

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
FEBRUARY 21, 2012 – 7:00 PM
MINUTES**

The Delran Township Zoning Board regular meeting of Tuesday, February 21, 2012, was called to order by Mr. Fox at 7:00pm in the Delran 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. Taylor, Mr. Kohli, Mr. Hejnas and Mr. Fox.

Absent: Mr. Gonzaga and Mr. Vajapey.

Professionals: Beth Marlin, Esquire, Board's Solicitor; Terrence Combs, PP, Board's Planner; and Bryan Hall, PE, Board's Engineer.

PUBLIC HEARINGS

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

Barbara Riefberg, the attorney for the applicant, requested that the following witness was sworn in to testify before the Board:

1. Kenneth Fynan, Executor of the Estate.
2. James Miller, Planner

Ms. Riefberg reviewed the specifics of the application with the Board. She noted that the property consisted of two acres, which was split by the M-1 zone and the R-1 zone. She stated that the applicant was requesting an interpretation that the zoning for the entire parcel be considered R-1 and in the event that the Board should not find that interpretation the applicant was requesting a use variance to meet the R-1 zone requirements. She indicated that the applicant was not requesting a subdivision at this time.

Mr. Combs reviewed the list of the required waivers contained in his report dated January 25, 2012. Mr. Combs and Mr. Hall indicated that they had no objections to the Board granting the requested submission waivers. Mrs. Marlin noted that the Board would only be granting those requested waivers for the use variance application and any applicant would still be required to provide the required items at the time of any subdivision application.

Mr. Miller requested that the following items be submitted as evidence:

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ZZ2011-14
(Continued)

“A-1” Aerial photograph
“A-2” Concept plan highlighting the lot lines and zone line

Mr. Miller stated that this parcel was only surrounded by residential uses. He suggested that by providing an industrial use on the parcel would create a detrimental impact the surrounding properties. He noted that the minimum lot size for M-1 was one acre and under that requirement it would be difficult to fit a viable industrial business. He suggested that by having an industrial business at this location would be a deterrent to the street scape of the area.

Mr. Smith made a motion to grant the requested submission waivers subject to the recommendations of the Board’s professionals. Mr. Kohli seconded the motion. The result of the voting is as follows:

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

The Board noted that the application was considered to be complete at that time.

There was discussion that there may be enough room to permit up to four residential lots on the parcel, which may meet the requirements of the R-1 zone. There was also discussion on the possibility of conditioning any approval to limit the variance to permit only three residential lots. Mr. Fynan stated that it was his position that he would rather not limit any future developer on the number of lots however it was his wish to also precede with this application tonight. Ms. Riefberg indicated that the applicant would agree to limit the number of proposed lots to four lots as a condition of the approval.

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. Smith made a motion to approve the use variance to permit no more than four lots on the property, subject to obtaining the required subdivision approval. Mr. Harley seconded the motion. The result of the voting is as follows:

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PUBLIC HEARINGS

1. Estate of Albert Fynan
ZZ2011-14
(Continued)

AYES: Mr. Smith, Mr. Harley, Mrs. Parento, Mr. Taylor, Mr. Kohli, Mr. Hejnas and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

MATTERS FOR DISCUSSION

1. Dredge Harbor Boat Center, LLC
ZZ2011-15
67 St. Mihiel Drive – Block 1, Lots 6.01 & 32
Use Variance
Applicant Requesting Submission Waivers

Doug Heinold, the attorney for the applicant, reminded the Board that the application was requesting certain submission waivers dealing with the applicant's completeness issues.

Mr. Heinold requested that the following witnesses be sworn in to testify before the Board on this matter:

1. John Pagenkopf, Applicant's Planner
2. Tammy Savidge, Applicant
3. William Parsons, Applicant

Mr. Pagenkopf reviewed his letter dated January 18, 2012. Mr. Combs indicated that he has no objection to granting the requested waivers however he requested that the applicant provide some additional information be provided to ensure that no additional improvements are proposed or required, including a plan showing how the building is going to be used and identifying how some of the adjacent buildings are being used.

Mr. Pagenkopf stated that the proposed fitness facility was being proposed in a 3,000 square feet building to be used predominantly by the members of the marina. He indicated that he will provide information on how the parking would be handled. He added that he would also provide a floor plan at the meeting.

Mr. Taylor made a motion to grant the requested submission waivers. Mr. Harley seconded the motion. The result of the voting is as follows:

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MATTERS FOR DISCUSSION

1. Dredge Harbor Boat Center, LLC
ZZ2011-15
(Continued)

AYES: Mr. Taylor, Mr. Harley, Mrs. Parento, Mr. Smith, Mr. Kohli, Mr. Hejnas and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

2. Annual Report On Variances & Fee Schedule Report

The Board indicated that the discussion on their annual report and fee schedule was being postponed until their next regular meeting scheduled for March 20, 2012.

RESOLUTIONS

1. Braga Construction Company
ZZ2011-13
102 Walnut Street – Block 120, Lot 4.01
Bulk Variances

Mr. Smith made a motion to adopt the resolution granting the requested bulk variances. Mr. Harley seconded the motion. The result of the voting is as follows:

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

NAYS: None.

ABSTAIN: Mr. Kohli and Mr. Hejnas.

The motion was carried; so ordered Mr. Fox.

ELECTION OF OFFICERS

1. Nomination(s) of Zoning Board Conflict/Acting Planner
Election of Zoning Board Conflict/Acting Planner

The Board indicated that the election of the Zoning Board Conflict/Acting Planner was being postponed until the next regular meeting scheduled for March 20, 2012.

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

The Board noted that the regular meeting minutes from October 20, 2009 were not ready to be adopted and were being continued until the next regular meeting scheduled for March 20, 2012.

2. Zoning Board Regular & Reorganization Meeting – 7/2010

Mr. Taylor made a motion to adopt the regular and reorganization meeting minutes from July 20, 2010. Mr. Hejnas seconded the motion. The result of the voting is as follows:

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

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

Mr. Smith made a motion to adopt the regular meeting minutes from November 15, 2011. Mr. Taylor seconded the motion. The result of the voting is as follows:

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

4. Zoning Board Regular & Reorganization Meeting – 1/17/12

Mr. Harley made a motion to adopt the regular and reorganization meeting minutes from January 17, 2012. Mr. Taylor seconded the motion. The result of the voting is as follows:

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

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BILL LIST

(See Attached Sheet)

Mr. Kohli made a motion to approve the Delran Township Zoning Board bill list for February 21, 2012. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mr. Smith, Mrs. Parento, Mr. Harley, Mr. Taylor, Mr. Hejnas and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

PENDING ITEMS

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

The Board noted that the application for a use variance and subdivision was certified as an incomplete submission and they were waiting for the applicant to submit additional items. Mr. Hall indicated that the applicant met with his office to attempt to address some of the outstanding issues. The Board discussed whether the trucking company was in violation of their original use variance for not complying with their conditions of approval. The Board directed Mrs. Marlin to send a memo to Mr. McCurley explaining how the trucking company is in violation of their original use variance.

2. New Cingular Wireless PCS, LLC (AT&T)
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 use variance and site plan was certified as incomplete submission and they were waiting for the applicant to submit the additional required items.

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 bulk and use variances and site plan was certified as incomplete submission and they were waiting for the applicant to submit the additional required items. Mrs. Marlin indicated that the applicant's attorney has been in contact with her office attempting to address their outstanding issues. She

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PENDING ITEMS

3. R.D.M.D.
ZZ2011-9
(Continued)

indicated that the property was unable to pay the costs of installing new stormwater management systems and in the event they could not get the tenant to help contribute towards that cost they will need to amend their application so it would no longer be required.

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

The Board noted that they granted the applicant's requested submission waivers earlier during this meeting and the application would likely be scheduled for their public hearing at the next regular meeting.

5. Resurrection Parish
ZZ2012-1
260 Conrow Road – Block 110, Lot 32
Use Variance

The Board noted that the application for a use variance was currently being reviewed by the Board's professional staff for completeness and the application was currently not scheduled for a public hearing.

ADJOURNMENT

There being no further business to discuss, Mr. Taylor made a motion to adjourn the Delran Township regular meeting of February 21, 2012. Mr. Smith 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
February 21, 2012

Budget Bills			
Vender	Description	Invoice #	Amount
Brown & Connery	Misc. Services	125526	\$384.00

Escrow Bills				
Vender	Applicant	File #	Invoice #	Amount
Brown & Connery	Manhattan Management	ZZ2011-2	125496	\$64.00
Brown & Connery	Herman	ZZ2011-4	125497	\$16.00
Brown & Connery	Communication Infrastructure	ZZ2011-8	125499	\$160.00
Brown & Connery	RDMD	ZZ2011-9	125518	\$16.00
Brown & Connery	Carosiello	ZZ2011-10	125519	\$96.00
Brown & Connery	Mosesson	ZZ2011-12	125522	\$64.00
Brown & Connery	Braga Construction	ZZ2011-13	125523	\$16.00
Brown & Connery	Fynan	ZZ2011-14	125524	\$64.00
Brown & Connery	Dredge Harbor	ZZ2011-15	125525	\$32.00
Brown & Connery	New Cingular	ZZ2011-7	125622	\$448.00
Pettit Associates	Bee Dee	ZZ2010-11	3548	\$300.00
Pettit Associates	New Cingular	ZZ2011-7	3549	\$600.00
Pettit Associates	Communication Infrastructure	ZZ2011-8	3550	\$360.00
Pettit Associates	RDMD	ZZ2011-9	3551	\$150.00
Pettit Associates	Carosiello	ZZ2011-10	3552	\$180.00
Pettit Associates	Fynan	ZZ2011-14	3553	\$390.00
Pettit Associates	Dredge Harbor	ZZ2011-15	3554	\$30.00