along the Route 130 frontage.
3. Applicant shall comply with the recommendations of the Planning Board Planner's report of May 22, 2023, except as modified herein.
4. Applicant shall comply with the recommendations of the Planning Board Engineer's report of May 26, 2023, except as modified herein.
5. Applicant shall comply with the recommendations set forth in the Township Fire Official's review letter, dated March 30, 2023.
6. Applicant shall obtain all required outside agency approvals.
7. 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.
8. 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.
9. 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

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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.

10. 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.

B.

STO LAT Delran, LLC
1381 Fairview Boulevard
Block 120, Lot 14.05
Minor Site Plan

STO LAT Delran, 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 bulk variances to construct a one-story 2,100 square foot office building as a professional office for NJ Homes for real property identified as Block 120, Lot 14.05 on the Delran Township Municipal Tax Map (the “Subject Property”), which is more commonly known as 1381 Fairview Boulevard; and Applicant’s case was presented before the Planning Board at a public hearing on June 1, 2023, in sworn testimony by:

- (1) Donald Pollock, Jr., the Applicant’s Managing Member;
- (2) Andrew Simpkins, P.E., the Applicant’s project engineer, and
- (3) Jeffrey Brennan, Esquire of the law firm Baron and Brennan;

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. STO LAT Delran, LLC of 740 Marne Highway, Suite 104, Moorestown, New Jersey 08057 is the owner of the Subject Property, which is located in the PCD Planned Commercial Development Zoning District.
2. Applicant requests Minor Site Plan Approval with bulk variances in order to construct a one-story 2,100 square foot office building with a parking lot and trash enclosure on a 40,391 square foot (0.93 acre) lot as a professional office for NJ Homes at 1381 Fairview Boulevard. The Subject Property is located at the intersection of Fairview and Hartford Road, just southeast of State Highway Route 130 (“Route 130”). Adjacent to the site is a retail strip mall to the north. The Subject Property only has access from an internal driveway shared with the strip mall, which is accessed from Fairview Boulevard. The Subject Property is a vacant pad site (“Pad C”) with no

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building and existing 25 parking stalls, including two handicapped accessible spaces. The proposed building would use the existing parking and one-way traffic circulation, but would include a new dumpster area in the southeast corner of the property, six (6) make-ready EV charging stations within the parking lot, and some pavement restoration around the driveway. No loading area is included since the proposed building is for office use. The applicant proposes two façade signs, one facing Hartford Road, and the other facing the interior of the shopping center. The proposed landscaping would be that which was proposed in an earlier 2002 site plan for the shopping center.

3. The site is surrounded mostly by commercial uses, with the Lowe’s shopping center, Hartford Corners (Shop Rite), and other strip mall retail spaces to the north. Hartford Road to the west is developed primarily with small commercial uses. East of the site is a mixture of small businesses on Hartford Road, and single-family residences. Southeast of the site on the opposite side of Hartford Road is Delran High School and Delran Community Park.

4. The proposed office building is a permitted use in the PCD Zone.

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

- (a) Development Application and Checklist, dated May 10, 2023;
- (b) Site Plan Drawings, prepared by Consulting Engineering Services, dated May 9, 2023, dated January 6, 2023;
- (c) Subdivision Plat Drawings, prepared by Henderson and Bodwell, dated February 5, 2003;
- (d) Copies of access easement agreements and subsequent amendments, for subject property;
- (e) Aerial Photo, marked as Exhibit A-1 at the Public Hearing;
- (f) Survey of Property, marked as Exhibit A-2 at the Public Hearing;
- (g) Site Plan, marked as Exhibit A-3 at the Public Hearing;
- (h) Architectural Elevations, marked as Exhibit A-4 at the Public Hearing
- (i) The Board Engineer’s review letter, dated May 26, 2023, consisting of six (6) pages;
- (j) The Board Planner’s review letter, dated, May 23, 2023, consisting of six (6) pages;
- (k) Delran Fire Department’s site plan review memo, dated May 31, 2023, consisting of two (2) pages;

5. Commenting on the report of the Board Planner, the Applicant’s Engineer testified that the Applicant would coordinate with the Shopping Center owner and the Board Engineer on the conversion to LED lighting. The applicant will provide the requisite number of ADA parking stalls. A visual screening will be provided around the condenser for the air conditioning unit. The applicant will install foundation plantings around the edge of the building. No construction materials would be stored on-site in conjunction with the Applicant’s construction business. The applicant will relocate the proposed EV make-ready charge stations as directed by the Board Engineer. Applicant’s Engineer testified that the bulk variances described in Paragraph 7 below should be granted under the C (1) and (2) criteria due to existing conditions of a pad site within

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an existing shopping center and since the proposed development design for the office building will promote aesthetics.

6. Applicant's principal, Mr. Pollock, testified that the office building would operate from 8:30 AM – 5 pm Monday to Friday. Construction materials are located off-site at a warehouse. No public visits would occur. The office building would have 4-5 employees, not including nine (9) additional employees working at construction locations. No construction vehicles shall be parked on-site.

7. Applicant requested the following bulk variance relief:

- A) From Section 335-56.D(2) for the minimum front yard (75 feet required; 67.3 proposed/existing). In support of this requested variance, the Applicant's engineer testified that this is a pre-existing condition associated with a pad site within an existing shopping center;
- B) From Section 335-56.H(2) for landscape buffer of at least 25 feet. In support of this requested variance, Applicant proposed landscaping consistent with the 2002 site plan approval;
- C) From Section 335-56.J from loading zone, Applicant requested a variance from the loading zone requirement because it is an office building, but agreed that a loading zone may be required in the future if the building is later converted to a retail use; and
- D) From Section 335-94.H(2)(a) to permit a façade sign facing the internal driveway, the Applicant again noted that the subject property is a pad site within a strip shopping center.

8. The Board's professionals did not oppose the granting of the requested variance relief. The Planning Board finds that the requested bulk variance relief should be granted for the reasons set forth above. The Board further finds that within the context of this Subject Property being a pad site within an existing shopping center, granting such relief will not substantially impair the adjoining commercial shopping center, Zone Plan, and Master Plan of Delran Township.

No members of the public appeared and/or testified in opposition to the application at the public hearing.

Mr. Catrambone motioned and was seconded by Mrs. Russel to grant the application for Minor Site Plan Approval for the proposed office building.

The results are as follows:

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

Nays: None

Absent: Mr. Lunemann & Mr. Ozdemir

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The Township of Delran Planning Board, that the said application for Minor Site Plan Approval with bulk variances to permit the construction of a one-story 2,100 square foot office building as a professional office for NJ Homes, 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 comply with the recommendations set forth in the Board Engineer's review letter dated May 26, 2023, except as modified herein.
2. Applicant shall comply with the recommendations set forth in the Board Planner's review letter, dated May 23, 2023, except as modified herein.
3. Applicant shall comply with the recommendations set forth in the Township Fire Official's review letter, dated May 31, 2023, except as modified herein.
4. Applicant shall coordinate with the Shopping Center owner and the Board Engineer on the conversion to LED lighting.
5. Applicant will provide the requisite number of ADA parking stalls.
6. A visual screening will be provided around the condenser for the air conditioning unit.
7. Applicant will install foundation plantings around the edge of the building.
8. No construction materials would be stored on-site in conjunction with the Applicant's construction business.
9. Applicant shall relocate the proposed EV make-ready charge stations as directed by the Board Engineer.
10. No construction vehicles shall be parked on-site.
11. Applicant shall obtain all required outside agency approvals.
12. 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.
13. 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.
14. 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.
15. 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.
16. Applicant/owner is responsible for obtaining all zoning and/or building permits and approvals necessary to construct the project/development approved herein.

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17. 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.
18. 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 be issued until the applicant has demonstrated that all conditions of the final approval have been satisfied.
19. 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.
20. 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.)
21. 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.
22. Applicant shall post the required inspection fee deposit with the application for a building permit.
23. 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.
24. All improvements are subject to inspection by the Township. No site clearing or construction is to begin without proper notification to the Township Engineer.
25. No deed restrictions may exist in regard to this property/development, except those reviewed and included in the Board's approval.
26. A permit shall be obtained from the zoning officer after final approval and/or prior to any site clearing and/or construction.
27. 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.
28. The public road right-of-way within the development shall not be used as storage areas or "staging" areas for the construction of either buildings or site improvements.
29. Applicant/owner shall schedule a pre-construction meeting through the Township Engineering office prior to the commencement of any work.
30. Landscaping shall be maintained on a continuing basis as a condition of approval and the certificate of occupancy.
31. 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

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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.

32. 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.

33. 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.)

34. The Applicant acknowledged that as a new, non-residential development, the Applicant/Owner would be required to comply with State statutory and local Ordinance for making an Affordable Housing Fund contribution of 2.5% of the equalized assessed value (EAV) of the property.

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

Motion passed with a unanimous voice vote

ADJOURNMENT

**Mr. Lyon made a motion to adjourn the meeting at 8:06 pm.
Mr. Catrambone seconded the motion. The results are as follows:**

Motion passed with a unanimous voice vote

Respectfully Submitted,

Colleen Kohn,
Planning & Zoning Board Secretary