

**DELRAN TOWNSHIP  
ZONING BOARD  
MUNICIPAL BUILDING  
REGULAR MEETING MINUTES  
AUGUST 29, 2023 – 7 PM**

**OPEN PUBLIC MEETINGS ACT**

The Delran Township Zoning Board regular meeting of Thursday, August 29, 2023, was called to order by Mr. Mormando at 7:00 PM in the Delran Township Municipal Building.

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

**ROLL CALL**

**Present:** Mr. Mormando, Mr. Moore, Mr. Aleszczyk, Mrs. Custer, Mr. Weir, Mr. Baiada & Mr. Hermansky

**Absent:** Mrs. Parento

**Professionals:** Lou Garty, Attorney, Mr. Ed D'Armiento, Engineer & Mr. Joseph Petrongolo, Planner

**APPLICATIONS**

**A.**

Kim Custer

48 Norman Ave

Block 2, Lot 25

ZN2023-02

Bulk Variance (Carried over from August 17, 2023, Zoning Board Meeting)

George and Kim Custer (referred to as the "Applicants") filed an Application with the Delran Township Zoning Board ("Board") for bulk variance relief from the side-yard and rear yard setback requirements concerning the real property identified as Block 2, Lot 25, which is more commonly known as 48 Norman Avenue, on the Official Tax map of Delran Township seek to slightly enlarge their existing house by adding a single floor approximately 48 SF addition to the rear of the property to add a bathroom next to the primary bedroom, which will require bulk variance relief from the side yard setback requirements for the property, which would be an extension of an existing non-conforming side yard setback; and the hearing was conducted during one session which took place on August 29, 2023.

George and Kim Custer provided a summary of the Application, describing the relief sought in the form of setback relief and the current site conditions. The Applicants are seeking relief from the rear yard setback requirements to be permitted to construct an addition to add a bathroom to the primary bedroom which will allow the family to enjoy the privacy of an additional bathroom, which they feel would increase their enjoyment of and add value to their home. The addition would be on the rear portion of the home so that there would be a very limited visible impact viewing the front of the property from the street view. The addition would be constructed in conformance with all building codes, the exterior siding would match the existing style and color scheme of the existing siding. The Applicants agreed that the roof line will match the existing roof line to the sun porch.

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The Applicants agreed to obtain all required permits and building inspections for the proposed addition. The Applicants acknowledged that the improvement may trigger a minor re-assessment of the property which may increase their property taxes. The Applicants testified as to their opinion that the addition would not be inconsistent with the characteristics of the homes in the neighborhood and would be beneficial as it is an improvement to their existing house, which was built in the 1930s.

a. *Public comment.* None.

b. *Specific conditions agreed to by the Applicants at the hearing:* The Applicants agreed to the following revisions to the design plan and the following conditions for approval, all of which were material to the Board's determination:

1. As a condition of approval, the Applicants acknowledged that they will be required to obtain all required building permits, pass all required construction and other inspections, the construction of the addition must conform with the Uniform Construction Code and other Code requirements, and the Applicants are required to pay all required fees for permits, inspections, assessments, and taxes.

2. As a condition of approval, the Applicants are required to construct the addition consistent with the sketch plans presented in the submissions and with the comments and testimony at the hearing, including the testimony as to whether the exterior will match the style and color of the existing exterior surface and the roofing matching the existing roofing materials.

**Findings & Determination:**

1. The Board found that the Applicants, George and Kim Custer, submitted an application to Block 2, Lot 25, more commonly known as 48 Norman Avenue. The Application seeks bulk variance relief from the side yard setback requirement to be able to construct an addition to the rear of the home to provide a bathroom adjacent to the primary bedroom. Based upon the testimony and proofs submitted and in reliance upon the Applicants' submissions and testimony on their behalf, and as more fully detailed within the full record of the underlying hearing, the Applicants' request for the following bulk variance relief, is hereby GRANTED as follows: (a) relief from §355-18 to allow an existing side-yard setback of 3.84 ft. where a 10 ft. setback is required, to permit the existing, non-conforming setback to be extended along the same line for the addition of the proposed bathroom.

2. The Board found that granting the relief requested, including with the Applicants' proposed plans and additional information to be provided to the Board's professionals, would provide a benefit to the use and design of the property and that granting the relief could be done with little or no impact on the surrounding properties, no impact on the Zone Plan or the Zoning Ordinance and that there would be no significant change to air, noise or drainage, such that the positives outweighed the negatives in granting the variance relief requested.

3. The grant of the within Application for certain "bulk" variance relief does not confer any

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other rights as to any other relief or as to any accessory buildings or structures and shall not serve to enable or be deemed as permission granted to the Applicants to enlarge the scope of the relief granted for the specific variances granted from the setback requirements in this zone, or for such other deviations from standards for which additional governmental approval is required, except to the extent testified to at the time of the hearing and/or as may be permitted under approvals granted to others that are not superseded by this approval.

**The Application which was approved and which variance relief is subject to the following specific and general conditions:**

1. The Applicants agreed to satisfy the conditions outlined within the Board Professionals' review letters as described herein unless otherwise satisfied through testimony or modified during the hearing and as outlined in Section 1f (#1-2).

2. The Applicants agreed to comply with all other usual and customary conditions as may be required by the Board, concerning required approvals by other agencies with jurisdiction, payment of all required fees, submission of plans, and timely payment of escrows.

3. The Applicants have submitted certain plans, drawings, rules, depictions, written summaries, concept plans, colorized depictions, and other tangible things or documents that were accepted by the Zoning Board as part of its application. Further, the Applicants have made certain representations, provided testimony, and agreed to modifications to the plans, drawing, and other features, all of which were made at the public hearings and all of which have been relied upon by the Zoning Board in making its findings and determinations. Should there be any material deviation from said documents, plans, representations, agreements made, the testimony presented, the modifications to be made, modifications agreed to, or modifications to any of the conditions contained herein and/or otherwise agreed to, then the failure to comply with those representations, changes and/or agreements shall be deemed a violation of the approvals granted and the Zoning Board may, upon notice to the Applicants and an opportunity to be heard, elect to rescind its approval. Should there be any material deviation from the application approved, such a change or revision is deemed to be a material revision, which would be inconsistent with the basis for the relief granted, such that the Applicants would be required to return to the Board for additional review of the required setbacks or other modifications as to whether the relief should be granted or whether additional relief should be afforded.

4. As a condition to this approval Applicants are required to comply with its fees for inspections, pay for and obtain all required permits, and comply with the escrow agreement with Delran Township for the payment of the Board's professionals' fees. No plan shall be processed, no certificate of occupancy shall be granted and no permit issued unless and until all outstanding professional fees and taxes are paid and an appropriate escrow created to pay for future sums due. The Applicants agreed to promptly pay any professional staff fees billed, over the required application escrows, or file a written protest with the Township Administrator within seven (7) days of receipt of a final voucher from the Township.

5. The Applicants shall obtain the required permits noted from any other County, State, or municipal agency having jurisdiction over the application as is required under law unless specifically and otherwise expressly waived, including approval by the following agencies, entities or officials, if applicable: (a) Delran Township Fire Code Official; (b) Burlington County Planning Board and/or County Engineer; (c) Delran Township Zoning and Construction Officials; and (d) such other governmental entities as may be appropriate and which may have jurisdiction over the site and its activities.

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6. No improvement(s) are approved to be constructed as a result of the Board approving this application. The Applicants are required to obtain all required approvals, including site Plan approval and any variance relief or design waivers as may be required before submitting the required plans and/or seeking the required permits and inspections.

7. These General Conditions of Approval, and any additional conditions of approval, if any, shall be binding upon the Applicants, the owner, and any successors and/or assigns of them.

Upon motion and second, for the approval of this Application, the roll call for approval was recorded as follows:

**A Motion to grant the variance relief was made by Mr. Mormando and seconded by Mr. Moore, The results of the motion are as follows:**

**Ayes:** Mr. Aleszczyk, Mr. Hermansky, Mr. Moore, Mr. Mormando, Mr. Weir & Mr. Baiada  
**Nays:** None  
**Absent:** Mrs. Parento  
**Recused:** Mrs. Custer

**OPEN/CLOSE TO THE PUBLIC**

Mr. Mormando opened this portion up to the public. Seeing no members of the public who wished to speak on the Application, Mr. Mormando closed this public portion of the meeting.

**B.**

Henry Streicher/62 Suburban Blvd  
62 Suburban Blvd  
Block 108, Lot 1  
ZN2022-09

Use Variance (Carried over from August 17, 2023 Zoning Board Meeting)

On August 2, 2022, the Applicant, Henry Streicher, (hereinafter referred to as the "Applicant") filed an Application dated July 29, 2022, with the Delran Township Zoning Board ("Board") regarding the real property identified as Block 108, Lot 1 on the Township's Official Tax Map, which is more commonly known as 62 Suburban Boulevard, in Delran Township (hereinafter the "Property" or "the site") seeking Use variance (d1) relief and Minor Site Plan approval with bulk variance relief as to the property to permit the Applicant to lease space on the existing structure for warehousing and office space to business tenants where such use is not permitted in the zone. The site was formerly used to house a machine shop, which use was not permitted in the zone and has been abandoned; a portion of the property is located in the C-2 (General Commercial District) zone and the parking lot is located in the R-2 (Residential) zone; and the Applicant submitted an affidavit of mailing and publication to the Board, demonstrating that notice of the hearing on the Application was provided in a manner which complies with the public notice requirements under the Municipal Land Use Law ("MLUL"); and the Application was deemed incomplete and the Applicant requested that the matter be adjourned from the October 20, 2022 meeting to the November, 2022 meeting, and thereafter requested that the matter be

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adjourned as the application submissions were incomplete and were to be amended. An amended or new Application was resubmitted to the Board on or about March 21, 2023, which had deficiencies and was supplemented on March 27, 2023; the Application was deemed incomplete and the Applicant requested that the matter be adjourned from the April 20, 2023 meeting to the May 18, 2023 meeting and heard by the Board during two sessions on August 29, 2023 and October 19, 2023; and it appeared that based upon the submissions for the relief sought that certain waivers were sought by the Applicant as to the requirements to deem the Application complete. The Board heard the testimony presented and the comments of its professionals and determined that the Application for Use variance relief was complete, that as to the minor site plan, additional testimony would be necessary, from which the Board could fashion conditions of approval as to the submission items identified by the Board's professionals, including items 40, 41 and 49. With the modifications and the condition that testimony would be presented addressing the waiver requests, the Board deemed the Application complete; and the Board found that the jurisdictional requirements of the Delran Township Code ("Code") for notice and publication had been satisfied and that other procedural requirements of the Code had either been satisfied, modified or waived by the Board such that the Board found that it had jurisdiction over the Application and over the subject matter and the Application was deemed complete; and the Board has considered the recommendations and comments of its professional staff, namely the review letters submitted by the Board's Professional Planner, Joseph Petrongolo, LLA, RLA, PP of Turek Consulting, LLC and by the Board's Engineer, Edward D'Armiento, P.E., CME, of CME Associates as well as the comments and recommendations made at the hearing of this matter by the Board's Professionals; and the hearing on the Application was conducted over the course of two meeting sessions which took place on August 29, 2023 and October 19, 2023, during which the following documents and submissions were presented:

**Submissions and Testimony of Record at the Hearing:**

In reaching its decision, the Board relied on the submissions, exhibits, and witness testimony identified below:

*a. The Applicant's submissions:*

- Zoning Board Application form with checklist and narrative description
- Zoning Board Application form – updated (March 2023)
- Existing Features Plan dated 07-22-22 updated 6/2/23
- Landscape/Lighting Plan dated 07-22-22 updated 6/2/23
- Submission Waiver Request dated 02-21-23
- Memorandum by Van Cleef Engineering, dated 09-12-23 (2 pp)
- Memorandum by Van Cleef Engineering, dated 09-12-23 (7 pp)
- Use Variance/Minor Site Plan, by Michael Textores, P.E. of Van Cleef Engineering, dated 07-22-22, updated submission 09-08-23
- Photo Location Map by Michael Textores, P.E. of Van Cleef Engineering, dated 09-08-23
- Floor Plan by Michael Textores, P.E. of Van Cleef Engineering, dated 07-22-22, updated submission 09-08-23

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*b. Reports from Board professionals and staff:*

- Review letter dated August 28, 2023, by the Board's Professional Planner, Joseph Petrongolo, LLA, RLA, PP of Turek Consulting, LLC
- Review letters dated October 5, 2022; April 13, 2023, and June 27, 2023, by the Board's Engineer, Edward D'Armiento, P.E., CME, of CME Associates
- Site Plan Review by Walt Bauer, Fire Official (dated 04-19-23)

*c. Exhibits:*

- Exhibit A-1: Sheet 3 of 5 of the Use Variance/Minor site plan
- Exhibit A-2: Floor plan (October 2023)

*d. Testimony:*

Tiffany Morrissey PP, AICP was sworn in and accepted as an expert in professional planning. Ms. Morrissey testified first as to the burden of proof for the Use variance relief sought, noting that the property is located within two different zoning districts R-1 and C-2, that it is surrounded by residential properties on 2 sides, and is near Rt. 130. The only access to the property is through an easement from Suburban Drive. The goal of the Application is to re-utilize and repurpose the property, which was previously used as a machine shop. She testified as to her opinion that the site has been under-utilized, that under the Applicant's proposal, the site would be used by trade contractors as a base of operations to store inventory and equipment with limited office space, but that no "heavy" trucks would be on site.

Ms. Morrissey described the interior, which consists of 3480 SF of office space and 12,000 SF of warehouse space, that each unit would have a minimum size of 1000 SF. She testified that the Applicant expected the tenant capacity to be no more than 8 units, that there would be no retail operations permitted, and that no outdoor storage is proposed. She testified that the hours of operation would be from 8am-6pm Monday-Saturday. Ms. Morrissey testified that this sort of "flex" warehousing use is not a use that is permitted in the R-1 or C-2 zone, but the zone permits non-residential business purposes.

Ms. Morrissey testified that the Applicant's minor site plan proposes 26 parking spaces on the site, that they would reduce the impervious coverage, re-stripe the parking area to improve parking designation, and install landscaping around the property. Concerning the proposed tenants, she testified that the tenants would have commercial trucks and box trucks on the site. She testified that the rear yard and side yard setbacks are non-conforming currently and would not be exacerbated, noting that the Applicant's site plan proposed additional landscaping to off-set the potential negative impact.

As to the Use Variance Relief sought, Ms. Morrissey testified that to grant the type of d1 use variance sought, the Applicant must demonstrate that the site is "particularly suited" to the proposed use and that granting the relief advances a purpose of the MLUL. Ms. Morrissey testified as to her opinion that the property is suited to the proposal because it has the existing improvements (the building). It is a "positive" to re-purpose the building as a site for storage of the equipment, but the type of equipment

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or items to be stored was not identified in the testimony. The Applicant did not provide any marketing data or testimony by a person with knowledge as to the need for the type of use proposed. Ms. Morrissey testified that the use advances the goal of providing sufficient space in an appropriate place to meet a variety of needs but did not detail how the subject location is "an appropriate place" for the use and there was no testimony as to the existence of a variety of needs which would be met through the proposed use.

Ms. Morrissey testified that to use would advance the purposes of zoning by providing light, air, and open space because the site plan does not propose to increase the parking area, which would remain open. She noted that the homes in the adjacent area do have landscaping, that arborvitae presently exists and provides a shield or buffer to the property.

Ms. Morrissey testified as to her opinion that the Applicant met the burden of proof for granting a use variance as to the showing for the "negative criteria," testifying that in her opinion, there is no detriment to the public good, to the Master Plan or the Zoning Ordinance. She noted that the property is unique because it is in a "split" zone. Ms. Morrissey expressed her opinion that the proposed use advanced a goal of the Master Plan to create the opportunity for a balanced group of uses, that re-utilizing the existing infrastructure through the rehabilitation and/or reuse of an underutilized property advances this goal, and that the site will upgrade and preserve the economic vitality of this commercial site while being sensitive to the surrounding properties, which are all residential. Ms. Morrissey testified that the site creates economic development through job creation.

The Solicitor stated a concern as to the testimony lacking a factual basis for the factual statements made, due to the lack of testimony by a witness with personal knowledge of the proposed operations, the lease terms, and other aspects of the proposed use, noting that the Applicant needed to provide a factual predicate for these opinions by the Applicant's expert. There was a discussion about the best use or re-use of the machine shop site. Ms. Morrissey testified as to her opinion that there would be no detriment to the public good, acknowledging that the site is difficult to develop because it is a commercial site surrounded by residential properties. She testified that the Applicant's proposed site plan design will improve access, parking, and buffering, reduce impervious coverage, mark the fire lane, and provide ADA accessibility, all of which would be required regardless of the location of the site. Ms. Morrissey testified that the Applicant agreed to work with the Board's professionals for a revised landscaping plan and agreed to work to address the other comments in the professionals' review letters.

In response to comments, Ms. Morrissey testified that there would be no outdoor storage at the site and that vehicles would remain overnight for parking which could include someone who uses the site for E-Bay or similar online business operations, but without a retail component, who visits the site. She testified that no "large" vehicles would be on the site.

Mr. Petrongolo noted that the presentation included comments that "large vehicles" are not "anticipated" but that the testimony does not specify what type or size of vehicles is being described based upon factual testimony as to these types of uses at other or similar sites or other competent testimony. As a result, the Board cannot weigh the impact of the proposed novel use. He also noted that the proposed use is not a permitted use in the zone so the Applicant needs to provide specific testimony from a witness with

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personal knowledge of operations as to what the proposed use by the tenants is going to include. Mr. D'Armiento joined in that comment noting that the key element to the Applicant's burden of proof is the level of intensity of the use, which is based upon the type of use which affects whether the proposed use is suitable for the site. He noted that the Applicant's presentation had not provided a factual basis as to the intensity of the use, and then the question of whether the intensity is not compatible with the site hasn't been answered by the Applicant.

A Board member asked about the size of the trucks and whether there was a weight restriction. Ms. Morrissey testified that the Applicant would agree to weight restriction but did not specify the weight. There was a discussion about the presence of trucks weighing over 8000 lb. being prohibited in a residential (R-2) zone. Ms. Morrissey responded that an 8000 lb. weight restriction is too limiting and suggested the Board use the weight limit of a "box truck" but those weights vary and are not defined by a definitive standard such as the Township Code's standard, so the Board and professionals noted that this proposed limitation was nebulous.

Michael Textores, P.E. of Van Cleef Engineering Associates in Hillsborough, NJ was sworn in and accepted as expert as an expert in engineering and site plan design. Mr. Textores provided an overview of the Application and the design plan for the minor site plan and described the orientation of the site about the surrounding properties. He identified and introduced Exhibit A-1, Sheet 3 of 5 of the Use variance/Minor site plan submitted with the Application, but with red and blue markings. Mr. Textores testified about the existing features, in that the site is in a split zone for the C-2 district and the R-1 zone, which is where the parking and loading area for the property is located. The existing building is 12 ft. high with a flat roof. There is a loading dock in the rear of the building with 4 non-delineated loading spaces. He testified that site lighting exists with 18 ft. high poles. Mr. Textores testified that there is no direct access to the site, that the Applicant utilizes an easement to the property which is a 30ft wide easement, and that there are bulk variances sought for the pre-existing, non-conforming conditions.

As to the sewer service, there is no public connection, but the building does have a sprinkler system for the inside and there is an FTC connection in the rear of the building. There is 16 ft. lighting proposed, where 14 ft. high lighting is permitted. He testified that the Applicant would upgrade the light fixtures to LED lighting and noted that the height would either require relief or have to be revised to comply with the Ordinance. Mr. Textores testified that no trash enclosure exists currently, and the Applicant would add a trash enclosure. Mr. Textores testified that the Applicant is proposing to remove some of the pavement and will add some "green space" which is depicted on Sheet 4 as to the landscaping proposed. Mr. Textores clarified the plans which identified places on the north side and the south side of the property, including the south side of the parking area. Mr. Textores testified that the Applicant "expects" 8-10 tenants and the hours of operation as described previously. He noted that Soil Conservation Commission approval is not required because the proposed area of disturbance is less than 5000 SF and stated that the Applicant has received a letter to that effect from Burlington County Soil Conservation and has or will provide a copy of the letter.

Mr. Textores testified to address the Engineering comments from the review letter dated June 27, 2023, noting that "most likely" there will be trucks over 8000 lbs. coming to the site, so there will be a need for a variance because trucks of a greater weight are not permitted in the R-1 zone. Concerning the types



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and frequency of deliveries, that testimony was deferred to the next meeting or hearing on the Application where specific factual testimony as to the proposed operations would be presented. There was a discussion about the products to be disposed of on the site, relative to waste removal. Mr. Textores testified that based upon another facility in Florence NJ, the site will generate general trash but also some metals, so there will be 3 separate dumpsters on site, with 1 for recycling; 1 for trash, and 1 for metals. The Applicant proposed to put the dumpsters on the south side of the property, which is near the residential area and would be located about 30-35 ft. from the west side property line.

During the testimony of Mr. Textores, there was a discussion about moving the trash dumpster away from the residential Lots 9.04 and 9.06 and whether removal of refuse would be performed by a front-loading trash truck, that those types of operations can start as early as 6am. In response to item #4 in the comments about operations, he confirmed that there is mechanical equipment at the building, but none on the ground. Mr. Petrongolo asked about the equipment on the roof which does not have a parapet to screen it. Mr. DeClement stated that the Applicant would agree to screen any mechanical equipment located on the rooftop. Mr. Textores testified in response to comment #5, Parking, and testified that the site plan design has room to be able to add more parking spaces in the future if desired because the parking lot has ample room for expansion. Mr. D'Armiento commented that the parking spots have different depths which need to be addressed. He also stated that there is a parking bumper next to one spot noted on the plans so that if a commercial truck turns right to exit the parking lot, that truck would be going into the heart of a residential area. Mr. D'Armiento asked whether the Applicant would agree to restrict the vehicle exiting the site to left-hand turns only, to get to Rt. 130 and to avoid driving through residential areas. Textores responded to that suggestion that the site would be occupied by the tenants and that if the tenants don't direct their trucks or deliveries, the Applicant wouldn't be able to have control over their truck traffic and that those types of limitations don't always work. There was a discussion about the difficulty of enforcing such a directive, but the Applicant agreed to include a lease provision for its tenants to prohibit Right-hand turns out of the property, to limit commercial truck access to the residential area.

Mr. Textores testified relating to the comments inquiring about curbing, responding that none is proposed and that he will provide the length of the parking stalls and add that detail to the plans. He testified about comment #6 concerning drainage, that the drainage is not being changed, and as to #7, the Lighting plan, that the Applicant will need a variance as to the height of the pole because the Applicant cannot comply with the restrictions of the Township Ordinance and will seek a variance for the height. Mr. Textores testified that the Applicant will address preventing "spillage" of light associated with the higher pole height to other properties.

A Board member asked about the additional parking spaces noted on the plan with striping, stating that it appears that 4 parking spaces are within the Fire Lane. Mr. Textores admitted that the design plans will need to be changed, given the location of and the need to preserve the Fire Lane. He testified that the Applicant would provide information on the lighting levels, and the number of foot candles of the lighting for the site. There was a question of whether a Phase I Environmental study was conducted and submitted. Mr. DeClement responded that a Response Action Outcome (RAO) letter was issued by NJ DEP and that the Applicant will provide a copy of it before the next hearing. There was another question about comment #8b, relating to the use of a Septic and whether the site currently has a connection to

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the public sewer system. Mr. Textores testified that the plans will be revised to add the dumpster details and address signage per the Comment letter item #9 by Mr. D'Armiento. There was a discussion about signage, in which Mr. Petrongolo noted that the existing sign is off-site, so it is considered a billboard, which would need a separate Use variance to permit a sign to be located off-site. Mr. Textores testified that the Applicant's professionals would address the ability to use the driveway at Suburban Boulevard for access to the site and that they would have to discuss with the Township's Fire Official and review the status of the sprinkler system.

*e. Comments by the Board's Professionals:*

**At the August 29, 2023, hearing:**

Mr. Petrongolo noted that the presentation included unclear testimony about the size of trucks that would be on the site. Mr. Petrongolo asked if the applicant had any floor plans showing the internal layout for the units. The Applicant did not have a floor plan at that time but had a sketch plan that showed the basic layout of the existing building. Mr. Petrongolo asked if there were going to be restrooms in the building. Mr. Textores responded that there would be "a few" restrooms at the site but the location was not specified. Mr. Petrongolo commented that if the tenants are going to have common areas for use, a layout or floor plan should be provided.

Mr. Petrongolo noted that certain comments in his Review letter needed to be addressed, including Part V. General comments as to landscaping. Mr. D'Armiento asked whether the Applicant would address or fill in the gap in the landscaping on the site. Ms. Morrissey responded that there are arborvitae on the adjacent property, but Mr. Petrongolo noted that it is on another site, so the Applicant cannot use or "take credit" for landscape buffering on another site and suggested that the Applicant could add landscaping. Mr. Textores testified that the existing fencing is not associated with this property, that the Applicant would prefer not to install a fence, that there are areas where there are overlaps to fencing on both sides and that the fence may encroach on their property. Mr. Petrongolo responded that the Board was not suggesting that the Applicant remove the neighbor's fence. There was a discussion about the open site design items, that the Applicant would still have to address items #4, 5, 8, 9, 10, 11, 12, 13, 14, 16, 17. Mr. D'Armiento suggested that the Applicant should restrict the time for trash trucks to remove refuse and that they not be allowed on the site before 7am under the noise ordinance. As to comment #13, relating to the utilities, Mr. Textores noted that the site has existing overhead wiring and utilities. As to comment #15, the Applicant acknowledged that the site is a new, non-residential development so the improvements will require an Affordable Housing contribution of 2.5% of EAV of the improvements made. As to the exterior improvements, Mr. Textores noted that the Applicant will paint the exterior and install mechanical screening, they will restore the interior to a better condition by fixing the broken window(s) and address the condition of the parking lot by sealing the cracks that were noted.

**Public comment open: The following comments were made by members of the public:**

**At the August 29, 2023, hearing:**

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1. Ed Finnerty of 202 Paddock Way provided comments, stating that the existing lighting is pointing toward his property and his concern about existing drainage patterns and whether they will be affected. Mr. Textores responded that the site is a relatively flat area, that he does not see a need for additional measures to address drainage, and that the site will not have outside storage. A question was raised about the fence that is across from his property, and Mr. Finnerty stated that there is an ongoing problem with trespassers originating from that property. The Applicant agreed to install a fence to prevent trespassers near the area but would have to review the site and provide details as to the location and type of fencing which would be subject to the Board's Planner's approval. Mr. Finnerty stated that overall, he was in favor of the site being used as a "flex" warehousing space.

2. Ilean Parkinson of 60 Suburban Boulevard stated her concerns about the property line which cuts through her driveway and asked about the expansion of the parking lot. Mr. Textores responded that the Applicant is not looking to expand the size of the parking to the east (which would be towards her property). There was a discussion about the need to address the Fire Marshal's comments. Ms. Parkinson asked if there would be any hazardous chemicals stored there, and stated that because the site is so flat, she is concerned that any leak of such materials could drain to her property and asked if there is going to be any restriction on the types of materials stored at the space. She also raised a concern about whether the site would be occupied overnight. Mr. Textores stated that would not be permitted. Ms. Parkinson testified that there were several large 18-wheel trucks on site and a large pile of salt covered with a tarp and that someone was living in the building during the winter. There was a discussion about the use of the building's shower facility and the Applicant's professionals indicated that the shower would be removed. Ms. Parkinson says that there are deliveries at midnight, and 1 am, that there is ongoing activity at the site. Mr. Textores admitted that there is activity at the site and there was a discussion that since the prior use had been abandoned and no permits have been issued, the building was supposed to be vacant and there should not be any activity on the site. She stated there was a delivery a few days ago at 1 am.

Mrs. Custer asked if there would be a fence with a gate to keep people off the site and from using the dumpsters and inquired whether the windows to the building would be secured as they are broken now. Mr. DeClement responded that the windows are to the north of the building and that he believes that the broken windows have been fixed. There was a concern that people have been gathering at these types of sites. Mrs. Custer asked if there was a security system for the building. Mr. Textores responded that it "looks like" there is a security system but that he would have to ask the owner of the site. There was a question about the access easement, what its terms are, the status, and whether or when it expires.

**There being no further comments, the public comment portion of the meeting was closed.**

There was a discussion about the need for testimony to provide a factual basis for the operations, including (but not limited to) the lease terms, types of tenants, hours of operation, and truck traffic. Mr. DeClement indicated that the Applicant would have the owner and the Master Tenant present at the next meeting to testify about the specifics of the operations at the next meeting or hearing on the Application. The Applicant's representatives indicated that the Applicant will also submit a revised set of plans to align with the discussion and testimony presented.

**DELRAN TOWNSHIP  
ZONING BOARD  
MUNICIPAL BUILDING  
REGULAR MEETING MINUTES  
AUGUST 29, 2023 – 7 PM**

The Applicant requested that the Application be continued to the Sept 21, 2023 meeting, and the Board made and adopted a motion to continue the application to the next meeting for which all voted unanimously to do so.

Before the September 21, 2023 meeting, a request to adjourn the hearing on the Application to the October 19, 2023 meeting was made by the Applicant and granted by the Board. The request was granted based upon the agreement by the Applicant to toll the time for the Board to act. An announcement or notice was made regarding the continuation of the matter and that no additional notice or publication would be required.

**C.**  
3005 Bridgeboro Road Industrial, LLC  
3005-3007 Bridgeboro Road  
Block 120, Lots 48, 49 & 50  
ZZ2022-03  
Preliminary & Final Site Plan Approval/Use Variance  
**(Adjourned until September 21, 2023 Zoning Board Meeting)**

The applicant has requested the application to be adjourned to the September 21<sup>st</sup> Zoning Board Meeting. They toll the time for the Board to act.

**D.**  
69 Hartford Road, LLC  
65 & 69 Hartford Road  
Block 120, Lot 38 & 38.01  
ZN2021-05  
Use Variance  
**(Adjourned until September 21, 2023 Zoning Board Meeting)**

The applicant has requested the application to be adjourned to the September 21<sup>st</sup> Zoning Board Meeting. They toll the time for the Board to act.

**OPEN/CLOSE TO THE PUBLIC**

Mr. Mormando opened this portion up to the public. Seeing no members of the public who wished to speak, Mr. Mormando closed this public portion of the meeting.

**DELRAN TOWNSHIP  
ZONING BOARD  
MUNICIPAL BUILDING  
REGULAR MEETING MINUTES  
AUGUST 29, 2023 – 7 PM**

**ADJOURNMENT**

**Mr. Moore made a motion to adjourn the meeting at 8:47 pm. Mrs. Custer seconded the motion. The results of the motion are as follows:**

The motion passed with a unanimous voice vote.

Respectfully submitted,

Colleen Kohn,  
Planning & Zoning Board Secretary