

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
OCTOBER 18, 2011 – 7:00 PM
MINUTES**

The Delran Township Zoning Board regular meeting of Tuesday, October 18, 2011, was called to order by Mr. Fox at 7:00 pm 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. Smith, Mr. Taylor, Mr. Kohli and Mr. Fox.

Absent: Mr. Harley, Mr. Gonzaga and Mr. Hejnas.

Mr. Vajapey arrived to the meeting at 7:09 pm.

Professionals: Beth Marlin, Esquire, Board's Solicitor; Bryan Hall, PE, Board's Engineer; Terrence Combs, PP, Board's Planner; and Lynn Curry, Board's Secretary.

PUBLIC HEARINGS

1. Jason & Danielle Howe
ZZ2011-11
166 Fox Chase Drive – Block 169, Lot 11
Bulk Variance

The following witness was sworn in to testify before the Board:

1. Jason Howe, Applicant

Mr. Howe stated he was requesting a variance to permit the installation of his proposed fence on his corner lot. He testified that there was currently a hedge row in the rear yard and extended down the property line along Waterford Drive, which was being used as a barrier from the roadway. He suggested that the hedge was approximately 35 years old, extended 8' wide from the sidewalk into the property and was approximately 10' high. He indicated that due to the age of the hedge, the damage that has occurred to the hedges over the past winters and the difficulty to maintain the hedges he was proposing to replace the hedges with a white 6' high PVC privacy fence. He stated that he was proposing to install the fence 8' from the sidewalk.

Mr. Howe testified that the fence was need for the safety of the children as a barrier from the busy intersection. He indicated that the line of site at the intersection would be increase since the current hedge row is located right against the sidewalk and the fence would be setback 8' from the sidewalk. He suggested that the proposed fence would be an improvement to the existing condition of the hedges. He noted that there were a number of other corner properties in his development that had similar fences and setbacks.

Mr. Howe indicated that he was requesting relief from the landscaping requirements since his property was the lowest point along Fox Chase Drive and Oxford Road. He stated that that after the rain all of the runoff washes any debris onto the sidewalk and they constantly have to clear the sidewalk after the rainfall.

The Board noted that their approval needs to reflect a setback from the property line instead of the sidewalk. They indicated that the property line was likely approximately 18 inches to 2 feet from the property line and therefore the actual setback of the fence would be approximately 6'. Mr. Howe agreed to install the fence no closer than 6' from the property line.

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PUBLIC HEARINGS

1. Jason & Danielle Howe
ZZ2011-11
(Continued)

At that time, Mr. Fox opened the meeting to the public for any comments or questions concerning this application. The following witnesses from the public were sworn in to testify before the Board:

1. Marshall Mosesson (175 Oxford Road) – He suggested that that the proposed fence was consistent with the neighborhood and he had no objection to the granting of the variance.
2. Sean Closkey (173 Oxford Road) – He inferred the proposed fence would be an improvement to the existing conditions. He indicated that the higher fence would be a safer fence.

There being nobody further from the public to testify on this matter, Mr. Fox closed the public portion of this application.

Mr. Smith made a motion to grant the variances to permit a 6' high fence with a setback of 6' and to grant relief from the landscaping requirements. Mr. Kohli seconded the motion. The result of the voting is as follows:

AYES: Mr. Smith, Mr. Kohli, Mr. Taylor and Mr. Fox.
NAYS: None.
ABSTAIN: Mr. Vajapey (due to arriving after the start of the public hearing).
The motion was carried; so ordered Mr. Fox.

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

Mr. Fox noted that he has a conflict of interest in taking part in this application and therefore there were only four eligible members present to vote on the application for a use variance, which requires five affirmative votes in order to obtain approval.

Christopher Quinn, the attorney for the applicant, requested that the application be continued until the next regular meeting scheduled for Tuesday, November 15, 2011, at 7:00pm. He questioned whether the Board would be able to also adopt the resolution at that meeting. Ms. Marlin indicated that she could prepare a draft resolution based upon the application being approved as submitted however in the event the Board should recommend changes to the proposal, the Board would not be able to the adopt the resolution at that time. Ms. Marlin requested that the applicant provide a summary of the testimony that would be provided at the hearing to help her to prepare the resolution in time for the meeting.

Mr. Fox opened the meeting to the public before continuing the application to see if there was anyone present to testify on this matter. There being nobody present from the public to testify on this application, Mr. Fox closed the public portion but noted the public portion would be reopened at the applicant's hearing.

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PUBLIC HEARINGS

2. New Cingular Wireless PCS, LLC (AT&T)
ZZ2011-7
(Continued)

At that time, Mr. Taylor made a motion to continue the application for a bulk variance, use variance and site plan until the next regular meeting scheduled for Tuesday, November 15, 2011, at 7:00 pm, without the need for the applicant to provide additional notices of that hearing. Mr. Vajapey seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Vajapey, Mr. Smith and Mr. Kohli.
NAYS: None.
ABSTAIN: Mr. Fox (conflict of interest)
The motion was carried; so ordered Mr. Fox.

MATTERS FOR DISCUSSION

1. Annual Report on Variances & Fee Schedule Report

Mr. Fox indicated that he did review the fence ordinance however we was unable to prepare a report for the Board at this time. He noted that in a situation of reverse frontage lots the property owner is permitted to install the fence 10' from the property along the non-primary street and he felt that corner lots should be permitted something along those same lines.

Mr. Vajapey questioned whether there was any reason why the ordinance wouldn't simply permit a 6' high fence. The Board discussed recommending changing the requirement to permit a 6' fence regardless of the fencing style. They noted that in a case of where an applicant has a swimming pool a 6' high fence would be more desirable.

Mr. Fox noted that the landscaping requirements are different for a 5' fence then for a 6' fence. He indicate that at 5' fence requires the landscaping to be spaced 6' apart and for a 6' fence the requirements for the spacing of the landscaping is 8' apart.

The Board discussed making a recommendation to increase the fees to adjust the amount of shortfall with the current fee schedule. Mrs. Curry indicated that she could make some recommendations on the fee schedule and provide those recommendations to the Board.

The Board noted that Mr. Fox would work on his recommendations for fencing and Mrs. Curry would work on a recommendation for the fee schedule. The Board indicated this matter would be further discussed at the next regular meeting scheduled for November 15, 2011.

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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 for a bulk variance was not ready to be adopted. Ms. Marlin stated that her office was willing to prepare the resolution at no charge to allow the Board to close this matter. She requested that Mrs. Curry provide a copy of the application and the meeting minutes from the applicant's hearing.

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 for a use variance was not ready to be adopted. Ms. Marlin stated that her office was willing to prepare the resolution at no charge to allow the Board to close this matter. She requested that Mrs. Curry provide a copy of the application and the meeting minutes from the applicant's hearing.

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

Mr. Taylor made a motion to adopt the resolution approving the application for a use variance, subject to certain terms and conditions. Mr. Smith seconded the motion. The result of the voting is as follows:

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

4. Liberty Towers
ZZ2010-14
28 Conrow Road – Block 177, Lot 16.02
Use Variance w/Minor Site Plan

Mr. Fox made a motion to adopt the resolution, which dismisses the application for a use variance along with site plan without prejudice. Mr. Taylor seconded the motion. The result of the voting is as follows:

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

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

The Board noted that the Zoning Board regular meeting minutes from October 20, 2009 were not ready to be adopted and were being continued until the next regular meeting scheduled for November 15, 2011.

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

The Board noted that the Zoning Board regular meeting minutes from July 20, 2010 were not ready to be adopted and were being continued until the next regular meeting scheduled for November 15, 2011.

3. Zoning Board Regular Meeting – 7/19/11

Mr. Kohli made a motion to adopt the Zoning Board regular meeting minutes from July 19, 2011. Mr. Smith seconded the motion. The result of the voting is as follows:

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

NAYS: None.

The motion was carried; so ordered Mr. Fox.

4. Zoning Board Regular Meeting – 9/20/11

Mr. Kohli made a motion to adopt the Zoning Board regular meeting minutes from September 20, 2011. Mr. Smith seconded the motion. The result of the voting is as follows:

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

NAYS: None.

The motion was carried; so ordered Mr. Fox.

BILL LIST

(See Attached Sheet)

Mr. Taylor made a motion to approve the Delran Zoning Board bill list for October 18, 2011. Mr. Vajapey seconded the motion. The result of the voting is as follows:

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

NAYS: None.

The motion was carried; so ordered Mr. Fox.

PUBLIC COMMENTS/QUESTIONS

1. Kenneth Fynan (816 S. Chester Avenue) – He stated that he was going to be making an application in the near future for his father's estate and he wanted to know what the Board's feelings were concerning this application and what zoning regulations he should follow since the property (block 9, lot 39) was located within two different zoning districts of M-1 and R-1.

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PUBLIC COMMENTS/QUESTIONS

Ms. Marlin stated that the Board could not provide any input on a future application that may be before them. She suggested that the applicant file an interpretation before the board for a determination on which zoning requirements should apply.

PENDING ITEMS

1. Bee Dee Associates
ZZ2010-11
75 Hartford Road – Block 120, Lots 40 & 40.02
Bulk & Use Variance, Certificate of Nonconforming Use & Amended Subdivision

The Board noted that the applicant amended their application to include the request for a bulk and use variance along with a request for a certificate of nonconforming use. They noted that the applicant has not submitted to the revised plans to address their other remaining completeness issues.

2. 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 and they were waiting for the applicant to address their completeness issues before the application is scheduled for their public hearing.

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

The Board noted that the applicant submitted revised plans which were currently being reviewed by their professional staff and the matter was not currently scheduled for a hearing.

4. R.D.M.D.
ZZ2011-9
23 Hartford Road – Block 120.07, Lot 31
Bulk & Use Variance w/Site Plan

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

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PENDING ITEMS

5. Jason Carosiello
ZZ2011-10
30 Hartford Road – Block 83, Lot 18
Use Variance

The Board noted that the application for a use variance was certified as an incomplete submission and they were waiting for the applicant to address their completeness issues before this matter is 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 regular meeting of Tuesday, October 18, 2011. Mr. Kohli 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
October 18 2011

Budget Bills			
Vender	Description	Invoice #	Amount
Brown & Connery	Misc. Services	120387	\$1,616.32

Escrow Accounts				
Vender	Applicant	File #	Invoice #	Amount
Brown & Connery	T-Mobile	ZZ2010-9	120381	\$64.00
Brown & Connery	Pizza Mia	ZZ2010-10	120382	\$464.00
Brown & Connery	Bee Dee	ZZ2010-11	120383	\$160.00
Brown & Connery	Liberty Towers	ZZ2010-14	120384	\$32.00
Brown & Connery	Manhattan Management	ZZ2011-2	120386	\$2,096.00
Brown & Connery	Herman	ZZ2011-4	120388	\$520.00
Brown & Connery	New Cingular	ZZ2011-6	120389	\$64.00
Brown & Connery	Communication Infrastructure	ZZ2011-8	120390	\$112.00
Brown & Connery	New Cingular	ZZ2011-7	120391	\$64.00
Pettit Associates	T-Mobile	ZZ2010-9	3418	\$30.00
Pettit Associates	Pizza Mia	ZZ2010-10	3419	\$180.00
Pettit Associates	Bee Dee	ZZ2010-11	3420	\$60.00
Pettit Associates	Liberty Towers	ZZ2010-14	3421	\$60.00
Pettit Associates	New Cingular	ZZ2011-7	3422	\$330.00
Pettit Associates	Communication Infrastructure	ZZ2011-8	3423	\$60.00
Pettit Associates	RDMD	ZZ2011-9	3424	\$60.00
Adams Rehmann & Heggan	T-Mobile	ZZ2010-9	43667	\$357.50
Adams Rehmann & Heggan	Pizza Mia	ZZ2010-10	43668	\$780.00
Adams Rehmann & Heggan	Bee Dee	ZZ2010-11	43669	\$390.00