

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

OPEN PUBLIC MEETINGS ACT

The Delran Township Zoning Board regular meeting of Thursday, June 30, 2020 was called to order by Mr. Jeney at 7:00 PM in a Zoom meeting.

The Open Public Meetings Act Announcement was read by Mr. Jeney, and the Pledge of Allegiance was performed.

ROLL CALL

Present: Mr. Jeney, Mr. Hewko, Mr. Smith, Mrs. Parento, Mr. Singer,
Mr. Anderson, Mr. Chascsa & Mr. Morrow

Absent: Mr. Khinkis

Professionals: Ed D’Armiento, Engineer for CME, Chris Dochney, Planner for
CME & Jen Johnson, Attorney

OATH OF OFFICE

Mr. Marlowe Smith was sworn in by Ms. Johnson.

NEW APPLICATION

**4101 Bridgeboro Road, LLC
Dunphy’s Landscaping, LLC
4101 Bridgeboro Road
Block 115, Lot 30
ZN2020-01
Use Variance**

Mr. Clint Allen, Attorney for Archer & Greiner representing the Applicant who is there for a Use Variance Application. They are proposing an onsite Landscape Servicing Company in addition to on-site horticulture and some nursery work as part of a 16-acre lot located at 4101 Bridgeboro Road which is zoned Agricultural. Landscaping companies are not listed as a permitted use in the A-1 zone, though horticulture farm-related work, nursery stock growers, those types of uses are.

They found that there are 9 companies within 1 square mile of their site. Five of them being in an A-1 zone. In 2005, the Planning Board of Delran had adopted an exhibit called the A-1 Agriculture study where they looked at what was happening in that A-1 zoning district and how they could advance some of the goals & principles of A-1. What they saw was a tremendous surge of residential growth in a very short period.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

Mr. Augustyn from Aliamo was the planner at that time and stated that they were trying to maintain some open space in the A-1 zone due to the trouble of maintaining sewer capacity to meet their needs with all the residential that had come in.

What they are trying to do is something that was envisioned by the Master Plan Amendment in 2005. Their development really picks up about 2 acres of land on site which is rounded up. The remaining 14 acres is roughly going to remain open. The reason it is remaining open is because they planted trees. They are trying to grow nursery stock to sell off site as part of their landscaping services business.

In October of 2019, Mr. Dunphy purchased the property. He applied for a zoning permit allowing for horticultural uses, a nursery use and landscaping services. With the approval in hand Mr. Dunphy went forward & occupied the property. He is using the home for office space. But also, within the property, he wanted parking spaces for 21 of his employee's cars and he also needed parking for 15 pickup trucks & small dump trucks overnight, along with trailers for lawn mowing equipment and the like.

He stated that they also rebuilt an existing aboveground storage tank storage pad and actually put a secondary containment around that storage tank so they wouldn't have spills to the environment. Also, he put up a couple of greenhouses, which is expected if you're going to grow nursery stuff.

Within two months of his purchase and moving all the business over from the Edgewater Park site, Mr. Dunphy was informed that the zoning permit was being pulled and that his use actually was not permitted in the A-1. He pulled all his stuff off the site and relocated back to the Rt. 130 site in Edgewater Park while he tried to come before the Zoning Board.

Mrs. Johnson asked what he was granted a zoning permit for? Mr. Allen stated, for growing of agricultural products, at least 45%, for horticultural services and landscaping business which was issued November 1, 2019. Mr. Dunphy actually bought the property October 30th, 2019.

Mr. Dunphy is just trying to run a business at a nice property just like a number of other landscaping companies, people he knows, he works with, competitors or partners, over time who are located in the Bridgeboro Road area, as well as on Hartford Road.

Mr. Jeney asked about the zoning permit, it was approved for something that's not an approved use. A landscaping business is not an approved use, It's agriculture kind of like a farm stand and such. He believes that it was appropriately noted in the A1 Agricultural District Land Use Analysis that the property, because of the high-density

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

housing & the low-income element of that that was required by the State of New Jersey, it was way over what was anticipated in the prior plan. When it was revised, he believes it said it did not indicate landscaping as one of those acceptable businesses.

Mr. Allen stated that they are not going to argue over that because they know what the Zoning law requires. He was trying to share the record before he came before the Board. What they are there to talk about tonight is how, although they are not that listed permitted use, they are not that far apart. But even more importantly, and he keeps going back to the 2005 A1 zoning amendment where there's actually some recognition of inclusion, their Planner, Lance Landgraf will talk more about it. He understands that we are getting clobbered with residential development. You need some help and Joe Augustyn I think did a nice job in framing your issues and giving you a path forward.

He also stated that they think we're lockstep with that vision, although they're probably a little different, maybe not far apart. Maybe with the appropriate conditions of an approval dealing with night time hours, limiting that, talk about noises on Sundays and things, they might be able to find a way to have an approval that would probably really get the first prong of what a Use Variance is all about, and that's no significant...no substantial public detriment. That's the first prong. The other prong is, of course, they don't want to be a substantial impairment to the zone plan or the zone ordinance.

Mr. Dunphy resides at 3 Applewood Court, Hainesport, NJ 08036. He was sworn in by Ms. Johnson. He is the owner of Dunphy's Landscaping.

Lance Landgraf, Professional Planner lives at 9 South Harvard Ave, Ventnor City, NJ was sworn in by Ms. Johnson. Will qualify as an expert witness when he testifies.

Nathan Mosley, Traffic Engineer for Shropshire Associates located at 277 White Horse Pike, Atco, NJ 08004 was sworn in by Ms. Johnson.

Mr. Allen put up a few slides. The first slide is just the company logo. Second is showing the company background. Third is a continuation of that background. They noted in there that there was another landscaping company recently that went through the same deal. He believes it is Spanish for the Farmer, but it's the RDMD Landscaper. Now, he is in a different zoning district but he actually ran into the same thing back in 2011. They found that very interesting so they just wanted to put it up there. Fourth is witness list. Fifth shows the heart & soul of the Planner's testimony, exhibits A-1 through A-6, which is the same plans we have on file that were submitted recently. Sixth shows the Variance plan for the site where they are showing compliance with the bulk area criteria.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

Mr. Allen, decided to call Mr. Mosley, Traffic Engineer to testify first. He will be talking about the number of employees, hours of operation, departures of crews, arrivals and the whole bit.

Mr. Mosley is a licensed professional Engineer in NJ. Graduate of Drexel University with Bachelors of Science in Civil Engineering. He is a partner & senior project manager with Shropshire Associates. He has over 17 years of doing traffic engineering work throughout NJ. He has qualified before hundreds of Planning & Zoning Boards in NJ, including Delran on several occasions. He's provided Traffic Engineering testimony in support of doing traffic reports, analysis letters, trip generation analysis letters, signal design work, roadway plan, et cetera throughout NJ.

Mr. Jeney accepted Mr. Mosley as an expert witness.

Mr. Mosley stated that they did a traffic engineering analysis letter that was submitted with the application dated June 16, 2020. An analysis letter is a slimmed down version of a full traffic impact study we would do for any kind of new major development. What they want to make sure they look at with regards to this proposed use and this proposed site it the trip generation it's going to have on the existing roadway network, specifically during the weekend AM and the weekday PM peak hours. They also wanted to look at the operations of any future access point along the roadway network to ensure that vehicles entering and exiting will be safe and that they won't have a significant impact on the roadway around them.

In order to do that, they did a couple of things. They went out to see the site. They went and observed several of the projects in the area along Bridgeboro Road, both in Delran as well as Moorestown Townships.

The existing road is Bridgeboro Road, a county route under the jurisdiction of Burlington County. The existing property has a single point of access on that roadway today along southbound Bridgeboro Road.

Bridgeboro Road along their frontage has about 12-foot lane in each direction. It has minimal shoulders with a 45 mile an hour roadway. It's classified as an Urban minor arterial roadway, which is a higher roadway classification.

Classification levels start at the local streets, our neighborhood streets. They go up to a collector street, which might be a larger roadway within a major development and then they go up to arterials which are larger, higher speed roadways which are kind of next hierarchy above the collectors. Those are kind of split between minor and principal arterials. Principals being something like Route 130 through Delran Township with this

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

being a more minor arterial. It carries a lot of traffic, but it doesn't carry just local traffic, traffic kind of coming through the area and traveling to and from work and other points of interest.

Mr. Mosley stated that they relied on different means of coming up with the info due to the way things have been. They were able to obtain some historical traffic count data from 2016 from the Delaware Valley Regional Planning Commission. They do studies throughout southern NJ and publish the data online. It includes roadway counts, intersection counts, classification counts, etcetera.

To be a little conservative, they applied some general growth to it to account for the intermediate years between when the count was done & where we are now in 2020.

Basically, along the roadway by the site, they are looking at a road that carries about 7,500 vehicles per day. During the AM peak hours, it's about 550 to 600 vehicles an hour. That is typically between 7 & 8 in the morning. The afternoon peak hours occur between 5 & 6 PM and it carries about 700 vehicles an hour through there. Just a little more intense traffic through there in the afternoon which is typical. The morning commute is a little more spread out where the afternoon commute is a little more concentrated. The traffic up & down Bridgeboro is very directional. In the morning, it's about 60 percent going southbound and, in the afternoon, it is about 60 percent going northbound.

They talked to the applicant and got some information from them as far as what their operations are like during the nonseasonal times, December through March, and then during the seasonal times April through November.

For this purpose, they concentrated on the seasonal time, April through November when most of the vehicular activity will be occurring at the site driveway. Based on that information, there are about 21 employee passenger vehicles that arrive at the site in the morning, stay on the site during the day, and depart in the evening once the shifts and the work is done. That includes both people that are going out in trucks, as well as those that work in the office space that's going to be utilized within the existing single-family home.

In addition to that, there's about 15 pickup trucks and smaller dump trucks that are kept on site and those are the vehicles that are used by the employees to go out and do all the different landscaping activities to fill their contracts.

They wanted to basically assume that everything will happen in the morning and afternoon peak hours. In reality, there will be people probably coming in at 7am not

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

necessarily 8am. For a conservative analysis, they are assuming they all come in together & leave together same time.

Typical hours of operation for them are going to be probably about 7 AM in the morning until about 4:30 PM. The morning departures typically happen between 8 & 8:30AM. Again, the roadway peaks from seven to eight. It is a little off but the just wanted to assume it all happens at the same time to be as conservative as possible.

Mr. Allen has listed some of the permitted uses in this zone already. One of the ones he concentrated on was a retail nursery facility. That would be a nursery operation or kind of like a garden center that would be open to the public. They are proposing no landscaping operation. It is not open to the public. They do have certain types of materials on the site, but this is not a facility where someone can come in with their pick-up truck, get a load of mulch or dirt and grab some plants or flowers. This is only stuff that's being grown on site. It's for use by the private business, not public. They are also looking for a Use Variance.

ITE describes a retail nursery as a garden center that's open to the public. It has free-standing building with outside storage and offers large greenhouses and they sell typical plants and landscaping material.

So, for the purpose of the trip generation, they assume that you could put a small 5,000 square-foot building on the site. Obviously, there will be larger garden greenhouses in the rear, but we would just assume 5,000 square feet for just general retail use.

Based on the 5,000 square foot facility in the ITE trip generation rates, a use of that size would generate 40 to 45 peak hour trips during the am & the pm peak hour, which would be actually slightly higher that what we're proposing and anticipating, assuming everybody goes in and out during the same peak hour for our proposed landscaping facility.

Based on the fact that they have looked at the trip generation comparison, he believes they have a favorable comparison to uses that are permitted in the existing A-1 zone, and also with the fact that they have good levels of service, he believes that the site driveway will operate safely and efficiently in the future conditions with the proposed landscaping business. He believes that the granting of the Use Variance from a traffic perspective, is supported by the fact that they do have a safe and efficient access and they do have less traffic than other permitted uses in the existing zone.

Mr. Hewko asked Mr. Allen about the exhibits and to briefly explain them. Mr. Mosley stated that as part of the traffic analysis letter that they submitted they included some

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

figures which show basically existing roadway volumes along Bridgeboro Road. Then what they call the no build volumes, which are kind of our projected future volumes which is the additional background road the he talked about, and then they have what they call trip distribution which shows the percentages of traffic going north and south on Bridgeboro Road.

Their site traffic, which is the traffic generated by the proposed development based on the trip generation analysis that he talked about to the Board basically looking at the am & pm peak hours and distributing those specific trips north & south along Bridgeboro and lefts out, right turns out of the driveway or left turns and right turns into the driveway. Beyond that they have what they call the build volumes. Those are basically the future volumes including the traffic from the site, and then they have what they call build levels of service which are the operational analyses they do and the classifications they do for movements at intersections. Those are done for the site driveway along Bridgeboro Road.

They attached the traffic count data that they have obtained from the DVRPC, just some roadway information about Bridgeboro Road regarding its classification, its size, its speed. Then some trip generation worksheets from the institution of Transportation Engineer for a permitted retail nursery facility, and then what they call the Capacity Analyses, which are the operational worksheets showing roadway volumes, intersection volumes, and how they come up with the levels of service that they describe in their report.

Mr. Allen asked Ms. Johnson to tab back to their exhibit A-7, he realized the they didn't show their traffic engineering analysis. As Mr. Mosley indicated, he can identify those. Those are his figures 1, 2, and so on, to the back of his analysis that was part of their allocation submission. Mr. Allen just wanted to make sure it was addressed as part of the exhibits.

The DRVPC travel monitoring, those are worksheets. It's the traffic count info for Bridgeboro Road. They then publish that info on their website & use it for their own studies as well.

Mr. Hewko asked if they utilized it to develop the report? Mr. Mosley stated that they did. Mr. Hewko then asked, why was the date of January 28, 2016 chosen? Mr. Mosley responded that he wasn't sure. That was the date the DVRPC did the data collection. Mr. Hewko asked how often do they do data collection? Mr. Mosley stated that they are constantly doing data collection; however, they are going throughout the entire south Jersey area. That way, they are not typically repeating the same location multiple

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

times within the same year. There are times you will see the same location every two or three years. However, in this location, they only had the information from 2016.

Mr. Hewko asked if he is correct stating that the traffic counts are from Wednesday, Thursday & Friday, the 27th through the 29th? Mr. Mosley stated that's correct. Mr. Hewko asked if he knew what the weather was like on those days. Mr. Mosley stated that according to the travel monitoring sheet you see here, it says fair which is considered generally good weather. Mr. Hewko stated that there was a crippling historic blizzard that hit the mid-Atlantic area with 20 inches of snow on the ground on those dates that these reports were taken. Mr. Mosley was not aware of that. Mr. Hewko wanted to let him know since he used it in his analysis.

Mr. Jeney stated that there have been numerous approvals for housing developments in two different locations & also in the neighborhood commercial (NC-1) zone. Advocare as well in the NC-1 district along with retail space approval. Have you taken those into consideration?

Mr. Mosley stated yes, they are. Moorestown has come on line & built and there was some additional pending residential in Delran near the border as well that has not been built. They did just include a general one and a half percent background growth rate that we applied to the 2016 data to bring it up to 2020.

Mr. Mosley stated that he is aware of the Senior project across the street but it is not open yet. They look at when the facility that's being proposed, in this case the landscaping company, is going to be open and operational, for that purpose we looked to the year of 2020, prior to everything else happening. That's the task they look at when they are doing traffic studies or in this case an analysis.

Mr. Jeney asked Mr. Mosey if it was important that these are the already approved projects and they will be coming online so they have been approved. You're looking for approval for a property that's going to be coming online after they're online.

Mr. Mosley stated that in this case he believes, with respect to the age restricted project, this landscaping facility would be online prior to that. They did include general background growth to account for the other projects in the vicinity. Things that would happen generally happening on the roadway, & these rates are based on DOT studies and provide to us as well.

Again, if they did include additional traffic, that would just continue to further kind of dilute the impact of the site's traffic. Mr. Mosley still feels like they have good levels of service in their driveway. They still have operational movements of the driveway; you

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

would still not have any kind of failing or poor levels of service for people getting in and out of those driveways. It would still operate safely. It would just kind of further reduce their percentage impact on the roadway network if they include that additional background traffic. Without that traffic being included, their percentage is only about five percent during the peak hour as it is now today.

Mr. Morrow stated that he understands it's 21 employee vehicles and 15 pick-up trucks. Are there any dump trucks going to be on site? Mr. Allen stated that there will be some small on ton type dump trucks, landscaper vehicles. No Tri X unless they receive a delivery of mulch.

Mr. Allen stated that they are checking the weather reports. Mr. Landgraf their Planner, actually has some direct evidence that they think in 2016 on those dates, there were some fair days. They believe in 2017 that might have been the blizzard. They will get into more when Mr. Landgraf testifies. Mr. Hewko stated the 22 to the 24. Mr. Singer said according to the Weather Underground, there was no participation on those dates.

Mr. Hewko said that they published the data stating that on that day, Delran had over 20" s of snow. Something's no jiving.

Mr. Allen stated that he believes it is the weekend before where we had the inclement weather that would have caused traffic roadway problems.

Mr. Hewko said exactly, so on the first day of the traffic study, it shows there's zero cars for the early part of that day. It's pretty self-explanatory if there are no cars, that something was going on.

Mr. Mosley said that the reason he didn't see any traffic is because they didn't have the equipment out on the road to start the count till 10 am on Wednesday & went till Friday at 11am.

Mr. Anderson asked Mr. Mosley that during the peak hours and the peak time of the season, that the hours of operation are from 7am until 4:30pm and you stated that all the trucks are going to be in by 4:30 in the afternoon in the peak hours in a landscaping business? It's more of a residential impact that he has seen that landscaping contractors are out way past dark. He wanted to know how they would be able to wrap everything up at 4:30 in the afternoon?

Mr. Allen stated that the crew works from 7am to 5pm. If they go to five, that's a 10-hour day in the heat. They are trying to get most of them are back into the site & off to

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

home before 5pm. There will possibly be some guys cutting grass or they got a late start if it was a rainy morning. So, they will be coming back later that 5.

Mr. Smith asked the amount & size of the trailers on site. Mr. Dunphy stated that there will be 6 lawn trailers. 6' 20' long, an equipment trailer which is 22' long and a box trailer that is about 16' long, 14' to 16' long.

Mr. Chascsa wanted to know if the trucks coming back to the yard are coming up from Moorestown are where they have to make a left into the site back into the yard. While they are trying to make the left into the site during peak hours, the traffic is building up behind them. He wanted to know if there is enough room for them to go around them on the shoulder and not up on the grass? Was this issue addressed?

Mr. Allen stated that the County has been removing trees so he is under the impression that they are going to widen the roads. Mr. Mosley concurred with Mr. Allen.

Mr. Mosley stated for the record that based on the study, they are looking at about nine vehicles during the afternoon peak hours making a left-hand turn into the site. So, it's not a high volume of traffic.

Mr. Anderson asked if they believe that the business would be twice as many trucks in the future? What are they looking at for impact later down the road? Mr. Allen stated that if business is so great and they are booming and need to hire more and do more and build more, and they wish to expand, they will be coming back to the Zoning Board for more use variance approval to any type of expansion or use beyond what I've got depicted on his current layout plan. Keep in mind too that they need to come back & get some site plan approvals from the Board which are going to be handcuffed to a use variance approval itself.

Mr. Anderson stated that what if you add a few more trucks and the next thing you know there's not nine but now 15 trucks. There will be no impact on zoning or use variance. It impacts the traffic quite a bit though.

Mr. Allen stated that they are not planning to expand but he makes a good point. If they do plan on expanding, they will definitely will be back for a site plan change.

Mr. Landgraf, licensed Planner in NJ since 1991, certified by AICP since 1995, which is a national certification. He has a degree in Urban Regional Planning from Bloomsburg University since 1986. He has been qualified as an expert. Has appeared in front of several hundred Boards throughout NJ & PA. He is also an expert in NY Superior Court on multiple occasions.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

He currently sits as a city planner for city of Brigantine for 21 years. He also is the Director of Planning development for the Casino Reinvestment Development Authority in Atlantic City since 2014. Mr. Jeney accepted Mr. Landgraf as an expert witness.

Mr. Landgraf stated that what they are proposing there is a landscaping business that has a single-family dwelling on lot 30, Block 115 and is in the A-1 Agricultural zone which doesn't permit this particular use. There was a zoning permit that they talked about earlier that was first issued & then revoked in early 2020. That's why they are here tonight. They are coming in to look to operate the business that Mr. Dunphy thought he was going to be able to operate there, that landscaping services business on the property.

Mr. Landgraf asked Ms. Johnson to display exhibit A-1. The site has several structures on it. There is a single-family dwelling, a shop building, related site improvements, stone parking areas & the landscaping bins that were constructed on the property. So, the proposed use, the landscape services company, with an agricultural use. So, there were plants, nursery plants planted on the site.

They talked about the agriculture use being tied to this as well, and there are 3 brown areas that are highlighted brown on the map shown on exhibit A -2 to indicate areas that will be, or have already started to be planted within nursery feedstock that will be used in the landscaping services provided to various clients. Those areas total roughly 150,000 square feet which calculates roughly to 25% of the property and would meet that criteria under Delran's ordinance, under the A-1 zone, for the agriculture blended use.

Mr. Landgraf stated that he believes that also may trigger the second use variance here for two principals here. We'll kind of hit both of those as the same. Like mentioned before, the zone does not specifically permit landscape service company use. The principal permitted uses there are single-family detached dwellings, home occupations, family daycare homes and childcare centers. Schools & hospitals are conditionally permitted uses in the district. They would have to meet certain conditions to be permitted here. Obviously, they do not fit into those categories and the D1 use variance would be required for this use.

As he also had stated, there is the potential that they would need a second D variance for two principal uses on one lot. The landscaping business & the agriculture use.

For the Board to grant those variances, special reasons must be found. Special reasons to be found have been the purpose of zoning under the Municipal Land Use Law.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

For the D variances, some of the reasons for relief that they are falling under, first they have to look at the site and make sure that it's particularly suited for this proposed use, for the landscaping services use. Property zoned to accommodate agriculture development. They are going to have to use as part of their use. They believe this site works very well for that.

The site has limited use as a farm due to only having 16 acres. It's not very large to just farm it as the sole use of the property. That's why it has not been used as a farm in recent history. You would need much more acreage to make it profitable.

The property's remained predominately vacant & underutilized for many years in the current zoning. The main reason is the property is not large enough to support the vital agriculture business operations beyond the landscaping services and they feel that that's a good mix. The two uses together on this property can make the site viable and can make the site function as a business on the property.

The property is well suited to accommodate the landscaping services along with the surrounding area along Bridgeboro Road & Hartford Road. There are at least eight other landscaping businesses in the area. Please bring up A-1 exhibit again.

Mr. Anderson asked how much area was cleared to plant the trees. Mr. Landgraf stated that they didn't clear trees. The areas were not cleared by Mr. Dunphy, they were already cleared in the past and used as agriculture use. He has used those very same areas to plant the nursery stock on the site. He believes Blue Spruce was what's in the majority of the site now. He'll add other things as the needs grow.

Mr. Landgraf stated that on the exhibit A-1 that it shows all the other landscape companies in the vicinity of the site. Across the street or down the road there are six to eight other various landscaping companies and services, including some retail. The Flagg facility is a retail space there, in close vicinity to this subject site. To him, what they are looking at is particularly well suited for this proposed use. Having the ability to plant product on site, the agriculture use; the fact that the site is very well buffered all the way around it.

On exhibit A-2 you can see that even the stuff that's happening in the front, the blue area in the front of the property is buffered from Bridgeboro Road by vegetation and distance. The only building that's up close to the street is the single-family dwelling that from the outside looking in will look like a house. The office is in the back of the property so if the operation is approved and they're able to use the site as a landscape services business the look will not change.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

Mr. Landgraf wanted to briefly go through some of the other landscaping companies in the vicinity that are in the A-1 zone. Best Cut Lawncare, Flagg's Landscaping, McHugh's Landscaping, Pica's Landscaping, Jays Landscaping & McHugh's Landscaping again. They have one on Sycamore and one on Bridgeboro Road.

There are several in the area that they think the site works well for & it will work well for them also. Especially the fact that they can buffer the neighbors from the use there with the fact that there's dense existing vegetation on the property on all three sides.

Some of the reasons he thinks that a lot of these landscape companies are in the vicinity of the Township is the recent increase of residential growth of the properties located result in a demand for landscaping services which makes this property particularly suited to accommodate the applicant's proposed use.

So, that's kind of where they start with the use variance application. You look for a site that fits this. So, you've got that for the Board, then you go into the rest of the positive criteria where they are enumerated Purpose A through P with varying different focuses in the MLUL purposes.

The first one he believes they fit under is the Purpose A: To encourage municipal action to guide the appropriate use or development of all lands in the state in a manner that will promote the public health, safety, morals and general welfare. Even though this site is not zoned for the proposed use, its location and surrounding identical uses, and apparent demand for the services in the immediate area, makes the site ideal for landscaping service use.

Use of a mostly vacant underutilized parcel also adds to the viability of the community, adds positive economic impact to the municipality, puts the property back into a functioning part of the Township.

Purpose G: To provide sufficient space in appropriate locations for a variety of uses, both public and private, to meet the needs of all New Jersey citizens.

Mr. Jeney asked Mr. Landgraf about the A-1 Agriculture District Land Use Analysis from June 10, 2005, does it not supersede the one you are referencing? It doesn't supersede the MLUL. The MLUL actually requires you to write those documents and keep them updated over time.

Purpose M is to encourage coordination of various public and private procedures and activities shaping land to develop with a view to lessening the cost of such development and more efficient use of land.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

The second primary use of the site, agriculture support the landscaping services by supplying needed plant materials to be used at jobsites. It activates a property that has fallen in somewhat disrepair.

The woman who sold the property to Mr. Dunphy was aging out of being able to maintain the site. This will be an efficient use of land. It will add an agriculture use, which is permitted, and allow a piggyback use will—of the landscaping services that will make it viable. That to him is a very efficient use of a piece of property in the community.

So, in his opinion, the application will advance the purposes of encouraging the appropriate use or development of the lands to promote the health, safety, and welfare, promote sufficient space and appropriate location.

Purpose G: The demand for services is shown by the high demand for these uses in this vicinity of the site. Those factors make the site particularly well suited for the proposed landscaping services company.

For those reasons, and use to encourage the development of private activities, encourages efficient use of land, those are the three MLUL purpose that I think we fall within.

The second part of the prong is the negative criteria and there's two parts to that. The first is it can't be shown as a substantial detriment to the public good; that the impact of the surrounding properties can be limited from this site.

As you can see from exhibit A-1, the site is well buffered to the residential properties to the bottom of the page there. The vegetation that exists on the property along the left property line is existing. It's natural vegetation. That will provide a significant buffer to the neighboring residential uses to the left of the property. Similar type uses already exist in the area in the zone. Buffering and landscaping we can add where they need to. They don't know that there's going to be a lot more they need to add. They believe that would do but if more is needed, they will add it.

Building orientation, protect the adjoining uses from any aesthetic audible impacts. You won't see any activity happening from Bridgeboro Road or the adjoining properties. There is thick, dense vegetation on those two property frontages and the sideline. It's along existing municipal street with nearby access from the county road with nearby access to a lot of arterial roadways that can get access to different neighborhoods and

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

communities that will allow the landscaping business to spread their services out through this community and neighbor.

It allows the potential impact of uses to be contained within the site. Much of the site is bordered by large lots and agriculture use. You have uses to the right there that are agriculture in nature or at least. There is also a lot of vegetation, existing dense tree cover on the lot to the north.

These factors allow the variance to be reconciled with the A-1 Master Plan Amendment to include this use in the A-1 district. So, there is no impairment to the intent purpose of the zoning plan or zoning ordinance.

That's the next step. They have to show that this use will not substantially impair the purpose of the zone plan or zoning ordinance and that the site can be designed in compliance with the township land use regulations.

Mr. Allen had talked about a site plan coming in once the use variance would hopefully be approved. They can come in and design criteria on that property to address concerns that the Board may have or some of the neighboring property owners may have.

Despite the property being surrounded by several residential uses, the wooded areas along the perimeter provide a natural buffer to mitigate visual impact to proposed services and facility.

The applicant has planted several evergreen trees along the frontage of the property to mitigate impact on Bridgeboro Road. He believes arborvitae towards the frontage of the site. It will not have a negative visual impact on the adjacent neighborhood.

Mr. Mosley spoke about the traffic impact on Bridgeboro Road. If you look at it as a whole, the impact to it is negligible. Yes, there will be added traffic to it, that's a given but it will not cause any deficiency or lessening of the service level on that roadway.

It was stated that they believe that it will help the land balance in the A-1 district. It will allow a business to operate that is close to an agriculture use. They'll add an ag use to the site, instead of adding residential to the property which would have been more traffic to the area and the schools.

They are not changing any of the existing buildings, they are just looking to change the use of them.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

Mr. Landgraf mentioned some comparison for that property with single family homes in lieu of the landscaping business and how it would impact the zone.

Mr. Hewko mentioned the housing community that was previously described and where that came from. The planner stated that they are not proposing it, they are just stating what else it could possibly allow there in that zone. He was trying to compare the two uses & what impact each would have per the Master Plan. Mr. Dunphy has no intention to utilize that land for anything but the landscaping business.

Mr. Morrow asked if there will be any snow removal & repair of any of the equipment on site with this business. Mr. Dunphy stated yes that they will be doing snow removal. Doesn't know of a Landscaping business that doesn't. Any equipment repair will be off site. No clippings are being brought back to the yard. He mulches it into the yards he is cutting.

Mr. Smith asked about the parking of the equipment. Mr. Dunphy stated that this is a use variance application & that all that will be discussed at site plan. He is parking the equipment where he can maneuver the vehicles safely until they do the site plan.

Mr. Allen mentioned about the professional's review letters. They haven't objected to anything that was asked, they know there are things that will need to be given to them for site plan. A site plan is very expensive to do especially not knowing whether the use variance will be approved. Applicants usually handle that part first.

Discussion went on about parking work vehicles, trash dumpsters, etc. Unfortunately, without a site plan, it would be very difficult to determine where that will all be.

Mr. Bauer, Fire Official stated that he would not have any concerns at this part of the application. His concern will take place when a site plan application gets presented.

Mr. Allen wanted to clarify that when Mr. Hewko mentioned that when a traffic study was done, it was a snow blizzard and that could have been why no traffic was recorded on the roads. They did go back and checked and it was actually a mild, fair weather day.

Mr. D'Armiento & Mr. Dochney have lost Internet service 3 times up to this point throughout the application. Their apologies.

Ms. Johnson wanted to address the Board about the legal term that Mr. Allen and Mr. Landgraf brought up. She wanted to give the explanation to the term "rebuttable presumption" as to what that is in terms of the zoning ordinance.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

They are presenting that term to tell the board that the failure of the Municipality to conduct a review of the zoning ordinance in the past ten years creates a rebuttable presumption that the ordinance is no longer reasonable. And, why that's the standard from NJ, a rebuttable presumption can be overturned if the evidence that contradicts it is true and a reasonable person of average intelligence can logically conclude that the evidence presented shows that the presumption is not valid.

You can take what they said, but then you also have to take the fact that Delran is working on reviewing its ordinance and revisiting it and what their intent is in not having an updated master plan. If you take all the evidence together, you can come to a conclusion that is different than the presumption presented by the Applicant.

Mr. Allen stated that Ms. Johnson makes a great point. They have case law on this. There is a Supreme Court case, and really how that rebuttable presumption comes about is the court would look to see if whether the master plan and the ordinance is still grounded together. Are they still on the same firm footing they were ten years ago? That's an examination that the court would do.

Mr. Jeney opened the meeting up to the public.

Ms. Johnson called on Ms. Julie Weimer who lives on 83 Cooper Avenue which is directly behind Mr. Dunphy's site. Her & her husband bought their house in December of 2017 and completely revamped it. They absolutely love the quietness of the neighborhood and the surrounding neighbors. When they found out a landscaping company bought the 16-acre property behind her, she stated that she grew very apprehensive about what was going to happen once the landscaping company moved in.

Not only did they move in but they also moved in all heavy equipment, dump truck, front end loaders, employee vehicles, etc., but not before cutting down dozens of trees to make parking lot areas for all the vehicles. Starting very early in the morning, the landscape trucks would start up and continue running for quite a while before any one drove them away. The heavy equipment never stopped running and would vibrate her home all day. They also erected a small enclosure to hold old oil and gas tanks which is not safe. Also, an outdoor storage area was erected for holding mulch, salt, dirt, etc. The old farm house is home to their administrative offices.

To issue a variance would have a negative impact on our residential community. They feel that they lost all aspects of their quite enjoyment. Work still continues to take place there after hours. On Father's Day someone was working there until late in the evening.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

Mr. Paul Buzzi Jr. wrote a 14-page letter expressing his concern about Dunphy's Landscaping conducting business out of the property. He feels that it is destroying the beauty of the residential & agricultural community. It's more like commercial industrial now. He stated that they have cut down a lot of trees from the property in order to accommodate all his commercial vehicles. He stated that he can now see all the vehicles he has put there. He doesn't feel that this is a horticultural business. It is about 10% of growing with about 90% being all the rest of what he needs to conduct a landscaping business.

Mr. Allen wanted to let the board know that what Mr. Buzzi was referring to is what would be discussed on a site plan. If they are granted the Use Variance, then they would come back to the Zoning Board for the site plan application. At that point everything would be discussed in detail.

He also addressed the trees that were removed from the front of the property. That was the County that removed them to widen Bridgeboro Road. He said it looks like heck & they are going to plant some arborvitaes to try to improve the aesthetic.

Mr. Magill lives at 4125 Bridgeboro Road right next store to the Dunphy's property. He stated that they improved the property since they moved in. He hasn't heard much noise coming from the site. He also put a wall around the gas tanks to make it safe for the residence around the site.

Mr. Bruno lives at 65 Cooper Ave. He believes that as a resident, a use variance is not in the best interest of the community and he doesn't believe that the purposed use meets the purpose of intent of the agriculture district, and that there are no peculiar conditions that exist that would warrant the approval of this variance. Also, he referenced section 355-10 D (7) of the Delran zoning ordinance that states: no noise shall be audible to adjacent property owners to interfere with the quiet enjoyment of their property. As we have heard from other residents, his self-included, that when the property was purchased recently, there was a lot of noise that did ensue.

Mr. Allen addressed Mr. Bruno's concerns about the noise and at what decibels they need to be at for certain hours of the day. He stated that they were always planning on obeying the noise ordinance of the Township.

Mr. Larry Stellwag lives at 831 Fordham Street. I wanted to let the Board know that I've known Mr. Dunphy for over 35 years. Friendly with him. We've done business together. I am the former owner of Stellwag Hidden Acres and the Moorestown Gardens, which is the nursery that supplied him. He's familiar with the property and has every intention of doing everything correct and wants to be neighborhood friendly.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

Mr. Jeney closed the public session.

Mr. Anderson asked about the other landscaping businesses in the area that he was mentioned in the testimony. How many of those are of this magnitude and how many of those businesses in the area are just simply a residence with a mailing address for those businesses.

Mr. Allen stated that they are all identical to what they are proposing to do. Mr. Anderson stated that some of them look like a residence. He is a contractor with a home address but has his vehicles & equipment off site.

The best way to answer Mr. Anderson's question is that they studied this. They were surprised to find that there were that many landscaping companies with-in a one-mile radius of their site. Mr. Anderson stated that in his opinion, it's incomparable landscapers, but he understands his point.

Mr. Anderson asked whether there were any permits pulled for the improvements that have been made on the site, the containment areas, the other areas that have been noted to have been improved on the site.

Mr. Allen stated that beyond the zoning permit, the answer is no. For whatever reason that happened. Going forward because they are off the site, they know that they have to deal with site planning. Site planning then begets into zoning permitting and then building permitting.

Mr. Jeney gave a brief reason as to his decision & why he didn't think that it was a good idea to have a landscaping business of that size to be conducting in that A-1 zone.

Mrs. Parento made a motion to approve the Use Variance. Mr. Hewko seconded it. The results are as follows:

Aye: Mrs. Parento

Nay: Mr. Jeney, Mr. Hewko, Mr. Smith, Mr. Singer, Mr. Anderson & Mr. Chascsa

Mr. Morrow made a motion to the amendment of the establishment of the official meeting dates 2020. Mr. Smith seconded it. The results are as follows:

Motion approved with a unanimous voice vote.

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**

Mr. Hewko made a motion to approve the Re-org meeting minutes from January 16, 2020. Mr. Morrow seconded it. The results are as follows:

Motion passed with a unanimous voice vote.
Mr. Smith abstained

Respectfully submitted,

Kathy Phillips,
Secretary Planning & Zoning Boards

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
ZOOM MEETINGS
JUNE 30, 2020 – 7:00 PM**