

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
NOVEMBER 19, 2013 – 7:00 PM
MINUTES**

The Delran Township Zoning Board regular meeting of Tuesday, November 19, 2013, was called to order by Mr. Gonzaga at 7:00 pm in the Delran Township municipal building.

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

ROLL CALL

Present: Mr. Jesuele, Mr. Schultz, Mrs. Parento, Mr. Smith, Mr. Kohli and Mr. Gonzaga.
Absent: Mr. Myers and Mr. Fox.
Professionals: William Sitzler, 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. Delran Board of Education
ZZ2013-16
Delran High School
311 Conrow Road – Block 83, Lot 27
Appeal/Sign Variance

Cecilia Lassiter, the attorney for the Delran Board of Education, indicated that the applicant was requesting an appeal from the Zoning Officer's decision that the applicant's proposed sign was not permitted under the ordinance 355-94E.(8)a. She stated that in the event the Board should deny the requested appeal, the applicant was requesting a variance for the proposed LED sign.

Ms. Lassiter suggested that under the ordinance official government signs are not considered signs under the regulations 355-94C.(2)(c). She reviewed the definition of an "official sign" under the ordinance.

Mr. Combs reminded the Board that there were requirements for signs under the zoning ordinance for schools, which included regulations on changeable copy signs.

Mr. Sitzler noted that there were several contradictions within the ordinance and the Board may wish (separate from this decision) recommend to Township Council that they address the inconsistencies within the ordinance by making any necessary amendments.

The Board noted that the Fire Department was previously in for a use variance for an LED sign.

At that time, Mr. Gonzaga opened the meeting to the public for any comments or questions concerning the discussion on the appeal. There being nobody from the public to testify on the discussion on the appeal, Mr. Gonzaga closed the public portion of the hearing.

There was discussion by the Board as to whether the Board of Education was entitled to have the LED sign as a matter of right.

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PUBLIC HEARINGS

1. Delran Board of Education
ZZ2013-16
(Continued)

Mr. Schultz made a motion to deny the requested appeal and affirm the Zoning Officer's decision that a variance was required for the proposed LED sign. Mr. Schultz made the comment that the issue should be sent to the Township Council to address the inconsistencies within the ordinance. Mr. Jesuele seconded the motion. The result of the voting is as follows:

AYES: Mr. Schultz, Mr. Jesuele, Mrs. Parento, Mr. Smith, Mr. Kohli and Mr. Gonzaga.

NAYS: None.

The motion was carried; so ordered Mr. Gonzaga.

At that time, the Delran Board of Education began their hearing for a use variance for the proposed LED sign.

Ms. Lassiter requested that the following witnesses be sworn in to testify before the Board.

1. Dr. Christopher Russo, Business Administrator for Board of Education
2. Mark Vicente, KDA Architects, Applicant's Architect
3. Gary Kanalstein, KDA Architects, Applicant's Planner

Dr. Russo stated that the idea of the LED sign was a present from the last two (2) graduating classes as a gift to the Board and the community. He indicated that the current changeable copy sign was often late in being updated with the messages. He testified that the sign would display upcoming events for the school as well as public service announcements. He suggested that the sign would not be a distraction to motorists since this type of sign was common within other communities. He noted that it was not his intent to have the sign scrolling.

Mr. Vicente indicated that the proposed LED sign would be the same size as the current sign. He stated that the sign would contain a maximum of 4 lines and the letters would be a minimum of 6.3" high. He noted that the sign would have full color capability and the brightness has the ability to be adjusted, if necessary. He testified that the proposed sign would not interfere with the site triangle and he has a plan showing the site triangle and location of the sign.

Mr. Kanalstein suggested that the proposed sign would serve as an inherently beneficial use to the school, the school board and the students. He indicated that the sign was an existing condition as far as the height, size, location and color and the only change would be to change the box with an LED capable sign. He indicated that the sign would not impair the intent of the ordinance since there was a preexisting sign. He noted that they were unable to locate the approvals and/or variances for the existing sign. He reminded the Board that the applicant was requesting variances for the location (setback) of the sign, the number of signs for a school and to allow the LED changeable copy sign.

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PUBLIC HEARINGS

1. Delran Board of Education
ZZ2013-16
(Continued)

At that time, Mr. Gonzaga opened the hearing to the public for any comments or questions concerning the use variance for the proposed LED sign. The following witness from the public was sworn in to testify before the Board:

1. Michael Kaminski (Teacher) – He indicated that he was one of the advisors for the class, which donated the sign. He indicated that they envisioned a message that would possibly remain on the sign for a period of a couple of days with several lines of text that could be changed during the course of the day.

There being nobody further from the public present to testify on this matter, Mr. Gonzaga closed the public portion of the hearing.

The Board questioned whether there was going to be any animation or photos on the sign. Dr. Russo stated that it was his intent not to have any photos on the sign and to use the sign for text messages at this time.

The Board questioned whether the school board has any intentions of adding LED signs to the other schools within the township. Dr. Russo stated that the school board has no intention of adding LED signs to the other schools and this proposed sign was only being requested due to the donation of the graduating classes.

Mr. Vicente stated that the applicant would agree to work with the residents and the police department so the lighting of the sign would not be intrusive to the neighboring residents and to traffic.

Mr. Schultz made a motion to approve the requested variances to permit an LED sign. Mr. Jesuele seconded the motion. The result of the voting is as follows:

AYES: Mr. Schultz, Mr. Jesuele, Mrs. Parento, Mr. Smith, Mr. Kohli and Mr. Gonzaga.

NAYS: None.

The motion was carried; so ordered Mr. Gonzaga.

At that time, the Board took a five minute recess.

2. Valdente DaSilva & Assemblia DeDeus Vida Abundante Church
ZZ2013-12
100 Manor Drive – Block 9.02, Lot 60.01
Bulk Variance

Andrew Viola, the attorney for the applicant, indicated that the applicant was requesting a variance to permit the installation of a 6' high extending 174' along Manor Drive and 648' of fencing that extends along the back of the property. He stated that the applicant requires a variance to permit a fence within the front yard setback along with a design waiver from the landscaping requirements for the required landscaping along the fencing facing the road. He added that the applicant was also requesting a site plan waiver.

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PUBLIC HEARINGS

2. Valdente DaSilva & Assemblia DeDeus Vida Abundante Church
ZZ2013-12
(Continued)

Mr. Viola requested that the following witness be sworn in to testify before the Board:

1. Valdente DaSilva, Applicant

Mrs. DaSilva indicated that she was the trustee for the church and her husband was the pastor for the church. She stated that the fence was being request to provide the safety for the children within their parish. She said that they would have outdoor functions and the fence would help keep the small children from going into the street. She noted that it would also help keep people off their property and throwing trash on the property.

Mrs. DaSilva testified that neighboring properties were commercial. She indicated that the fence was similar to the fence currently being used at the self-storage facility. She noted that the church has been at this location for six years. She stated that there would be a long gate across the driveway that would be operated electrically. She added that the existing trees would be located on outside of the fencing since they belong to Hunters Glen.

Mr. Viola agreed to provide all the requested information to the Fire Official and agreed to meet any of his recommendations as a condition of any approval. He agreed to provide proof of the access easement from Hunters Glen. He also agreed to have the property resurveyed and have the property marked with flags to ensure the fencing was being installed on the property.

Mr. Combs reminded the Board that the variance was required to install the fence in front of the building line. He noted that the applicant as a commercial property would be permitted to install a 6' fence in the side and rear property.

Mr. Sitzler reviewed the federal law in regarding churches with regarding to Zoning Board applications and the ability of the Board to deny or grant an application.

The Board noted that there was no public present.

Mr. Schultz made a motion to grant the variance to permit a 6' fence with a front yard setback of 0' along with a waiver from the landscaping requirements. He also made a motion to grant the requested site plan waiver, subject to the applicant providing an updated survey as discussed and providing proof of the existing easements for review. He suggested that the application could be granted given the location of the property and the surrounding properties, to provide the safety of the constituents. Mr. Smith seconded the motion. The result of the voting is as follows:

AYES: Mr. Schultz, Mr. Smith, Mr. Jesuele, Mrs. Parento, Mr. Kohli and Mr. Gonzaga.

NAYS: None.

The motion was carried; so ordered Mr. Gonzaga.

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PUBLIC HEARINGS

3. Bee Dee Associates
ZZ2012-3
73 & 79 Hartford Road – Block 120, Lots 40 & 42.01
Bulk & Use Variances, Certificate of Nonconforming Use, Amended Subdivision & Amended Site Plan

The Board noted that they received from the applicant’s attorney requesting that the matter be continued until the December 17, 2013 Zoning Board meeting. They reviewed a brief history of the application and were reminded that this matter has been continued and carried a number of times. Mr. Combs indicated that the applicant was under violation with the Fire Department and the Construction Official.

Mr. Schultz made a motion to continue the application until the Zoning Board meeting scheduled for December 17, 2013, subject to the applicant providing and extension for the Board to take action until that time. He also directed Mrs. Curry to send a letter indicating that the Board may dismiss the application without prejudice at that meeting in the event the applicant is not ready to proceed at that time. Mr. Jesuele seconded the motion. The result of the voting is as follows:

AYES: Mr. Schultz, Mr. Jesuele, Mrs. Parento, Mr. Smith, Mr. Kohli and Mr. Gonzaga.

NAYS: None.

The motion was carried; so ordered Mr. Gonzaga.

RESOLUTIONS

1. U.S. Empire, LLC
ZZ2013-10
Route 130 South & Carriage Lane
Block 9, Lot 75 and Block 9.03, Lot 3
Use Variance & Minor Subdivision

Mr. Schultz made a motion to adopt the resolution for a use variance along with a minor subdivision. Mr. Jesuele seconded the motion. The result of the voting is as follows:

AYES: Mr. Schultz, Mr. Jesuele, Mrs. Parento, Mr. Smith, Mr. Kohli and Mr. Gonzaga.

NAYS: None.

The motion was carried; so ordered Mr. Gonzaga.

2. U.S. Empire, LLC
ZZ2013-10
Route 130 South & Carriage Lane
Block 9, Lot 75 and Block 9.03, Lot 3
Bulk Variances w/Preliminary Site Plan

Mrs. Parento made a motion to adopt the resolution for bulk variances along with preliminary site plan. Mr. Kohli seconded the motion. The result of the voting is as follows:

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RESOLUTIONS

2. U.S. Empire, LLC
ZZ2013-10
(Continued)

AYES: Mrs. Parento, Mr. Kohli, Mr. Jesuele and Mr. Gonzaga.
NAYS: None.
ABSTAIN: Mr. Schultz and Mr. Smith.
The motion was carried; so ordered Mr. Gonzaga.

MINUTES

1. Zoning Board Regular Meeting – 10/15/13

Mr. Kohli made a motion to adopt the Zoning Board regular meeting minutes from October 15, 2013. Mrs. Parento seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mrs. Parento, Mr. Jesuele and Mr. Gonzaga.
NAYS: None.
ABSTAIN: Mr. Schultz and Mr. Smith.
The motion was carried; so ordered Mr. Gonzaga.

BILL LIST

(See Attached Sheet)

Mr. Schultz made motion to approve the Zoning Board bill list for November 19, 2013. Mr. Smith seconded the motion. With all present voting affirmatively, the motion was carried; so ordered Mr. Gonzaga.

ESCROW REFUNDS

1. Mary Reyes
ZZ2008-12
Amount Requested: \$101.60

Mr. Kohli made a motion to approve the escrow refund in the amount of \$101.60. Mrs. Parento seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mrs. Parento, Mr. Jesuele, Mr. Schultz, Mr. Smith and Mr. Gonzaga.
NAYS: None.
The motion was carried; so ordered Mr. Gonzaga.

DISCUSSION ON OFFICIAL MEETING DATES

The Board noted that when they adopted their official meeting dates at their annual reorganization meeting in January, they did not establish a January reorganization meeting for 2014. Therefore, they directed Mrs. Curry

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DISCUSSION ON OFFICIAL MEETING DATES

to add January 21, 2014, at 7:00pm to their list of official meeting dates, which would also serve as the Board's annual reorganization meeting.

MATTERS FOR DISCUSSION

The Board discussed the need to add a short discussion at the beginning of their meeting to allow them the opportunity to discuss and review the applications with their professionals. Mr. Sitzler indicated that any discussion would need to be held in accordance with the Open Public Meetings Act. The Board directed Mrs. Curry to add a short discussion of the application to the beginning of the agenda beginning at the December meeting.

PENDING ITEMS

1. Harvey Berk c/o Manhattan Management
ZZ2012-9
3001 Route 130 South – Block 9, Lots 33, 34, 43, 44 & 45
Final Site Plan

The Board noted that the application was currently being reviewed by the Board's professionals for completeness.

2. Simon & Shuster, Inc.
ZZ2013-9
100 Front Street – Block 10, Lots 1, 2, 4 & 5
Use Variance

The Board noted that the application for a use variance was currently scheduled for a public hearing to take place on December 17, 2013.

3. Hillbillywurks
ZZ2013-11
30 Hartford Road – Block 83, Lot 18
Minor Site Plan

The Board noted that the application for a minor site plan was currently certified as an incomplete submission and they were waiting for the applicant to submit revised plans for review.

4. New Cingular Wireless PCS, LLC d/b/a AT&T Mobility
ZZ2013-14
Parry Road – Block 147, Lot 33
Use Variance, Bulk Variance & Site Plan

The Board noted that the application for use and bulk variances along with site plan was certified as an incomplete submission and they were waiting for the applicant to submit revised plans for review.

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PENDING ITEMS

5. Jane Cruthers
ZZ2013-17
3 S. Bridgeboro Street – Block 125, Lot 19
Bulk Variance – Front Setback

The Board noted that the application for a bulk variance was scheduled for a public hearing before the Zoning Board on December 17, 2013.

ADJOURNMENT

There being no further business to discuss, Mr. Jesuele made a motion to adjourn the Delran Zoning Board regular meeting of Tuesday, November 19, 2013 at 9:30 pm. Mr. Smith seconded the motion. With all present voting affirmatively, the motion was carried; so ordered Mr. Gonzaga.

Respectfully submitted,

Lynn Curry, Secretary
Zoning Board