

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING
JULY 18, 2019 – 7:00 PM**

OPEN PUBLIC MEETINGS ACT

I would like to call the Delran Township Zoning Board meeting to order. All meetings of this Board are held in compliance with the provisions of the Open Public Meetings Act in a resolutions adopted by the Board’s annual reorganization. Pursuant to the Board’s resolution, public notice of this meeting has been made in the following manner:

Written notice filed with the Secretary of the Board, the Clerk of Delran Township and on the official bulletin board of the Township. Written notice has also been mailed to the official newspapers 10 days before the scheduled hearing. Written notice has also been mailed to all persons requesting a hearing before this Board.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: Mr. Singer

Professionals: Jen Johnson, Attorney

RESOLUTIONS

Resolution #ZZ2019-03

Bridgeboro Square, LLC
Hartford & Bridgeboro Road
Block 116, Lot 28.01 & 29.01
ZN 2019-03
Expansion of a Use Variance Completeness

Motion carried with a unanimous voice vote.

Resolution #ZZ2019-04

Bridgeboro Square, LLC
Hartford & Bridgeboro Road
Block 116, Lot 28.01 & 29.01
ZN 2019-03
Expansion of a Use & Bulk Variance Approval

Motion carried with a unanimous voice vote.

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Resolution #ZZ2019-05

Advocare, LLC
3140 Bridgeboro Road
Block 118, Lot 2
ZN 2019-02
Preliminary & Final Site Plan w/ Use Variance Completeness

Motion carried with a unanimous voice vote.

Resolution #ZZ2019-06

Advocare, LLC
3140 Bridgeboro Road
Block 118, Lot 2
ZN 2019-02
Preliminary & Final Site Plan w/ Use Variance Approval

Motion carried with a unanimous voice vote.

APPLICATION

**Bee Dee
73 & 79 Hartford Road
Block 120, Lot 40 & 42.01
ZZ2018-02
Minor Site Plan**

Ms. Johnson, Attorney stated that the application has been pending in front of this board since 2018. As you know, since I have been on board they have been in front of this board a couple of times and I have met with them. The problem with the application was that it was predicated on an approval from five years ago in which they were supposed to fulfill certain conditions. They had ten months to fulfill those conditions and they have not. According to the law, that approval doesn't exist; therefore, since this was an expansion of the previous approval that did not work for us. I have asked them numerous times to withdraw or amend the application and comply with the conditions of the previous approval which they have not done. We are taking an unusual route and will discuss the application in front of us and either approve or deny the application tonight.

Mrs. Coryell, Resident from 7 Marsha Drive asked what criteria they had to meet in order to fulfill the conditions.

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Ms. Johnson stated that they were supposed to record an access easement from one lot to the other. They were supposed to remove inoperable motor vehicles and motor homes stored on the site, keep outdoor storage limited to the area portrayed on the plan that was approved and remove an existing building and radio tower. They removed the radio tower but not the building. There were grave area allowed but they were supposed to remove others to install planting and appropriate ground cover. To the contrary, they expanded the gravel area. Those items were to be fulfilled by October 22, 2015.

Mrs. Coryell asked if she is correct in the assumption that the property is currently for sale.

Mr. Jeney stated that the normal process would be for the board to review and discuss the application for the residents to hear additional information. Some of her questions may be answered during that discussion.

Mr. Jeney stated that we are not actually talking about the elements of the application. We are discussing that the fact that they did not conform by the date they agreed.

Ms. Johnson stated that we are voting on their application for their application for variances and amended site plan approval.

Mr. Hewko stated that he thought at the last meeting we discussed the fact that they didn't comply with the terms and conditions of their approval; therefore, in the opinion of the attorney the whole application is void. He thought that we were voting to void the current application.

Ms. Johnson stated that in her professional opinion the application is void but we need to have an open public meeting to discuss the application and the board needs vote to on whether to approve or deny the application that way there is a record.

Mr. Jeney asked if the board is voting to void the 2015 application.

Ms. Johnson stated no, that application is null and void.

Mr. Jeney stated that since the original application was null and void because of lack of action, this application cannot be amended. We are going to vote on this current application.

Mr. Hewko stated that his understanding was that they were going to withdraw the application and submit a new one.

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Ms. Johnson stated that they did indicate that they were withdrawing the application but they did not. We met with the applicant and asked he to do a few more things with the site plan and he refused. We were then left in this weird holding pattern. Separate and aside from that, the applicant just presented a new application last week to Board Secretary last week. Right now we are only worrying about this application, 2018 which he was before us a few months ago.

Mr. Jeney stated that we met with the Engineers a few months ago and reported back at the last meeting that they had agreed to do all of the items by June.

Mr. Smith asked for clarification stating that this application came in 2014 and it got approved with the contention of not fulfilling certain things. They received a resolution telling them certain things had to be completed & those conditions were not, so in 2018 they came back to expand on the current application and that's where we are today? Ms. Johnson stated correct.

Ms. Johnson stated that they when they can to the board in 2014 it was for items that had already been completed. It wasn't for a request for future things. She appreciates the board working with the residents but this has muddied the record. This is an unusual application but she feels this is the way to go to have a clean record.

Mr. Jeney stated that this has been a very tedious process as the applicant has been argumentative with the Board Chairmen and the Professionals. When they asked him at the meeting about doing things, Mr. Gaskill stated that they weren't going to do that.

Mrs. Parento asked if there was also an issue with the fence.

Ms. Phillips stated that part of the issue from 2014 was that the applicant did not want to place the fence where required because if it was moved back there would be additional parking. The applicant contacted the Township and asked if to move the fence back, he would have to come in to amend the application. We reached out to the Township Engineer and he went out to inspect the site and saw that the fence was not installed and they would have to come back to the board. So this is an expansion of the 2014 application. During the inspection the ZB Engineer's went out to observe the site and found additional things that were wrong including millings and trucks parking on grass. There were a lot of items added to this new application aside from placement of the fence. Mr. Bauer was out there and took lots of pictures and that is how it transpired into this.

Mr. Jeney asked if there is any additional discussion.

Ms. Johnson stated that once we have a clear record the Code Enforcement Officer can enforce the ordinance with a clear record. It was a little vague before.

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OPEN TO THE PUBLIC

Mrs. Sharon Coryell, 7 Marsha Drive, asked what penalties, fines, or adjustments to the application in a way of monetary about the applicant has been forced to undergo with playing this game...and that's what it is a game with my money and your money that you have to review this and send a lot of time effort and research on. What is in place as a penalty for doing this? What conduct do you allow to persist in this type of application?

Mr. Jeney stated that we have is our legal mind here our attorney and the attorney will guide us in what direction were going. With this application we tried to extend every citizen of Delran an opportunity to give us a good reason why they need to do what they're going to do. This started many years ago and it's been going on. I don't know if there were any inspections or violations over the past. I'm not a construction official and I don't have those records. We can probably get those records if you wanted.

Mrs. Coryell stated that he went ahead with making improvements or changes to property without prior approval of the township. She asked if the board gave him some kind of honorary extension. I don't get an extension if I don't get a permit, if I don't fulfil my obligation is to the township.

Mr. Jeney stated that he understands. We are not a body that can enforce the ordinances. We don't force the laws the construction official does. After we vote tonight if the application was approved they could move ahead. If it is denied, there are a number of violations that we would fully expect our construction officials to go out and investigate and start to take the proper actions because we have come to the end of the road with the applicant. We've given extreme opportunities. We've met with their engineers at the engineer's office to review this list we were just talking about and they have failed to perform on that. So, we think we've extended ourselves as far as we can go.

Ms. Johnson stated that something she did not know before I got involved in this world was that the application as to pay for my time so you do know...just so you're aware.

Mrs. Coryell asked if he has.

Ms. Johnson stated that he has. They have to put a large amount in escrow in addition to application fees that covers the engineers, the planners, and the attorneys. I have been spending an inordinate amount of time on this application but don't worry it is not the residents of Delran paying it. I always used to think that myself.

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Mr. Jeney stated that is correct.

Mrs. Coryell stated that she appreciates the correction.

Mrs. Coryell stated that the property is up for sale and I think it's just playing the waiting game and just playing a game with all of you.

Mr. Jeney stated that we were told it was for sale and it wasn't for sale so were not sure yet whether for sure it is not. Not that it matters.

There is but from what I hear, the way any of us would sell our house if we got a certain amount for it. He's waiting for the most money for it.

Mrs. Coryell asked what is in place in far as DEP control and regulations of that property. Because I understand that there is a tentative or consideration for a plan for housing on an adjoining piece of property and that would be a multi-unit dwelling. I don't know if that's concrete, that particular dwelling but I'm hearing a lot of rumors about it and I wanted to confirm that as well and remediation of that in the event that would happen. There's a lot of oil, gasoline, and pollutants that are in the ground that are stored on that property and I don't know how to proceed or question what governs and who governs is it on the township level to go there and see that they're storing these chemicals properly. That they're not going into our drinking water and into the ground. What's in place for that? Who's controlling that?

Mr. Hewko stated that it would be the townships responsibility.

Mr. Jeney stated that the state governs it though. The Department of Environmental Protection will govern any land use where there is problem with the land.

Mrs. Coryell asked if as it pertains to its current use without future building is there anything of certification or approval.

Mr. Jeney stated not that he knows.

Ms. Phillips stated that Ted Reimel is the Zoning Officer and Jason Harris is the Construction Official but unless they are selling the property, they have no authorization to test the soil.

Ms. Coryell: There's a bunch of pollutants...

But I don't think that unless they're getting ready to sell it and they're going to do the soil stuff they have no authorization to go in somewhere and test any soil...the DEP doesn't.

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I believe that if they are to sell the property they would be required to have an EPA certification that this property has wetlands. Also so on top of that, if you feel that there is something there you can call the township and you can call the state and make a personal application.

You can write a formal letter to the EPA of the State of New Jersey and I am sure they would give you some type of response better than we can.

Well I would start locally before...

Ms. Coryell: Would the township get in trouble by going over your head?

It's not over our head.

Well I would go to the township first.

Mr. Hewko stated that were voting on whether or not were going to approve or deny this current application tonight. Were told he's coming in with a new application. Now if he comes in with a new application we could make it contingent that he go out and have that environmental impact study done for any contaminates to the land or the water but were not at that point with him yet.

Ms. Coryell: I understand that but is that something that you would normally do or is that something you're going to do because I raised it?

Well it is not something we would normally do depending on the individual situation in this case it would probably be something we might require.

Ms. Coryell: That's very disconcerting because I feel that my ground water is being polluted and our township water is being polluted and I know that it's being polluted because I...

Mr. Anderson said he understands your concerns as am I, were all residences here, were all very concerned about the same situation but it's really kind of outside of our jurisdiction as to determine about ground water and things like that.

Mrs. Coryell asked if it is outside the Township's jurisdiction, how they could require an environmental impact study.

Mr. Jeney asked if he may please respond. During the application part of the process is an environmental study.

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Mr. Jeney stated that we can suggest to our engineers when the time comes that be done.

Mrs. Coryell asked if it is due to the classification of the property.

Mr. Jeney stated no, it is due to the stuff that they put on the ground. They put down some gravel down that's not right.

Mrs. Coryell asked if she has to bring in videos or pictures.

Mr. Jeney stated that he doesn't think so but attend the meeting and if there's any questions or comments you can share some information then please do.

Mrs. Coryell stated that they keep on canceling.

Mr. Jeney stated that the hearing will be in September.

Mr. Hewko stated that in the mean time you should go to the township and express your concern and have them look into it irrelevant of this approval.

Mrs. Coryell stated that she appreciates the responses and your time

CLOSE TO THE PUBLIC

Mr. Hewko made a motion to deny the application, seconded by Mr. Khinkis.

The votes are as follows:

AYE: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Hewko, Mr. Anderson, Mr. Khinkis,
Mr. Chascsa

Absent: Mr. Singer

MINUTE APPROVAL

Approve minutes from regular meeting dated September 20, 2018.

Approve minutes from regular meeting dated October 18, 2018.

Approve minutes from regular meeting dated December 20, 2018.

Approve minutes from the Re-Organization meeting dated January 17, 2019.

Approve minutes from regular meeting dated March 21, 2019.

Approve minutes from regular meeting dated April 18, 2019.

Approve minutes from regular meeting dated May 16, 2019.

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The minutes will be carried over to next meeting.

Mr. Jeney stated that he would like to address the email that he sent out today with regarding the inability to complete and memorialize the minutes in a timely fashion. It is not because Ms. Phillips isn't doing her job it is because she has too many things to do. Ms. Phillips was covering for another employee who has been out for a long time. He wanted to go on record with Mr. Hatcher and Mr. Catrambone that something should be done. Mr. Jeney stated that he did meet with Mr. Hatcher twice on this issue.

Mr. Hewko asked if the board needs to take any action.

Mr. Jeney stated that they do not, what is needed is another body in the office.

Ms. Phillips stated that the employee is back in the office but at this point there is a year's worth of PB & ZB meeting minutes to catch up on which could take months.

Mr. Jeney stated that there will be no meeting in August. The next meeting will be held on September 19th.

ADJOURNMENT

**Mr. Smith made a motion to adjourn the meeting at 7:40. Mr. Khinkis seconded it.
The results are as follows:**

Motion carried with a unanimous voice vote.

Respectfully submitted,

Kathy Phillips, Secretary
Planning & Zoning