

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

OPEN PUBLIC MEETINGS ACT

Delran Township Zoning Board regular meeting of Thursday, July 21, 2016 was called to order by Mr. Gonzaga at 7:15 pm, in the Delran Township Municipal Building.

The Open Public Meeting Act Announcement was read by Mr. Gonzaga, Vice Chairman who will be filling in for Mr. Paul Schultz, Chairman of the Board who has resigned from the Board. The election for a new Chairman will take place at the January 2017 Re-organization meeting. The pledge of allegiance was performed.

ROLL CALL

Present: Mr. Gonzaga, Mr. Smith, Mr. Jeney, Mrs. Wuebker, Mr. Hewko, Mr. Lyon & Mrs. Parento (late arrival)

Absent: Mr. Jesuele

Professionals: Denis Germano, Esq. covered for Eileen Fahey, Esq. Board Solicitor; Terry Combs, PP, Board's Planner; Joe Raday, PE, Board Engineer.

PUBLIC HEARING

**Sandra Burns
152 White Marsh Way
Block 168, Lot 7
ZZ2016-03
Bulk "C" Variance**

Sandra Burns, Applicant along with Jeff King, Professional Architect with a BA for 25 years from Auburn University, licensed in NJ, PA & DE. He has provided over 200 testimonials, including this board. Mr. Germano, Attorney swore both in.

Ms. Burns explained that she is looking to expand her kitchen out the side of her property with an 11'x 6' addition. Her family has grown and when they come over it is very cramped in the present area. She wants to make an alcove to give the present kitchen a little more space.

Mr. King stated that the Applicants house style is the Scarborough model which has the quintessential small kitchen which is landlocked in the middle of the home between the rear Family Room and a front Dining Room. The kitchen right now is quite small.

Mr. Gonzaga interrupted to let the record show that Mrs. Parento has arrived and is in attendance for the meeting.

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Mr. King continued with his explanation of what Mrs. Burns is looking for. They feel that the addition will be a benefit to the neighborhood, the fabric of the neighborhood. The sale of the addition in terms of material, the roof slope is an aesthetic improvement to the side of the house which only has a fireplace. The kitchen is extremely small. They don't even see new apartments with this small of a kitchen. It is a personal need and want for Mrs. Burns. In terms of the positive and negative criteria, the negative criteria is fairly minimum. There is a drainage swale that comes thru the properties and in the Engineers report, they feel with some gradual softening of the grade will not excel the water out to the property line but pass the addition as how it will then drain.

The Applicant received a letter from the Fire Marshall stating that he doesn't recommend that the Board grant the Applicant a Variance for the side yard setback of less than 10 feet from the addition. He doesn't know what has been done before in the Township but talking to the Zoning Officer, he stated he has the same style home and he was granted the Variance for the same kind of addition. With that being said, they will ask the Board to consider that they will reduce the addition back 2' so it will only be coming out 4' not 6'. He knows that it is still violating the 10' distance that the Fire Marshall is concerned about but that means that the distance to the property line is 8' and the house on the other side is approximately 10' to 12' away. They will still have ample area for access of vehicles between the buildings as well as the minimum possibility, quite frankly he doesn't see any real possibility of the jumping of a fire for that amount of distance. He would ask the Board to consider that change to the plan in light of the letter they were presented tonight from the Fire Marshall.

Mr. Germano stated that what they are presenting to the Board is to modify the plan so that the side yard setback is 8'. Mr. King replied yes. The width of the addition is not being changed. The reason the addition is 11' is because there is an electrical meter where the electrical service is going into the house. He has done similar additions to the same model for the same reason. They are going to reset the air condition compressor to the rear of the property but will bring the addition in 2'. The reason the walls are so thick is because they are in a new building code. Now they are doing it in 2 x 6.

Mr. Combs asked what the side setback dimension was from the plan. Mr. King stated 12' from the fireplace it's a little less than 2'. It's a little over 10 ½'. They are asking for a Variance of basically 2' where 10' is required, they will be at 8'. The overall size of the addition is 11' wide by 4' which equals 44 sq. ft. Mrs. Wuebker asked for the photos but he didn't have them. She gave Mr. King her photo's to use for his exhibits. Mr. Germano asked to mark each exhibit along with the dates. Mr. King stated that A1 is an enlargement of the Floor Plan, Building Elevations and the Site Plan. Exhibit A2 is an overall shot of the Applicant's house and the neighbor's house showing the isle distance. Exhibit A3 is the side profile of where the existing windows are and that's where the 4' extension will be. Exhibit A4 is of the neighbor's home showing the chimney and the landscaping. There are no windows on that side of the neighbor's house.

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The addition will be on a crawl space. Mr. Combs stated that you don't have to fill the swales as much. It is the testimony of Mr. King that it will not have any adverse impact on the draining swale. He said it will continue to move as much water as it does now.

Mr. Gonzaga asked if it was roughly 10' or 8' for the neighbor's setback. Mr. King stated by looking at the photo of it, his professional guess says it looks about right. Mr. King has concluded his testimony.

Mr. Raday stated that as far as the grading goes, the Applicant provided testimony that they are not going to disturb the existing swale so the existing water runoff won't be effected. They've indicated that they will set the encroachment back another 2 feet. Looking at the pictures provided, it appears to be sufficient room for any small fire apparatus to get around the 2 buildings in case there was an accident. In his option, what they provided will be sufficient.

Mr. Combs stated that 10' set back is pretty much a minimal setback for a small lot, single family that 8' is tight. He would have been more concerned with a 6' set back then the 8'. He has the letter from the Fire Official and was unable to reach him for his comments. An 8' side yard setback isn't unheard of. He has seen zoning standards that have permitted those types of setbacks. He isn't sure if there was a specific concern that the Fire Official had with it. He isn't in a position to make a determination with the change if that changes his mind. He feels that he would be more in favor of the 8' then the 6'. From a zoning stand point, it isn't a significant Variance request for 2'.

OPEN TO THE PUBLIC

Joe Burns, he is the Applicants son who just wanted to state that he lived in that house for 25 years, he said there was never a problem with drainage. All the neighbors are close and he knows they won't be against his mom doing the addition. It will only help the neighborhood.

Mr. Smith made a motion to close the portion to the public. Mrs. Wuebker seconded it. The results are as follows:

Motion was carried with a unanimous voice vote.

Board member Mrs. Wuebker wanted to mention that she looked at the site to see what impact it would have on the neighbor. She said if they had windows on that side, then she would have been more concerned. She stated that the purpose of setbacks were to protect the privacy of the neighbors. The only concern is the letter from the Fire Official stating he would not recommend the Variance and believes it should stay 10'. She believes there are a lot of dwellings that don't have the separation of 20'. She feels that the Applicant is meeting the negative criteria in that regard.

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Mr. Hewko stated that the Fire Official's letter specifically stated that a Variance not be granted. If they want to review the changes, and amend their opinion against it but as long as it is on the record being a request from them not to grant the Variance he is hard pressed to grant it.

Mr. Germano stated that if an applicant walked in with a letter from a neighbor saying he thinks this is a great idea, He would say thank you very much for your letter, put it back in your pocket because no one could cross examine that piece of paper. The letter from the Fire Official is exactly the same thing, only we are doing it instead of the Applicant. This Board is the Agency in-trusted by State Law with the authority to grant or deny deviations from the Zoning Ordinances. You don't work for the Fire Department. You take their positions into consideration, give them due weight. In this case, they expressed an opinion that nobody can delve into because they are not here to talk about it. He is suggesting to the Board that they should not feel that they are required to obey the wishes expressed in that letter as if their wish was the Boards command.

Mrs. Parento asked if it was the Board's responsibility to have the Fire Official be there at the meeting to be cross examined about his position in this case. Mr. Germano said if he was the attorney representing the Applicant, he would have objected to that letter being considered unless the Fire Official was present. If the Board wants to consider it, the Board should have had him here. The debate amongst the Board members was should he be there at the meeting in order to defend his statement. Mr. Combs stated that the Fire Official reviews the Applications in an advisory capacity sort of like the Environmental Commission who will review applications and provide that information, nothing binding but it's just something for the Board to be knowledgeable of when they make their decision. The Board makes the vote based upon all the information available to them. It is this Boards responsibility to make a decision based on the health, safety and welfare of the public. If this letter raises any concerns with the Board in their vote, maybe it would be appropriate if the Applicant was willing to postpone the vote.

Mrs. Parento made a motion to postpone the meeting till next month due to Fire Marshall not being available to hear and respond to the change to the original plan that the Board went from 6' to a 4' extension which makes it a smaller setback now. Mr. Jeney seconded it. The results are as follows:

Aye: Mrs. Parento & Mr. Jeney

Nay: Mr. Gonzaga, Mr. Smith, Mrs. Wuebker, Mr. Hewko & Mr. Lyons

Absent: Mr. Jesuele

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Mrs. Wuebker made a motion to approve the Applicants amended application as presented tonight. Mr. Smith seconded it. The results are as follows:

Aye: Mr. Smith, Mr. Jeney, Mrs. Wuebker, Mr. Hewko, Mr. Lyons & Mr. Gonzaga

Nay: Mr. Parento

Absent: Mr. Jesuele

MINUTES

Minutes from the June 16, 2016 Regular meeting to be tabled. Corrections need to be done.

RESOLUTION

**Resolution #ZZ2016-07
Lidl US Operations, LLC
Route 130 South & Fairview St.
Block 65, Lot 13, 14, 15 & 16
Preliminary and Final Site Plan with any required Bulk "C" Variance
ZZ2015-06**

Mr. Lyons made a motion to approve the Resolution for Lidl Application. Mrs. Wuebker seconded it. The results are as follows:

Aye: Mrs. Parento, Mr. Jeney, Mrs. Wuebker, Mr. Lyons

Abstain: Mr. Smith & Mr. Hewko & Mr. Gonzaga

Absent: Mr. Jesuele

ADJOURNMENT

Meeting adjourned at 8:10 with a unanimous voice vote