

METUCHEN PLANNING BOARD

RESOLUTION OF MEMORIALIZATION GRANTING  
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL, CONDITIONAL USE  
APPROVAL, AND WAIVER OF SUBMISSION REQUIREMENTS TO  
DASCO SOLUTIONS, LLC  
BLOCK 71, LOT 37.01  
700 MIDDLESEX AVENUE  
APPLICATION NO.: 23-1368

**WHEREAS**, this application involves the property Block 71, Lot 37.01, as shown on the official Tax Map of the Borough of Metuchen, and more commonly known as 700 Middlesex Avenue in the Borough of Metuchen, County of Middlesex and the State of New Jersey; and

**WHEREAS**, Dasco Solutions, LLC, hereinafter referred to as “the Applicant,” is the lessee of Block 71, Lot 37.01; and

**WHEREAS**, the Applicant has applied to the Metuchen Planning Board for Preliminary and Final Major Site Plan approval, conditional use approval and waiver of submission requirements; and

**WHEREAS**, the Planning Board of the Borough of Metuchen held a public hearing on said application on November 2, 2023, after compliance with the notice, service and publication requirements of N.J.S.A. 40:55D-12; and

**WHEREAS**, at said hearing, the Planning Board considered the following documents:

1. Amended Oakite Site Redevelopment Plan, prepared by LRK, Inc., dated August 18, 2021, last revised September 13, 2021 and consisting of 54 pages;
2. Ordinance 2023-03, dated March 6, 2023 and consisting of four (4) pages;
3. Redevelopment Agreement, dated November 9, 2021 and consisting of 200 pages;
4. Zoning Permit Application, dated September 12, 2023 and consisting of one (1) page;

5. Application for Development, dated September 15, 2023 and consisting of six (6) pages;
6. Planning Board Resolution No. 02-573, dated May 1, 2003 and consisting of 27 pages;
7. List of Submission Exhibits, undated and consisting of one (1) page;
8. Schedule of Bulk Requirements, undated and consisting of one (1) page;
9. Narrative (inclusive of multiple exhibits), undated and consisting of 11 pages;
10. Series of photographs, undated and consisting of 12 images on seven (7) pages;
11. Major Site Plan Checklist, dated October 14, 2023 and consisting of eight (8) pages;
12. Green Development Checklist, dated October 14, 2023 and consisting of six (6) pages;
13. Waiver Requests, dated October 14, 2023 and consisting of one (1) page;
14. Survey entitled "ALTA/NSPS Land Title Survey, Block 71, Lot 37.01, 700 Middlesex Avenue, Borough of Metuchen, Middlesex County, State of New Jersey," prepared by Control Point Associates, Inc., under seal of James D. Sens, PLS, NJPLS License No. 24GS04322600, dated June 14, 2023, last revised July 24, 2023 and consisting of two (2) sheets;
15. Plans entitled "Dasco Solutions, Adaptive Re-Use, 700 Middlesex Avenue, Metuchen, NJ 08840," prepared by Polar Green Architecture Engineering LLP, under seal of Joseph D. Javier, RA, NCARB, NJRA License No. 16479, dated September 11, 2023 and consisting of six (6) sheets.
16. Memorandum of LRK Inc. by Chris S. Cosenza, AICP, PP, LEED AP, Board Planner, dated October 31, 2023;

**WHEREAS**, the Applicant was represented by Richard Schkolnick, Esq.; and

**WHEREAS**, Applicant seeks preliminary and final major site plan approval, conditional use approval, waiver of certain submission requirements for the property designated as Block 71, Lot 37.01 as shown of the official Tax Map of the Borough of Metuchen and more commonly known as 700 Middlesex Avenue, in the Borough of Metuchen, County of Middlesex and the State of New Jersey; and

**WHEREAS**, Block 71, Lot 37.01 is part of the Oakite Redevelopment Plan area; and

**WHEREAS**, Applicant proposes to renovate a former bank building and convert it into a Class 5 Cannabis Retailer. The Project conforms with the Amended Oakite Site Redevelopment Plan, and does not require any variances or exceptions; and

**WHEREAS**, the Board heard the presentation and evidence as follows:

1. Richard Schkolnick, Esq., Applicant's attorney, gave an opening statement. He stated that the present application concerns an existing bank building located at 700 Middlesex Avenue, which is currently vacant. The property is located in the Oakite Redevelopment Plan area (the "Redevelopment Area") and is designated as Parcel A in same. Mr. Schkolnick stated that in September 2022, Metuchen Borough passed an ordinance permitting retail cannabis locations in certain zones and subject to conditions. On March 6, 2023, the Borough amended the Amended Oakite Site Redevelopment Plan (the "Redevelopment Plan) to permit Class 5 Cannabis retail use as a permitted use within Parcel A in the Redevelopment Area. Finally, the Borough issued a letter of endorsement, on May 18, 2023, expressing support for a cannabis facility at the subject location. Mr. Schkolnick stated that the conditions for the proposed use are set forth in Section 72-5C, all of which were addressed in the application and which will be further elucidated to confirm compliance. He stated that as a result of full compliance, no variances are requested nor are any

changes to the existing structure being proposed. As part of Applicant's presentation, the Board Planner's memo will be addressed with testimony given to respond to concerns about parking, traffic circulation, and ongoing consultation with the Metuchen Police Department.

2. Joseph D. Javier, Architect, was sworn in, qualified, and gave testimony. Referring to a previously submitted site plan, he stated that the subject property, Parcel A, is one of many lots in the Redevelopment Area. The subject lot is approximately 25,956 square feet while the minimum required lot size is 25,000 square feet. The property is located on Middlesex Avenue, which provides the main access, and is a corner lot with a mid-block connector roadway for secondary access. The property is not within 200 feet of any schools meeting one of the conditional use standards. Describing the existing structure, he stated that it is about 3,000 square feet in area with three existing drive-thru lanes from its prior use as a bank. The current proposal is to utilize one of said lanes with a potential future expansion to use the additional lanes. The site currently has 10 existing parking spaces, one of which is an ADA-compliant accessible parking space.

3. Moving to sheet A-4, Mr. Javier stated that minimal alterations were made to the existing lighting on the property. Two lamp posts were added near the mid-block roadway, along with wall sconces along the front elevation of the building. The purpose of these additions was to ensure at least 0.9 foot-candles throughout the site, while ensuring no excessive light pollution was created. The additional lights remain under the 12-foot maximum height for lighting imposed on the site. In response to a question from Chairman Erickson, Mr. Javier confirmed that the existing lighting will maintain the original fixtures, and that new lanterns will match. In response to Board Member Clarkson, Mr. Javier stated that the locations of the existing lights have not changed and demonstrated same with the use of his exhibit.

4. After a short discussion among the Board Members regarding the potential for updating the existing and additional lighting proposed at the site, Mr. Javier clarified that while the lampposts would remain as is, the light fixtures themselves would be upgraded with LED lighting.

5. Turning to sheet A-2, Mr. Javier outlined the interior layout of the proposed use, pointing out a main entrance, security desk, main sales floor area, bathroom, a rear emergency exit and an employee lounge area. The existing vaults from the prior use as a bank will be used for long-term and short-term product storage. Finally, a flex-space can be used for administrative purposes. The floor plan, vault storage, security and safety will all require approval by the State Cannabis Regulatory Commission, along with consultation with the local police department. These processes have already been initiated as part of the project's development.

6. Turning to sheet A-3, Mr. Javier described the proposed signage, stating that minimal changes were made which would keep the planned signage as compliant with a twelve-foot maximum size of the proposed wall-mounted sign. Mr. Javier also confirmed that the site has separate access from Middlesex Avenue and is not within 200 feet of a K-12 school. To ensure compliance that no cannabis product or paraphernalia would be visible to the public, Mr. Javier stated that all windows would be tinted and opaque along with landscaping to limit visibility. As to noise compliance, he stated that existing condenser units would be utilized and screened by landscaping as well.

7. In response to questions from Ms. Clarkson and Mr. Delia, the witness stated that two signs stating "Dasco Solutions" were being proposed, and that a third freestanding sign is not under the Applicant's control, rather is owned by the current landlord of the property.

8. Mr. Javier stated that the proposal complies with a prohibition on cannabis facilities being housed in a vehicle or movable structure, and that the plan complies with New Jersey's

Cannabis Regulatory Commission rules and regulations, though a subsequent witness would address that in greater depth.

9. In response to the Board Planner's memo, the Applicant submitted a conceptual parking layout, marked as exhibit A-1. Walking through this exhibit, Mr. Javier detailed four new spaces along the northeast corner of the property designated for employee parking. The space dimensions were listed as nine feet by eighteen feet, though the Applicant agreed with the Board Planner's recommendation that twenty-three feet should be considered. In response to a question from Mr. Erickson, the Board Planner stated that the planned employee parking should be submitted to the Metuchen Police and Fire departments for consultation. The Applicant agreed as a condition of approval.

10. Mr. Javier stated that the plans indicate 10 existing parking spaces, one of which is ADA compliant, but they are proposing the additional four aforementioned employee only spaces, which would be beyond the minimum required by ordinance. In response to questioning from the Board, the witness demonstrated the main point of ingress from the entrance to the subject property along Middlesex Avenue which is a one-way entry. Vehicles entering through this entryway would circle through the property to the parking area if not accessing the existing drive-through lane. Mr. Javier also demonstrated that the only exit from the property is through the mid-block connector road and gave a brief description of the hypothetical flow of traffic through the property.

11. Mr. Cosenza stated that based on consultation with the Board Engineer, they agreed that the Applicant should be required, as a condition of approval, to submit a revised site plan showing all traffic control devices actually shown on the survey. The applicant agreed to that condition. The Applicant also agreed to include appropriate signage on the subject property indicating the flow of traffic to entering and exiting vehicles.

12. Mr. Lifton expressed concern over the potential for excessive traffic and issues with stacking of vehicles based upon the proposed layout of the lot. Applicant's attorney stated that a traffic control officer would help address this during busier hours, and added that further testimony from the witnesses would be discussing the circulation of vehicles.

13. A number of Board Members discussed the potential traffic issues at peak operation hours, with Mr. Delia raising the possibility of closing the Middlesex Avenue entry into the subject property.

14. Mr. Renaud indicated that the plans before the Board, specifically Sheet A-1, did not properly mark ingress and egress and suggested a revised plan with proper markings be provided.

15. At this point the meeting was opened to the public for questions, with the acknowledgment that more time would be provided later in the hearing should further comment be necessary.

16. Dan Spiegel of 1 Mark Circle, Metuchen, New Jersey, asked questions regarding the placement of proposed parking spaces and whether adequate room would be available for traffic and parallel parking. Mr. Javier responded by stating that the distance between existing stanchions and the curb line was roughly eighteen to twenty feet, which would provide adequate space for traffic and necessary parking maneuvers. Mr. Schkolnick reiterated that the proposed parking layout would be submitted to the Metuchen Police and Fire Departments for review. Mr. Javier added that the stated dimensions would be added to a revised plan. Mr. Cosenza suggested further striping and traffic indicators should also be added to the plans, noting that the Board Engineer concurred.

17. Paul Gibson of 72 Lake Avenue, Metuchen, New Jersey asked whether the relevant ordinance prohibits queuing of customers outside of the establishment. Mr. Renaud clarified that

this applies to pedestrian traffic and queuing of customers on foot, rather than vehicular traffic as was being discussed.

18. Mr. Spiegel began to question whether an appropriate level of detail was included in the interior layouts displayed, however, Mr. Javier stated that a subsequent witness would be better suited to answer.

19. Joshua Bell, Expert in Cannabis Operations, was sworn in, qualified, and gave testimony. Mr. Bell addressed some of the requirements laid out by ordinance. The Applicant intends to operate Monday through Saturday, from 11 am to 7 pm, and on Sundays from Noon to 6 pm. The property was designed to operate as an “express dispensary” following the examples of pharmacies and industries relying on combined methods of picking up orders. They anticipate between four to five staff members, including security, on site at a given time.<sup>1</sup> The total staff is expected to be 12 employees.

20. Giving a description of the customer experience, Mr. Bell began by pointing out a proposed security vestibule at the entry point of the property where a security officer would verify ID and age.<sup>2</sup> He stated that of the two vaults, one would be used for short-term storage including servicing of the drive-thru window, while the other would be used for long-term storage. Discussing payment options, he stated that pickup orders can be placed through a website as well as a phone application, both of which would enable customers to place online orders for pick up in store or via the drive-through window. Mr. Bell anticipates roughly 60% of traffic occurring through the pickup window. That expectation is based upon research conducted on traditional retail establishments and restaurants. In response to a question from Mr. Lifton, Mr. Bell stated that he

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<sup>1</sup> Applicant later amended this total to a maximum of six employees, to allow for a second security officer to assist with traffic control.

<sup>2</sup> Applicant later clarified that the security officer would not be stationed at a specific vestibule and would be mobile within the dispensary.



has not participated in the establishment of a drive-thru cannabis operation before this application. Mr. Schkolnick added that informal surveys were done on comparable cannabis operations in New Jersey which do feature drive-thru pickup options.

21. Referring to earlier questioning, Mr. Lifton asked whether 60% of sales occurring via the drive-thru window would create traffic issues impacting Middlesex Avenue similar to traffic caused by nearby drive-thru Starbucks customers. Mr. Bell replied that based on extensive modeling completed on behalf of the Applicant this should not be an issue.

22. In response to Ms. Cohn, Mr. Bell explained that they expect a steady stream of customers throughout the course of the day, though 4-6 pm would typically be high volume periods accounting for roughly 30% of a given day's business.

23. In response to Mr. Love, Mr. Bell stated that they expect only a small percentage of purchases to be made by walk-in customers who have not pre-ordered online. He also added that the average transaction time for such a purchase is about five minutes, whereas pre-ordered pickups would take only two minutes.

24. In response to Ms. Cohn, Mr. Schkolnick stated that the Applicant's research and expert testimony indicates a single drive-thru window will be adequate, but they anticipate they may have to reapply at a future date to make use of a second drive-thru lane.

25. Mr. Bell responded to questions posed by Mr. Cosenza and Ms. Cohn regarding peak traffic hours. He stated that roughly twenty-seven transactions would occur during the two-hour peak period of 4-6 pm, meaning that on average they would expect fourteen customers per hour, which should only require twenty-eight minutes of transaction time in either of those given hours.

26. In response to Ms. Cohn, Mr. Bell explained that customers using the pickup window would show identification, the corresponding order would be retrieved, payment would be made if not already completed online, and the product dispensed to the patient. He added that while consideration was given to utilizing existing pneumatic tubes as a bank would, the back-and-forth nature of those transactions would actually increase wait times while irregular shaped products would be problematic for the cylindrical tubes.

27. In response to Mr. Lifton, Mr. Bell stated that while cash payments are permitted, more than 50% of purchases are anticipated to be made online or via accepted electronic payment. Mr. Lifton reiterated his concern that peak hours coupled with longer than expected transaction times could result in traffic issues for the surrounding areas. Mr. Bell stated that one option for mitigation of traffic is to pace the delivery of notifications that orders are ready for pickup while Mr. Schkolnick added that the Applicant has already agreed to work with the Metuchen Police Department along with employing a traffic control officer to mitigate any traffic issues which may arise. In response to Ms. Clarkson, Mr. Bell stated the Applicant intends to employ a second security officer to facilitate circulation of traffic within the site for at least the first two months of operation.

28. In response to Mr. Cosenza, Mr. Bell stated that to remain in compliance with the relevant ordinance, customers would not have to queue outside while waiting to make a purchase inside of the dispensary. Further discussing traffic, Mr. Bell confirmed that after opening, the Applicant intends to perform analysis of traffic and customer purchase trends which can be shared with the Borough. Mr. Cosenza added that the planned removal of the existing canopy structure could be reconsidered to potentially add a second drive-thru lane to ameliorate potential traffic

issues. Mr. Schkolnick stated that it could be considered but the Applicant requires operational experience before being able to predict what changes will need to be made.

29. Turning to conditional use standards, Mr. Bell testified that the property will be making use of the existing vaults, that odor control will be maintained with sealed opaque cannabis containers, negative air pressure, carbon filtration and HVAC filtration. Trash removal will be compliant with all necessary guidelines with no cannabis products being disposed of in on-site dumpsters.

30. The Board took a brief recess.

31. Stuart Schooler, was sworn in and gave testimony. He testified that he is the principal of the entity which owns the entire redevelopment parcel on which the subject property sits. After some questioning by Board Members and the Board Attorney, Mr. Schooler testified that the monument sign currently in place is not being used by either the Applicant or the Redevelopment Entity. Mr. Renaud stated that as such, there should be no issue with its removal as part of this Application. Ms. Koskoski stated that the amended redevelopment agreement requires a subdivision for the operation of a cannabis facility. Mr. Schooler stated that the subdivision has been delayed but paperwork effectuating same would be filed shortly. Mr. Renaud noted that the required subdivision has to be a condition of approval.

32. At this point the meeting was opened to the public for questions, with the acknowledgment that more time would be provided later in the hearing should further comment be necessary.

33. Mr. Spiegel asked another question of Mr. Schooler, as to whether he would provide cross-access easement for the balance of the site for parking purposes if the Board determined that inadequate parking is included in the application. He stated that most of the remaining properties

are leased which deprives him of the ability to answer on their behalf. In response to Mr. Cosenza, Mr. Schooler stated that the nearby Metuchen Sportsplex could potentially accommodate five to six parking spaces for staff.

34. Mr. Lifton asked Mr. Bell to compare the proposed facility to a nearby facility in Woodbridge, and expressed concern of odors emanating from the latter's facility. Mr. Bell testified that he believes that facility is co-located with a cultivation and processing plant from which is likely producing said odors. The proposed site would not have this issue.

35. Mr. Bell outlined how customers would be processed in the interior of the facility. Several POS stations will be present along with displays of empty packaging for various products. A large L-shaped counter would also be used as a POS counter.

36. In response to Mr. Grossman, Mr. Bell stated that a security officer will be present at the entryway to conduct age verification but that a physical security desk is not anticipated. He reiterated that customers who have not yet had their ID checked by security can wait to do so within the facility. He added that customers seeking to purchase cannabis must be 21 years of age, but no such prohibition exists for those who merely enter the building, comparing it to a liquor store.

37. At this point the meeting was opened to the public for questions, with the acknowledgment that more time would be provided later in the hearing should further comment be necessary.

38. In response to Mr. Spiegel, Mr. Bell stated that both adult use and medical patients can be served at this facility, and that there would be separate POS stations for pickup versus in-store purchasers. He also stated that employees would be flexed between stations to address volume and consumer activity.

39. Mr. Renaud inquired as to what each of the employees would be doing on-site at any given time. Mr. Bell stated that a security officer would be on-duty inside at all times, while a second would be on-site for traffic purposes for at least the first two months of operation, while the remaining employees would be flexed between roles serving the various purchase fulfillment options.

40. Ms. Clarkson asked whether the Applicant currently operates any other cannabis facilities and whether a sign displaying "Dasco Solutions" would indicate a cannabis facility to passersby. Mr. Schkolnick stated that as to the first question a subsequent witness would be better suited to answer. Mr. Bell stated that the hypothetical sign would not make it apparent that the site hosted a cannabis facility but that word-of-mouth travels quickly regarding these types of companies. Mr. Bell also stated that pursuant to State regulations, nothing about the exterior of the building or signage will indicate that a cannabis facility is present.

41. David Delvecchio was sworn in and gave testimony. He stated that he currently owns a dispensary in Gloucester Township and is part of the ownership group of Dasco Solutions. Mr. Delvecchio described the application in general, stating that they are trying to be as accommodating as possible, especially regarding traffic concerns and have had discussions with the Metuchen Police department to ensure it is adequately addressed. He supported Mr. Bell's testimony in this area, adding that he has consulted with owners of other dispensaries in New Jersey who confirmed that roughly 50-60% of their customers make use of drive-thru windows when available. He also reiterated that the Applicant's approach is to quickly modify existing plans of operation should it become necessary.

42. Mr. Delvecchio proposed a mechanism to control traffic and access, whereby a gate would be installed at the Middlesex Avenue entrance to ensure only a certain number of vehicles

could enter the property at a given time. He added that if the Board requires the Applicant to close off the Middlesex Avenue entrance as a condition of approval he would comply but suggested that adequate security staffing should be able to ameliorate any traffic concerns.

43. In response to Mr. Grossman, Mr. Delvecchio replied that the proposed gate is a new idea and has not been discussed with the Metuchen Police Department. He further reiterated that based upon his understanding of other dispensaries he does not believe traffic will be negatively impacted in the surrounding area.

44. Mr. Lifton stated his concerns with a gate blocking access from Middlesex Avenue which could potentially worsen traffic as customers wait to access the property. After some discussion from Mr. Cosenza and the Board, the Applicant agreed to the closure of the Middlesex Avenue entrance as a condition of approval, and to submit revised plans showing same to be reviewed by the Board Planner and Engineer.

45. In response to Ms. Koskoski, Mr. Delvecchio confirmed that drive-thru customers would be required to submit identification for any purchases, and agreed to set aside a bike parking area as a condition of approval. In response to Mr. Cosenza, Mr. Delvecchio confirmed that the bathrooms on-site would be unisex.

46. In response to several Board Members, Mr. Bell further testified about ID verification, stating that mobile hand-held devices are used to quickly scan an ID.

47. Mr. Spiegel questioned whether online orders could be modified on-site. Mr. Bell replied they could not.

48. Mr. Cosenza stated that both he and the Board Engineer had comments to ensure everything is restriped and repainted, that the site improvements will require inspection by the Engineer's office as a condition of approval, and that the site plan should be revised to include all

traffic control signage as well as any new signage, all of which would be subject to review and approval of the Planner's office and in coordination and consultation with the Police and Fire Departments. Addressing the removal of the Middlesex Avenue driveway, Mr. Cosenza recommended an extended sidewalk, upright curb, and the addition of a grassy area with more shrubbery. Mr. Cosenza asked whether the entire building's windows would be screened. Mr. Bell stated that pursuant to State requirements cannabis products cannot be viewable from the exterior of the property. Mr. Delvecchio added that window treatments will be included to give the exterior the look and feel of typical windows while still complying with state law.

49. After a short discussion regarding necessary subdivision, Mr. Renaud stated that the required subdivision would be included as a condition of approval.

50. Mr. Cosenza suggested removing the existing lighting to install light industrial type fixtures, consistent with new lighting that will be provided throughout the Oakite site.

51. The hearing was opened to the public for questions or comments.

52. Daniel Spiegel was sworn in and gave testimony. He gave a detailed description of his personal analysis of cannabis dispensaries in the nearby area. He described visiting these sites to take informal traffic counts of customers and numbers of vehicles visiting the sites per hour, which led him to conclude that the Applicant is understating the likely amount of customers to expect per hour of operation. He added that the proposed location for the subject dispensary is in an ideal location which would only further increase potential traffic and parking issues.

53. The public portion of the hearing was closed.

54. Mr. Renaud listed some of the conditions of approval for the application:

1. The pickup window is to be used for pre-orders only.
2. New light fixtures, subject to Planner and Engineer's approval.

3. Removal of the existing free-standing monument sign.
4. Submission of a revised site plan including but not limited to traffic signs, direction signs, pavement markings, subject to the Planner and Engineer's approval.
5. Removal of the Middlesex Avenue entrance and driveway.<sup>3</sup>
6. Applicant shall appear before the Board within three months for site plan approval to address parking and whether the additional drive-thru lanes will be removed.
7. No queuing of pedestrian customers outside of the property.
8. The proposed cannabis facility shall not be permitted to operate until the required subdivision is perfected.
9. Installation of a bike parking area subject to the Board Planner and Engineer's approval.
10. Approval of a security plan by the Metuchen Police Department.
11. Approval of a cross-easement with Lot 37.02 for the use of six (6) parking spaces.

55. At this point, a motion was made to approve the application.

**WHEREAS**, the Metuchen Planning Board, after hearing the testimony on behalf of the Applicant, considering the recommendations of the Board Engineer and the Board Planner, and having considered the comments of the public, has made the following findings of facts and has drawn the following conclusions of law:

1. The Planning Board of the Borough of Metuchen has proper jurisdiction to hear

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<sup>3</sup> Mr. Renaud noted that such removal is already required as per the Redevelopment Plan, Section 5.6 2A-3.



the within matter.

2. Applicant proposes to renovate a former bank building at the subject location to convert it into a Class 5 Cannabis Retailer.

3. The subject property is located in the amended Oakite Site Redevelopment Area as designated by the Borough Council of the Borough of Metuchen. The Project conforms with the Amended Oakite Site Redevelopment Plan and does not require any variances nor exceptions.

4. Applicant seeks preliminary and final major site plan, conditional use approval, and a request for waiver of submission requirements, for the property designated as Block 71, Lot 37.01 as shown on the official Tax Map of the Borough of Metuchen and more commonly known as 700 Middlesex Avenue, in the Borough of Metuchen, County of Middlesex and the State of New Jersey.

5. Applicant seeks approval to renovate the 3,037 square foot, one-story vacant bank building and convert it into a Class 5 Cannabis Retailer. As such, the building will continue to front on Middlesex Avenue and the future mid-block connector roadway. Applicant proposes to maintain the existing canopy structure but only utilize one of the former drive-through lanes closest to the building as a drive-up window to service customers. The other two drive-through lanes will not be utilized at this time. Applicant also proposes to maintain the existing off-street surface parking area containing 10 parking spaces.

6. Additionally, the Board determined to grant waiver of submission requirements as the items sought to be waived are not needed for the Board's consideration of the application.

7. The Board heard and accepted the testimony of the Applicant's expert witnesses and the comments of the Board Engineer and Board Planner with respect to the waivers and conditional use approval applied for and to be granted.

8. Applicant has agreed to work with the Board Planner and Board Engineer with respect to various design aspects of the project.

9. The Application meets the goals and objectives of the Redevelopment Plan and the Master Plan.

10. The Board finds that the application for preliminary and final major site plan approval, conditional use approval and waiver of submission requirements, may be granted as being in general conformance with the intent and purpose of the Borough's site plan regulations, and with the Redevelopment Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Metuchen that the application of Dasco Solutions, LLC, for preliminary and final site plan approval, conditional approval, and waiver of submission requirements, be and is hereby granted subject to and conditioned upon the following:

A. Publication by the Applicant of a notice of this decision in an official newspaper of the Borough of Metuchen and return of proof of said publication to the Secretary of the Planning Board.

B. The Applicant furnishing proof to the Secretary of the Planning Board that no fees, escrows or assessments for local improvements are due or delinquent on the property in question. No permits shall be executed for filing until all fees and escrows are paid in full.

C. To the extent required, the application shall be subject to the approval of the following outside agencies or a letter of no jurisdiction:

1. County of Middlesex Planning Board;
2. Freehold Soil Conservation District;
3. Borough of Metuchen Fire Department;
4. Middlesex County Utilities Authority;
5. Middlesex Water Company.

D. This approval is subject to compliance with the Borough Affordable Housing Ordinance and Development Fee Ordinance, including, but not limited to, payment of any development fees in accordance with the Development Fee Ordinance.

E. The granting of the application is expressly made subject to and dependent upon the Applicant's compliance with all other applicable rules, regulations, ordinances of the Borough of Metuchen, County of Middlesex and State of New Jersey. No further deviations from the zoning ordinance or site plan regulation, or the Redevelopment Plan shall be permitted without approvals of the Planning Board.

F. The Applicant shall furnish a performance guaranty, if necessary, in favor of the Borough of Metuchen in an amount equal to 120% of the cost of the site improvements approved by this resolution as estimated by the Board Engineer in a form satisfactory to the Borough Attorney.

G. The Applicant shall also post an inspection fee equal to 5% of any public improvements or changes to public improvements.

H. The Applicant shall reimburse the Metuchen Planning Board and/or the Borough of Metuchen for professional fees associated with this application.

I. This approval is subject to performance by the Applicant in accordance with the Redevelopment Agreement between the Applicant and the Borough of Metuchen.

J. Applicant shall comply with all of the following additional conditions:

1. Except as specifically noted in this resolution, or otherwise specifically addressed and/or agreed upon at the public hearing, Applicant shall comply with all the requirements contained in the review letter of the Board Planner.

2. The pickup window(s) shall only be used to dispense preordered cannabis products.

3. New exterior lighting fixtures shall be installed, subject to review and approval by the Board Planner and Engineer. As to the existing light poles on site, such poles will remain, with the fixtures being replaced.

4. The existing free-standing monument sign shall be removed.

5. Applicant shall submit a revised site plan with revisions including but not limited to markings indicating traffic signs, directional signs, and pavement markings, subject to the Board Planner and Engineer's review and approval.

6. Applicant shall remove the driveway and entrance from Middlesex Avenue into the subject property as required by the Redevelopment Plan.

7. Applicant shall appear before the Metuchen Planning Board within three (3) months of the date of the opening of the facility to address possible additional parking requirements and whether the additional 2 drive-through lanes will be eliminated, and to seek site plan approval if additional parking is required and removal of the drive-through lanes is proposed.

8. Applicant shall ensure no queuing of pedestrian customers occurs outside of the subject dispensary.

9. No certificate of occupancy shall be issued until the subdivision is perfected.

10. Applicant shall install a bike parking area, subject to review and approval by the Board Planner and Engineer.

11. Applicant shall acquire a cross-easement with Lot 37.02 for the use of six (6) parking spaces.

K. Applicant shall submit revised plans, reflecting the conditions of this approval, for the review and approval of the Board Planner and Board Engineer within sixty (60) days of the date of this Resolution.

**BE IT FURTHER RESOLVED** that the Applicant understands and acknowledges that all of the conditions contained in this resolution and the record of proceedings in this matter including any agreements made or plans submitted by the Applicant were essential to the Board's decision to grant the approval set forth herein. Breach of any such conditions or the failure of the Applicant to adhere to the terms of any agreement or condition may result in revocation of the within approval and may terminate the right of the Applicant to obtain any further permits or any other governmental authorizations necessary in order to effectuate the purpose of this resolution. The Applicant has been advised by this resolution that all conditions contained in this resolution are to be complied with and that breach of any of the conditions shall be rectified before the issuance of any certificate of occupancy.

**BE IT FURTHER RESOLVED** that if any of the above-stated conditions are found to be illegal by a court of competent jurisdiction or conditions similar to the above are deemed to be illegal by a court of competent jurisdiction or any action of the Legislature, then in that event, the

approval rendered in this resolution shall be deemed null and void based upon these changed circumstances.

**BE IT FURTHER RESOLVED** that nothing herein shall be interpreted to excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental subdivisions as set forth in any laws, ordinances or regulations.

**BE IT FURTHER RESOLVED** that this resolution shall serve as one of memorialization of the action taken by this Board at its meeting of November 2, 2023 and effective as of that date.

**BE IT FURTHER RESOLVED** that a copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Zoning Officer, the Borough Clerk, Board Planner, Board Engineer, Borough Attorney, Borough Construction Official and the Applicant herein within ten (10) days of the date hereof.

**BE IT FURTHER RESOLVED** that the Chairman and Secretary be and are hereby authorized to sign any and all documents necessary to effectuate the purpose of this resolution, provided the Applicant has complied with the above-stated conditions.

I hereby certify the foregoing Resolution to be a true copy of the Resolution adopted by the Metuchen Planning Board at its meeting of January 4, 2024.



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Sharon Hollis, Secretary

Dated: January 5, 2024