

**Delran Township  
Zoning Board  
Reorganization & Regular Meeting  
Municipal Building  
January 17, 2012 – 7:00 PM  
Minutes**

The Delran Township Zoning Board reorganization and regular meeting of Tuesday, January 17, 2012, was called to order by Mr. Fox at 7:00 pm in the Delran Township municipal building.

The open public meetings act announcement was read by Mr. Fox and the pledge of allegiance was performed.

**ROLL CALL**

Present: Mrs. Parento, Mr. Smith, Mr. Harley, Mr. Gonzaga, Mr. Taylor and Mr. Fox.  
Absent: Mr. Kohli and Mr. Hejnas.  
Mr. Vajapey arrived to the meeting at 7:07 pm.

**INDRODUCTION OF NEW MEMBER**

Mr. Fox introduced Mary Parento, the new Zoning Board alternate member #2, to the Board.

**ELECTION OF OFFICERS**

1. Mr. Fox called for nominations for the Zoning Board Chairperson. Mr. Taylor made a motion to appoint Mr. Fox as the Zoning Board Chairperson. Mr. Harley seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Harley, Mrs. Parento, Mr. Smith, Mr. Gonzaga and Mr. Fox.  
NAYS: None.  
The motion was carried; so ordered Mr. Fox.

2. Mr. Fox called for nominations for the Zoning Board Vice-Chairperson. Mr. Taylor made a motion to appoint Mr. Hejnas as the Zoning Board Vice-Chairperson. Mr. Harley seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Harley, Mrs. Parento, Mr. Smith, Mr. Gonzaga, Mr. Vajapey and Mr. Fox.  
NAYS: None.  
The motion was carried; so ordered Mr. Fox.

3. Mr. Fox called for nominations for the Zoning Board Secretary. Mr. Vajapey made a motion to appoint Mrs. Curry as the Zoning Board Secretary. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Vajapey, Mr. Smith, Mrs. Parento, Mr. Harley, Mr. Gonzaga, Mr. Taylor and Mr. Fox.  
NAYS: None.  
The motion was carried; so ordered Mr. Fox.

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**ELECTION OF OFFICERS**

4. Mr. Fox called for nominations for the Zoning Board Assistant Secretary. Mr. Taylor made a motion to appoint Mr. Gonzaga as the Zoning Board Assistant Secretary. Mr. Vajapey seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Vajapey, Mrs. Parento, Mr. Smith, Mr. Harley, Mr. Gonzaga and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

5. Mr. Fox called for nominations for the Zoning Board Solicitor. Mr. Taylor made a motion to appoint the firm of Brown and Connery as the Zoning Board Solicitor. Mr. Smith seconded the motion. This initial motion after a partial roll call (as follows) was later withdrawn after a lengthy discussion that was initiated by Mr. Gonzaga on which firm to appoint as the Zoning Board Solicitor. The result of the partial roll call made before the withdraw of the motion is as follows:

AYES: Mr. Taylor, Mr. Smith, Mrs. Parento and Mr. Harley.

NAYS: None.

The Board held a discussion on the appointment of a Solicitor, which included discussions with Mr. Mark Asselta and Mr. Scott Itzkowitz. The Board reviewed the proposals that were submitted from the firm of Brown and Connery and the firm of Mr. Itzkowitz and fee schedule for both firms. Both representatives from the firms agreed to amend their fee schedule from the original submission. The Board discussed the possibility of appointing Brown and Connery as their regular attorney and appointing Mr. Itzkowitz as the Board's Conflict Solicitor.

Mr. Taylor made a motion to appoint the firm of Brown & Connery as the Zoning Board Solicitor. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Smith, Mrs. Parento, Mr. Harley, Mr. Gonzaga, Mr. Vajapey and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

6. Mr. Fox called for nominations for the Zoning Board Engineer. Mr. Taylor made a motion to appoint the firm of Pettit Associates as the Zoning Board Engineer. Mr. Vajapey seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Vajapey, Mrs. Parento, Mr. Smith, Mr. Harley, Mr. Gonzaga and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

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7. Mr. Fox called for nominations for the Zoning Board Planner. Mr. Taylor made a motion to appoint the firm of Adams Rehmann and Heggan as the Zoning Board Planner. Mr. Harley seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Harley, Mrs. Parento, Mr. Smith, Mr. Gonzaga, Mr. Vajapey and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

8. Mr. Fox called for nominations for the Zoning Board Traffic Engineer. Mr. Taylor made a motion to appoint the firm of Pennoni Associates as the Zoning Board Traffic Engineer. Mr. Gonzaga seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Gonzaga, Mrs. Parento, Mr. Smith, Mr. Harley, Mr. Vajapey and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

9. Mr. Fox called for nominations for the Zoning Board Conflict Solicitor. Mr. Vajapey made a motion to appoint the firm of Scott Itzkowitz as the Zoning Board Conflict Solicitor. Mr. Gonzaga seconded the motion. The result of the voting is as follows:

AYES: Mr. Vajapey, Mr. Gonzaga, Mrs. Parento, Mr. Smith, Mr. Harley, Mr. Taylor and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

The Board noted that Mr. Itzkowitz did not submit an RFP for the position of Conflict Solicitor, however since it was unlikely that the Board would spend over the \$17,500.00 threshold to require the advertisement of bids for the position they made the appointment based upon that requirement. Mr. Itzkowitz stated that his proposal for the position would be for a fee of \$165.00 per hour. The Board requested that he provide a copy of his proposed fee schedule for their review to Mrs. Curry.

10. Mr. Fox called for nominations for the Zoning Board Conflict Engineer. Mr. Taylor made a motion to appoint the firm of Pennoni Associates as the Zoning Board Conflict Engineer. Mr. Gonzaga seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Gonzaga, Mrs. Parento, Mr. Smith, Mr. Harley, Mr. Vajapey and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

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11. Mr. Fox called for nominations for the Zoning Board Conflict Planner. Since nobody made a motion to nominate a Conflict Planner, the Board decided to table the appointment until the next regular meeting.

**ESTABLISHMENT OF OFFICIAL MEETING DATES**

Mr. Fox called for the nomination of the Zoning Board official meeting dates. Mrs. Parento noted that Mrs. Curry's suggested proposed meeting dates should be changed to reflect the correct date of January 15, 2013, instead of January 15, 2012. Mr. Smith made a motion to adopt the following list of official Zoning Board meeting dates:

Tuesday, February 21, 2012  
Tuesday, March 20, 2012  
Tuesday, April 17, 2012  
Tuesday, May 15, 2012  
Tuesday, June 19, 2012  
Tuesday, July 17, 2012  
Tuesday, August 21, 2012  
Tuesday, September 18, 2012  
Tuesday, October 16, 2012  
Tuesday, November 20, 2012  
Tuesday, December 18, 2012  
Tuesday, January 15, 2013 (Reorganization Meeting)

He stated that the Zoning Board would also hold the following additional meetings in the event it should become necessary to handle the overflow of applications:

Tuesday, January 31, 2012  
Tuesday, May 29, 2012  
Tuesday, July 31, 2012  
Tuesday, October 30, 2012

He added that all meetings would begin at 7:00 pm and be held in the Delran Township municipal building. Mr. Vajapey seconded the motion. The result of the voting is as follows:

AYES: Mr. Smith, Mr. Vajapey, Mrs. Parento, Mr. Harley, Mr. Gonzaga, Mr. Taylor and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

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**ESTABLISHMENT OF OFFICIAL NEWSPAPERS**

Mr. Fox called for the nomination of the Zoning Board official newspapers. Mr. Harley made a motion to adopt the Burlington County Times and Courier Post as the Zoning Board's official newspapers. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Harley, Mr. Smith, Mrs. Parento, Mr. Gonzaga, Mr. Taylor, Mr. Vajapey and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

*At that time, the Zoning Board concluded their annual reorganization meeting and began their regular meeting.*

**PUBLIC HEARINGS**

1. Braga Construction Company  
ZZ2011-13  
102 Walnut Street – Block 120, Lot 4.01  
Bulk Variances (Frontage & Lot Area)

Robert Malloy, the attorney for the applicant, requested that the following witnesses be sworn in to testify before the Board:

1. Jose Pereira, Applicant
2. Mike Avila, Applicant's Engineer/Planner

Mr. Malloy requested that the following items be marked as evidence:

- "A-1" Photo of existing home
- "A-2" Photo of existing home

Mr. Malloy stated that the applicant was requesting variances from the lot area and frontage requirements. He indicated that the house currently has house on the property and contains four (4) nonconformities, which include the lot area, frontage, front setback and side setback. He said the applicant was proposing to demolish the existing dwelling and construct a new dwelling, which would conform to the setback requirements.

Mr. Pereira suggested that the proposed house would be more in conformity with the neighborhood. He indicated that currently there was not sufficient parking for the property and the new house would contain a two car garage, which would improve the parking for the site. He said the existing house was currently in disrepair and making the improvements to correct the problems would no address the issues dealing with the setbacks and the parking. He stated that he did not have a design of the proposed house at the present time however the design

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**PUBLIC HEARINGS**

1. Braga Construction Company  
ZZ2011-13  
(Continued)

would be consistent with the area. He agreed to limit the height of the proposed building to comply with the maximum permitted building height of 35'. He noted that the existing house was currently vacant and has been vacant since he purchased the property in 2010.

Mr. Pereira testified that there was currently a cesspool on the lot. He indicated that he was proposing a septic system for the new house. He stated that there was currently no sewer available on that part of Chester Avenue. The Board questioned whether the applicant approached Township Council concerning connecting to the sewer line on Bridgeboro. The Board suggested that the property may be close enough to the existing sewer main, where Township Council may require the applicant to connect to the sewer system. Mr. Pereira stated that he has not approached Township Council concerning the connecting to the existing sewer system. Mr. Malloy stated that the applicant would send a letter to Township Council investigating the necessity of connecting to the sewer system and the Board would be copied on that letter as a condition of the approval.

The Board questioned whether the proposed dwelling would be a single family dwelling or multi family dwelling. Mr. Pereira suggested that given the size of the lot the dwelling would likely be a single family dwelling. Mr. Malloy reminded the Board that the ordinance permits for a single family dwelling or two family dwelling and the applicant would agree to meet those requirements. The Board expressed an interest in possibly restricting the use to a single family dwelling given the nature and type of variances being requested. Mr. Pereira agreed to restrict the use of the property to a single family residence.

Mr. Avila indicated that the property consists of 12,780 square feet instead of the required 15,000 square feet. He stated that the existing property is currently being serviced by public water and would continue to do so. He testified that the wall of the existing house was setback 7' from the front property line with the steps being located on the property line. He said the applicant requires a variance for lot frontage of 71' instead of 75' of frontage. He indicated that the designed septic system was more than sufficient for a 4 bedroom house.

Mr. Avila suggested that the applicant would be unable to obtain additional property from the surrounding neighbors to bring his property into conformance since that would make those surrounding properties to become more nonconforming. He indicated that the proposed plan was better for the community since it would be more in conformance with the requirements and would also address a parking problem that currently exists on the property. He testified that the site was consistent with the surrounding neighborhood. He said by eliminating the cesspool it would create an improvement on the environment. He noted that it would be a safer situation by moving the building further away from the roadway to provide a buffer from traffic along Walnut Street.

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**PUBLIC HEARINGS**

1. Braga Construction Company  
ZZ2011-13  
(Continued)

Mr. Hall noted that there was no reference that all utilities would be located underground on the plan and questioned whether the applicant would meet that requirement. Mr. Avila stated that he would provide a note on the plan indicating that the utilities would be located underground.

At that time, Mr. Fox opened the meeting to the public for any comments or questions concerning this application. There being nobody present from the public to testify on this application, Mr. Fox closed the public portion of this application.

Mr. Vajapey made a motion to grant the requested variances subject to the new structure being limited to a single family dwelling and the applicant contacting Township Council on the issue of whether he would be required to connect to the existing sewer line. He suggested that the variance could be granting since the plan eliminated some existing nonconformities and the proposal would be a benefit to the neighborhood. He added that the application did not appear to create any negative impact to the area or the township. Mr. Gonzaga seconded the motion. The result of the voting is as follows:

AYES: Mr. Vajapey, Mr. Gonzaga, Mrs. Parento, Mr. Smith, Mr. Harley, Mr. Taylor and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

**RESOLUTIONS**

1. Jason Carosiello  
ZZ2011-10  
30 Hartford Road – Block 83, Lot 18  
Use Variance

Mr. Taylor made motion to adopt the resolution granting the use variance subject to certain conditions. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Smith, Mr. Harley, Mr. Vajapey and Mr. Fox.

NAYS: None.

ABSTAIN: Mrs. Parento and Mr. Gonzaga.

The motion was carried; so ordered Mr. Fox.

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**MATTERS FOR DISCUSSION**

1. Annual Report of Variances & Fee Schedule Report

Mrs. Curry disturbed a report that was prepared by Mr. Vajapey, which displays the recommendations by Mr. Vajapey and Mrs. Curry. She reminded the Board that her recommendations do not include any recommendations to site plan and subdivision applications, since she will be preparing a report with those recommendations to the Planning Board since they handle the majority of those types of applications. She requested that the Board review the report and be prepared to discuss any recommendations at the next regular meeting.

2. Mrs. Curry stated that she received a list of Planning and Zoning Board member required course locations from the New Jersey Planning Officials and requested that in the event any of the newer members that have not been certified wanted to attend any of the courses that they contact her at least two weeks prior to the scheduled course so she could register them. She reminded the Board that they were required to obtain their certification on the course within 18 months of their appointment.

**MINUTES**

1. Zoning Board Regular Meeting – 10/20/09

The Board noted that the Zoning Board regular meeting minutes from October 20, 2009 were not ready to be adopted and was being continued until the next regular meeting.

2. Zoning Board Regular & Reorganization Meeting – 7/20/10

The Board noted that the Zoning Board regular and reorganization meeting minutes from July 20, 2010 were not ready to be adopted and was being continued until the next regular meeting.

3. Zoning Board Regular Meeting – 11/15/11

The Board noted that the Zoning Board regular meeting minutes from November 15, 2011 were completed late in the day and the adoption of the minutes was being continued until the next regular meeting to allow the members additional time to review the minutes.



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**MINUTES**

4. Zoning Board Regular Meeting – 12/20/11

Mr. Taylor made a motion to adopt the Delran Zoning Board regular meeting minutes from December 20, 2011. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Smith, Mr. Harley, Mr. Vajapey and Mr. Fox.

NAYS: None.

ABSTAIN: Mrs. Parento and Mr. Gonzaga.

The motion was carried; so ordered Mr. Fox.

**BILL LIST**

(See Attached Sheet)

Mr. Taylor made a motion to approve the Delran Township Zoning Board bill list for January 17, 2012. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Smith, Mrs. Parento, Mr. Harley, Mr. Gonzaga, Mr. Vajapey and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

**PUBLIC COMMENTS**

1. Kenneth Fynan (816 Chester Avenue, Delran) indicated that he submitted revised plans and was requesting verification that his application would be scheduled for the next regular meeting. Mrs. Curry stated that she received the revised plans, which need to be reviewed by the Board's professional staff for completeness before the matter is scheduled for a public hearing. She reminded Mr. Fynan that the application needs to be determined complete at least 15 days prior to any scheduled hearing date.

Mr. Fynan questioned who an issue dealing with an error in the township maps should be addressed to as in an event where the township shows the property as being subdivided when the property actually was not subdivided. He indicated that the issue has come up concerning his application. Mr. Asselta suggested that the Board not address the question at this time since the matter was currently not scheduled and notice was not provided. He requested that the Board not discuss the matter until the applicant is scheduled and the issue could be addressed at that time.

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**PENDING ITEMS**

1. Bee Dee Associates  
ZZ2010-11  
75 Hartford Road – Block 120, Lots 40 & 40.02  
Bulk & Use Variance, Certificate of Nonconforming Use & Amended Subdivision

The Board noted that the application for a bulk and use variance, certificate of nonconforming use and amended subdivision was currently certified as an incomplete submission and they were waiting for the applicant to submit revised plans. Mrs. Curry indicated that Mr. McCurley would be inspecting the property for any violations dealing with the landscaping business and if any violations were found the appropriate notices would be provided.

2. New Cingular Wireless  
ZZ2011-6  
8006 Route 130 North – Block 120, Lot 4.01  
Bulk & Use Variance w/Site Plan

The Board noted that the application for a bulk and use variance along with site plan was currently certified as an incomplete submission and they were waiting for the applicant to address their completeness issues. Mrs. Curry indicated that she received a phone call from the applicant's attorney indicating that they were attempting to work with the property owner to address the issues with the delinquent taxes and sewer bills. She stated that that they were requesting an additional month to attempt to resolve the issues.

3. R.D.M.D.  
ZZ2011-9  
23 Hartford Road – Block 120.07, Lot 31  
Bulk & Use Variance w/Site Plan

The Board noted that the application for a bulk and use variance along with site plan was currently certified as an incomplete submission and they were waiting for the applicant to submit revised plans for review.

4. Estate of Albert Fynan  
ZZ2011-14  
816 Chester Avenue – Block 9, Lot 39  
Interpretation/Use Variance

The Board noted that the applicant recently submitted revised plans for review, which were currently being reviewed by the professionals for completeness and this matter was currently not scheduled for a public hearing at this time.

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**PENDING ITEMS**

5. Dredge Harbor Boat Center, LLC  
ZZ2011-15  
67 St. Mihiel Drive – Block 1, Lots 6.01, Lot 32  
Use Variance

The Board noted that the application for a use variance was certified as an incomplete submission and they were waiting for the applicant to submit revised plans for review.

**ADJOURNMENT**

There being no further business to discuss, Mr. Taylor made a motion to adjourn the Delran Township Zoning Board meeting of January 17, 2012, at 8:55 pm. Mr. Gonzaga seconded the motion. With all present voting affirmatively, the motion was carried; so ordered Mr. Fox.

Respectfully submitted,

Lynn Curry, Secretary  
Zoning Board

**Delran Township**  
**Zoning Board of Adjustment**  
**Bill List**  
 January 17, 2012

| <b>Budget Bills</b> |                    |                  |               |
|---------------------|--------------------|------------------|---------------|
| <b>Vender</b>       | <b>Description</b> | <b>Invoice #</b> | <b>Amount</b> |
| Brown & Connery     | Misc. Services     | 124362           | \$688.00      |

| <b>Escrow Bills</b>    |                              |               |                  |               |
|------------------------|------------------------------|---------------|------------------|---------------|
| <b>Vender</b>          | <b>Applicant</b>             | <b>File #</b> | <b>Invoice #</b> | <b>Amount</b> |
| Brown & Connery        | Bee Dee                      | ZZ2010-11     | 124350           | \$48.00       |
| Brown & Connery        | Manhattan Management         | ZZ2011-2      | 124353           | \$560.00      |
| Brown & Connery        | New Cingular Wireless        | ZZ2011-7      | 124354           | \$448.00      |
| Brown & Connery        | Communication Infrastructure | ZZ2011-8      | 124355           | \$545.33      |
| Brown & Connery        | New Cingular Wireless        | ZZ2011-7      | 124356           | \$128.00      |
| Brown & Connery        | RDMD                         | ZZ2011-9      | 124357           | \$160.00      |
| Brown & Connery        | Carosiello                   | ZZ2011-10     | 124358           | \$240.00      |
| Brown & Connery        | Howe                         | ZZ2011-11     | 124359           | \$64.00       |
| Brown & Connery        | Mosesson                     | ZZ2011-12     | 124360           | \$320.00      |
| Brown & Connery        | Fynan                        | ZZ2011-14     | 124362           | \$16.00       |
| Adams Rehmann & Heggan | Dredge Harbor                | ZZ2011-15     | 44258            | \$1,300.00    |
| Adams Rehmann & Heggan | Carosiello                   | ZZ2011-10     | 44259            | \$607.50      |
| Adams Rehmann & Heggan | Herman                       | ZZ2011-4      | 44260            | \$162.50      |
| Pettit Associates      | RDMD                         | ZZ2011-9      | 3518             | \$1,260.00    |
| Pettit Associates      | Dredge Harbor                | ZZ2011-15     | 3541             | \$540.00      |