

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
AUGUST 16, 2011 – 7:00 PM
MINUTES**

The Delran Township Zoning Board regular meeting of Tuesday, August 16, 2011, was called to order by Mr. Fox at 7:00 p.m. in the Delran Township municipal building.

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

ROLL CALL

Present: Mr. Gonzaga, Mr. Taylor, Mr. Vajapey, Mr. Hejnas and Mr. Fox.
Absent: Mr. Smith, Mr. Harley and Mr. Kohli.
Professionals: Beth Marlin, Esquire, Board's Solicitor; Terrence Combs, PP, Board's Planner, Bryan Hall, PE, Board's Engineer; and Lynn Curry, Board's Secretary.

PUBLIC HEARINGS

1. Pizza Mia, LLC
ZZ2010-10
77 Hartford Road – Block 120, Lot 41.01
Use Variance (Expansion of Nonconforming Use)
Applicant Requesting Submission Waivers

William Begley, the attorney for the applicant, noted that there were only five (5) members present to vote on this application and since the applicant was requesting a use variance, which requires five (5) affirmative votes for passage he requested that the application be postponed for a public hearing to take place at the next regular meeting scheduled for Tuesday, September 20, 2011. He agreed to waive the time of decision requirement to allow the application to be continued.

The Board agreed to continue the application until the next regular meeting scheduled for Tuesday, September 20, 2011 at 7:00 pm without the requirement for the applicant to provide any additional notice to the public.

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

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

1. Thomas Scangarello, Applicant's Planner
2. Louis Vega, Special Projects Manager for Manhattan Management
3. Robert Lee, Land Surveyor

Mr. Scangarello reviewed the history of the project. He indicated that since the resolution was adopted in May, Mr. Berk obtained a commitment of refinancing, which requires him to subdivide the property and the township is in the process of enacting a redevelopment plan which encompasses this property and the balance of

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(Continued)

their property along Delran Parkway. He stated that one of the mechanisms established in the redevelopment plan was that the ordinance would be amended to make Hunter's Glen a permitted use within the zoning district.

Mr. Scangarello suggested that the applicant was in compliance with the Board's professional reports. He indicated that Hunter's Glen has obtained permits for the storage containers that are on site. He stated that the applicant would agree to move the storage container that would be located within the setback as a result of the subdivision to comply with the ordinance. He noted that the area containing the existing Hunter's Glen does not meet the required road frontage, which is an existing condition. He testified that all the other variances required for this application were pre-existing conditions except the variance for impervious coverage. He added that they could not move the proposed property line to comply with the impervious coverage requirement because of the applicant's agreement with the township to follow the existing tax map lines.

Mr. Vega testified that he had previously obtained permits from the Community Development for the storage containers located on the property. He stated that the purpose of the containers was to support the operation of Hunter's Glen for the storage of items such as refrigerators, stoves and air conditioners so that the Hunter's Glen employees would not be required to move them up and down stairs. He indicated that it was the applicant's intention to eventually replace the storage containers with a permanent maintenance building.

There was discussion on whether the storage containers located on the proposed lot was a permitted use since it was intended to be an accessory to a principle use that is not located on the lot. Mr. Vega stated that the applicant would agree to comply with what ever the Board should require concerning the storage containers. The Board noted that the applicant did not advertise for a use variance at this hearing and they would not be permitted to grant approval of a use variance at this time. The Board discussed whether they could make a condition of the subdivision approval requiring the applicant to obtain the use variance for the storage containers in the event the zoning officer should confirm that the use was not permitted.

Mr. Lee stated that he added everything onto the survey that was requested by the Board. He noted that there was a recreation easement in the area where the trailers were located. Mr. Combs indicated that he believed the easement was for an area going up to the lot line but doesn't actually extend onto lot 46. Mr. Combs suggested that most of the comments concerning the survey have been addressed any additional outstanding items could be addressed as a condition of the approval.

Mr. Scangarello indicated that the variance for the road frontage was a pre-existing condition and a condition that provides access to all of Hunter's Glen. He suggested that any benefit of emergency access outweigh any determinate to the granting of the variance. He stated that the variance for lot coverage was being created as a result of the applicant following the recommendations by the township under the redevelopment plan and to provide for additional units under the township's affordable housing component. He testified that there was a recreational contribution that the applicant would be making in the amount of \$500,000.00 once the redevelopment project has been completed. He added that the variances would have no negative impact on any neighboring property owner or the township.

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Mr. Combs reminded the board that there was language contained in the resolution for the preliminary site plan approval granted to the applicant, which spells out the bulk requirements. He noted that he reviewed the draft ordinance currently before Township Council for review and under the current proposed ordinance the amount of permitted impervious coverage would be increased to 60%. He suggested that the storage structures should have to meet the setback of 30' from the property line.

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 project, Mr. Fox closed the public portion of this application.

The Board questioned what would happen with the remainder of the project for the expansion of the Hunter's Glen complex. Mr. Scangarello suggested that the applicant needs to submit a compliance plan to be reviewed by the Board's professional staff for compliance with the preliminary approval and upon the applicant obtaining the compliance plan the applicant can submit an application for final site plan to the Zoning Board for final site plan either in full or in phases.

Mr. Combs requested whether the applicant could file a deed of consolidation for the large remaining piece of the Hunter's Glen complex. Mr. Samnick agreed to consolidate lots 33, 34, 43, 44 and 45 as a condition of the subdivision approval.

Mr. Hejnas made a motion to approve the minor subdivision along with the requested bulk variances for impervious coverage and road frontage, subject to the applicant consolidating the remaining lots, the storage units being moved behind the 30' setback line and the applicant either obtaining approval from the Zoning Officer for the storage units to remain on lot 46 or the applicant obtain a use variance from the Zoning Board for the storage units on lot 46, unless the ordinance is amended permitting the storage units. Mr. Taylor seconded the motion. The result of the voting is as follows:

AYES: Mr. Hejnas, Mr. Taylor, Mr. Gonzaga, Mr. Vajapey and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

MATTERS FOR DISCUSSION

1. Bee Dee Associates
ZZ2010-11
75 Hartford Road – Block 120, Lots 40 & 40.02
Amended Subdivision – Certified Incomplete
Discussion On Status Of Application & Whether To Dismiss Without Prejudice

The Board noted that the application was scheduled for discussion as to whether the Board should dismiss the application without prejudice however the applicant's attorney requested that the matter be postponed until the

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ZZ2010-11
(Continued)

next regular meeting scheduled for September 20, 2011 since he had a conflict with this meeting date. Ms. Marlin indicated that the applicant also indicated that the applicant also indicated that they were hoping to appear at the next meeting with the required revised plan addressing their completeness issues.

2. Annual Report On Variances & Fee Schedule Report

The Board questioned whether the township was permitted to establish separate fees for separate zones for the application fees. They noted that under Mount Laurel's ordinance they established a residential and a nonresidential fee for applications. Mrs. Curry questioned whether the township would be permitted to require an additional escrow deposit for each professional required to review an application.

Mr. Fox requested that everybody take the time to review the report once again and send any recommendations or comments to Mrs. Curry to disseminate to the Board for the next meeting.

RESOLUTIONS

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

The Board noted that the resolution for a bulk variance was not ready to be adopted and was being continued until the next regular meeting scheduled for September 20, 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
Application Dismissed Without Prejudice

The Board noted that the resolution dismissing the use variance without prejudice was not ready to be adopted and was being continued until the next regular meeting scheduled for September 20, 2011.

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

The Board noted that the resolution for a use variance was not ready to be adopted and was being continued until the next regular meeting scheduled for September 20, 2011.

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1. Zoning Board Regular Meeting – 10/20/09
2. Zoning Board Regular & Reorganization Meeting – 7/20/10
3. Zoning Board Regular Meeting – 7/19/11

The Board noted that their meeting minutes from October 20, 2009, July 20, 2010 and July 19, 2011 were not ready to be adopted and were being continued until the next regular meeting scheduled for September 20, 2011.

BILL LIST

(See Attached Sheet)

Mr. Taylor made a motion to approve the Zoning Board bill list for August 16, 2011. Mr. Hejnas seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Hejnas, Mr. Gonzaga, Mr. Vajapey and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

PENDING ITEMS

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

The Board noted that the application for an amended subdivision was certified as incomplete and the application was now being scheduled for discussion on whether to dismiss the application without prejudice at the September 20, 2011 meeting.

2. 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 and minor site plan was certified as an incomplete submission. Mrs. Curry indicated that the applicant was also delinquent in their escrow account and that she has not received any correspondence from the applicant addressing their completeness issues or their escrow for some time. The Board requested that Mrs. Curry send a letter to the applicant requesting that they address their completeness issues and their escrow account or the matter will be scheduled for discussion on whether to dismiss the application without prejudice at the next regular meeting scheduled for September 20, 2011.

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PENDING ITEMS

3. 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 was certified as an incomplete submission. Mrs. Curry indicated that she received a request for certain submission waivers however the applicant still has not addressed the issues dealing with the payment of fees, outstanding taxes and sewer and the property owner certification which must all be addressed prior to this application having a public hearing.

4. 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 was certified as an incomplete submission. Mrs. Curry indicated that she received a request for certain submission waivers which were currently being reviewed. She noted that the application was currently not scheduled for a public hearing before the Board.

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

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

ADJOURNMENT

There being no further business to discuss, Mr. Taylor made a motion to adjourn the Delran Township Zoning Board regular meeting of Tuesday, August 16, 2011 at 8:35 p.m. Mr. Vajapey 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
August 16, 2011

Budget Bills			
Vender	Description	Invoice #	Amount
Brown & Connery	Misc. Services	117853	\$756.68

Escrow Accounts				
Vender	Applicant	File #	Invoice #	Amount
Brown & Connery	Telecom Transport	ZZ2009-10	117842	\$96.00
Brown & Connery	T-Mobile	ZZ2010-9	117845	\$304.00
Brown & Connery	Liberty Towers	ZZ2010-14	117849	\$16.00
Brown & Connery	DCB Auto	ZZ2011-1	117850	\$16.00
Brown & Connery	Manhattan Management	ZZ2011-2	117851	\$16.00
Brown & Connery	Herman	ZZ2011-4	117852	\$16.00
Adams Rehmann & Heggan	Hunter's Glen	ZZ2011-2	43218	\$1,982.50
Adams Rehmann & Heggan	Communication Infrastructure	ZZ2011-8	43219	\$455.00
Adams Rehmann & Heggan	Herman	ZZ2011-4	43220	\$1,365.00
Adams Rehmann & Heggan	T-Mobile	ZZ2011-9	43221	\$162.50
Pettit Associates	New Cingular	ZZ2011-6	3353	\$750.00
Pettit Associates	New Cingular	ZZ2011-7	3354	\$750.00
Pettit Associates	Communication Infrastructure	ZZ2011-8	3355	\$270.00