

**DELRAN TOWNSHIP
PLANNING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
OCTOBER 5, 2017 – 7:00 pm**

OPEN PUBLIC MEETINGS ACT

The Delran Township Planning Board regular meeting of Thursday, October 5, 2017 was called to order by Mrs. Rovinsky at 7:00pm, in the Delran Township Municipal Building.

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

ROLL CALL

Present: Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Morrow, Mr. Weir
& Mr. Khinkis

Absent: Mr. Cathel, Mr. Williams, Mr. Singer, Mr. Hejnas & Mr. Brady

Professionals: Mr. Sal Siciliano, Board Attorney, Mr. Tom Lisse, PE, Mr. John Pettit, PP

PUBLIC HEARING

**Wells Fargo Bank, N.A.
6016 Route 130 North
Block 120.07, Lot 19.04
PP2017-03
Minor Site Plan Approval with Variances**

Michael Peacock, Attorney from Nehmad, Perillo & Davis representing the applicant. Mr. Peacock reviewed Mr. Pettit's letter for the checklist items. He agreed to provide the following checklist items.

9 - Key map from official tax map showing location of tract to surrounding streets, municipal boundaries, etc. within one-thousand feet.

12 - The signature block on the plans for the Board Chairman, Secretary, Engineer & Municipal Clerk.

Many of the submission checklist items referenced in the letter are not technically applicable to this application. However, waivers must be requested and approved for the application to be deemed complete.

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Mr. Morrow made a motion to approve the check list items referenced in Mr. Pettit's letter to deem the application complete. Mr. Catrambone seconded it. The results are as follows:

AYE: Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Morrow, Mr. Weir & Mr. Khinkis

Absent: Mr. Cathel, Mr. Williams, Mr. Singer, Mr. Hejnas & Mr. Brady

Mr. Peacock stated that the applicant is applying for Minor Site Plan approval with certain bulk variances to allow the upgrade of the existing light fixtures to LED fixtures. To supplement as necessary to meet Wells Fargo security guidelines and State law where it requires Banks to have a minimum level of illumination in and around ATM machines and within a 50' radius of those.

Wells Fargo is seeking to comply with that statute and also become more energy efficient by using LED lights instead of the sodium halide lights of the past. It will brighten up the site for security purpose also. The property is located within the PCD, Planned Commercial Development on the corner of Route 130 and Fairview Blvd.

Mr. Siciliano, Board Attorney swore in Mr. Steven Cattani, PE from Dynamic Engineering located at 790 Newton Yardley Road, Suite 425, Newton, PA 18940. He is a Professional Engineer in NJ for over 25 years and has testified in front of over 100 boards in similar applications. His qualifications have been accepted.

Mr. Cattani explained where the site is located. They are looking to replace the existing building mounted, drive through canopy-mounted and pole mounted lighting fixtures servicing the Applicant's existing bank with new, energy efficient LED lamps and fixtures.

The Applicant further proposes to install one new LED pole mounted lighting fixture at an approximate height of 20" as designated on the enclosed Lighting Plan. The Applicant requires bulk variance relief from the minimum and maximum average lighting level for parking areas and directly under fixtures within parking areas, the maximum lighting levels elsewhere within parking lot areas, walkways and mounting height.

The property also contains several pre-existing non-conforming conditions related to lighting which are proposed to remain in the application.

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The Applicant submits that the increased lighting at the site will accomplish the goal of providing for safer on-site traffic circulation and increase customer safety advancing two purposes of zoning. No proposed building additions or new impervious surfaces whatsoever are proposed.

There are a few variances that they are seeking in this application.

1. To allow LED lighting where high pressure sodium lights are recommended.
2. Meeting the parking lot lighting requirements.

0.1 FC Min Proposed;	0.25FC Min Required
3.83 FC Max. Avg. Proposed;	2.0 FC Max Permitted
11.2 FC Max Proposed;	10 FC Max Level Permitted

3. To allow light fixtures mounted at 20' where a maximum mounting height of 14" is permitted. The 20' will be consistent with what's there now.

Mr. Cattani feels that if those variances are granted that they will not have any negative impact on the site. The parking area will not be disturbed. They will bring the electrical line out from the building and tie it right to the pole. They will have to replace a small section of the sidewalk.

Mr. Catrambone asked about the variance from the required amount to the proposed amount whether it is a no more than or is it a no less than. Mr. Cattani stated that it is a no less than. Their analysis area was just a box around the existing Wells Fargo so on some of the perimeter points their study shows that they are at a 0.1, when in reality there are additional fixtures out in the parking lot. It's an accommodation of a scaled area. They don't want to do a lighting plan for the entire shopping center so they limited it to just their area.

Mr. Cattani stated that they do believe that the lighting level meets the Township ordinances but there is no data to present to the Board. They are asking for the variance as a catch all. They wouldn't be opposed to go out after the fact and do a light level analysis to show that they are complying with it.

Mrs. Rovinsky mentioned some of the things she saw wrong when she went out to visit the site. There is a pothole in the drive-thru lane and the stripping has faded. Mr. Peacock stated that they will address those few site plan issues on the part of the site that they lease.

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There was a concern about the lighting affecting the traffic on the highway since they are close to it. The lighting that they will be replacing will be more direct not pointing towards the highway. They are LED downward projection dusk till dawn at 100% and 24hours at the ATM machine.

OPEN TO THE PUBLIC

No response from the public.

CLOSE TO THE PUBLIC

Mr. Catrambone made a motion to approve the 5 variances as stated below along with the other conditions that were addressed:

- 1. Motion to allow the LED lighting where the high pressure sodium lights are recommended.**
- 2. Conditional - The anticipator of the estimated 0.1 minimum where 0.25 is required.**
- 3. 3.83 FC maximum average proposed where 2.0 FC maximum average is permitted.**
- 4. 11.2 FC maximum proposed where 10 FC maximum level is permitted.**
- 5. To allow light fixtures mounted at 20' where a maximum mounting height of 14' is permitted.**

Along with the conditions of the parking lot where the applicant agrees to work with the Boards Engineer to correct the current conditions of the drive thru and parking area with the restriping and repairs of the potholes. Lighting to be from dusk till dawn 100%. Mr. Morrow seconded it. The results are as follows:

AYE: Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Morrow, Mr. Weir & Mr. Khinkis.

ABSENT: Mr. Cathel, Mr. Williams, Mr. Singer, Mr. Hejnas & Mr. Brady.

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PUBLIC HEARING APPLICATION #2

**SUN DELRAN, LLC
Route 130 South
Block 46, Lot 9
PP2017-04
Minor Subdivision Approval**

Duncan Prime, Attorney representing the Applicant Sun Delran, LLC with reference to this application. Mr. Prime reviewed the submission waivers from Mr. Pettit's letter dated 10/4/17 and mentioned that most if not all are recommended.

There are items in the completeness which he is looking for. Item #50 where Mr. Pettit asked if whether any improvements are proposed with this application and the answer is no. All other waivers listed are recommended.

Based upon the review of Chapter 310-9: Minor Subdivision Plat Details, the following Ordinance Submission requirements for a Minor Subdivision have not been provided:

They will be asking for waivers for the following:

- A (2). Location of all the streams within 500 feet of the tract or proposed subdivision.**
- C. A copy of any protective covenants or deed restrictions applying to the land being subdivided.**
- D. All easements, private and public.**
- K. All streets or roads proposed, mapped or built within 500 feet of subdivision.**

All the others they agree to comply & provide:

- G. Tax map block and lot number.**
- G (1). Name and address of owner.**
- G (3). Name and address of sub divider if the person be other than owner.**
- N. All existing structures & wooded areas within are to be subdivide. NA**

Mr. Morrow made a motion to grant the waivers. Ms. Kolodi seconded it. The results are as follows:

Aye: Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Morrow, Mr. Weir & Mr. Khinkis.

Absent: Mr. Cathel, Mr. Williams, Mr. Singer, Mr. Hejnas & Mr. Brady

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Mr. Prime stated that the applicant is seeking Minor Subdivision approval to subdivide existing lot #9, of block 46, into 3 separate proposed Commercial lots. The lot is developed with a vacant retail center and an active Wendy's fast food restaurant. Approvals were granted to allow the construction of a 3,400 sq. ft. retail building on Proposed Parcel C. The subdivision will result in 3 separate lots for the existing retail center, existing Wendy's and approved retail building. The applicant is also requesting the approval to allow the conversion of the existing retail center to a fitness center, entertainment unit (Trampoline Park), general retail units, and a childcare center.

Mr. Siciliano swore in Mr. Cornelius Brown, PE for Bohler Engineering, 1515 Market Street, Suite 920, Philadelphia, PA 19102. He has given testimony in several municipalities including Delran. Mr. Siciliano accepts Mr. Brown as an expert in Civil Engineering.

Mr. Brown briefly explained that with this minor subdivision, you will see no changes except on paper only. There are some maintenance improvements like sidewalk, curbing, paving with restriping that the applicant and property owner are currently fixing thru out the center where needed.

Mr. Brown stated that the subdivision line locations that Duncan mentioned are the pad located on the east side of the main access of Route 130. It is a 3,400 square foot pad for one boundary, on the opposite side of the main access around the Wendy's is another and then the balance of the shopping center will serve as the final for the subdivision, which are from the original plans submitted to the Board. Parcel A is the larger at 50.47 acres, Parcel B is the existing Wendy's at 1.34 acres and Parcel C is the 3,400 sq. ft. pad site at .70 acres.

Mr. Pettit reviewed his letter and the following Variances are requested.

1. From meeting the minimum 200' lot frontage (Parcel C).
2. From meeting the maximum 60% impervious coverage (Parcels A, B & C).
3. From meeting the minimum 25' state ROW parking setback (Parcels A, B & C).
4. From meeting the minimum 25' ROW parking setback (Parcel A).
5. From meeting the minimum 20' rear yard parking setback (Parcels A, B, & C).
6. From meeting the minimum 12.5' side yard parking setback (Parcels A, B & C).

The following are the Variances required.

1. From meeting the minimum 40,000 SF lot area (Parcel C).
2. From providing the required minimum number of parking spaces (Parcel A).

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Mr. Prime stated that they applied for a general parking Variance and they were able to add 3 parking spots as part of last application to avoid it. Their opinion of the parking calculations haven't changed. All they are doing is filling the existing center with uses that are permitted by code. They are not seeking any new parking variance, they are simply just filling out the center with uses that are already contemplated in the ordinance. If there is something not permitted then they will have to go before the Zoning Board for a Use Variance and then justify any parking variance that would be a result of that application. They are just as a courtesy providing the Board with information of the uses that are going in. They discussed parking as part of site plan last year. That is all they are proposing in this application tonight.

It was also stated that the appropriate easements for parking & cross access utilities will be put in place.

Mr. Catrambone asked, Parcel C creates a non-existing proposed nonconformance for the parcel lot size and frontage, wouldn't it be easier to go out a little further a couple more parking spots and make it conform. It's the smallest lot and it has the biggest issues.

According to Mr. Brown, he states that the line work and the property delineation is based on the agreements between the property owner and the tenants and their demands for parking. That's why they are just shy of the required acres as opposed to what was decided. Mr. Prime stated that's why they are going to provide cross access easement and cross parking easement. It will function as one site. It is only for finance purposes.

They will need to put language in it where it states that they can't put up a fence around that parcel. It would have to have a zoning application, be denied and then go before the Zoning Board for that to happen.

Mr. Brown stated in review of the RWD (Pennoni) letter that Mr. Raday's letter is asking for the following to be addressed. The following are agreed to per applicant.

Streets:

- A 1a. Cracks & pavement fatigue will be repaired.
- b. Any reconfiguration or adjustment to existing parking in the parking lot.
- c. Restriping all existing pavement markings within the parking lot.
- d. Garage doors being removed from front of building, adding new curbing & sidewalk in front of where garage doors were & wrap around side of building.
- e. Provide handicap parking, crosswalk 7 handicap ramp adjacent to fitness center.
- g. Any upgrades to the existing outdoor lighting with LED lighting overtime in a phase agreement. They agreed to it at site plan as they would be getting tenants in the building. Any light poles that would be leaning will be checked & replaced or repaired.

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- h. Note to plans which stipulates that all site improvements must be done in accordance with township ordinances.
 - i. Should provide information regarding parking lot security cameras located within the parking lot will be done with lighting upgrades.
2. Copy of the plans must be submitted to Fire Marshall for approval & Fire Marshall's letter will be provided to RWD's office. The only thing that the Fire Official requested was the addressing and numbering of the lots. The Gym is working on it.
 3. Applicant is required to acquire NJDOT approval due to frontage on a State road. A letter must be provided to RWD. They are creating one or two non-conforming lots and they will be required to put in the deed to deed restrict that they will never going to propose direct access on the 3 lots.
 4. Applicant is to comply with NJ Statue Title 39. The Statue allows the Township Police to make, amend, repeal and enforce ordinances to regulate vehicular and pedestrian traffic and the parking vehicles in parking yards and parking places which are open to the public or to which the public is invited to operate in conjunction with the business on the property if they are needed.

The applicant will not provide the following which was requested by Board Engineer.

- A 1 f. There is existing sidewalk along Rt. 130 and Chester Avenue. In addition, a bus stop is located in front of the site on Rt. 130. The applicant should extend sidewalk to provide pedestrian access to the frontage of the site, especially since a childcare/daycare center is a proposed use.

The applicant is requesting a waiver for denoting utilities on plans.

- B 1 a. They have identified and provided the utility information that is available, they have not done a complete survey of the property. There is information available that has been provided to them, and reason being there are no site improvements planned as part of this application.

The Applicant has agreed to easements and other rights- of- way land to be reserved or dedicated to public use and the purpose there of shall be included in the minor subdivision plat.

The applicant is requesting waivers for the following:

2. To allow a minimum lot frontage less than 200' (Parcel C).
3. To allow a maximum impervious coverage greater than 60% (Parcels A, B, & C).
4. To allow a minimum parking setback from any state right-of-way less than 25' (Parcels A, B & C).

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5. To allow a minimum parking setback from any right-of-way less than 25' (Parcel A).
6. To allow a minimum parking setback from any rear yard property line less than 20' (Parcel A, B & C).
7. To allow a minimum parking setback from any side yard property line less than 12.5' (Parcels B & C).
8. That an official tax map showing location of tract to surrounding streets, municipal boundaries, etc., within 1000' must be denoted on the plans.
9. Location and dimensions of any existing or proposed right-of-way and cart ways must be denoted on the plans.
10. All existing streets, other right-of-ways or easements, water courses, wetlands. Soils, floodplains, or other environmentally sensitive areas within 200' of tract must be denoted on plans.
11. That the proposed clearing limits along with existing and proposed contours based on USGS datum extending 200' beyond the subject tract must be denoted on the plans.

Mr. Brown stated that they reviewed the Phase I Environmental report done for the property. They did not prepare it and the conclusion indicates no further environmental action is required. There is some remediation as part of the interior improvements with asbestos and all appropriate NJDEP permit approvals will be in place for that work.

All approval process and outside agency approvals they will comply too.

OPEN TO PUBLIC

No comments from the public.

CLOSE TO PUBLIC

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Mr. Catrambone made a motion to grant the minor subdivision with requested Variances as stated in Mr. Pettit's letter is 2 of 7 for frontage, impervious coverage, right-of-way, parking setbacks and minimum of a 40,000 square foot lot frontage area. The parking spaces are not applicable. As per Mr. Raday's letter, the applicant has agreed to 1 - a, b, c, d, e, g, h & i. They will not comply with 1 f, front sidewalk extension. They will also agree to the Fire Marshall's letter, the NJDOT letter, to permit the Delran Police to enter the site for enforcement purposes for Title 39. They have agreed to notify or review any dumping on the site in terms to the storm drain. The hydrants will be their responsibility and on an annual basis that they will keep them current to the Fire Department's regulations. There are waivers requested with regard to the utilities being denoted on the plans. According to the General Engineering comments, the applicant agrees to #1, items #2 thru 11 they are requesting waivers. The environmental sensitive as well as US geological survey datum extending 200' beyond the parcel. The balance of the approval process the applicant agrees to comply with outside agency approvals. Subject to cross access easements which are subject to the Board's review. They have also added that they have agreed to the realignment of the driveway west of the fitness center. They will provide the minor changes to the plan that they have agreed to and will provide for a review of the Board professionals as part of Resolution compliance. Mr. Khinkis seconded it. The results are as follows:

Aye: Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Morrow, Mr. Weir & Mr. Khinkis.

Absent: Mr. Cathel, Mr. Williams, Mr. Singer, Mr. Hejnas & Mr. Brady.

MINUTES

Minutes from the regular meeting dated June 1, 2017.

Mr. Catrambone made a motion to approve the minutes from the regular meeting dated June 1, 2017. Mr. Khinkis seconded it. The results are as follows:

Aye: Mrs. Rovinsky, Mr. Catrambone, Mr. Morrow, Mr. Weir & Mr. Khinkis.

Abstain: Ms. Kolodi

Absent: Mr. Cathel, Mr. Williams, Mr. Singer, Mr. Hejnas & Mr. Brady.

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Minutes from the closed sessions meeting minutes from June 1, 2017.

Mr. Catrambone made a motion to approve the closed session meeting minutes from June 1, 2017. Mr. Morrow seconded it. The results are as follows:

Aye: Mrs. Rovinsky, Mr. Catrambone, Mr. Morrow, Mr. Weir & Mr. Khinkis.

Abstain: Ms. Kolodi

Absent: Mr. Cathel, Mr. Williams, Mr. Singer, Mr. Hejnas & Mr. Brady.

Ms. Kolodi made a motion to go into close session so the Board can be updated for the issue of litigation regarding the Fair Shares suit against the Planning Board. Mr. Khinkis seconded the motion. The results are as follows:

Motion carried with a unanimous voice vote.

Regular session paused

Regular session resumed

ADJOURNMENT

Mr. Catrambone made a motion to adjourn the meeting at 8:30 pm. Mr. Morrow seconded it. The results are as follows:

Motion carried with a unanimous voice vote.

Respectfully submitted,

Kathy Phillips, Secretary
Planning & Zoning

