

**DELRAN TOWNSHIP
PLANNING BOARD
MUNICIPAL BUILDING
REGULAR MEETING
SEPTEMBER 5, 2019 – 7:00 PM**

OPEN PUBLIC MEETINGS ACT

We'll now call this meeting of the Delran Township Planning Board 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

SWEARING IN

Mrs. Pomeranz was sworn in as a class 4 member of the Planning Board.

ROLL CALL

Present: Mr. Macey, Mr. Reimel, Mr. Catrambone, Mr. Paris, Mr. Hejnis, Mr. Parento, Mr. Khinkis, Mrs. Pomeranz

Absent: Mr. Chinnici, Mr. Anagnostos, Mr. Morrow

Professionals: Mr. Gleaner, Attorney, Joe Raday, Engineer, Joe Luste, Planner

NEW APPLICATIONS

**Expert Lux, Inc.
2913 Route 130 South
Block 9.04 Lot 5
PN 2019-03
Preliminary & Final Site Plan**

Mr. Waldman attorney representing Expert Lux Inc. came before the board for Preliminary & Final Site Plan for the property at 2913 Rt. 130 S. located in the M2 zone. It is a used car lot and are wanting to expand the available parking, the showroom and 2nd floor addition to the sales floor. They have three witnesses: Ted Wilkinson (Professional Engineer), Edivaldo Reis (President of Expert Lux), and Tom Gomes (Manager of Expert Lux). All were sworn in before the board.

Mr. Waldman: Ted, why don't we start with briefly qualifying you and run through your licenses.

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Mr. Wilkinson: Yes, licensed engineer in New Jersey for over 25 years. I've appeared in multiple locations in South Jersey over the last 20 years and I'm presently a planning board engineer in different townships in Ocean County. What two or three of the Townships are you an Engineer for. Brick Township and Pemberton. Okay, fair enough. Mr. Gleaner would accept him as an expert in the field.

Mr. Waldman: Ted why don't you give us an overview of our proposed site plan.

Mr. Wilkinson: The project is located on the southbound side of 130 and it is actually open right now as Expert Lux as everybody is aware. The applicant Mr. Reis wishes just to expand an existing use. What we're planning on doing is meeting the rear and the side setbacks to create this perimeter of new hot mix asphalt to be able to store 90 cars. With the maximum inventory of 99 and be able to have adequate customer parking out front and employee parking which would only have a maximum of 3 employees at any greatest shift. In addition to that, this is right now the existing 1210 square foot one story office space/show room.

What Mr. Reis would like to do is have the ability to build onto the existing building another 900 square foot a one floor show room which would have a 20 foot ceiling. Next to that we would expand the second floor of the one story building now and build another 1210 square foot on top. So at the end of the day, the first floor here could be show room and show room together. Which would have the more ability to have specialty cars interior wise. Have a small amount of office space on the first floor and the whole second floor would be office space and storage. So in general, I believe we're looking at close to 1,900 square foot of new building floor area in addition to the 1,210 square foot there today.

Right now there is concrete sidewalk, there is parking in front of the building today. We would have a DOT permitted entrance and one way access and exit. The site was fairly wooded originally. Mr. Reis took down the trees which everyone is aware of. The reason why is in order to be able to store these specialty cars on this lot and I could also attest to this. I was out there about 6 months ago, the trees were gigantic and there were a lot of branches. The problem we were having is if you're going to have cars parking anywhere near this perimeter the trees would...kept losing limbs it was very dangerous. Eddy would tell me right here how many times these big limbs would break off. If we had a \$30,000 or \$40,000 vehicle sitting there it was done.

Basically, along the perimeter today the trees have been removed, however Tom and Eddy realize that in order to make this environmentally pleasing we've got the 30 foot and the 75 foot buffers around all 3 sides that we could heavily tree that with Evergreens, Pines and Leyland Cypress, and some Norway Spruces. Anything that not going to create any detriments to the cars.

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The perimeter of the parking area will be lined with river rock so they have umbrella run off. Everything is crowned from the center, it sheds off. We have swales on both sides going into a standard infiltration basin. The perimeter would be protected with 30 inch high timber guide rail. Timber guide rail is not structural it's more of a basically a railing which you see in parks. So that railing is basically to create that protection so nobody can get away with a car. It is full sized 3 inch by 12 inch rails with some metal plates on there so you can really damage it and get out.

The basin has been designed and discussed with Joe Raday from Pennoni. We did borings in the back to make sure that we're not in ground water. We're not inside the seasonal high either. We do have our 2 foot minimum separation and were able to comply with the NJDEP regulations for storm water management.

When this area is built out the natural runoff is in this direction today. So, what we've devised is a set of swales in the basin flows into the infiltration basin. It has a small overflow here and it goes back to its natural terrain. So we're not making any alterations to the natural runoff which is passing through this site today.

One of Mr. Raday's point which is well taken is this area did have ground water contamination from an old gasoline tank from the gas station. That was cleaned up and we sent in the NFA documents and the remediation reports to Mr. Raday. This site now is in long term attenuation and it's under monitoring with the state.

I do agree with Mr. Raday that this site now requires earth work and the biggest priority is, we're certainly not going to be digging anywhere near seasonal high nor would be damaging or coming close to ground water. So any digging that happens here to be able to build this asphalt surface or dig down 3 feet for the retention pond it won't affect seasonal high or ground water at all. When Tom and Eddy do the earth work here it is clear site, the soil shouldn't leave this site. So what we've done we've balanced it as best as possible. The back of the site will actually be elevated slightly so we can do an earth work analysis in order to balance it so we do not want to be leaving this site with extensive amount of soils. We'll keep everything on site. The soil that's dug out from the basin will be used for structural fill as much as possible before we bring in the pavement section.

Water and sewer, the site is serviced with city water. There is a water service connection here it goes into the building. The additions and the new square footage has no new water demand, no bathrooms, and no kitchens. The only negative is there is no sewer here. This is on an old septic today, I wish there was sewer nearby. We will call the sewer department and maybe there is sewer close by maybe down here. Financially, it would probably be cheaper just to put in a new septic system. Right now this is working on a really old leach eight field. It's not current, it's not passing the test with me. I even tried to do a dye test to see where this goes and very

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unsuccessful. Right now they only have one toilet and a small sink. At the end of the day, they would probably just have a small kitchenette and the same one toilet and one sink. But, they do agree as a condition of approval to upgrade the septic system.

The lighting, right now we do have illumination in the front however it's not meeting code. We are asking for a waiver this evening for being able to exceed the ordinance slightly. I believe we might be maintaining 3 or 4 foot candle right here in the center only because it's important to illuminate. The outskirts anywhere near property line were maintaining the maximum per the ordinance. However, we would just ask for that waiver to have the illumination slightly higher at the center point.

Have you had a chance to review the professional letters?

Mr. Wilkinson: Yes I reviewed Joe Raday's and Mr. Luste's review letters. We take no objection to the engineer's and planner's reports. However, we do have to go over certain items. Joe do you want me to go over them or do you want to go through your letter?

Mr. Raday: I'll go through it.

Mr. Chairman my letter is dated August 20th, 2019. If you go to page 2 under traffic review the applicant engineer did provide an abbreviated traffic report signed. I have that on my desk for review. Continue on page 3 there's a few items regarding the detail of the pavement and the applicant is agreement to...

Mr. Wilkinson: Actually we do have one question regarding your ordinance. Your ordinance requires 2 and 4 inches of asphalt a total of 6 inches. We would ask for relief on that. Financially it becomes very burdensome to have a total of 6 inches of asphalt. This is actually a storage area. There won't be any trucks, there won't be any delivery vehicles. What they do in the operation here, we already have a heavy duty pavement section out front. That's already been built okay, we're talking about this area here which is going to be all new. The area back here will be literally just be storage of passenger vehicles. So, we would ask that in that situation since there won't be any major movement of cars, turning of wheels, or constant traffic because they might sit there for a month or two between actions, we would ask that pavement section be reduced to 2 and 3 if that's okay with you Joe. It would stop then 3 inch base? Mr. Wilkinson stated yes. Mr. Raday said no objection to it.

Mr. Paris: My feeling as far as aesthetics though if we were to agree with that, let's say it would crack with some vehicle or whatever, would we have an agreement that would be repaired or would it just sit and crack and disintegrate there or...?

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Mr. Raday: Well we...in the event that it is it might be you know have to paint the spot...our attorney can talk about that. It is private property so it really becomes difficult to police or to see what's there. You can put the requirement in, if anyone saw then they would be required, it's in the ordinance. I think it would be a little onerous to put a maintenance bond.

I don't think you would be able to tell either because this is private property.

No I understand. Not defending your request correct, I just don't know how a crack in a piece of concrete would be an eye sore to the community.

I understand but if were waiving the requirements, if it doesn't crack. My feeling if it does crack for a reason for an aesthetic why it's your business it would look a lot nicer.

Mr. Wilkinson: Sure, honestly my opinion the asphalt is as strong as the subgrade. What we can do is we'll add notes to the plan. Really what's below it is more important. The soil out there is very silty and a lot of organics and a lot of roots in that. I think it would be better invested to bring in really good soil aggregate and build it and invest in the soil below it and just have a minimal amount of asphalt. Because that's actually going to increase the life expectancy.

Mr. Parento asked if he can make a suggestion. I have seen along the asphalt is god forbid there's a fire back there would occur or something. If a fire truck came to the back with a lot of tonnage if we would get stuck or sink. So the path way to back there should be a minimum of the depth of the fire and the parking area can be minimized if asphalt. Because the ground soil being silty is making it soft and an 80,000 pound vehicle going back there could sink.

Mr. Wilkinson: So we can actually do that and leave the driving isle heavy duty and then the parking areas we can build a little thinner. Is that acceptable?

Yes.

Mr. Wilkinson: Excellent.

Mr. Raday moved on to item number two, we have suggested preparing a front yard side yard setbacks. Would anyone like to provide some testimony on that?

Mr. Wilkinson: Yes. This site is currently right now a preexisting nonconforming use right here. Right now I believe we're down to 20...21 feet where the ordinance requires 30 feet. But that's an existing condition. As a result of building a second floor under this nonconforming use it's not generating these variances.

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Mr. Wilkinson: were not actually jutting out any further. So were not actually making the nonconforming use any worse.

What is the height on this?

Mr. Wilkinson: Right now the buildings maybe 12 feet...28 max. We just don't know how they're going to do the roof lining yet. If they go with a flat roof it would be less than 25 feet.

Moving onto item number 3 we have a note about all disturbed areas for the grass.

Mr. Wilkinson: Yes.

Number 4 denotes the parking setbacks on the plan.

Mr. Wilkinson: Yes.

Can you provide a little testimony on why you're not providing any trash or recycling enclosure?

Mr. Wilkinson: Yes I spoke with Tom and Eddy already. This operation right now only has small office space and they only generate paper and a little bit of waste in the kitchenette. Their operations today is to roll out cans, one trash and one recycle. They put it out once a week and they have private trash pickup. It wouldn't be any different tomorrow as it is today.

Okay. On page 4 of the application here and your testimony you said there was only going to be a maximum of 99 parking spaces but the plan denotes 110?

Mr. Wilkinson: Sorry it was 90 maximum in inventory. So then we create 110 % capacity so its 99 display spots and 11 for customer and employees so it's 110.

Alright so no variance is required.

Mr. Wilkinson: Correct.

The applicant is asking for a waiver for parking isle widths. You have testimony to provide on this.

Mr. Wilkinson: Yes it's not a conventional parking isle. What we want to do is to save space and be able to maximize display. We have driveway isles as little as 21 feet where 24 is normally utilized. 21 feet is more than enough space to be able to park, pull in and out, and just to display vehicles and passenger vehicles.

It's just going to be employees who park the vehicles there?

Mr. Wilkinson: Correct, customers aren't allowed back here at all.

Mr. Macey, Chairman asked to back up for one moment I have Walt Bauer's report as related to parking spots and he had asked to be removed.

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Mr. Wilkinson: Correct.

You've already taken account of your 111?

Mr. Wilkinson: Yes as of the last submission in August we moved the 2 spots that Walter requested and it's been addressed. It now gives him over 25 feet to be able to get by.

Continuing along to item number 8 I believe this is a preexisting waiver but, the two driveways pull off to 233 feet. The ordinance allows two driveways but they must separate a minimum 300 foot frontage and they came and countered it.

Mr. Wilkinson: Yes.

So that would be a preexisting waiver?

Mr. Wilkinson: Yes.

Item number 9 there's some testimony about delivery of vehicles can you describe to the...?

Mr. Wilkinson: Yes, currently Eddy...this place right here is going to be used for one thing only display, showroom, and sales. The other used car lot which is up the street less than a mile away is where they deliver all of the full sized trailer, unload, detail them, change the oil and do the maintenance up there at their garage. Then the cars get driven down here. As of right now there's no trailers that would pull in here and actually occupy space in here that's how it's been operated today and that's how it will be tomorrow.

So there will be no trailers at all?

Mr. Wilkinson: Correct.

Continuing on to page 5 item number 11 deals with the additional "No Parking" signs.

Mr. Wilkinson: Yes.

Number 12 you're in agreement with adding that clarification with the details of the plan.

Mr. Wilkinson: Yes.

Number 13 regarding the handicap ramps, you will agree to address that.

Mr. Wilkinson: Yea I don't know how maybe Ted might be able to have a little input. The way I interpret the US access board and the PROAG standards on the difference on truncated domes on public right away and private property. In this situation, me as the engineer I would testify and actually certify in a private situation like this in front of a building truncated domes would not be necessary. I don't think everyone's under the same opinion of that but after all these years of becoming a certified in ADA compliance if you do discuss this with US access board they do not like truncated domes in front of the private residence or private office buildings only

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because the pedestrian has the full right of way. It's not a public intersection where the car has the right of way you need truncated domes. So, I only ask the board tonight if we could come to a conclusion as a condition of resolution compliance we'll discuss it with the building official. If he concurs then we would agree not to put in a truncated dome.

Is it a standard federal requirement to have one?

It's state and federal and if you're going to have...it's going to be open to the public then there is a possibility of handicap access.

Mr. Wilkinson: Well, why don't we look into the NC 31 standards for buildings because you don't use the PROAG standards? We'll look into it. If you go to the ADA standards book for commercial buildings, then we'll do whatever those standards state.

I think whatever's required...

Mr. Wilkinson: Yes.

Continuing on item #14 there's just some details again, I don't think you have an issue with that.

Mr. Wilkinson: Yep. No issue.

Onto number 17 in regards to the stop sign in the back...

Mr. Wilkinson: No issue.

Item number 18 you talk about the wooden guide rail it's just going to be for aesthetics it's not structural and we have no objection to that.

Item number 19 is the copy of the fire official's approval letter that has been forwarded we have that. You have no objection to addressing any of his comments?

Mr. Wilkinson: Correct.

Does the fire marshal want to speak to the record?

Mr. Bauer stated Yes, I received an updated plan via email the other day and it shows that the parking places were removed from the plan so...

Mr. Wilkinson: Excellent...thank you.

I think the applicant justified that you have a New Jersey DOT plotter issues?

Mr. Wilkinson: Actually right now we do not have any documents from the DOT as of today. We ask that the board consider waiver of any need for further documentation from the DOT. I understand Joe's concern as we are encroaching in the State right away by 6 inches right now. The reason why is because we were just removing a piece of asphalt that was paved in the state

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right away to create a parking lot. However, our plan is to remove that 6 inches of asphalt and put back mulch or grass to improve the landscaping. So, there's two things I could do. I could remove the 6 inches of disturbance in the State and remove the need to go to the State to get a permit for this 6 inches of asphalt removal at the State right away. I'm going to ask the board can we waive that need to get a DOT permit for this 6 inches of disturbance.

I'll go to the engineer for that one....

My opinion is no. Based on the type of facility and the possibility of additional flags in the front lot and I think it would be a good idea to send this over to the DOT for your application.

It's a State road, you have to make sure at least that they're satisfied as well.

It's a State road I agree with that.

Mr. Wilkinson: Agreed.

Continuing on about the storm water collection the applicant brought testimony that they did...They did the test pits but we just have to show them on the plans...

Mr. Wilkinson: Yes.

Continued on page 9 light level...we talk about here you brought testimony on that why you'd be exceeding the 3 foot corner.

Mr. Wilkinson: Yes I provided testimony earlier.

Is the board satisfied with the testimony that was provided?

Mr. Wilkinson: What we did is we made sure the foot candles were at 0 at the property lines. All our lights are moved in 30 feet from the property line. All the lights that are brighter is just in the center point so by the time you get out to the property line it's very low.

Continuing on, you're in agreeance with lowering the lights on the building?

Mr. Wilkinson: Yes

To go on about security camera, is the applicant in agreement with putting them in?

Mr. Wilkinson: The applicant indicated to me that they will put in full security for this facility.

On page 10, you talk about the septic system. Are you in agreement that you're going to be putting in a new system there?

Mr. Wilkinson: Yea the system there right now is totally unsalvageable and we will go ahead and hire a septic expert, add it to the plans, and submit it to the county permit.

Under E under the construction details I'm on board with all those details...

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Mr. Wilkinson: Yes.

On page 11 under blocks and lots you will verify the property lines and...

Mr. Wilkinson: Yea the surveyor did find a lot line dispute. We do have to have the surveyor go back and modify that to pick one and go with the favorable and update the plan.

Under G. General Engineering, you're requesting a waiver regarding the existing streets right of way where there is wetlands within 200ft would you provide some testimony on that?

Mr. Wilkinson: Actually as a result of updating it I believe my limit right now is at 160ft so I hope that would be enough. As you can see right now, we've actually mapped everything roughly close to 200ft. So, there might not even need to be a waiver of that and there are no water courses within 200ft of the property or wetlands.

Continuing on to item 40, I think you talked about this already, the need for a trash enclosure. I talked to the attorney about that whether a variance would be required for that.

It was one trash can and one recycling can?

Mr. Wilkinson: Correct.

That seems pretty insignificant. It's the boards call. It doesn't really seem impactful to me.

Isn't there an ordinance that requires a trash enclosure for businesses in that zone?

Yes.

So whatever you have it's all going to be kept inside?

Mr. Wilkinson: As they do today yes. They have a mechanical room in the back corner that is kept inside.

So what they're saying is they're going to use their recycle can and trash can as their normal way of disposing without an enclosure.

Mr. Wilkinson: There is only 3 people in the office and very minimal interaction with customers there's really no demand on the kitchen.

It wouldn't be necessary to get a dumpster.

Mr. Wilkinson: No, absolutely not.

Well it's going to be done privately.

Mr. Wilkinson: Correct.

So it's all inside?

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Mr. Wilkinson: Correct.

Mr. Catrambone: I'd like to find out where inside it will be held. I didn't see any plans on where it would be held.

Mr. Wilkinson: Mr. Gomes, would you want to testify to that?

Mr. Gomes: Hello guys, even with food we don't eat there. Just like regular trash can.

Nowhere do you store your trash and recycling can?

Mr. Gomes: It's a mechanical room close to the back room.

Then you bring it out for the recycle and trash day.

Mr. Gomes: Correct.

I think you would just give a waiver to them. Was that it Gary?

Mr. Catrambone: Yes. If it's minimal then it's on record that its...this is assuming they don't do wildly well and have 20 customers and a free buffet for happy hour.

Continuing on we go onto some clarification between the site plan and the architectural process we just have to clear that model.

Mr. Wilkinson: Absolutely.

Under environmental review I think we have testimony they are reviewing the investigation and will submit it to our office to review that. We recommend just a few notes being placed on the plans that fulfil the contractor's construction certain guidelines here to regarding the existence on site and the take things off site and keep documentation. I understand you have a LSRP?

Mr. Wilkinson: Yes.

Who is involved in providing the work and construction and ensure things work...?

Mr. Wilkinson: Agreed

Mr. Chairman that's all my comments I have right now.

Could you back up? Regarding, you had said you asked for a correction in things that they provided. Today did they have a chance to review it?

Mr. Raday: I did.

Are you satisfied with that?

Mr. Raday: Yes.

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There would be a minimal impact to the site and the existing site was a gas station and that was a large traffic generator that would propose. So I would be in agreement that they're going to be fine.

I was just curious it looks like in the engineer prepared a traffic study that you prepared yourself.

Mr. Wilkinson: Yes.

And you're qualified to do traffic studies?

Mr. Wilkinson: Yes, I am.

I have another question. I know you are looking for the waiver for the entrance and the exit the distance. Is there any impact on losing the 60...70ft of turning radius? For any vehicle or anything we see coming in there like if we had to have a fire truck or something like that. Is that enough area to do a turning radius?

Mr. Wilkinson: It is. Right now and Walt and I actually met and discussed this. He has no objection and no issues today going in and out and being able to drive straight down that isle and backing out and backing onto Route 130.

That's at the 262?

Mr. Wilkinson: Yes absolutely.

Wanted to make sure.

Sorry to jump around I just wanted to make sure. It looks like it's a...in reference to the bathroom is it ADA complaint?

Mr. Wilkinson: It's new...Did last year with construction dept. So that's all new permits so that would be under your current permits.

It is ADA complaint.

Mr. Waldman: Mr. Chairman we also have some land use and planning comments we would like for you to clean up after this is done.

Mr. Wilkinson: I'm done...I'm good.

Mr. Luste: Okay in our review letter on page 4 we put on the paperwork for the stairs for the variances that are needed are outlined. Some spaces over the side yard that Joe Raday had mentioned. Preexisting conditions, nevertheless, variances are needed for setbacks that are showing in the chart. We also mentioned that the maximum clearing limit on that site in the district is 70%. We estimate that the clearing is about 97%.

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So that doesn't require permits for that.

Mr. Wilkinson: Yes.

Do you have any testimony for that?

Mr. Wilkinson: Yes as I spoke to you earlier. When Eddy and Tom took this on they realized that in order to create a safe environment for this use we need to be able to remove the shade trees and be able to get rid of the limbs which would be a detriment. The detriment would far outweigh the benefits and in return, the applicant is willing to replace as many trees as possible with the conifers and pines.

Let me ask you a question. This is impervious coverage that's another measurement & they actually need that. The property's already being cleared and...they're requesting a variance to 97% maximum clearing and that was of the things I noticed when I drove by there. It looks like someone leveled the city. Is that something an applicant typically does before they come before a board asking for a variance? Looks like everything is done prior to having a meeting. I'm not necessarily beating up the applicant but I'm surprised that it looks like someone dropped a nuclear bomb on the place and they haven't had a hearing.

Mr. Reis: Hello first of all I want to apologize for the...I don't have much experience but the reason the tree was removed is because stuff falls down to the car and there was very dangerous. I have a picture I can show you to provide you guys when there was a heavy wind before.

I think we understand that I think that you should be coming here first, getting the approval before you go and do it.

Mr. Reis: I agree with you yes.

That having been said I know its two measurements. One is impervious coverage which they meet. Is there anything...it just doesn't seem like. Is there anything we can do to require them to replant things other than what is required in the impervious coverage outside...is there anything we can do to rectify the situation in what they did? It doesn't look...I can see also they needed the infiltration basin. Is that the basis for clearing? I mean...could they of met their basin requirement without having leveling the entire place? I'm trying to get an answer whether they had any choice in the matter given what their plans for the infiltration system.

Mr. Raday stated that I think what the applicant's testimony is it's a safety issue in trimming of the trees. Trees were falling on the vehicles I don't think it had anything to do with impervious coverage but the answer to your question is they could have put in the space and either been any other circumstance so I don't think that would impact that.

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Well you can also when they're doing construction the township engineer can be out there and ensure and be sure they plant trees that our planner recommended and make sure there is an applicable buffer around the facility. Trees that wouldn't impact the vehicles.

Mr. Chairman if I could mention that I believe that we would agree that if we can make recommendations and the like as long as they're not being punitive. It's happened but were doing this as a decision has to be made.

Sure and sort of what I'm inclined to say that we could require them to put back some sort of level of trees beyond what is required by beyond the impervious coverage rules as it relates to this clearing. Is there any way after the development from that we can require them to plant anything back there?

Because they're asking for a variance you can make it condition upon anything you want. Whether you're doing it as a waiver. Whether you're doing it as a variance because they're asking for something beyond that which the ordinance requires. You can put anything that's reasonable. I agree with Gary as long as it's not viewed as punitive and looks reasonable you know.

The reality is that we have a standard and the standard that was reached by virtue of safety issues they testified by. It's certainly beyond the standard of what we allowed if they come in and asked use before they came in.

I have a question. The planner I guess it's along those lines. I mean they're asking for 97% but if you're having them replant the trees, isn't there a way to get it back closer to 70% anyway? I don't know if it could be entirely at 70%.

I think that a lot of the clearing is also where the future cars are going to be not just the perimeter.

I guess it depends if you see it...

You'd have to quantify block measure exactly...

Right you figure out how much...I can't do this mathematically. You'd figure out what area was cleared. You figure out where all the trees are and recalculate your area and see if it's close enough to have...how close you can get to 70. You might not be able to get to the 70 but maybe you can get it to 90 or 87 or something like that which kind of ways it's out. Did I say that right? I think I'm expressing my idea there.

Mr. Wilkinson: Technically right now you're right. That's a perfect approach because once we do the earth work...remember we have to do earth work so the earth work would be after we move trees. After the earth work is done we can replant with the evergreens and if I had to throw out

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a number right now that we could bring the impervious or clearing back down to 80 to 85 percent.

At least you're approaching the 70 and not the 97.

Mr. Wilkinson: Exactly.

It's a lot closer than 100 then to 70.

Mr. Wilkinson: So, if you wanted we could actually to come to a conclusion. I could say right now without having to plant in the basin because you don't want to plant there. We could go around the perimeter of the basin and around the sides all the way to the edge of the parking because they're conifers there's no danger with them. We could hit the 85 percent.

I think we should at least make that a requirement given that...

Mr. Luste: If I may on another variance that requires is a parking from the driveway in this case it's a state highway. It requires 30 ft. but we've got 2ft. out there so we need a variance for that.

Mr. Wilkinson: The irregular shape of the front of the property and the narrowness of the lot as a municipal use...I mean as a private commercial use is kind of creating a need for these display vehicle to be right out in front of the facility. To increase the success of the use, we want these 6 display vehicles to literally be 2 feet from the state highway. They are there today. It's already set up we're already accustom to it. Safety wise it works well it's not blocking any site triangles in and out. We would have to state that really we have to look at detriments and this is not a detriment situation. The benefits are for the community and the user and have a successful business.

It's awfully close. I mean it doesn't seem that close when you pass it by but 2 feet off the highway seems potentially dangerous.

Mr. Wilkinson: I think it's actually 3 feet. We're creating a 3 foot buffer from the right of way to...we're creating 3 foot of landscaping. Technically at the end of the day, there's going to be a 3 foot gap of low growing vegetation and mulching from the state right of way to the edge of the asphalt. So there's a removal of 3 feet.

Mr. Luste: Under landscaping we can note that the required 36" tall shrubs as opposed to the 24" & will show that.

Mr. Wilkinson: Yes.

Mr. Luste: So were near the...it's safe that we just reference what we're talking about.

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Mr. Wilkinson: You're referring to this little stretch here and this little stretch here they're roughly about 20 feet each. There wouldn't be any adequate space to be able significant grade changes in that little area.

Mr. Luste: If there were trees out there, would they be official obstruction?

Mr. Wilkinson: Yes they could. They would be an obstruction.

Mr. Luste: We would ask for a waiver on this location. Now item 3D there is parking right to the parking lot along Route 130 there is a requirement which will confirm it which will require a waiver previous markers is confirmed.

Mr. Wilkinson: Correct, which you have the lot storage.

Mr. Wilkinson: Correct.

Mr. Luste: It requires some testimony on that. We talked about that in our meeting.

Mr. Wilkinson: You're talking about the interior parking needs landscaping? Yea, if it was a typical parking lot for customer and patrons of a use I would agree we would have a break up and have landscape island every 10 or 12 spots, but this is purely display and storage of vehicles for sale. So we would ask for that waiver.

Mr. Gleaner: Would customers walk back there to look for cars?

Mr. Wilkinson: Yes they do. But all the landscaping that we're going to be planning on the perimeter would be the focal point for the environmental aesthetics and when they're back to looking for display cars it's just car after car to be able to go and walk right down the line and see all the vehicles.

They're just walking back there not driving back there?

Mr. Wilkinson: Correct.

And they're not pulling in...

Mr. Wilkinson: No.

Mr. Luste: If we continue to our next concern would be the signage. Basically what the ordinance says that there shouldn't be any form, character or shape that would confuse or dangerously distract the attention of the operator of a motor vehicle is prohibited. The applicant proposes that continue that private signs close to the driveway in front of the cars. So, can you provide testimony on that why the applicant wants to continue with the flags that are out there?

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Mr. Gomes: We can remove it if you guys want but it's a very important. Especially to someone who's coming down here. There's like a ride...I don't know if it's Hunters Glen or whatever. It's like a big plate they put in front. You can see the dealer when you come off...as soon as you pass Auto Zone you can see the flags. That's something if they want to remove it...its very good for the sales.

It's on the lawn because it attracts people to your site.

Mr. Gomes: Yes that's correct.

Some people get distracted by the visual distortion on the basis on their cars traveling at 50 miles per hour.

Mr. Gomes: There was an option if we purchased a flag they want to know if we wanted it reflective or not. We didn't decide because we know if the car hits that think if it's reflected was it actually...going to...so we decided not to go because that's the biggest problem. It's something were fine with...

Mr. Wilkinson: If they remove 3 foot as asphalt. If you just move the flags a minimum 3 feet farther back.

Mr. Paris: I thought we had an ordinance against flags on Route 130?

Mr. Catrambone: It seems to me that Ken, I believe you're correct. We had an opportunity in our ordinances to display grand opening signs for a period of time and then there would be not flags or waiving signs or temporary signs beyond your sign.

Mr. Paris: So I mean if you did a grand opening kind of thing and after that they have to come down. Ted is our construction code official and if he goes out he would probably cite you if you leave them up.

Mr. Gomes: If we do the 3 feet and everything we can pull that close by or? We can find out.

Mr. Luste: Our next item under 4C is the façade signs. According to the ordinance you're allowed one facade sign. In this case you have two on the building.

Mr. Gomes: Yes I have an answer for that the signs on the build. We got a permit for that we actually got...I'll try to find in my files. We put a sideway and on the front you're talking about those sign. We brought the size and everything and I think you...we got it changed.

Mr. Wilkinson: They have permits for them all ready.

Mr. Luste: So on the façade, they are already on. So at the same time, it's the board's decision.

Mr. Macey: How did someone get a permit & then us trying to enforce taking them down after they legally put them up. That's the only problem I have with being punitive in that fashion at

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that point. I like their signs, I wonder how they don't meet the distraction given that they're purple and everything I wanted to bring that up. But they're not you know...typical for allowing that. I would suggest a waiver because they are existing & went through the legal process on getting it put up.

I think that's all our questions for the applicant.

Mr. Wilkinson: Just for further clarification, Joe and I did discuss this and did revise the plan. This old pylon sign at the exit is coming down and we are putting up a new pylon sign. The details on your plan it's a more compact sign. It's within the ordinance requirements its less than 20 foot tall. Less than 32 square feet. 4 foot wide by 8 foot tall. It's 10 times better than what is there now. It will be a much better location it will be way up here. You're coming up this hill at 60 miles per hour you see it nice and early. Shouldn't have any problems getting customers into the facility.

Mr. Gleaner: I wanted a note for the record, this was originally we were supposed to look at this in June or May I don't remember and it was so incomplete I had made a suggestion to meet with the engineer and planner and obviously you did that. There's so many things that we can see in here based on a letter that were made and I think we're just in agreement and we never said it that obviously it was complete or we wouldn't be having this hearing. I just wanted to know for the record that we're all in agreement that it was complete correct.

Yes.

Mr. Catrambone: Mr. Chairman I have one more question. I apologize for not asking Mr. Raday when he was going through this letter. I'm not sure that I heard I was a little uncomfortable with on page 3 of Mr. Raday's letter item 3. The second paragraph there was miscellaneous debris from neighboring properties and so on and we were requesting that this should be addressed in testimony. I just want to make sure the neighboring property has been restored.

Mr. Gomes: Yes we actually spoke with the neighbor 3 days ago I didn't tell you. We had a car that took a picture of and this was their land. If we want to buy it that little corner when we remove some trees. I also told them that we're going to put some trees back...like some bushes. It was like a mountain I don't know if you saw. Then we had the survey done we didn't know where our lot was you know. We spoke with them about problem that the process of buying or leasing that little corner so we can get a better view for customers.

Mr. Catrambone: But have you restored that piece of property regardless of whether or not...?

Mr. Gomes: No we did not do anything yet. We just put like grass...we planted I forget...yea there was just sand but we put grass but we didn't put bush or trees back.

Mr. Macey: I think Gary's question was if I understood correctly, the stumps you removed from the property that you cleared have mainly been moved over to the adjacent property. The

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question is do you intend to clear those stumps from the entirety of both yours and their property so we don't have an issue.

Mr. Gomes: Yes. The big ones are actually Eddy's father he makes chairs from wood and we have some big ones so we will use those. We're going to move everything else 100 percent.

Mr. Catrambone: I just want to make sure that it's taken care of. If you want it to be clear if they don't purchase it or lease it, its needs to be clear.

Mr. Macey: All stumps from all these properties that were created by your clearing.

Mr. Gomes: Yes, 100 percent.

Mr. Gleaner: Think about it if he buys that property and changes the size of the property therefore the clearing issue brings the percentage down anyway.

Mr. Gomes: He said that when they first started out, he always had an idea to possibly expand at a letter date. A distributor of a certain kind of motorcycle approached him about selling that brand cycle. One of the requirements of them is to have a 2200 sq. ft. showroom. After much thought, they decided to do it.

At this point I'll open it to the public for discussion.

No members of the public were present, was closed to the public.

Mrs. Pomeranz made a motion to approve the preliminary site plan with the waivers discussed thru out the application & outlined by Mr. Gleaner, seconded by Mr. Paris.

Results are as follows:

AYE: Mr. Paris, Mrs. Pomeranz

NAY: Mr. Reimel, Mr. Catrambone, Mr. Parento, Mr. Khinkis, Mr. Macey

Mr. Catrambone made a motion to approve the preliminary and final site plan with the waivers discussed thru out application & outlined by Mr. Gleaner, seconded by Mr. Khinkis. Results are as follows:

AYE: Mr. Reimel, Mr. Catrambone, Mr. Paris, Mr. Parento, Mr. Khinkis, Mr. Macey

NAY: Mrs. Pomeranz

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RESOLUTIONS

RESOLUTION# 2019-10

To determine consistency of the introduced ordinance 2019-14 with the Township Master Plan Element – Housing Element and Fair Share Plan.

Mr. Parento made a motion to adopt resolution #2019-10, seconded by Mrs. Pomeranz. Results are as follows:

AYE: Mrs. Pomeranz, Mr. Parento

NAY: None

RESOLUTION# 2019-11

To determine consistency of the introduced ordinance 2019-15 with the Township Master Plan Element – Housing Element and Fair Share Plan.

Mr. Parento made a motion to adopt resolution #2019-10, seconded by Mrs. Pomeranz. Results are as follows:

AYE: Mrs. Pomeranz, Mr. Parento

NAY: None

RESOLUTION# 2019-12

To determine consistency of the introduced ordinance 2019-16 with the Township Master Plan Element – Housing Element and Fair Share Plan.

Mr. Parento made a motion to adopt resolution #2019-10, seconded by Mrs. Pomeranz. Results are as follows:

AYE: Mrs. Pomeranz, Mr. Parento

NAY: None

RESOLUTION# 2019-13

To determine consistency of the introduced ordinance 2019-17 with the Township Master Plan Element – Housing Element and Fair Share Plan.

Mr. Parento made a motion to adopt resolution #2019-10, seconded by Mrs. Pomeranz. Results are as follows:

AYE: Mrs. Pomeranz, Mr. Parento

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NAY: None

MINUTES

Regular meeting minutes from September 6, 2018.
Regular meeting minutes from October 4, 2018.
Regular meeting minutes from November 1, 2018.
Regular meeting minutes from December 6, 2018.
Reorganization meeting minutes from January 3, 2019.
Regular meeting minutes from February 7, 2019.
Regular meeting minutes from March 7, 2019.
Regular meeting minutes from April 4, 2019.
Regular meeting minutes from June 6, 2019.
Regular meeting minutes from June 27, 2019.
Regular meeting minutes from July 12, 2019.
Regular meeting minutes from August 1, 2019.

Minutes could not be approved at this time.

OPEN & CLOSE TO THE PUBLIC

Discussion was open to the public. Sharon Coryell who resides at 7 Marsha Drive came to address the board.

Mrs. Coryell: I just wanted to say thank you to the planning board and council members that are here tonight. It's an eye opener as I attend these meetings and I see the broad spectrum of knowledge that you bring to the table and that under your chin, knowing all the time. Also, I was concerned about transparency and I think my biggest thing at this point by the attendance here today maybe on the minutes being available. As a former company owner of a transcription service for medical legal services I have to say it is a huge undertaking especially when you run behind. It's not only transcribing it's the proofing and that's where a lot of the time its double work. Secondly, I had come upon the information that one of your employees was not available to do or perform her job services and of course we all pitch in as a team to help. The workload becomes overwhelming but the public does not deserve a year in arears. They deserve something better than that. I think there was a little oversite in addressing it in part of whoever is responsible. Whoever that by the mayor, the council president, or anybody else in the administration for overseeing that. There's no reason for that for a year behind. No reason at all not in the public eyes and not in your eyes believe it or not. But, I do want to say in attendance of these meetings I do commend you all for your knowledge, for the time you invest, and for the work that you do. It's an eye opener. Thank you.

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Public portion was closed.

ADJOURNMENT

Mr. Khinkis made a motion to adjourn at 8:45, seconded by Mr. Catrambone. Results are as follows:

Vote was carried out as a unanimous voice vote.

Respectfully submitted,

Kathy Phillips, Secretary
Planning & Zoning