

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JANUARY 19, 2016 – 7:15 PM**

OPEN PUBLIC MEETINGS ACT

After a 5 minute recess from the Reorganization Meeting the Delran Township Zoning Board regular meeting of Tuesday, January 19, 2016 was called to order by Mr. Schultz at 7:25pm, in the Delran Township Municipal Building.

The Open Public Meeting Act Announcement was read by Mr. Schultz and the pledge of allegiance was performed.

ROLL CALL

Present: Mr. Gonzaga, Mr. Schultz, Mr. Smith, Mrs. Parento, Mr. Jeney, Mrs. Wuebker, Mr. Hewko & Mr. Lyon.
Absent: Mr. Jesuele
Professionals: Eileen Fahay, Esq. Board Solicitor; Terry Combs, PP, Board's Planner; Joseph Raday, PE, Board's Engineer & Jim Winckowski, Traffic Engineer.

New Business

Tim Prime, attorney for Lidl, a proposed 36,170 square foot supermarket chain from Europe at Rt. 130 & Fairview Blvd. The professionals for the applicant were introduced & sworn in by Board Attorney Eileen Fahay. Scott Logan, Development Manager for Lidl US, Kevin Van Hise, Landscape Engineer, Adam Gibson, Traffic Engineer and Leah Furey Bruder, Professional Planner. They are asking to have use variance considered, voted on and approved by the board. Made full submission for preliminary & final site plan approval for application as well. Have review letters from professionals and are prepared to revise the plans, re-submit them and address those comments however because of the time constraints and the fact that this was the Boards Reorganization meeting they are only preceding with the use variance. They will be prepared to come back next meeting with the revised plans and or addressing review letters to do the site plan.

The majority of the site plan is zoned C-2 Commercial. The supermarket is a permitted use so the use variance they are requesting is for the small portion of corner back lot zoned R-1 residential. No development is proposed for that area, it's simply to remain in the state that it's in with some additional plantings to be a landscape buffer for the project. The other variance relates to lot 13 which they are adding to the project lots 14, 15 & 16 to allow a site driveway to go out to Fairview Road. Part of the due diligence the applicant has meet with both the Department of Transportation with reference to the proposed driveway on Rt. 130 and also with the Burlington County Planning Board with reference to the drive way on Fairview Street.

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Part of the DOT review they spaced driveway pretty much in the center of the site. The Burlington County Planning Board made it clear that they would have to move the driveway on Fairview Street as far as possible from the intersection and particularly from the exit of the Rt. 130 jug handle. The purchase of lot 13 is zoned R-1 so the use variance is required for the driveway not for the project. The home will be demolished and the only improvements will be driveway & buffering from the residential uses. As part of the use variance they are looking for a minor bulk variance which is the buffer from residential. When using it as a commercial lot it requires a 50 foot buffer so the bulk variance is required. The site plan will be discussed at the next meeting.

Mr. Logan Development Manager for Lidl US, stated that it is a German based grocery store with premium private labels along with limited national brands which strives to provide the highest quality products at the best possible prices in the most convenient locations for the customers. They are all over Europe in 26 countries, 10,000 units and now developing in the US and chose VA & Delran to be the first Lidl Grocer in the United States. Like to locate their stores in the heart of town, or at a corner with convenient easy access location. They particularly liked the Rt. 130 access & full access to Fairview Street for that purpose. Hours of operation still not set. Looking to keep hours of 6 till midnight or close to what the current grocery stores in the area are. They have a prototype store being built in VA and pretty much will be keeping on that line of design. A million square ft. distribution center is being built in VA & will employ over 200 people. Eventually as they open more stores in the area they will be adding a distribution center in this vicinity. Lidl will have a trailer there for the cardboard recycling once full they will haul off the recyclables and leave the empty trailer.

Mr. Chairman opened it up to the Board and professionals for questions. One questions was asked if Lidl is more like an Aldi. Mr. Logan stated it will have a few national brands and then their Lidl brand. It will be an alternative store for consumers to the current Shoprite. Another question asked was would there be off hours of operation even when closed. Mr. Logan stated that their idea is to have the delivery of merchandise during day hours when open & if needed a handful of employees might have to be there to stock shelves when closed. LED lighting will be code compliant for the parking light lighting and it is quite a distance parking lot paving from the residence so there is no concern of spillover of the lighting. The site engineer, Kevin Van Hise Landscape Engineer expert discussed the buffer along the driveway with plantings and trees. The 2 storm water runoff basins will be landscaped around them, landscaped islands no cart corrals proposed in parking lot. Mr. Combs talks about additional buffering, exact kind, species & type of plantings will be determined at a later date.

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They talked about the loading area & possibly changing location to opposite side towards Rt. 130 so it wouldn't disturb the neighbors. It is a prototype store & can't be changed. They will make as many accommodations with the unloading dock for the neighbors. The loading dock is regressed 4ft below the building & they will have a solid concrete wall up to the 4ft grade. Suggestion is a possible shadow fence, plantings for buffering. They will make sure they do whatever they need to keep peace with the neighbors.

Adam Gibson, Traffic Engineer expert for the applicant stated that the driveway off Rt. 130 does meet DOT regulations and requirements. They are in conformance to what is required. It is a rite in and rite out driveway. The reason for the location of the driveway on Fairview was to move it as far away from the jug handle as possible in order to maximize the distance from the light on Rt. 130 & the jug handle turn off. This will minimize the amount of stack up traffic from the light. Even thou the driveway is on a residential lot and now they need to obtain a use variance, the expert believes that is the best location for it.

Leah Furer Bruder, Professional Planner expert for Lidl stated that the supermarket is permitted in the C-2 zone, is a type of use that is anticipated and also desired. The C-2 zone is specifically designed for this type of use. They believe that this use has been appropriately paired with the property that is well suited to accommodate the use and has been explained the site is about 8.69 acres at intersection of Rt. 130 & South Fairview behind existing Walgreen's. As set forth in the townships Master Plan this is an appropriate location for the proposed use but in order to make the site attractive to a significant commercial user, access from both roadways is necessary. The Zoning & Master Plan states the intent of the C-2 zoning district is to enhance the visual quality of Rt. 130, to restore & revitalize the highway frontage as a commercial retail and services destination, to eliminate incompatible businesses along Rt. 130 and to maximize safety thru state of the art planning, engineering & landscape architecture design. This proposal advances those purposes in every way.

Mr. Lyon made a motion to open discussion up to the public and Mr. Smith seconded the motion. The results of the voting is as follows:

**AYES: Mr. Gonzaga, Mr. Schultz, Mr. Smith, Mrs. Parento, Mr. Jeney, Mrs. Wuebker
Mr. Hewko & Mr. Lyons**

NAYS: None

ABSENT: Mr. Jesuele

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Mr. Michael Patriarca was sworn in by Ms. Fahey. He lives at 2 Harper Boulevard which his back yard sits on the side of the driveway which leads to Fairview Boulevard. His concern is the safety, the noise and big trucks backing in and out and how it will negatively affect the neighborhood. His wife Jennifer was sworn in by Ms. Fahey. Mrs. Patriarca stated that their bedrooms are in the rear of the house and they have 2 small children. She is concerned of the sound and noise and the impact it will have on their daily life. Also, her back yard backs to the driveway and safety is another concern. The traffic that she deals with already is a mess. It is backed up and can't imagine adding another driveway of where you can turn left or right.

Mr. Nuno Tome was sworn in by Ms. Fahey. He lives at 6 Harper Boulevard & his property backs to the driveway. He had questions on the buffer between the store and the residential properties and if there was a minimum requirement and what typically happens with those buffers. Mr. Combs stated that the ordinance requires a 50-foot minimum dimension and requires that the buffer provide a visual screen. He questioned about drainage. Mr. Rada advised it would flow out towards Rt. 130. Making a left out of Walgreens or the jug handle is almost impossible and is a nightmare. Mr. Tome questioned if traffic study considers the impact of the new business. Mr. Winckowski confirmed that the "less than 10%" noted in testimony was the anticipated increase in existing traffic volume from the proposed use.

Mr. Lyons made a motion to close to the public and Mr. Jeney seconded the motion. The results of the voting is as follows:

**AYES: Mr. Gonzaga, Mr. Schultz, Mr. Smith, Mrs. Parento, Mr. Jeney, Mrs. Wuebker
Mr. Hewko & Mr. Lyons**

NAYS: None

ABSENT: Mr. Jesuele

Mr. Schultz asked an overall questions to the Professionals about whether the driveway to Fairview Street has to have everything delineated about that driveway before we can approve the use variance tonight or not. For example: exact location of the driveway, the left turn signal limitations and all those things. The granting of the use variance for the driveway will be subject to the following conditions and requirements that will be discussed at the site plan review. The hours of operation, that tractor trailers be restricted to no hours of delivery between midnight and 6am and also no left turns onto Fairview Street for all truck traffic, application for and receipt of final site plan approval and all bulk variances, waivers and /or any other relief that may be required, the approval of the NJDOT & Burlington County Planning Board.

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Mr. Jeney made a motion to approve the use variance for the driveway on Fairview and the small portion located in the rear corner of the residential area pending DOT and County approvals. Also the hours of operation to be limited to 6am to Midnight with all deliveries to be made during those hours. No trucks to turn left onto Fairview and Mr. Gonzaga seconded the motion. The results of the voting are as follows:

AYES: Mr. Gonzaga, Mr. Schultz, Mrs. Parento, Mr. Jeney, Mrs. Wuebker, Mr. Hewko & Mr. Lyons
NAYS: Mr. Smith
ABSENT: Mr. Jesuele

RESOLUTION

D'Amico Properties, LLC
12 Norman Ave.
Block 8, Lot 26
Application ZZ2015-09
Minor Site Plan Application

Mr. Gonzaga made a motion to memorialize the D'Amico Properties, LLC Resolution from the January meeting and Mr. Smith seconded it.

Voted in the Affirmative: Mr. Gonzaga, Mr. Schultz, Mr. Smith, Mrs. Parento, Mr. Jeney, Mrs. Wuebker. & Mr. Lyons
Absent: Mr. Jesuele
Abstain: Mr. Hewko

Dredge Harbor Yacht Basin
67 St. Mihiel Drive
Block 1, Lot 32
Application ZZ2015-07
Site Plan Waiver/Use Variance Residential Structure

Mr. Gonzaga made a motion to memorialize the Dredge Harbor Yacht Basin Resolution from the January meeting and Mr. Smith seconded it.

Voted in the Affirmative: Mr. Gonzaga, Mr. Schultz, Mr. Smith, Mrs. Parento, Mr. Jeney, Mrs. Wuebker. & Mr. Lyons
Absent: Mr. Jesuele
Abstain: Mr. Hewko

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MINUTES

Minutes from the December 15, 2015 regular meeting.

Mr. Gonzaga made a motion to approve the minutes from regular meeting and Mr. Smith seconded it.

Voted in the Affirmative: Mr. Gonzaga, Mr. Schultz, Mr. Smith, Mrs. Parento, Mr. Jeney, Mrs. Wuebker, Mr. Hewko & Mr. Lyons

Absent: Mr. Jesuele

ADJOURNMENT

**Mrs. Parento made a motion to adjourn & Mr. Gonzaga seconded it.
Motion passed with a unanimous voice vote.**