

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

OPEN PUBLIC MEETINGS ACT

Delran Township Zoning Board regular meeting of Thursday, July 20, 2017 was called to order by Mr. Jeney at 7:00pm, in the Delran Township Municipal Building.

The Open Public Meeting Act Announcement was read by Mr. Jeney and the Pledge of Allegiance was performed.

ROLL CALL

Present: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Hewko, Mr. Lyon, Mr. Anderson & Mr. Khinkis

Absent: Mr. Gonzaga

Professionals: Brian Lozuke, Esq. Board Solicitor; James Clarkin, PP, Board's Planner; Joseph Raday, PE, Board's Engineer & Traffic Engineer.

PUBLIC HEARING

**Dunkin Donuts - GNJ Inc.
Block 115, Lot 32
4009 Bridgeboro Road
ZZ2015-10A
Use Variance**

Mr. Mark Asselta, Attorney from Brown & Connery, LLC representing the applicant Mr. Kalpesh Shah. There is a full Board of 7 with no one needing to recuse for any reason this evening. They will need 5 affirmative votes for approval. They started off with a full application for an interpretation & use variance back in 2016. The Board deny the Use Variance for the driveway. They filed a complaint that there was a conflict of interest at the hearing & the Judge told them that we would have to rehear the application again.

They started over again & was back before the Board back in March of 2017. At the March meeting they presented 2 parts of the application.

The first part was to get an interpretation of the ordinances as to whether the proposed Dunkin Donuts was a permitted use in the NC 1 zone. It's a 2 zone with in one tax lot. The front portion is in the NC 1 zone but most of the rear portion of the site is in the A1 zone. The Board agreed at the March meeting that a Dunkin Donuts with a drive thru is a permitted use in the NC 1 zone. There was no need to revisit that at this application since it was already determined & approved.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

The second part of the hearing in March 2017 was a Use Variance because part of the driveway onto Hartford Road crosses over into the A1 zone. The A1 zone doesn't permit the type of commercial use that they wanted to employ. The applicant feels that it is necessary to have the second access. If they don't have the ability to get access then the project won't happen. The Board denied the Use Variance in March and they were unable to get the 5 affirmative votes needed.

In response to that, what they tried to do is learn from what the Board told them at that meeting. It evolved around the safety of the students that would be walking to and from the High School on Hartford Road and the driveway with the traffic going in & out especially in the morning hours.

What they tried to do was figure out the best way to reduce that issue & make it the best possible way they could present it. The main thing that they did was to take the driveway & do an ingress only. They will engineer it in such a way that it will be too narrow for 2 way traffic. They believe it is a very significant change in the application because it will essentially cut the problem in half.

The other thing they are going to propose is that they are going to enhance the markings of the drive way so that its stripped properly, maybe even a change of material so that motorist that are going in that area will be able to see it is one way. Possibly adding signs too. They are looking to alert the public that it is a safety issue.

They feel that the standards are met with the kind of package they just discussed and hopefully it will tip the scale for the Board in their favor for the project going forward. They feel that the Variance standards are met for the reasons they will talk about. This is a substantial change that would allow the Board to reconsider this issue now that they effectively have a different application.

The focus is about the driveway going thru the A1 zone and whether or not they meet the standards for the Use Variance for the driveway. It is still a bifurcated application. If the Board approves the Use Variance for the driveway, then they will come back for Site Plan approval.

Mr. Lozuke swore in all 4 witnesses they have tonight. Mr. John Pettit, Engineer, will provide the overview of the site. Deanna Drumm, Traffic Engineer, will talk about the impact on the intersection. Daniel Bloch, Planner, will talk about the standards for the Variance and whether or not it meets those standards. Mr. Kalpesh Shah, Owner, will talk about the operations of the Dunkin Donuts.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

Mr. John Pettit is a qualified Professional Engineer in NJ for approximately 25 years. He also is a Professional Planner in NJ and has testified before this Board before. He is submitted as an expert qualified to provide expert testimony in the areas of Professional Engineering and Professional Planning.

Mr. Pettit presented a color presentation plan of the concept layout that was submitted with an ariel view showing the proposed site to build an approximate 7300 sq. ft. building. The front part of the site is in the NC1 zone and the entire back of it is in the A1 zone. The overall site is about 18 acres, most of which is in the back portion of the A1 zone where majority are wetlands which goes back to Conrow Road. The Dunkin Donuts will be roughly 1,800 sq. ft. and 5,500 sq. ft. of retail space. There will be 2 access points, one on Bridgeboro Road and the other on Hartford Road. They will show at site plan the shifting of the driveway on Bridgeboro Road to line up with the Roma Bank driveway across the street. The access to Hartford Road will now be proposed as an entrance only where previously it was ingress & egress.

There was previously a letter issued for the property from the Department of Environmental Protection (DEP) which shows majority is wetlands. It shows the portion of wetlands that was acceptable from DEP. It was reissued in 2011 with the 50' buffer showing the worst case scenario for the buffer. That LOI has expired and they will have to get that re-established & re-approved by DEP. Most of the property in that A1 zone is undevelopable per DEP standards due to being wetlands. They show the access point out to Hartford Road will be crossing the wetlands. They understand they have to get a general permit from DEP to allow that which is in their plans. If they don't get approved from DEP then there will be no project.

The drive thru for the Dunkin Donuts will be on the side of the building allowing 11 stacks in the drive thru lane which is much more than what is typical. Mr. Pettit has worked on many other drive thru restaurants which most only have 8. They don't anticipate any back up from the drive thru at all. There will be 47 parking spaces showing on the plan, where the ordinance calls for 42 so they will be compliant with the parking.

Storm water basin will discharge to the wetlands. They will discuss more of that at Site Plan approval assuming they get approval for the Use Variance application.

They reached out to Burlington County in reference to the dedication of Right of Way which was brought up at last application and they indicated that would be depended on what kind of improvements that would be constructed along Bridgeboro Road. That will be something that will be determined once they get into the Site Plan phase. They are required 20' setback and they are at 15'. They can re-examine the site and do some modifications should the Board think it could not be done.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

The driveway going to Hartford has been reduced to 20' where it was originally 24' or 25'. In the A1 zone, it is under .25 acres of usage in the wetlands per the NJDEP. They still need Wetlands general permits for allowing the road to encroach on them.

If approved and it goes to Site Plan approval, they will be anticipating a Bulk Variance for the parking setback along Bridgeboro Road which is due to the Wetlands line where they are forced to be close to the roadway.

They are proposing to restripe Harford Road to add a left turn lane as approaching the site driveway. It will allow approximately 3 cars to stack to make right turn & cars will be able to go around.

The majority of the site is undevelopable due to being in the wetlands. The driveway crosses into the A1 zone and that's why the Use Variance is required.

The subject property is next to Ron's Auto Shop & across the street from that on opposite side of Hartford is residential lots. Roma Bank & Ott's Tavern are across the street, one on each corner.

Mr. Pettit stated that he is not aware of any tenants yet for the retail space which shares the site with Dunkin Donuts. Mr. Asselta stated that any tenant interested in renting that space from Mr. Shah would have to come back before the Board so they can weigh the mix of the use and allow the Board to make that call on whether that tenant would generate more traffic than what they initially talked about. They are doing that as a concession as opposed to an obligation because the zoning ordinance doesn't require them to do that. They would stipulate that as a condition to any approval the Board gives them.

Mr. Hewko asked about the Fire Official stating first time around about widening the driveway off Hartford Road. Mr. Bauer, Township Fire Official decided to decline a review for this bifurcated application & will wait till site plan approval should they get approved for the Use Variance. Mr. Asselta stated that was when it was going to be a two way access. That will be discussed at site plan & subject to Fire Official's approval.

Mr. Pettit responded to some of the Professional's concerns. Mr. Raday had a concern about aligning the Hartford Road driveway with the Truck Company across the street. Mr. Pettit said since it's an ingress only that won't be an issue now.

Width of the driveway will be clarified at the time of Site Plan & the wheel base 50 is the size of the tractor trailer which is going to make deliveries. All the other issues he mentioned have already been mentioned stating that it will be discussed further at Site Plan should they get approval tonight.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

Signage for the site & especially at that crosswalk will be discussed further in detail at the time of Site Plan. They plan on having proper signage for safety.

Ms. Deanna Drumm is a Professional Engineer for about 20 years. She has specialized as a Traffic Engineer for about 24 years. She is also a licensed Professional Planner in NJ and also certified by the Institute of Transportation of Engineers as a Professional Traffic Operations Engineer. She has testified in well over 100 Boards in NJ. Ms. Drumm is an expert competent to testify to matters of Traffic Engineering.

Ms. Drumm began her testimony based off of her July 11, 2017 letter. She stated that the letter was just a compilation of all the previous reports as well as them re-analyzing a section of Bridgeboro Road & Hartford Road because now all the exiting traffic will be coming off onto Bridgeboro Road. They took the redistribution of traffic and came up with the same conclusion as they had before. The traffic impact at the intersection is going to be nominal, regards to both level of service. Same level of servicing operations still going to be there. They are looking at about 4% on the volume which is typically considered insignificant impact. The typical threshold is about 10%, anything over that 10% is where you need to look at mitigation letters. Operational wise as well as volume wise from an impact is going to be on the lower side.

Dunkin Donuts traffic in the morning is what they call pass by traffic, people who are already on the roadway system. Most of the sights are shown anywhere from 50% to 80% of the traffic is already people on the road, going to work, school etc.

Regards to the Hartford Road access, what kind of movement they should look at. Her opinion that an in only is the better way to go for several reasons. First is, they can accommodate the left turns that are coming in. The left turns will probably be on the lower sides due to them being able to turn onto Bridgeboro depending on the light and whether they get the light arrow green to turn. They have enough room along Hartford Road, possibly some minor widening on the applicants side to accommodate that dedicated turn lane. In her opinion it is a real benefit & safety benefit to the motorists on Hartford Road. Patrons making left turn in have a safe area and it's not impacting anyone who is heading towards the signal and it's not delaying anyone coming from the signal. She feels that is a very positive aspect.

When you have a right in, right out, that access has to go from a very linear type driveway to what she is calling triangular type access. In order to enforce the no left in, no left out, you have to put a pretty large channelized island. It would need at least 40' opening verses 20' which will have an impact to the wetlands as well as having the pedestrians have to travel further across the driveway.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

Bridgeboro Road is a County Roadway so they will need to work with the County for any improvements. Based on her experience with them, they will probably want a left turn lane on Bridgeboro Road. That will be at site plan along with the County Application where the County Engineering staff will be dealing with regarding that issue.

Mr. Anderson asked if when they did their study was it based off of the Dunkin Donut facility or the 5500 sq. ft. retail space. Ms. Drumm stated that they included both. When they looked at the projection for which level of service, it is going to operate what they call level service "C" which is acceptable.

Mr. Raday asked if they would object to putting in some pedestrian improvements at that intersection to ensure kids safety crossing the driveway. Ms. Drumm stated that they could put a high intensity crosswalk which isn't typical but it would be 2 lines like you see at Bridgeboro. They will work with board at site plan to discuss different options.

Ms. Drumm stated that she believes that adding a DD won't substantially impair the zone plan of the town. Also, it wouldn't have a substantial negative impact on the public good.

Mr. Shah is a Franchisee of a total of 9 Dunkin Donuts. In Burlington, Camden & Gloucester County. He owns the Delran DD on Rt. 130 N for about 20 years. Hours of operation will be 5am to 9pm and deliveries are once during the night either by van or box truck for the donuts. The dry good deliveries will be once a week or possibly twice, depending how busy that store is. The delivery will be by tractor trailer or box truck out near the drive thru.

There will be a morning shift with anywhere from 5 to 7 employees. The rest of the shifts will have 2 to 3 employees. There are typically 3 shifts per day.

Mr. Shah stated that the need for the driveway on Hartford makes it easier with circulation for the cars for coming in & using the drive thru. It will allow it to flow better. Most of the traffic comes up & down Hartford. It wouldn't work in that location without the second driveway.

The goal of the drive thru traffic is to get them out in about 150 seconds. They generally are in the range of 100 to 110 seconds. They have a drive thru in 4 out of 9 locations. Only one of them has 11 car stacking. Typically 6 to 8 stacking. There should be no problem with having 11 spaces for stacking.

The retail use of the property doesn't have any tenants identified at this point. They are willing to come back before the Board before any tenant would be put in there even if it was a permitted use. They want to make sure the intensity of the use wouldn't affect them. The retail space they are envisioning is an upscale stucco building and all the details can be worked out at Site Plan approval.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

Mr. Pettit has been the engineer & has designed over 60 DD & Taco Bell sites thru out the years and they strive to make sure that they have sufficient access to the property. This would definitely be an improvement. He believes it wouldn't be viable with just one access point per his engineering expertise.

There is no proposed sidewalk along the driveway on Hartford Road. This will be discussed at site plan.

Mr. Daniel Bloch is a professional Planner in NJ for about 8 years and has testified before 50 different Boards & is qualified as an expert. He is also certified by the American Institute of Certified Planners, The National Certification for Planning.

Mr. Bloch testified about the Use Variance standards for the driveway onto Hartford Road which is in the A1 zone. He stated that because the property is split zone NC1 & A1 zone, they are required to meet the permitted uses on each side of the zones. When you have the driveway cross over that zone line, it takes on the attributes of the principle use which is the commercial DD & retail. Now the driveway becomes a commercial driveway which is not a permitted use in that zone.

There are a number of reasons why he believes that the driveway can be granted and should be granted a Use Variance approval. First there is a hardship due to the split of the zoning where it leaves the northern part of the site undevelopable because of wetlands. The only way to achieve any type of use on there is this one small driveway connecting to Hartford Road.

Municipal Land Use Law says there are 3 instances where you can grant a Use Variance. The first is if it is inherently beneficial use which it is not. The second is if there is a hardship in using the property for any of the uses that are permitted. He believes we have that here. The third is if the proposed use is particularly suited to the property. In which he believes it meets the hardship and the site is particularly suitable to this proposed use.

The Municipal Land Use Law says that you can meet the special reasons if you further one or more purposes of zoning and he believes they achieve 4 of those purposes. Purpose A, they are benefitting the general welfare because they are allowing for the property to be used in accordance with the zoning for the NC 1. Purpose C, They are preserving the wetlands where it benefits the preserving light & open space. Purpose H, is the promotion of free flow of traffic. As previously testified, the second driveway is necessary for the proper circulation thru this site and surrounding road ways. Purpose I, is creative development techniques using proper civic design. This is a standard type of design that you see for Dunkin Donuts or retail operations on a corner. On or near a corner they have access to both to provide for a better circulation.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

For the negative criteria, they believe this provides a better plan for the property & particularly for the pedestrian crossing which was a major concern for the Board at the last hearing. It reduces the traffic with everything coming in & nothing going out. It will be beneficial to the pedestrian environment there. There is no substantial detriment in his opinion to the pedestrian traffic based off of the revised plan, no detriment to the surrounding uses. There are wetlands to the north & it's up to the DEP whether they will grant the permit. No detriment to the commercial uses across the street or to the service station next door.

As to the negative criteria, the portion of the property in the NC1 zone is adjacent to other commercial uses. There are no residential properties that would be impacted by this use so there is no substantial detriment to any neighboring properties by the DD use its self. This use is consistent to other kinds of uses and is not more intense than any other uses that are permitted.

The last of the negative criteria asks whether there is a substantial detriment to the zoning plan/ zoning ordinance. He looked at the 2009 Master Plan re-exam and there are a number of goals and objectives that would be advanced by this driveway. The goal #2 of the 1999 Master Plan is to maintain viability of non-residential areas. Here they are asking for a driveway to allow access which is critical to the vitality of this proposed use. The goal #4 is to promote the maximization, utilization and preservation of the natural character. In order to utilize this part of the property in the NC1 zone, they are asking for relief to use the driveway.

There were a number of recommended goals in the 2009 Master Plan which they are promoting. Objective #1 is to encourage the development or re-development of vacant and underutilized sites. The testimony of the property owner stated that this driveway is necessary to promote this development of this property. Objective # 15 focuses on an economic development of existing commercial districts which is the NC1 zone. They are promoting the economic development by providing a new use. The goal # 12 is to promote new development that will enhance local & regional access. He believes that the driveway does promote access by promoting different options into the site from either roadway. That completes his testimony on the property & asked if there were any questions from the Board and Professionals at this time.

Mr. Lozuke asked Mr. Asselta about this application being heard again and wanted him to explain it. Mr. Asselta said one of the issues they have to make sure of is that they were able to come back again before the Board after they denied them on the one issue last time. They found that NJ law does allowed you to come back under the term Race Judicata. Basically it means that if there are sufficient enough differences in the application, then those new factors would be brought before the Board. It doesn't preclude an applicant from coming back to be heard again. Mr. Asselta believes that the applicant does meet that standard.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

OPEN TO THE PUBLIC

Mrs. Parento made a motion to open the discussion to the public. Mr. Smith seconded it. The results are as follows:

Motion carried with a unanimous voice vote.

Kitty Newman she lives at 4101 Bridgeboro Road. With this new application, they are proposing an ingress only. She stated that there will be approximately 450 kids from all the housing developments around that area traveling across the driveway per Dr. Brotschul, Superintendent of Delran Schools. They have 2 new developments coming soon with children & Stellwags with 82 Active Adult homes which will generate traffic. That being one of her concerns with that driveway to Hartford.

Another concerns is the retail space being 5,500 sq. ft. where she stated that the last application they said that it can't be more than 5,000 sq. ft. per tenant in the NC 1 so it means that they will have to split it into 2 tenants or more. Having several tenants will also impact the traffic. Any tenant that would want to occupy that space would have to come before the Board regardless of it being a permitted use in the NC 1. Mr. Asselta agreed that they will treat it as they did this application. They will have to notice to the paper & anyone within 200' & then they will have to come before the Board.

Ms. Drumm responded to the question relating to when the traffic study was done from Ms. Newman. The study relies on the 2015 traffic data which was completed during the school year. The growth rates in Burlington County are less than 1% traffic growth which counts for area development. They utilize a 2% annual growth rate so they actually doubled it & as well as what they call increase their design years. Originally their study was 2017. They looked in the future and added about 2 to 3% of what Burlington County has been experiencing.

Ms. Newman voiced that she is not happy about the development of a DD & the traffic confusion at that intersection especially at 7am when school is in.

Mr. George McDowell lives at 3111 Bridgeboro Road. He feels that the addition of the entrance off Hartford is going to increase the congestion of that corner. He has lived there for many years and he stated that it's not only congested at 7am, also noon time, 4pm & 5 pm again. He feels it's going to increase the danger to pedestrian traffic due to the 18 wheeler delivery & extra cars that it will bring. He feels that a lot of people will be on Hartford Road approaching the light on Bridgeboro heading towards Ott's, will see the light just turned red & they might use it as a short cut to avoid sitting waiting for the light.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

He questioned the wetlands and Mr. Lozuke stated that we have to get approval from DEP and if that comes back unfavorable then they might not be able to have that road anyway. It's not up to the township. His other concern is the additional retail space almost 3 times the size of the DD. Mr. Lozuke stated to him that for any potential tenant, he will have to seek approval from the Board. Typically that is not the case since it is an NC1 zone. He doesn't feel that the extra driveway is required & that it will be a detriment to the community.

Mrs. Vivian Perrino lives at 65 Hartford Road. She has been there for over 35 years. She sits outside every morning & hears the people cursing & yelling at each other as they try to make a left onto Conrow. She said it is truly a mess out in that area and wants the Board to carefully consider their decision.

Mr. Steven Jozwiak lives at 601 Longwood Ave. Cherry Hill, NJ. He is a member & Jozcor, LLC. He has owned the property for over 40 years. Regarding the wetland, the DEP has to give approval. He has always been a good neighbor & worked with the Township regarding his site. The pumping station had to go in along with the turning lane on Conrow. After they built the development behind Ott's, they took the busing to the High School away & had to put sidewalks in on his property to accommodate the children who now would have to walk to school. The Master Plan calls for it to be a Neighborhood Commercial zone. Putting a few retail stores in there does exactly what they are looking for.

Julianna Lyon lives at 33 Heather Glen Lane. She just wanted to state that she is excited about the DD coming into the neighborhood and she hopes that the Board approves the Use Variance for the driveway. She feels that it does fall into what the Township is looking for in that area. Speaking as a driver who does use that intersection everyday going to work and as a pedestrian who had to walk that way to school is concerned about the left turn in is only going to be used by crazy drivers who will shoot in last minute and not waiting at the light. She feels that a right in & a right out only would take away some of the stress of everyone leaving on Bridgeboro.

Close to the Public

Mrs. Parento made a motion to close the discussion with the public. Mr. Smith seconded it. The results are as follows:

Motion carried with a unanimous voice vote.

Mr. Hewko asked if DEP doesn't grant approval what happens. Mr. Asselta stated that they would be stuck due to eliminating the driveway on Hartford. They have said that they need that driveway in some shape or form so it means they would not go forward with the project should the application be denied.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

Mr. Shah wanted to just let the Board know that the safety of the children walking past the driveway on Hartford is a concern of his & that's why he has decided to give up the original option of complete access that had been previously discussed & have it be a right in & left in only. It reduces the amount of trips a car would be using that driveway not having an egress. Also, getting other tenants in the retail space. He agreed that he will come back before the Board with a tenant so they can determine the impact of traffic if will bring. He stated that if it was just about money he would have just walked away from this a long time ago.

Mr. Hewko asked if they were proposing having signage on Hartford Road. Mr. Shah said yes. Mr. Asselta stated that all the details will be worked out at site plan should they be approved.

Mr. Asselta wanted to just address the Board to let them know that this application is only for the Use Variance for the Driveway onto Hartford Road. They will have to have 5 affirmative yes votes in order to be approved. He believes they meet the standards of the Variance. Mr. Bloch did a good job with the positive & negative criteria. With the positive criteria, you only have to meet one of those & he mentioned 2 possibilities. He mentioned the hardship & the advance of the purpose of zoning. The hardship is the split of the 2 zones. If they don't have any use of the A1 zone, they won't get any use out of that property. The whole site is 18 acres & 80% of it is in the A1 zone. That would be a total inutility for the property owner if this Variance is not granted. When you have something like this, you try to make it the best sense. The most limited so they are not interfering with the wetlands but get some utility out of that.

He feels that this is a nice balance because it is a very limited encroachment, as small as they can get it. The hardship is that they will lose 80% of the site and not be able to get any benefit out of it. The second positive criteria is that it advances the purposes of zoning or special needs or special purposes uniquely suitable & they believe that it does that because it's the right use, they have identified it as a permitted use, it meets the idea of neighborhood commercial, it's exactly what you want were you want it but it will not happen unless you can make some use of the driveway as heard by the testimony of the applicant & his witnesses. The positive you get out of it is it allows you an appropriate use in an appropriate space that allows the NC1 property to be developed.

With a new site, there will always be traffic. The standard on whether to grant a development application is not whether it's going to add traffic. They are sensitive to the fact that it is a high traffic area and there are issues. They have had the traffic consultant explain & go into testimony that where there might be some increase in traffic, there is not a substantial increase, no substantial impact on that intersection. It's challenging because the school is next to a business district but that should not deny a property owner the ability to use his property in an appropriate way.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

Mr. Shah is trying everything he can do to work with the Board & doing as much as he can to address the concerns of the Board. They believe they have done that in a very meaningful way that actually will be less profitable for him that he might otherwise be able to get.

They are trying to be sensitive to what the Board is saying & to react to that. They think they have done that & when all of that is brought together, the balance is now right in favor of approving this project. The Board has done its job by protecting the public & now they have to weigh that balance & also protect the rights of the owner & applicant.

Mrs. Parento made a motion to grant the approval of the Use Variance, in addition to a motion with respect too that the issue of Race Judicata did not apply giving the changes in the new application before the Board considering the change with respect to the reduction of the driveway width on Hartford. In addition to the restriction to ingress only as opposed to the original application that was a full movement ingress & egress drive. It would also be subject to terms & conditions that were agreed to as well as the stipulations by the applicant in addition to the comments of the professionals & the professional review letters. Specifically one of the conditions is to the future development of a proposed commercial use that any additional tenant will have to appear before the Zoning Board will have jurisdiction & proper notice be provided at the time of the application. Mr. Anderson second it. The results are as follows:

Aye: Mr. Smith, Mrs. Parento, Mr. Hewko, Mr. Lyon, Mr. Anderson,
Mr. Khinkis & Mr. Jeney

Absent: Mr. Gonzaga

Mr. Jeney stated we will take a 5 minute break.

Resume from break.

RESOLUTION

**Resolution #ZZ2017-01
LIDL US Operations, LLC
Route 130 South & South Fairview Street
Block 65, Lot 13, 14, 15 & 16
ZZ2015-06
Final Site Plan Approval**

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

RESOLUTION (Con't)

Mrs. Parento made a motion to approve Resolution ZZ2017-01. Mr. Hewko seconded it. The results are as follows:

Aye: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Hewko, Mr. Lyon, Mr. Anderson & Mr. Khinkis

Absent: Mr. Gonzaga

MINUTES

Minutes from the regular meeting March 16, 2017.

Minutes from the regular meeting April 20, 2017.

Minutes from the regular meeting May 18, 2017.

Mrs. Parento made a motion to approve the regular meeting minutes from March 16, 2017 which were carried over from the 5/18/17 meeting. Mr. Hewko seconded it. The results are as follows:

Aye: Mr. Jeney, Mrs. Parento, Mr. Hewko, Mr. Lyon & Mr. Anderson

Abstain: Mr. Smith & Mr. Khinkis

Absent: Mr. Gonzaga

Mr. Hewko made a motion to approve the regular meeting minutes from the April 20, 2017. Mrs. Parento seconded it. The results are as follows:

Aye: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Hewko, Mr. Lyon & Mr. Anderson

Abstain: Mr. Khinkis

Absent: Mr. Gonzaga

Mrs. Parento made a motion to approve the regular meeting minutes from May 18, 2017. Mr. Hewko seconded it. The results are as follows:

Aye: Mr. Smith, Mrs. Parento, Mr. Hewko, Mr. Anderson & Mr. Khinkis

Abstain: Mr. Jeney & Mr. Lyon

Absent: Mr. Gonzaga

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
JULY 20, 2017 – 7:00 PM**

ADJOURNMENT

**Mr. Hewko made a motion to adjourn the meeting at 9:10. Mrs. Parento seconded it.
The results are as follows:**

Motion carried with a unanimous voice vote

