

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
APRIL 19, 2011 – 7:00 PM
MINUTES**

The Delran Township Zoning Board regular meeting of Tuesday, April 19, 2011, was called to order by Mr. Fox at 7:00 pm.

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

ROLL CALL

Present: Mr. Harley, Mr. Gonzaga, Mr. Taylor, Mr. Vajapey, Mr. Pogoda, Mr. Kohli and Mr. Fox.

Absent: Mr. Hejnas.

Mr. Smith arrived at 7:05 pm (prior to the start of the DCB Auto public hearing).

Professionals: Mark Asselta, Esquire, Board's Solicitor; John Pettit, PE, Board's Engineer; John Helbig, PP, Board's Planner; and Lynn Curry, Board's Secretary.

GENERAL ANNOUNCEMENTS

1. Mr. Fox noted that Mr. Gonzaga was issued the oath of office as the new Zoning Board regular member.
2. Mr. Fox indicated that the application of Liberty Towers was not scheduled for a hearing at this meeting and no public comments will be taken on that matter. He noted that the application has been deemed incomplete by the Board's professional staff and the applicant needs to address their completeness issues before the matter is scheduled for a public hearing before the Board. Mr. Asselta reminded the public that the Board is not allowed to consider any letters or petitions concerning an application and that in the event someone wishes to speak in favor or in opposition of an application they need to appear at the applicant's public hearing.

PUBLIC HEARINGS

1. DCB Auto Inc.
ZZ2011-1
8000 Route 130 North – Block 120, Lot 8
Use Variance w/Submission Waivers

During this public hearing the Board took a five minute recess to review a legal issue concerning the Board. Upon return returning from the recess it was noted that Mr. Pogoda would not be participating in this meeting any longer since an issue had arisen on whether Mr. Pogoda was still considered an official member of the Board. It was noted that this issue would not affect the current application.

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

1. William Robins, Applicant's Planner and Land Surveyor
2. Robert Spencer, Applicant
3. Dan Spencer, Applicant

Mr. Carusillo indicated that the applicant was requesting a use variance along with a site plan waiver at this time. He indicated that the applicant is not proposing any changes to the structure or the site layout at the present time.

**DELRAN TOWNSHIP
ZONING BOARD
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MUNICIPAL BUILDING
APRIL 19, 2011 – 7:00 PM
MINUTES**

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1. DCB Auto Inc.
ZZ2011-1
(Continued)

Mr. Robins reviewed the narrative that he submitted as part of this application. He stated that there were no improvements shown on the plan submitted and it currently shows the parking area and the storage area. He suggested there was a sufficient means of ingress and egress for the property and the amount of parking was also sufficient for the proposed use. He indicated that there were other used car dealers along Route 130. He noted that there were currently above ground oil storage tanks on the property.

Mr. Carusillo stated that the applicant obtains traded in vehicles from other car dealers, makes repairs to those vehicles within the interior of the building and those vehicles would then be sold at auction. He noted that while the vehicles were on the property waiting to be sold at auction they would be displayed on the property. He indicated that the applicant did not anticipate a high volume of sales from the display and the majority of the vehicles would be sold at auction. He suggested that this would be a quieter use than the existing Taylor Rental since most of the work that would be done to the vehicles would be done inside the building and there would be less traffic on the site.

Mr. Carusillo indicated that the applicant would comply with the A.D.A requirements. He noted that the applicant would be making some minor changes to the interior of the building. He stated that there were currently oil storage tanks on the property, which could be utilized by the applicant. He suggested that the proposed use would not create a detriment to the zoning ordinance.

Mr. Spencer indicated that the hours of operation would be between 9:30am to 6:00pm. He stated that they would make mechanical repairs and detailing to the vehicles on the site and they would not do any body work or painting of the vehicles on the site. He testified that he would not have any interest in selling fuel from the existing propane tank, he also had no use for the existing diesel oil tank however he would have a use for the existing waste oil tank. He noted that he would not actively pursue retail sales on the property however if someone were to approach him about a car on the lot he could agree to sell the vehicle. He added that there would be no advertising of vehicles for sale on the property.

Mr. Helbig reminded the Board what the criteria was for granting a use variance. He reviewed Mr. Comb's last report dated April 13, 2011. He reminded the board that the intent of the C-2 zone was to enhance the visual quality along Route 130 and to revitalize the Route 130 corridor. He stated that they would have no objection to allowing the applicant to have two access drives so long as they were designated as one-way drives. He noted that the applicant may also be required to obtain approval from the Burlington County Planning Board or provide proof that no approval is required.

Mr. Spencer stated that the vehicles would generally be sold at an offsite auction. He indicated that the vehicles would be picked up during their normal business hours. He noted that the vehicles would be shipped by tow truck either one or two at a time. He suggested that the number of cars on the site could vary from 0-30 vehicles on the site at any given time. He testified that they have another storage lot in Pennsauken for problem vehicles dealing with title issues or payoff issues, where a vehicle may be required to sit for a longer period of time before being sold at auction. He agreed to limit the amount of time a vehicle could be stored on the property to a period not exceeding six (6) months.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
APRIL 19, 2011 – 7:00 PM
MINUTES**

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ZZ2011-1
(Continued)

Mr. Carusillo suggested that there was enough parking on the site to accommodate 25 cars on the site not including the additional 4 customer parking spaces.

The board discussed requiring the applicant to provide stripping of the parking area and designating which parking spaces should be for storage. They noted that the applicant should also provide information on how they were going to address vehicle access and circulation on the site and whether it was satisfactory with the Fire Official. They also discussed the requirement of having the applicant provide additional landscaping on the site. The board indicated that generally when a change is being proposed to a site an applicant would be required to bring that site into compliance with the codes.

Mr. Pettit noted that the applicant would be required to provide a letter of no interest from the Department of Transportation. He indicated that his only current comments dealt with the completeness issues and since no site plan application has been requested he has yet to perform a technical review of the project.

Mr. Spencer stated that they did prepare a landscaping plan, which was not submitted as part of this application, showing how they would attempt to clean up the site.

At that time, Mr. Fox opened the meeting to the public for any comments or questions concerning this application. The following members from the public were sworn in to testify before the Board:

1. Craig Fisher (Applicant's Landlord) suggested that the applicant's proposed operation appears to be a lot simpler, cleaner and quieter than the existing Taylor Rental.

There being no further witnesses from the public to testify on this application, Mr. Fox closed the public portion of this application.

The board discussed whether they should require the applicant to make a full site plan application before the board or whether to allow the applicant to simply work out any site plan issues directly with their professionals. Mr. Pettit suggested allowing the applicant to discuss their completeness issues at the actual hearing rather than requiring them to submit the items before the application is scheduled for their actual public hearing.

Mr. Gonzaga made a motion to grant the use variance conditioned upon the applicant obtaining a minor site plan approval, the applicant obtaining all necessary approvals from all outside agencies having jurisdiction in this matter and the applicant limiting the amount of time for the storage of vehicles on the property to six months. Mr. Haley seconded the motion. The result of the voting is as follows:

AYES: Mr. Gonzaga, Mr. Harley, Mr. Smith, Mr. Taylor, Mr. Vajapey, Mr. Kohli and Mr. Fox.
NAYS: None.

The motion was carried; so ordered Mr. Fox.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
APRIL 19, 2011 – 7:00 PM
MINUTES**

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ZZ2011-1
(Continued)

The Board noted that the application for a minor site plan must be submitted at least fifteen (15) days prior to the scheduled meeting. Mrs. Curry noted that if there were no additional variances being requested, the applicant would not be required to provide additional notice to the public for that scheduled hearing.

RESOLUTIONS

1. Harvey Berk c/o Manhattan Management
ZZ2003-5
3001 Route 130 South – Block 9, Lots 33, 34, 43, 44 & 45
Preliminary Site Plan

Mrs. Curry noted that the draft resolution for preliminary site plan was prepared by Mr. Hardt. She stated that she received a request from the applicant's attorney that the Board not adopt the resolution until the next regular meeting to allow time for his applicant to review it for accuracy. The Board indicated that the matter was being continued until the next regular meeting scheduled for May 17, 2011.

2. Susan & Terrill Bohnsack
ZZ2009-6
74 Stoneham Drive – Block 118.03, Lot 18
Bulk Variance

The Board noted that the resolution was currently not ready to be adopted and the matter was being continued until the next regular meeting scheduled for May 17, 2011.

3. Manhattan Management
ZZ2007-20
3001 Route 130 South – Block 9, Lots 46 & 47.05; Block 9.04, Lot 4; Block 9.05, Lot 4
Use Variance

The Board noted that the resolution was currently not ready to be adopted and the matter was being continued until the next regular meeting scheduled for May 17, 2011.

MINUTES

1. Zoning Board Regular Meeting – 10/20/09
2. Zoning Board Regular & Reorganization Meeting – 7/20/10
3. Zoning Board Regular Meeting – 2/15/11

The Board noted that the Zoning Board regular meeting minutes from October 20, 2009, the Zoning Board regular and reorganization meeting minutes from July 20, 2010 and the Zoning Board regular meeting minutes from

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
APRIL 19, 2011 – 7:00 PM
MINUTES**

MINUTES

February 15, 2011 were not ready to be adopted and were being continued until the next regular meeting scheduled for May 17, 2011.

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

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

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

NAYS: None.

ABSTAIN: Mr. Gonzaga and Mr. Taylor.

The motion was carried; so ordered Mr. Fox.

BILL LIST

(See Attached Sheet)

Mr. Harley made a motion to approve the Zoning Board bill list for April 19, 2011. Mr. Taylor seconded the motion. With all present voting affirmatively the motion was carried; so ordered Mr. Fox.

PENDING ITEMS

1. Pizza Mia, LLC
ZZ2010-10
77 Hartford Road – Block 120, Lot 41.01
Use Variance

The Board noted that the applicant has submitted revised plans, which was currently being reviewed for completeness by the Board's professional staff. They indicated that the application was currently not scheduled for a public hearing.

2. Bee Dee Associates
ZZ2010-11
75 Hartford Road – Block 120, Lots 40 and 40.02
Amended Subdivision

The Board noted that the applicant has submitted revised plans, which was currently being reviewed for completeness by the Board's professional staff. They indicated that the application was currently not scheduled for a public hearing.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
APRIL 19, 2011 – 7:00 PM
MINUTES**

PENDING ITEMS

3. Liberty Towers
ZZ2010-14
28 Conrow Road – Block 177, Lot 16.02
Use Variance w/Minor Site Plan

The Board noted that the application was recently certified as an incomplete submission and they were waiting for the applicant to address their completeness issues before the matter is scheduled for a public hearing.

4. Manhattan Management Co, LLC
ZZ2011-2
3001 Route 130 South – Block 9, Lot 46
Minor Subdivision

Mrs. Curry stated that an issue came up concerning which Board should have jurisdiction on this application and a determination by Mr. Asselta and Mr. Siciliano (Planning Board Attorney) that the matter should remain under the jurisdiction of the Zoning Board. She indicated that Pettit Associates has a conflict of interest handling this application, therefore the Township Attorney determined that the matter should be reviewed by Adams, Rehmann and Heggan for both engineering and planning. She noted that the application was currently being reviewed for completeness and was currently not scheduled for their public hearing.

MATTERS FOR DISCUSSION

1. The Board noted that Pettit Associates currently had a conflict of interest with the application for Manhattan Management and they currently don't have an appointed position for the conflict engineer or conflict planner. They indicated that the firm of Adams Rehmann and Heggan was handling the engineering review for the application of Manhattan Management. Mrs. Curry questioned whether the board wanted to go ahead and advertise for the position of conflict engineer and planner or wait until the next annual reorganization to make any decision. The Board requested that any decision on the appointment of conflict engineer and planner be held off until their next annual reorganization meeting.

PUBLIC COMMENTS/QUESTIONS

1. There was a member from the public (unidentified) that questioned what the Liberty Towers applicant was requesting a variance for. Mr. Asselta requested that he speak to the gentlemen after the meeting in an attempt to address and answer some of his questions so not to create an issue with the board and the applicant since the applicant is not present.
2. There was another member from the public (unidentified) that questioned why only property owners within 200' of the property were required to be notified since an application may affect people farther than 200' away from the property. Mr. Asselta stated that it was a requirement in the Municipal Land Use Law that governs the requirement that an applicant notify property owners within 200' for any application for a variance and that requirement is for who an applicant is required to provide written notice of their hearing. He added that anyone is permitted to attend the meeting and speak for or against an application.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
APRIL 19, 2011 – 7:00 PM
MINUTES**

ADJOURNMENT

There being no further business to discuss, Mr. Taylor made a motion to adjourn the Delran Township Zoning Board meeting at 8:50 pm. 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
 April 19, 2011

Budget Bills			
Vender	Description	Invoice #	Amount
Brown & Connery	Misc. Services	112307	\$864.00
Adams Rehmann & Heggan	Hunter's Glen - Review History	42268	\$1,960.00

Escrow Accounts				
Vender	Applicant	File #	Invoice #	Amount
Brown & Connery	T-Mobile	ZZ2010-9	112301	\$1,255.67
Brown & Connery	Pizza Mia	ZZ2010-10	112302	\$64.00
Brown & Connery	Liberty Towers	ZZ2010-14	112305	\$32.00
Brown & Connery	DCB Auto	ZZ2011-1	112306	\$208.00
Brown & Connery	T-Mobile	ZZ2010-9	112308	\$96.00
Adams Rehmann & Heggan	T-Mobile	ZZ2010-9	42262	\$2,220.00
Adams Rehmann & Heggan	Pizza Mia	ZZ2010-10	42263	\$525.00
Adams Rehmann & Heggan	Liberty Towers	ZZ2010-14	42265	\$3,747.50
Adams Rehmann & Heggan	DCB Auto	ZZ2011-1	42266	\$2,055.00
Pettit Associates	Pizza Mia	ZZ2010-10	3222	\$720.00
Pettit Associates	Bee Dee Associates	ZZ2010-11	3223	\$240.00
Pettit Associates	Liberty Towers	ZZ2010-14	3224	\$450.00
Pettit Associates	T-Mobile	ZZ2010-9	3225	\$300.00
Pettit Associates	DCB Auto	ZZ2011-1	3226	\$270.00
Richard Alaimo Associates	Diocese of Trenton	ZZ2009-11	60482	\$891.25