

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

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

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

ROLL CALL

Present: Mr. Smith, Mr. Harley, Mr. Taylor, Mr. Vajapey, Mr. Kohli, Mr. Hejnas and Mr. Fox.
Absent: Mr. Pogoda and Mr. Gonzaga.
Professionals: Mark Asselta, Esquire, Board's Solicitor; Terrence Combs, PP, Board's Planner; and Lynn Curry, Board's Secretary.

PUBLIC HEARINGS

1. Larry & Jane Herman
File #ZZ2011-4
8004 Route 130 North – Block 120, Lot 5
Use Variance

Glen Schwarzschild, the attorney for the applicant requested that the following witness be sworn in to testify before the Board:

1. Larry Herman, Applicant

Mr. Schwarzschild stated that the applicant was requesting approval to permit the expansion of the used car dealership to allow auto repairs and provide services to vehicles being sold on the premises using the existing repair shop on the premises. He reminded the Board that the applicant obtained a use variance along with site plan for the used car dealer and for the construction of an outdoor advertising sign on the property approximately one year ago. He noted that as a condition of that approval the applicant was required to obtain an amended approval for using the building for anything other than storage.

Mr. Herman reviewed the history of the site. He noted that the property was used for the sale of used cars for approximately 25 years. He indicated that the property was also used for repairs until 2008 when it became no longer financially rewarding to do so at that time given the economic downturn. He stated that property was also used a licensed body shop prior to when he purchased the property.

Mr. Herman stated that the proposed repair shop would contain two (2) lifts and there would be only minor repairs done on site including (but not limited to) brakes, air conditioner repair and changing oil on vehicles. He indicated that any waste oil was stored in a 250 gallon tank located within the garage. He added that the vehicles being serviced would be vehicles that he sold that were under warranty.

Mr. Herman stated that the majority of the vehicles that would be serviced on the site would be the vehicles already located on the site being sold. He indicated that the remaining work would be vehicles that were sold returning to have work done and the servicing of their own vehicles. He suggested that he would only need an additional one or two parking spaces to accommodate the additional use, which were shown on the proposed plan submitted. He testified that the hours of operation would be from 9am-5pm, Monday through Saturday. He noted

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that all work would be conducted inside the building. He added there would be no additional service vehicles on site as a result of the additional use.

Mr. Herman noted that Breeze Motors was located down the street, which also conducted a repair shop on site at the used car dealership. He indicated that Barlow Chevrolet was located on the other side of Route 130. He suggested that his proposed business would be similar to those other uses along Route 130.

The Board discussed whether they could limit the use as a condition of approval so that the property wouldn't be used a body shop or junk yard or to allow for outside storage of parts. The applicant agreed to limit the use of the property to include the services of minor repair work to the use car facility as a condition of the approval. The Board noted that the condition would be binding to any future property owner.

Mr. Combs indicated that there was a discrepancy in the number of parking on the approved site plan, the resolution and the new plan being submitted with this current application. He noted that the approved plan submitted shows 8 parking spaces located around the building that is going to be used for the servicing of vehicles and the current plans shows 6 parking spaces. He requested that the applicant delineate where the display parking is located and the number of vehicles that can be displayed and separate where the customer parking will be located the parking for the service. He added that there were 53 parking spaces shown on the plan that were not designated as employee parking.

Mr. Herman stated that maximum amount of cars being displayed at the site was 80 and minimum amount of cars being displayed at the site was 60. He indicated that there were 6 employee parking spaces located around the shop area of the building. He noted there were 6 parking spaces along the southwest property line for customers, which would include customers dropping off their vehicles for service. He added that all remaining parking would be used to display vehicles.

Mr. Schwarzschild stated that the applicant would agree to show the correct stacking of vehicles on the site plan and requested that the applicant be permitted to provide 80 displayed vehicles subject to providing a plan that does not impact the path of circulation. He noted that the vehicles are normally stacked in such a way that they are very close together unlike what a normal parking lot would be. He indicated that the applicant would agree to provide appropriate stripping and arrows to provide better traffic circulation and to avoid any confusion in the circulation path.

Mr. Combs stated that he has no objection to the Board granting the approval to allow the applicant to show the stacking to permit the display of 80 vehicles but suggested that the applicant should submit revised plans for review, which includes the review of the Township Fire Official. He noted that he had concerns regarding the aesthetics of the property in the event you have 80 vehicles being displayed and the affect it would have on Route 130.

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Mr. Schwarzschild stated that the applicant was requesting all waivers that were previously granted to the previous application. He requested that all prior approvals and conditions granted to the applicant remain in place with the exception of the building now being permitted to be used for the service of vehicles instead of storage and the elimination of the two employee parking spaces. He suggested that there was no impact to the site by adding the additional service element. He indicated that there were no additional changes to the site that was previously approved other than the addition of using the accessory structure for the servicing of vehicles.

Mr. Schwarzschild suggested that the additional use allows the owner to create good will with his customers. He indicated that the use was located in the business district and there would be no increase in the intensity of the site. He noted that no additional signage was being proposed to the site as a result of the additional use. He reminded the board that the applicant was requesting a use variance, a bulk variance for the parking along with site plan approval as part of the application. He reminded the Board that there were other businesses in the area that offer used car sales that also offer service to the vehicles.

Mr. Herman expressed the hope that the additional use may help aid in the sale of additional vehicles. He suggested that by selling more vehicles would allow him to turn vehicles over at a faster rate and therefore older vehicles would be located on the site as long and it would allow the town the opportunity to replace older vehicles with newer vehicles. He added that by allowing the servicing of his vehicles would provide safer vehicles to be on the roadway.

At that time, Mr. Fox opened the meeting to the public for any comments or questions concerning this application. There being nobody present from the public to testify on this application, Mr. Fox closed the public portion of this application.

Mr. Smith made a motion to grant the requested use variance to allow the repair shop strictly for vehicles either being sold on the property or for vehicles that have been sold on the applicant, subject to only minor repairs being performed on site, the requested parking variance and site plan approval subject to a revised plan being submitted that delineates the drive aisle and showing the accurate stacking of vehicles being stored on site and that revised plan being reviewed by the Board's Planner and the Fire Official. Mr. Kohli seconded the motion. The result of the voting is as follows:

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

NAYS: None.

The motion was carried; so ordered Mr. Fox.

The Board noted that the applicant would be required to obtain stamped approved plans prior to any permits being issued for the additional use.

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RESOLUTIONS

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

The Board noted that the resolution was not ready to be adopted and was being continued until the next regular meeting scheduled for August 16, 2011.

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

The Board noted that the resolution was not ready to be adopted and was being continued until the next regular meeting scheduled for August 16, 2011.

MINUTES

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

The Board noted that the minutes from October 20, 2009 were not ready to be adopted and were being continued until the next regular meeting scheduled for August 16, 2011.

2. Zoning Board Regular & Reorganization Meeting – 7/20/10

The Board noted that the minutes from July 20, 2010 were not ready to be adopted and were being continued until the next regular meeting scheduled for August 16, 2011.

3. Zoning Board Regular Meeting – 5/17/11

Mr. Kohli made a motion to adopt the Zoning Board regular meeting minutes of May 17, 2011. Mr. Smith seconded the motion. The result of the voting is as follows:

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

BILL LIST

(See Attached Sheet)

Mr. Smith made a motion to approve the Zoning Board bill list for July 19, 2011. Mr. Hejnas seconded the motion. The result of voting is as follows:

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

ESCROW REFUNDS

1. Donald & Janice Powell
ZZ2010-3
Amount Requested: \$1,643.12

Mr. Kohli made a motion to approve the escrow refund in the amount of \$1,643.12. Mr. Taylor seconded the motion. The result of the voting is as follows:

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

MATTERS FOR DISCUSSION

1. Annual Report On Variances & Fee Schedule Report

Mrs. Curry noted that she handed out a copy of the report and suggested that the Board review the report and consider any recommendations prior to the next regular meeting scheduled for August 16, 2011.

PENDING ITEMS

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

The Board noted that the application was scheduled for discussion on their submission waivers and tentative public hearing at the next regular meeting scheduled for August 16, 2011.

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

The Board noted that the application has been incomplete for a lengthy period of time without the applicant addressing their completeness issues. The Board directed Mr. Asselta to send a letter to the applicant requesting that they either address their completeness issues by next regular meeting or the matter would be placed on the agenda for consideration to dismiss the application without prejudice.

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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 for a use variance along with a minor site plan was currently certified as an incomplete submission and they were waiting for the applicant to address their completeness issues.

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

The Board noted that the application for a minor subdivision was currently certified as an incomplete submission and they were waiting for the applicant to address their completeness issues.

5. New Cingular Wireless, PCS, LLC (AT&T)
ZZ2011-6
8006 Route 130 North – Block 120, Lot 4.01
Bulk & Use Variance w/Site Plan

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

6. New Cingular Wireless PCS, LLC (AT&T)
ZZ2011-7
99 Hartford Road – Block 118, Lot 5
Bulk & Use Variance w/Site Plan

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

7. Communications Infrastructure Corp.
ZZ2011-8
99 Hartford Road – Block 118, Lot 5
Bulk & Use Variance w/Site Plan

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

ADJOURNMENT

There being no further business to discuss, Mr. Taylor made a motion to adjourn the Delran Township Zoning Board meeting of July 19, 2011 at 8:45 pm. Mr. Smith seconded the motion. With all present voting affirmatively, the motion was carried; so ordered Mr. Fox.

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Respectfully submitted,

Lynn Curry, Secretary
Zoning Board”

Delran Township
Zoning Board of Adjustment
Bill List
July 19 2011

Budget Bills			
Vender	Description	Invoice #	Amount
Brown & Connery	Misc. Services	115108	\$802.84
Brown & Connery	Misc. Services	115803	\$794.55

Escrow Accounts				
Vender	Applicant	File #	Invoice #	Amount
Brown & Connery	T-Mobile	ZZ2010-9	115100	\$336.00
Brown & Connery	Liberty Towers	ZZ2010-14	115104	\$584.70
Brown & Connery	DCB Auto	ZZ2011-1	115105	\$928.00
Brown & Connery	Manhattan Management	ZZ2011-2	115106	\$580.50
Brown & Connery	DCB Auto	ZZ2011-1	115587	\$160.00
Brown & Connery	Telecom Transport	ZZ2009-10	115793	\$320.00
Brown & Connery	T-Mobile	ZZ2010-9	115795	\$240.00
Brown & Connery	Pizza Mia	ZZ2010-10	115796	\$80.00
Brown & Connery	Bee Dee	ZZ2010-11	115797	\$432.00
Brown & Connery	Liberty Towers	ZZ2010-14	115799	\$544.00
Brown & Connery	Manhattan Management	ZZ2011-2	115800	\$112.00
Brown & Connery	Herman	ZZ2011-4	115801	\$176.00
Pettit Associates	Telecom Transport	ZZ2009-10	3294	\$240.00
Pettit Associates	Pizza Mia	ZZ2010-10	3295	\$90.00
Pettit Associates	Bee Dee	ZZ2010-11	3296	\$30.00
Pettit Associates	Liberty Towers	ZZ2010-14	3297	\$540.00
Pettit Associates	T-Mobile	ZZ2010-9	3298	\$30.00
Pettit Associates	DCB Auto	ZZ2011-1	3299	\$120.00
Pettit Associates	Herman	ZZ2011-4	3300	\$540.00
Adams Rehmann & Heggan Assoc.	Telecom Transport	ZZ2009-10	42782	\$792.50
Adams Rehmann & Heggan Assoc.	T-Mobile	ZZ2010-9	42783	\$260.00

Vender	Applicant	File #	Invoice #	Amount
Adams Rehmann & Heggan Assoc.	Liberty Towers	ZZ2010-14	42784	\$682.50
Adams Rehmann & Heggan Assoc.	Herman	ZZ2011-4	42785	\$682.50