

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

OPEN PUBLIC MEETINGS ACT

The Delran Township Zoning Board regular meeting of Thursday, July 16, 2020 was called to order by Mr. Jeney at 7:00 PM in the Township Municipal Building.

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

ROLL CALL

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

Absent: Mr. Hewko & Mr. Singer

Professionals: Jen Johnson, Attorney, Ed D'Armiento, PE, & Chris Dochney, PP

APPLICATION

**Bee Dee Associates
73 & 79 Hartford Road
Block 120, Lot 40 & 42.01
ZZ2020-01
Minor Site Plan**

The application is to expand the existing trucking service business along with a use variance to permit a landscaping business on the same lot as the trucking service use and the residence and to permit the leasing of outdoor storage space.

Exhibits provided for the testimony are:

- A-1 Deed of Consent
- A-2 Statutes for Recycling of Millings
- A-3 Colored Site Plan of property
- A-4 1977 aerial photo
- A-5 1995 aerial photo
- A-6 Drainage area map

Mr. Joseph Pinto, Attorney for the Applicant gave a brief overview of the project. The Applicant previously received a use variance and subdivision approval in 2004 to reconfigure the lots and permit a trucking facility, beauty salon and residence on the site.

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

An approval was granted in 2014 to expand the trucking service business along with a use variance. However, that approval was conditional. The conditions were not met and the approval was deemed null & void.

The Applicant is now seeking amended use variance approval to permit the continued use and expansion of the use of the property as a trucking service, a landscaping business, a residence and storage of materials on the site. The Applicant is also seeking site plan approval for new parking spaces for trucks, additional landscaping, new vinyl fencing, a new driveway apron, a new shared dumpster and a 75' wide access easement from lot 42.01 to lot 40.

As the variance granted in 2014 is to be considered null & void, each variance granted at that time must be sought again. Here is a list of the variances required.

- 1) D-1 use variance to permit a landscaping business in the A-1 district.
- 2) D-1 use variance to permit a parking/storage area for vehicles as a principal use in the NC-1 district.
- 3) D-1 use variance to permit multiple principals uses on a single lot (landscaping, trucking, storage).
- 4) D-2 expansion of non-conforming use to permit an existing non-conforming truck service business to expand.
- 5) To permit 85% lot coverage where a maximum of 60% is permitted.
- 6) To permit a 22.9' front yard setback on lot 40 (residence) where 35' is required. This is an existing non-conforming condition that is not proposed to change.
- 7) To permit an 8.9' front yard setback on lot 40 (shed) where 35' is required. This is an existing non-conforming condition that is not proposed to change.
- 8) To permit a 9.1' front yard setback on lot 40 (tower) where 35' is required. This is an existing non-conforming condition that is not proposed to change.
- 9) To permit a 6.1' side yard setback on Lot 40 (residence) where 20' is required. This is an existing non-conforming condition that is not proposed to change.
- 10) To permit a 1.5' accessory structure side yard setback on lot 40 (shed) where 15' is required.
- 11) To permit no ADA parking stalls in the parking lot. The Applicant must comply with all Federal requirements relative to the Americans with Disabilities Act.
- 12) To permit no lighting in the parking area where lighting is required.
- 13) To permit parking with a setback of 0' in the rear yard where 20' is required.
- 14) To permit parking with a setback of 0' in a side yard where 12.5' is required.

**DELTRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

Mr. Gaskill explained that Bee Dee owns 1.5 acres and the Estate of Robert Gaskill owns 6 acres of the parcel. On the 1.5-acre lot, Bills Truck Service, Lindy's Landscape the tenant at the residence is on that lot. On the remainder is parking for tractor trailers, and different forms of vehicles like small RV's. There was a small construction business working out of the site from 1949 to 2000. It was his father's business. After that was through, it became storage. The other building was used for Lindy's Landscaping since about 2005/2006. Bill's Truck Services has been there about 25 years with about 2 to 3 employees and they service just about any type of trucks. The house has been occupied from 1955 and still has the current tenant there for 5 years which has 4 people living in it. He is asking for approval on the Bee Dee lot which consists of Bill's Truck Service, the tenant at the residence, building for storage & Lindy's Landscaping.

There are 2 means of entering into the site. The main access & the emergency fire lane for emergency vehicles only. That gate is locked with a combo lock that Mr. Walt Bauer; Fire Official has that combo. It has been there since 2015 and hasn't been used. The main access is for everyone else to use. The 2 lots in the front had been subdivided.

Mr. Gaskill entered into a consent order with the DEP and Exhibit A-1 shows the document. The DEP made him regrade the wetland buffer. There is no part of the expansion requested to be in the wetland buffer. He is needing to add spots for tractors & trailers. All of his spots are currently rented out. Some stay over for a day or longer at a time and some are just daily, in and out every day.

The property had millings down on the site which had been removed per request of the Board Engineer at the previous application. Exhibit A-2 shows the statute of how the millings are to be used which became effective October 1, 2018.

There is a split rail fence in the rear, which Mr. Gaskill is asking for it to be moved back closer to the wetland buffer.

Mr. Gaskill talked about the lighting at the property. There is a telephone pole that has a light on it and there is nothing else. He has reached out to PSE & G requesting an additional light but hasn't heard back from them. He calls all the time & he stated they told him that they are backed up.

Mr. Sam Renauro, PE explained that there is an existing 75' access easement between the two properties that Mr. Gaskill testified earlier that two different entities own the two lots, 42.03 & 42.01. Mr. Gaskill controls both of the properties. There is an easement between the two properties. He will have to state that there is no parking in that easement per the Board Engineer letter. Exhibit A-3 shows where it is located.

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

Exhibit A-4 from 1977 & A-5 from 1995 show the aerial view of the site and the construction use.

There was a grading plan submitted with the application. There was a storm water report that was provided with the application for review of the Board Professionals.

It was stated that there was a possible need for a traffic impact study. Mr. D'Armiento asked about how many additional tractor-trailers are they looking at using the site comparing to 2004. Mr. Renauro stated that he is confident that the traffic study will not be necessary for what uses the site is looking at. He also stated that a lot of these are existing conditions, in addition this has operated kind of away from Hartford Road. These existing businesses have operated there for a while and Mr. Gaskill testified that he has not had complaints from neighbors.

Exhibit A-6 will show in the gray area the limits of the paving that was done in 2004 from a reputable surveyor. The gray area is the impervious coverage.

Mr. Dochney asked which use they were seeking the certification for non-conforming use. He wanted to make sure it wasn't for the construction business. Mr. Pinto stated that business has been gone for years.

Ms. Johnson wanted to clarify with Mr. Pinto if they are seeking a waiver for site plan approval. Mr. Pinto stated no, only some planning requirements but not the whole site plan. Mr. Pinto stated that he is seeking site plan approval.

OPEN TO THE PUBLIC

Mr. Michael Bigaj who lives at 3105 Bridgeboro Road asked about adding a bigger buffer between his property & Mr. Gaskill's site. Mr. Dochney reassured the resident that he can state a request and because it is a use variance the Board could put stipulations to the approval. He also stated that if Mr. Gaskill wanted to change the site from what was approved for, that he would need to come back to the Board for that change. There is a 25' buffer already required on the plans.

Mr. Kevin McCaskill wanted to let the Board know that he parks his truck at the site and has known Mr. Gaskill for sometime and he is a good guy.

CLOSE TO THE PUBLIC

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

Ms. Johnson stated that the Board is there tonight to look for an application requesting site plan approval, amended site plan and then a number of variances. These variances include the expansion of a nonconforming use and then several bulk variances including impervious coverage and front yard setbacks.

They're all existing components and then a variance to permit an accessory structure, which she said she didn't believe was spoken on. They can't grant a variance to not have to permit ADA parking, so that's not in their purview. They also are looking for a variance to permit no lighting in the parking area where lighting is required. In addition to the other ones, they are looking to permit parking with a setback of 0 side yard where 12.5 is required, to permit parking in the rear yard where 20' is required.

They are also asking for waivers with the site plan approval. They are asking for waivers for a soil and erosion sediment control plan as a condition of approval. Then they are asking for a waiver of a lighting plan, an environment impact report and a traffic impact study.

Before any discussion from the Board, Ms. Johnson stated that the Board can't lose sight of this, that a use variance is a very large burden to ask of a Board of the town because they will be changing the use of which the other Board of the town has decided what the uses for that zone are. Now the Applicant is asking the board to vary from that.

There is a large test that goes along with that and the Applicant has to show special reasons as to why the Board should let them vary from what the town has already decided, is the right use for that zone. The way they are supposed to do this is to prove to the Board that the site is particularly suited for the use.

There should be testimony on why the site is particularly suited for the use. Then that is consider the positive criteria. Then they also have to prove the negative criteria, which they have to show that the variance can be granted without causing substantial detriment to the public good and that it won't substantially impair the intent and purpose of the ordinance and the Master Plan of Delran.

Mr. Jeney stated that after the testimony, he would like to find a way to a resolution that leads to the Applicant's request. He thinks they need to have certain criteria met and certain agreements on certain things on the property based on some public comments and based on some things that we know in the ordinance are required.

It's a challenging application because it's been existing, as indicated for many years and operating businesses for many years with reference to the Master Plan. In the A-1

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

zone, landscaping is not a permitted use. They know that there are setbacks and things that are really a concern, particularly, in his opinion, the residential property. He would like to see looking at the site plan the area marked out beyond the parking spots, that the entire area, excluded from any improvement going forward.

In addition, some additional plantings that would buffer the property to provide the family a reasonable place to live and still allow the use in the back. He would like to limit the landscaping company to that A-1 zone. He also stated that outdoor storage is not acceptable in a A-1 zone and knowing that that is an existing business, they could set a limit on its growth.

He is also concerned about the trucks coming in at all different hours. They can 't control that but they can control the idling time the driver is there. They pull their truck in and go.

There are multiple uses on the property that have been in operation. He would like to see it limited to the existing uses without any additional uses being added to it unless they were to come in with another application before the Board.

For the temporary spaces in the front, he would like to see that they are limited to parking vehicles for Bill's Service operation and that they would limit parking for a limited period of time. People leave it there and pick it up some other time.

The outdoor storage and landscape limited to that space where it currently exists and not outside the A-1 zone.

He would like to see our Professionals review the landscape design that we feel will be appropriate for buffering as well as for around the back of the split rail fence. The split rail fence isn't a great barrier but with plantings behind it, it would limit future expansion.

The easement that they spoke about throughout the testimony needs to be cleared. He stated that he is ok with the amount of impervious coverage that Mr. Renauro spoke about.

He's comfortable with the setbacks as they currently exist.

The ADA as they indicated, they have no jurisdiction to waive anything for Federal requirements. The applicant will have to meet all State & Federal ADA compliances.

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

He is comfortable with the lighting except for the front corner adding additional lighting.

He is comfortable with the setbacks.

If the site plan in the end reflects those things discussed, he would be comfortable moving forward.

Ms. Johnson stated that we ask for a motion to accept the application for site plan approval, as well as all the variances listed on pages 4 & 5 of CME review letter with conditions that the Chairman listed as well.

Installation of trees behind the split rail fence. To keep the buffer behind the lots along the eastern property line. No noxious fumes may be created on the property. No idling, maintenance or repairs done on trucks in there parking spot. The current footprint for the Landscape Company business would remain that and not to be expanded. There shall be no further expansion of the uses on the site without Board approval. A landscaping plan to show compliance with the buffer plantings and tree plantings behind the split rail fence must be submitted. No lighting to be installed that is directed toward the neighboring parcel lot 46. An easement must be created and recorded granting a 30.2-foot-wide access from lot 42.01 to lot 40. A soil erosion & Sediment Control Plan must be submitted to the Township office as well as the Burlington County Soil Conservative District. Applicant must demonstrate compliance with ADA parking requirements.

Applicant must comply with all other applicable ordinances and codes including but not limited to building codes, fire codes and all water management requirements. All conditions that require action must be completed within six months from the date of the adoption of this resolution.

Mr. Morrow made a motion to approve the application for site plan, use variance and bulk variances. Mr. Anderson second it. The results are as follows:

Aye: Mrs. Parento, Mr. Smith, Mr. Anderson, Mr. Khinkis, Mr. Chascsa,
Mr. Morrow & Mr. Jeney

Absent: Mr. Hewko & Mr. Singer

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

APPLICATION CON'T

**Evandro Souto
36 Stewart Avenue
Block 5, Lot 24
ZN2020-02
Bulk Variance Approval**

Mr. Snow, Attorney representing the Applicant had Mr. Evandro Souto who lives at 38 Stewart Ave, Delran, NJ sworn in by Ms. Johnson.

Exhibits provided for testimony:

- A-1 Side picture of the existing building construction.
- A-2 Picture from the rear view
- A-3 Survey of property of 38 Stewart Ave.

The 15,000 sq. ft. (100 x 150) property is located at 36 Stewart Avenue in the R-2 district. The property is currently developed with a two-story apartment home with a single story attached garage. The garage is existing, and the apartment attached to the garage on the property is currently under construction. A single driveway on Stewart Ave. provides access to the garage.

The applicant is proposing to expand the existing structure on the northern side of the building to match the side building line of the apartment that is under construction. The building expansion will encroach into the required side yard setback by 7.5 feet.

Mr. Souto bought the property on 36 Stewart and the property which he lives in, on 38 Stewart. He also owns several properties on that street. His intention is to fix them up and rent them out and make the neighborhood look nice.

He is making the garage and the apartment look nice. When he applied for the zoning permit, he was approved by the Zoning Officer. He submitted the construction paper work to the construction department and was approved and proceeded with the renovations of the 2-story apartment and garage.

The inspection from the building inspector stated that he was so close to the property line and he couldn't continue even though Mr. Reimel approved the Zoning application. He was told that he was building onto a pre-existing non-conforming building which he assumed was approved.

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

Mr. Snow stated that the building can't be moved over and they want to close-in the open portion in the rear from the existing overhang. He meets all the other setbacks but the one side.

Many years ago, the previous owner of the property built a garage and then added an apartment. Mr. Snow stated that the garage & apartment that is currently there was not a pleasant site for the neighborhood. Mr. Souto is fixing it up to have a much better appearance for the neighbors. After he is finished with the building, it will be in conformity with the other homes in the area. He stated that with all the improvements that it will definitely enhance the neighborhood. Mr. Morrow agreed.

Mr. Morrow mentioned to the Applicant that no stormwater can be tied into the sewer drains. Mr. Souto said no, he won't do that. Mr. Snow stated that Mr. Souto is talking about tying it back into the gutter system.

Mr. Smith asked if there will be any additional people moving in other than the one tenant. Mr. Snow stated no, only one family will be renting.

OPEN TO THE PUBLIC

There was no public wishing to speak.

CLOSE TO THE PUBLIC

Mr. Morrow made a motion to accept the the bulk variance application as is. Mr. Khinkis second it. The results are as follows:

Aye: Mrs. Parento, Mr. Smith, Mr. Anderson, Mr. Khinkis, Mr. Chascsa,
Mr. Morrow & Mr. Jeney

Absent: Mr. Hewko & Mr. Singer

RESOLUTION

Resolution # ZZ2020-01
Dunphy's Landscaping. LLC
4101 Bridgeboro Road
Block 115, Lot 30
ZN2020-01
Use Variance

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 16, 2020 - 7PM**

Mr. Smith made a motion to adopt the resolution #ZZ2020-01. Mr. Anderson second it. The results are as follows:

Aye: Mrs. Parento, Mr. Smith, Mr. Anderson, Mr. Chascsa
& Mr. Jeney

Abstain: Mr. Khinkis & Mr. Morrow

Absent: Mr. Hewko & Mr. Singer

OPEN & CLOSE TO THE PUBLIC

There was no public wishing to speak.

ADJOURMENT

Mr. Morrow made a motion to adjourn the meeting at 10:15. Mr. Smith second it. The results are as follows:

Motion carried with a unanimous voice vote.

Respectfully submitted,

Kathy Phillips,
Secretary Zoning Board