

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

**OPEN PUBLIC MEETINGS ACT**

Delran Township Zoning Board regular meeting of Thursday, April 21, 2016 was called to order by Mr. Schultz at 7:15pm, 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. Schultz, Mr. Gonzaga, Mrs. Parento, Mr. Jeney, Mr. Jesuele, Mrs. Wuebker, Mr. Hewko & Mr. Lyon.

**Absent:** Mr. Smith

**Professionals:** Eileen Fahey, Esq. Board Solicitor; Terry Combs, PP, Board's Planner; Lee Phillips, PE, Board Engineer replacement for Joseph Raday, PE, Board's Engineer, Jim Winckowski, PE, Traffic Engineer.

**PUBLIC HEARING**

Dunkin Donuts-GNJ Inc.  
Kalpesh Shaw  
BLK 115, LOT 32  
4009 Bridgeboro Rd.  
ZZ2015-10  
Use Variance

**MINUTES**

**Regular meeting minutes from the February 18, 2016 meeting.**

**Mr. Hewko made a motion to approve the minutes from the February 18, 2016 regular meeting. Mr. Gonzaga seconded the motion. The results of the voting is as follows:**

**AYES:** Mr. Schultz, Mr. Gonzaga, Mr. Jeney, Mrs. Wuebker, Mr. Hewko & Mr. Lyon.

**ABSENT:** Mr. Smith & Mrs. Parento (Came in late)

**ABSTAIN:** Mr. Jesuele

DELTRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM

RESOLUTION

Lidl US Operations, LLC  
Rt. 130 & South Fairview St.  
Block 65, Lot 13, 14, 15 and 16  
Use Variance  
ZZ2015-06

Mr. Jeney made a motion to approve the Resolution for LIDL which was tabled from the regular meeting from February 18, 2016 with the correction made. Mr. Gonzaga seconded it. The results of the voting is as follows:

**AYES:** Mr. Schultz, Mr. Gonzaga, Mr. Jeney, Mrs. Wuebker, Mr. Hewko & Mr. Lyon.

**ABSENT:** Mr. Smith & Mrs. Parento (Came in late)

**ABSTAIN:** Mr. Jesuele

DISCUSSION

Mr. Schultz wanted to announce that the other applicant to be heard tonight Berk & Berk has postponed to a special meeting date and would not be heard tonight.

Let the record show that our 7<sup>th</sup> Board member Mrs. Parento has arrived. Also, let the record reflect that Board Member Mrs. Wuebker has stepped down from the hearing due to conflict.

Mark Asselta from the Law Firm Brown & Connery representing Dunkin Donuts GNJ, Inc. stated that this is a bifurcated application so they will not be presenting a full site plan application for consideration. They hope to get to that in the future. They are here for a use variance application along with an interpretation as well.

Ms. Fahey, Board Attorney swore in the experts testifying tonight. Kal Shaw, Joseph Layton, Deanna Drumm & John Pettit.

Mr. Pettit, Licensed Engineer/Planner stated that the property contains approximately 18 acres of land which is partially wooded located in 2 different zones.

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

The vast majority of the parcel is wetlands. The bulk of the project which would be the 1,800 sq ft. Dunkin Donuts with a drive thru along with the 5,500 sq. ft. of retail space will be in the NC-1 zone.

A driveway coming off of Hartford Rd. is in the A1 zone. They are proposing 2 access points. One coming off Hartford & the one onto Bridgeboro Road. Both proposing to be full access as part of the site plan application should the use variance for the Hartford Road driveway be approved by the Board. The drive thru goes behind the buildings capable of stacking 11 cars. There will be 47 parking spaces on site where the ordinance requires 42 so they exceed the number of spaces required. They did a Zoning analysis based on the concept plan with a variance although they are not requesting it this evening, is the parking setback along Bridgeboro Road. The ordinance requires a 20 ft. setback, the way the site is designed right now, they have a 15ft. setback. No current survey of entire property. They will provide it should the use variance be granted. They will layout the full engineering site plan but that would be something they would contemplate although they could tweak the design if they could look to eliminate that variance. Other than that this will be a fully compliant plan with our ordinance.

Mr. Asselta added that they have been discussing the retail building. The part that they know for certain to start off with is the 1,792 sq. ft. Dunkin Donuts. The 5,500 sq. ft. retail building will be a spec building at this point. The size of the building doesn't require a variance. The only variance required on the concept plan that was submitted with the use variance is the parking setback from Bridgeboro Rd. The aerial view shows the pump station on Hartford Rd. behind the gas station. The corner of Hartford & Bridgeboro which will be next to the applicant's site is Ron's automotive car repair shop. They are willing to show the turning point of the firetruck on a site plan application. They are proposing a full access from both roads. The part of the driveway leading to Hartford Road will require them to go to the DEP for some general permits do to it being wetlands. General permit #10 for roadway crossing to get out to Hartford Road. They also are contemplating needing a transition area averaging permit where you average or reduce the buffer in certain locations as long as you compensate in other locations. A question was asked by Mr. Jesuele why they need to have access off onto Hartford Road. Mr. Pettit stated that it is better to have an alternate access rather than have everyone come in & out on Bridgeboro. Mr. Jeney stated that he thought that the access from Hartford Road was one way coming in. Mr. Pettit said that it was never proposed. Mr. Asselta mentioned that those issues are a little ahead of them because if they do get the use variance approval, they will be back for site plan and they will have that additional information and all that will be addressed at that time.

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

Mr. Kal Shah is the Principle of the entity and has been with Dunkin Donuts for 20 years. He currently owns 8 of them. The ones closest to the proposed site is on Rt. 130 North in Delran and the other one on Rt. 130 North in Cinnaminson. Hours of operation will be 5 am to 9 pm. Peak hours are 6:30 am to 9:30 am. Currently they have 4 drive thru locations where they have 6 to 8 stacking spaces. Here they are proposing 11 stacking spaces. Average customer time in the drive thru is about 90 seconds. Delivery of products are about 3 am or 4 am with a tractor trailer once a day. No proposed tenants for the retail space at this time. They understand that any of tenants would have to be permitted uses and if not permitted they would have to come before the Board and seek appropriate relief as to those uses. He doesn't feel that this location will attract a lot of outside the area traffic. It is more intended to be the neighbor shop with most being the everyday passer buyers. His other location in Delran is about ¾ of a mile away from this proposed site. He stated that it will be a normal size tractor trailer for the deliveries of the products.

Mr. Schultz wanted to make it clear that the Board is aware that in the NC-1 zone it limits any particular use of any floor space to 5,000 sq. feet and the proposed retail space is more than that. Mr. Combs stated that the NC-1 is intended to permit very low intensity retail and service uses for the convenience of the residents of the immediate area without contributing substantially to traffic congestion at the Hartford Road-Bridgeboro Road intersection. Because of the driveway going onto Hartford Road, anything that goes in there is a use variance because you are developing in a residential area. What his concern is, is that depending on what goes into that retail space that the traffic volume will increase. For the Board to just give them a blanket approval without being able to evaluate those uses and the merits of the use variance is a little bit of a stretch. Mr. Asselta wanted to make sure that the Board was aware that Mr. Shah will be more than willing to come back before them voluntarily to that condition so that any future uses that they would have to come before the Board whether they are permitted uses or not.

Mr. Jesuele, Board member has a major concern as a resident who lives in that part of town. He wanted the applicant to know that the High School is over that way and in order for the kids that walk to school, they have to pass that driveway. The kids go to school between 7 and 7:30. That seems to be one of your busiest times of the day. That is already a very busy traffic area & to add a Dunkin Donuts & a retail store depending on the use of that, that it will just add to the high volume of traffic. He said it seems like once a month someone is getting hit at that area. He has heard from a lot of people in town already about their concern.

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

He is not convinced that this would be a good idea. He is concerned about the safety of the kids walking to and from school.

One question asked was does the delivery truck come at any certain time of the day. Mr. Shah said right now it's any time of the day but if the Board would like to put a specific time that he would be ok with that. They are asking approval for the 1792 sq. ft. Dunkin Donuts with the 5,000 sq. ft. retail space to remain empty until they obtain a tenant at which time they will be back to the board for that if it is required.

Deanna Drumm, Professional Engineer specializing in Traffic & Transportation Engineering, she also holds a Professional Planners license as well. She testified about the study of the morning traffic volume with the High School and the commuter traffic volume that that would be a critical area of concern. Also, that's when the Dunkin Donuts primarily generating most of their traffic. Our traffic consultant asked they look at Saturday's traffic as well. Most of the donut/coffee shops visitors are ones that are there to grab their stuff and head back out. The majority of the traffic 50 – 85% is mostly in the morning and it's what they call pass by traffic. People who are already on the road, heading to work, they stop in get the stuff and they are back out on the road. New trips are diverted trips of a particular person who will venture out just to get a coffee. There are 2 access points one on Hartford, the other on Bridgeboro. The one on Hartford will primarily handle the traffic coming down Hartford Road and those will go thru the drive thru and probably come out on Bridgeboro and proceed with their travels. They have moved the both driveways down 300' from the intersection. They stated they are only adding about 2 ½% volume per the traffic study. Significant impact would be about 10%. So they would consider this a slight impact of volume. A substantial impact would be considered a negative impact. Per her professional opinion, this is not a substantial impact on the public good and would not impair the intent and purpose of the zone plan.

In reference to the 5,000 sq.ft. retail space, it is a permitted size in that zone but there is no tenant as of yet. Just wanted to let you be aware that according to the drive thru studies for most fast food establishments is 6 to 8 queuing spaces and they have 11 spaces which takes you to the end of the building so it doesn't impact circulation. 11 spaces are more than sufficient and will clearly meet any current standard that you see that's out there.

Mr. Jesuele asked if they have plans on widening the roads. They haven't met with the county but based upon her experience on Bridgeboro Road is they're going to require that they put a left turn lane off Bridgeboro into the site. Regarding the widening of the road, she said that they go by what the Master Plan states. Usually most of the Master Plan in Burlington County does include a full left shoulder but she hasn't examined it in full detail.

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

The main concern is the driveway off of Hartford with the cars making a left hand turn into the sight. The traffic tends to back up significantly just past that sight a few hundred feet with cars making a left turn onto Conrow and they didn't widen the road there. So if they add another one just like it, it will be backed up even further down Hartford Road. The whole area is already a nightmare without that site. Mr. Winckowski suggest a right in and right out only. The applicant was not in agreeance to the suggestion.

Ms. Drumm & Mr. Winckowski were discussing the 5,000 sq. ft. retail use and the traffic that will generate and comparing to the 1,700 ft. Dunkin Donuts and the traffic it will generate depending on what it is. The applicant stated that they would reduce the size of the retail space down to 3,000 sq. ft. to try to reduce the traffic. Depending on what the type of business was, that would be determining the impact of traffic. It was asked by the Engineer that they should be clear of what is going into that space and that limiting the type of tenant would be a consideration on the traffic impact. In reference to the sidewalks on that road, Ms. Drumm stated that she wasn't sure if legally we can put sidewalks on the wetlands. Ms. Drumm stated that with her experience with the Burlington County Board that they will require road widening to add a left turn lane to help with the traffic problems.

Mr. Joseph Layton is a professional planner for Dunkin Donuts. He discussed that the uses in the NC-1 (Neighborhood Commercial) zone does include bakeries as a business with very low intensity retail uses. He stated that this is a Neighborhood use per a Georgia Planning Board decision. Another one was in Arizona and that certain NJ municipalities recognize the use as a neighborhood use. Another issue raised was a drive-thru was not permitted. Mr. Layton stated that drive-thru restaurants are not listed as a permitted use in any township zone. He reviewed the 2009 Master plan reexamination which showed the 1999 and 2003 reexamination report and after it did that it developed a new goals and objectives to supersede the goals and objectives of the prior 2 documents. It hasn't been done since. Among the objectives listed in the 2009 report was to focus on economic development efforts to upgrade the commercial uses while protecting residential use in the neighborhood from adverse impact. Years ago they didn't have Dunkin Donuts or drive-thru at the same extend that we have now. We didn't have Starbucks, so this is considered a new growth sector of the economy so he feels we are being consistence with that. The 2009 Master Plan also stated that they are looking to double the size of the NC-1 zone. The MP reexamination report also notes the NC-1 zone is proposed for expansion recognizing the need to adapt to the changing dynamics of this diverse community. They submitted that the changing dynamics in the modern commercial law is an increase in facilities such as Dunkin Donuts, Pharmacy or Drive-thru etc. They consider the Dunkin Donuts is the modern equivalent of a bakery as bake goods are sold there.

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

The drive thru is a conditional use but the zoning code does not set fourth any conditions. The proposed use is a neighborhood commercial development. Mr. Layton stated that the proposed development meets the positive criteria as encourages an appropriate development in a commercial zone and advances the purpose of zoning. Mr. Layton also stated the negative criteria was satisfied because the proposed development did not pose a substantial detriment as it did not impact the adjacent properties. It does not provide a substantial increase in traffic so it does not pose any detriment to the zoning ordinance as it did not provide a substantial increase in traffic.

One additional fact that they wanted to propose is that Mr. Shah would agree as a condition to pay to actually have a crossing guard there during the peak hours of the school sessions and in the afternoon hours for dismissal at his expense to have them right there at the Hartford Road driveway entrance in order to be able to insure the safety of that intersection. They would use the crossing guards that the school provides but pay for an extra one. Mr. Layton asked the professionals if the opinions that they have given today that they have all been to the reasonable degree of engineering or professional planner certainty. They all stated yes.

**OPEN TO THE PUBLIC**

**Mr. Gonzaga made a motion to open the meeting to the public. Mr. Jesuele seconded it. The results of the voting is as follows:**

**AYES:** Mr. Schultz, Mr. Gonzaga, Mrs. Parento, Mr. Jeney, Mr. Jesuele, Mr. Hewko & Mr. Lyon.

**ABSENT:** Mr. Smith

**ABSTAIN:** Mrs. Wuebker

Kitty Newman lives at 4101 Bridgeboro Road. (Ms. Fahey swore her in) She lives next to the proposed lot on which Dunkin Donuts wants to build and works at the High School. She is concerned for the safety of the approximately 450 students coming from the Garden Club, Summer Hill, The Grande and up from the homes on and off Bridgeboro Road that have to walk by that area in order to get to the High School which is between 7 to 7:30 am and again in the afternoon dismissal 2 to 2:30 pm. Football season in the fall also brings a lot of pedestrian traffic which is a concern. There are a lot of close calls during the school peak hours and that's with 2 crossing guards already. She stated that there is no Tenant yet for the retail space and her concern with that is, will that remain empty like so many commercial buildings on Rt. 130 and around town. She is totally opposed to the application.

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

Annette Haggerty of 127 Jacqueline Ave. (she was sworn in) stated that she is one of the crossing guards on the corner of Hartford and Bridgeboro Road. She works there from 6:30 to 7:30 am and said that there are many “near misses” and that the intersection is very congested at that time. She believes that the Dunkin Donuts will impact traffic, cause additional congestion and back up even further down pass Goddard School on Bridgeboro. You can’t even turn off Bridgeboro onto Hartford at that intersection due to the congestion.

Marilyn Smith of 4006 Bridgeboro Road (she was sworn in) stated that they are new to area since 2014. The house is across the street from the Applicant’s property. The first week there she was walking her grandson and she witnessed a very horrible traffic accident. She stated that the area is diverse as there is the foot traffic from the students, inexperienced student drivers on the road and an age restricted facility that could impact the Dunkin Donuts’ busy periods with that diversity during the entire day not just the mornings. Ms. Smith described her experience with stacking at other Dunkin Donuts drive thru. She can’t believe all the vacant properties in town and we are building more that possibly will end up like them. Her opinion is that the Dunkin Donuts will definitely create a diversion for more traffic.

Mr. Combs asked where the driveway will be located in relation to the houses on Bridgeboro. It was stated by Mr. Pettit that the driveway lines up with Roma Bank driveway.

There will be one delivery per day. Mr. Shah stated no baking on site.

Mr. Steven Jozwiak of 601 Longwood Ave. Cherry Hill (was sworn in) he is the owner of the subject property since 1988. He stated that the proposed development occupies only 3.5 acres of the 18 acre site which will remain wooded. He gave an easement to the township for the right hand turn off Conrow Rd. to help alleviate traffic. When they started years ago to develop the housing behind Otts, the school asked for a sidewalk to be put in so the kids can walk to the HS and the busing would be eliminated so they could save money on the busing. He stated that the Board should consider the fact that Mr. Shah is willing to do everything possible to assure the safety of the kids and other pedestrians in the area. He has their best interest at heart.

Mr. Robert DePersia of 62 Cornell Dr. (was sworn in) had a question regarding the A-1 zoning district. Mr. Combs explained that it is just the driveway to Hartford Road that they are seeking a variance for but the current zoning will remain as is.

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

**Mr. Gonzaga made a motion to close this portion of the meeting to the public. Mr. Jesuele seconded it. The results of the voting is as follows:**

**AYES:** Mr. Schultz, Mr. Gonzaga, Mrs. Parento, Mr. Jeney, Mr. Jesuele, Mr. Hewko & Mr. Lyon.

**ABSENT:** Mr. Smith

**ABSTAIN:** Mrs. Wuebker

Mr. Asselta noted at this point that the comments made regarding the vacant businesses should not be considered in this application. It is not a valid reason to deny an application just because you have too many vacancies in town plus also it really isn't the Board's job to make that decision. He also stated that as far as the traffic goes the focus for the Board is whether the proposed project creates a substantial impact on the traffic. Any time you develop, traffic is impacted. It is a Commercial zone and is slated for the Commercial Development, the right question before the Board is "what's that right mix of development?". Mr. Shah is willing to do what it takes to assure the safety of the children and pedestrians in order to have the neighborhood Dunkin Donuts to be approved for this site.

Mr. Jesuele raised questions regarding the NC-1 zoning. Mr. Combs stated that the applicant's planner identified changes to the Master Plan regarding commercial uses, no changes were made to the Zoning code as a result of the reexamination. Mr. Combs stated that under the NC-1 ordinance it is "to permit very low intensity retail and service uses for the convenience of the residents of the immediate area without contributing substantially to traffic congestion at the Hartford Road-Bridgeboro Road intersection. Also, "retail sale of goods and the provision of services for the local needs and local consumption exclusively." In that list are Bakeries. The concept of retail use has changed and that the trend is towards the Dunkin Donuts type of use. The NC-1 district was a matter for interpretation by the Board. The only limitation in the code is the 5,000 sq. ft. enclosed area in the design standards for the NC-1 zone. Mr. Jesuele commented that while the proposed use may not substantially increase traffic, it substantially changes the flow of the traffic which can potentially put the kids at risk.

Mr. Combs noted that he contacted Burlington County and found that the Master Plan width for the right away on Bridgeboro Road is 86' which will require dedication of an additional 10' of property frontage if any road improvements associated with the access drive are required. The applicant will need a variance for the parking setback.

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

The Board engineer stated that if the applicant proceeds to site plan review, a better analysis would be needed of right hand and left hand turns from the Hartford Road driveway and the impact on pedestrian traffic.

Mr. Winckowski stated that his recommendation would be a right-in/right-out limitation on the Hartford Road driveway must be considered as part of the use Variance application.

Mrs. Parento had question on the Traffic analysis and was discussing with Mr. Winckowski what was determined for that location. Ms. Drumm stated that they went out to the site in 2015 before the school let out and actually did data collection for the traffic. That's what they utilized in this section. The DOT gave them what the annual count was. It's usually 1% higher.

Mr. Asselta presented his closing argument. The question is do they need a use variance for whether the proposed use is a permitted use in that zone. He said that they are a permitted use in the NC-1 because it is within the same category of uses as those listed. It is a neighborhood use based on the nature of the services provided. As to the intensity of the use, he stated that the ordinance has two parameters to measure "Low intensity" which was determined by the traffic report that states no substantial increase in traffic and the square footage limitation. The Dunkin Donuts meets both of the criteria and to agree to bring before the Board the review of any future retail use. It will be assured that any future use will also meet these criteria. If the Board did not consider the proposed use as a permitted use, the applicant could meet the criteria for a use Variance because they believe they met the positive and negative criteria in order for the decision to be made. He stated that the development in the A-1 zone required a use variance because the road in not a permitted use but that the applicant met the positive and negative criteria for that. The A-1 it is a mild intrusion into the A-1 with the road.

Ms. Fahey wanted to go over with the Board the few components to work thru. First, they heard about is special reasons. You have to look at does this project carry out a purpose of zoning and will refusal create some un-do hardship or other burden on the applicant. The second, is looking at whether this site is particularly suited for the proposed use. You heard the testimony of the professionals and the Applicant giving the defense of that argument. The next issue is enhanced quality of proof. Is it inconstant with the Master Plan or ordinance to grant a Variance and is there valid reason why the Variance should be granted. The last part is negative criteria which again has been discussed by both sides. If the variance is granted, will it cause any substantial detriment to the public good and will it substantially impair any intent or purpose of the zoning ordinance. Mr. Combs talked about it in his letter the special reasons stating, can you grant this without the substantial detriment to the public good.

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
APRIL 21, 2016 – 7:15 PM**

With looking at that, consider what they have told you as far as whether or not their meeting it. Mr. Jesuele stated that he is against them building a Dunkin Donuts there and having a driveway on Hartford Road. Reasons were stated before thru out the night. Mr. Lyon, Board member stated as a previous truck driver for many years, it will be very difficult for any truck to use that Hartford Road entrance for deliveries with how far they would have to swing out to maneuver the truck. That would leave them to use the entrance on Bridgeboro Road. Mr. Combs stated that whether they approve this application or not, this is zoned commercial and something else would eventually be proposed for that site.

Mr. Schultz asked for a motion to grant permitted use of the sale of Bakery goods and other foods in the NC-1 zone.

**Mrs. Parento made a motion stating that the Dunkin Donuts is a permitted use in the NC-1 zone. Mr. Gonzaga seconded it. The results of the voting is as follows:**

**AYES:** Mr. Gonzaga, Mrs. Parento, Mr. Jeney, Mr. Hewko, Mr. Lyon and Mr. Schultz.  
**NAYS:** Mr. Jesuele  
**ABSENT:** Mr. Smith  
**ABSTAIN:** Mrs. Wuebker

**Mr. Gonzaga made a motion to deny the use variance application for the driveway. Mr. Jesuele seconded it. The results of the voting is as follows:**

**AYES:** Mr. Gonzaga, Mr. Jesuele, Mr. Lyon and Mr. Schultz.  
**NAYS:** Mrs. Parento and Mr. Jeney  
**ABSENT:** Mr. Smith  
**ABSTAIN:** Mrs. Wuebker and Mr. Hewko

**ADJOURNMENT**

**Mr. Gonzaga made a motion to adjourn meeting at 10:33. Mr. Jesuele seconded it. Motion passed with a unanimous voice vote.**