

**DELRAN TOWNSHIP  
PLANNING BOARD  
REGULAR MEETING MINUTES  
DECEMBER 7, 2023– 7:00 PM**

**OPEN PUBLIC MEETINGS ACT**

**Delran Township Planning Board regular meeting of Thursday, December 7, 2023, was called to order by Ms. Cure at 7:07 pm in the Delran Township Municipal Building.**

**The Open Public Meetings Act announcement was read by Ms. Cure, and the Pledge of Allegiance was performed.**

**ROLL CALL**

**Present:** Mr. Catrambone, Mr. Lunemann, Mr. Lyon, Mr. Giles, Mr. Parento, Mr. Ozdemir & Ms. Cure

**Absent:** Mrs. Russell

**Professionals:** Mr. Chris Norman, Attorney; Mr. Fred Turek, Engineer & Mr. Christopher Dochney, Planner

**APPLICATION**

**A.**

Jose Pereira  
816 Chester Ave  
Block 9, Lot 39  
PN2023-08  
Minor Subdivision

Jose Pereira (“Applicant”) filed a letter application, dated November 1, 2023, with the Delran Township Planning Board (“Planning Board”) seeking to re-ratify a Minor Subdivision Approval previously granted by Planning Board Resolution No. PP2019-04, memorialized on June 6, 2019, and further granted an extension by Planning Board Resolution No. PP2020-01, memorialized on January 9, 2020, for real property identified as Block 9, Lot 39 on the Delran Township Municipal Tax Map (the “Subject Property”), which is more commonly known as 816 Chester Avenue; and Applicant’s case was presented before the Planning Board at a public hearing on December 7, 2023, in sworn testimony by:

(1) Jose Pereira, Applicant

(2) Joseph Polino, Esquire of the law firm Polino and Pinto

It appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been satisfied.

The Planning Board has considered the recommendations and comments of its professional staff. The following documents and exhibits were reviewed by the Board and are incorporated herein by reference:

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- A-1 Letter Application by Pinto & Polino, dated November 1, 2023;
- A-2 Delran Township Planning Board Resolution No. PP2019-04;
- A-3 Delran Township Planning Board Resolution No. 2020-01;
- A-4 Report of the Planning Board Engineer, dated November 29, 2023, consisting of two (2) pages: and
- A-5 Report of the Planning Board Planner, dated December 17, 2018;

The Board, after carefully considering the evidence and examining certain exhibits, has made the following factual findings and statements of reasons:

1. Applicant is the owner of the subject property, consisting of 2.01 acres, which is located at 816 Chester Avenue in the R-1 Zoning District. Applicant was previously granted Minor Subdivision Approval in 2019 to subdivide the subject property into three (3) lots, each containing approximately 0.6 acres, with approximately 100 feet of frontage on Chester Avenue but such minor subdivision approval was not perfected due to delays in the pursuit of outside agency approvals from the Burlington County Planning Board, and then by COVID pandemic.

2. Applicant proposes no revisions from the requirements of Planning Board Resolution No. PP2019-04, but acknowledges that the jurisdiction over Chester Avenue has been transferred from Burlington County to Delran Township.

3. Applicant reviewed the November 29, 2023, report of the Planning Board Engineer and agreed to the recommendations therein, including conditions specifically related to the transfer of jurisdiction of Chester Avenue from Burlington County to Delran Township.

4. The Planning Board Planner and Engineer posed no objection to the re-ratification of the previously granted minor subdivision approval, subject to the recommendations set forth in the Planning Board Engineer's November 29, 2023, report.

5. The Planning Board thus finds that the requested minor subdivision should be granted for the reasons set forth above.

**No members of the public appeared and/or testified in opposition to the application at the public hearing.**

**Upon motion duly made by Mr. Catrambone and seconded by Mr. Giles to grant the application for Minor Site Plan Approval for the minor subdivision, the results are as follows:**

**Ayes:** Mr. Catrambone, Mr. Lunemann, Mr. Lyon, Mr. Giles, Mr. Parento, Ms. Cure, & Mr. Ozdemir

**Nayes:** None

**Recused:** None

**Absent:** Mrs. Russell

**The Township of Delran Planning Board, that the said application for Minor Site Plan Approval shall be and is hereby granted specifically subject, however, to the testimony, representations, and stipulations of the applicant, its attorney, and witnesses at the time of the hearings and further specifically subject to the following conditions and stipulations:**

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1. Applicant shall comply with the recommendations set forth in the Planning Board Engineer's review letter dated November 29, 2023.
2. Applicant shall comply with any other conditions of approval of Planning Board Resolution No. PP2019-04, except as modified herein.
3. Applicant shall obtain all required outside agency approvals.
4. Applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or file a written protest with the Township Clerk within seven (7) days of receipt of a final voucher from the Township.
5. These General Conditions of Approval and any additional conditions of approval, if any, shall be binding upon the applicant, the owner, developer, and any successors and/or assigns of them.
6. Applicant has submitted certain plans and documents, which were accepted by the Planning Board as part of its application, and further made certain representations and provided testimony at the time of the public hearing, all of which have been relied upon by the Planning Board in making its determination. Should there be any material deviation from said documents, plans, representations, or testimony or from any conditions contained herein, then the Planning Board may, upon notice to the applicant and an opportunity to be heard, elect to rescind its approval.
7. Applicant/owner is hereby advised that this application and plan have not been reviewed for conformance with the Americans with Disabilities Act (ADA). It is the responsibility of the applicant/owner to conform to said legislation.
8. If a final approval has been granted, the applicant shall submit to the Delran Township Planning Board Engineer for his review a minimum of 10 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.
9. Performance guarantees (complying with N.J.S.A. 40:55D-53) shall be posted with the Township for the site and utility improvement installations. These guarantees shall be effective for both the time duration required for their installation and upon completion, to check for compliance with the approved plan prior to a certificate of compliance and certificate of occupancy being issued. (The applicant's engineer shall provide a cost estimate of the proposed site improvements, excluding building costs.)
10. Inspection fees shall be posted with the Township for site and utility improvement inspections, which are to be performed by the municipal engineer to check for compliance with the approved plan prior to a certificate of compliance and certificate of occupancy being issued.
11. Applicant shall post the required inspection fee deposit with the application for a building permit.
12. It is the ultimate responsibility of the applicant/owner to construct the necessary improvements in accordance with the Township standards and to offer said improvements to the Township in proper condition and as approved. All damaged and/or defective improvements shall be properly repaired and/or replaced.

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13. All improvements are subject to inspection by the Township. No site clearing or construction is to begin without proper notification to the Township Engineer.
14. No deed restrictions may exist in regard to this property/development, except those reviewed and included in the Board's approval.
15. A permit shall be obtained from the zoning officer after final approval and/or prior to any site clearing and/or construction.
16. Applicant/owner shall continue to properly maintain all improvements of the development, including but not limited to streets, storm sewer, drainage swales, etc., and shall sweep the streets, clean the storm sewers, etc., on a monthly basis, or as may be necessary. This shall continue until the improvements are accepted by the Township.
17. The public road right-of-way within the development shall not be used as storage areas or "staging" areas for the construction of either buildings or site improvements.
18. Applicant/owner shall schedule a pre-construction meeting through the Township Engineering office prior to the commencement of any work.
19. Applicant/owner is to be advised that the development of this property is to proceed in accordance with the approved plans and it is its responsibility to do so and obtain all necessary permits, inspections and other approvals which may be necessary to ultimately obtain a certificate of occupancy, and/or acceptance of the improvements.
20. Applicant/owner is responsible for obtaining all the permits and approvals necessary to construct the project/development and the improvements. (Copies of all permits and approvals shall be filed with the Board.)

**B.**

McDonald's USA, LLC  
4057 NJ State Highway Route 130  
Block 9, Lot 41.20  
Variance/Conditional Use with  
Minor Site Plan Approval

McDonald's USA, LLC ("Applicant") filed an application with the Delran Township Planning Board ("Planning Board") for Conditional Use Approval and Minor Site Plan Approval with bulk variances to modernize the operations of an existing McDonald's fast-food restaurant, including expansion of the existing drive-thru and for other related site improvements, on real property identified as Block 9, Lot 41.20 on the Delran Township Municipal Tax Map (the "Subject Property"), which is more commonly known as 4057 Route 130 South; and

Applicant's case was presented before the Planning Board at a public hearing on December 7, 2023, in sworn testimony by:

- (1) Terry Santoro, the Applicant's franchise owner;
- (2) Michael Jeitner, P.E., of Boehler Engineering, the Applicant's project engineer,

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- (3) Steven Hawk, P.P., the Applicant's professional planner; and
- (4) through the legal representation of Keith A. Davis, Esquire of the Nehmad Davis & Goldstein law firm;

It appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been satisfied.

The Board has considered the recommendations and comments of its professional staff and, after carefully considering the evidence and examining certain exhibits, has made the following factual findings and statements of reasons:

1. McDonald's Corporation of 110 N. Carpenter Street, Chicago, Illinois 60607, is the owner of the Subject Property at 4057 Route 130 South.
2. Applicant requests Conditional Use Approval Minor Site Plan Approval with bulk variances to permit modifications to the existing McDonald's fast-food restaurant on Route 130 near Chester Avenue to modernize its operations, including: a) the provision of dual drive-thru lanes in the rear of the building; b) installation of a new drive-thru pay/pick-up window within a proposed 62 square foot building addition on the side of the building; c) reconfiguration of the existing parking area near the Route 130 frontage and in the rear of the property, the result of which will eliminate eleven (11) parking spaces to accommodate the new drive-thru lane and require bulk variance relief (35 spaces required; 32 spaces proposed); and d) installation of new drive-thru menu board signs. The Subject Property is located at 4057 Route 130 South, and the McDonald's fast-food restaurant with drive-thru is permitted as a conditional use in the C-2 Zoning District.
3. The existing McDonald's Restaurant building is 3,832 square feet in area and is sited on a 0.8-acre lot. There are presently 43 parking spaces on-site, including two (2) handicapped accessible parking spaces. The site is almost entirely covered by impervious surfaces from the building, a single drive-thru lane, and associated parking. The site is accessible from two driveways onto Route 130, one for ingress and one for egress. The parking lot is connected to the adjacent business lot to the east by an access easement, which leads to Chester Avenue.

The following documents and exhibits were reviewed by the Board and are incorporated herein by reference:

- (a) Development Application and Checklist, dated May 2, 2023, with cover letter, dated August 16, 2023;
- (b) Minor Site Plan, prepared by Bohler Engineering, dated March 24, 2023, last revised to October 10, 2023, consisting of twelve (12) sheets;
- (c) ALTA/NSPS Land Title Survey, prepared by Control Point Associates, dated February 6, 2023;
- (d) Architectural Floor Plans and Elevations, prepared by SkyBorne Technologies, dated August 21, 2022;
- (e) Recorded Deed of the Subject Property;
- (f) Revised Plans Submission Letter by Bohler Engineering, dated October 10, 2023, consisting of four pages, with comments on supplemental plan

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- revisions based on comments of the Planning Board Planner and Engineer;
- (g) Aerial Photograph, marked as Exhibit A-1 at the public hearing;
  - (h) Parking Study, by McDonald's Operator, for October 13, 14, and 15, 2023, with parking counts from 5 AM to 9 PM, marked as Exhibit A-2 at the public hearing;
  - (i) Site Plan, marked as Exhibit A-3 at the public hearing;
  - (j) Sign Plan, marked as Exhibit A-4 at the public hearing;
  - (k) The Board Engineer's review letter, dated October 27, 2023, consisting of seven (7) pages;
  - (l) The Board Planner's review letter, dated October 16, 2023, consisting of ten (10) pages;

4. Applicant's franchise owner, Terry Santoro, testified she has operated this McDonald's for twelve (12) years and owns a total of seven (7) McDonald's franchises in New Jersey. She testified that the proposed drive-thru improvements, including the addition of a second drive-thru lane, will improve the overall operating efficiency of the McDonald's, wherein fast-food restaurant service has been evolving primarily from sit-down customer service to pick-up and delivery service. Ms. Santoro testified that the additional drive-thru lane, new LED menu boards, and additional pay station window will facilitate and enhance customer pickup service and alleviate potential issues with on-site vehicular circulation, leading to a better customer experience. Ms. Santoro testified that existing and proposed operating hours would remain the same from 6 AM to 11 PM. Peak employee count would remain at eight (8) employees, the proposed reduction of parking spaces from 43 to 32 would still be ample based on the parking study she conducted from October 13 to October 15, 2023, and food deliveries would continue on a regular schedule during early AM hours on Tuesday and Friday.

5. Applicant's Engineer, Michael Jeitner, P.E., testified that the proposed drive-thru improvements would increase stacking capacity from eight (8) to fourteen (14) customer vehicles. Mr. Jeitner testified that the elimination of the eleven (11) parking spaces is required for safer and more efficient traffic circulation and will eliminate impervious coverage (reduced from 85.2% to 82.6%). The existing lighting will be upgraded to LED fixtures. Food deliveries will be accomplished in approximately 15 minutes based on McDonald's very efficient palletized delivery of food products in shrink wrap. Mr. Jeitner further testified that his office would coordinate with the Planning Board Planner on supplemental landscaping. Regarding the proposed sign plan, Mr. Jeitner testified it would include a pre-order menu board, two (2) menu boards with digital signs and lighting angled toward the rear of the building, and a vehicular clearance sign board. Mr. Jeitner testified that drive aisle widths were generally conforming to the drive aisle width requirement of 22 feet, except for a tapered area that narrows down to 15 feet and affects four (4) parking spaces.

6. Applicant requested the following bulk variance relief:

- A) From Section 355-92.E for off-street parking (35 spaces required; 32 spaces proposed);

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- B) From Section 355-92.I for minimum drive aisle width (22 feet required; 15.5 feet proposed with 90-degree parking);
- C) From Section 355-94.G(2) for three menu boards with changeable signs (no changeable copy signs permitted); and
- D) From 355-94.G(2)(d) to allow four (4) freestanding menu boards, whereas only one freestanding sign is permitted.

Other pre-existing nonconforming bulk requirements and design waivers exist on-site as set forth in the Planning Board Planner's Report at Paragraphs 5e through 5m (bulk variances), and 5a through 5f (design waivers) related to the Subject Property being undersized to bulk zoning requirements and due to existing conditions.

7. Applicant's professional planner, Mr. Hawk, testified that the Conditional Use approval should be granted since the McDonald's fast-food restaurant with drive-thru is a pre-existing use. In support of the parking variance (35 spaces required; 32 spaces provided), Mr. Hawk testified that fast-food customer habits have changed. Sit-down food service is now more muted, and there is excess parking today (43 spaces) from what is required in the post-COVID era. There is ample parking based on the parking study. Mr. Hawk testified that the bulk variances for the signage variances are warranted to improve on-site vehicular circulation and quicker food delivery to customers, enhancing the consumer experience. Mr. Hawk testified that the following purposes of zoning at N.J.S.A. 40:55D-2 would be advanced through the granting of bulk variance relief: 2(i) – removing excess paving and replacing with greenspace; 2(h) – improving internal traffic circulation and reducing the potential for vehicle stacking onto Route 130; and 2(j) more greenspace, less vehicular idling with two menu boards, and less vehicular stacking with two drive-thru lanes. Mr. Hawk testified that the granting of the bulk variances would not substantially impair the Route 130 business corridor, the Zone Plan for the C-2 District, and the Master Plan.

8. The Board's professionals did not oppose the granting of the requested bulk variance relief. The Board Planner confirmed that the conditional use requirements are met, the modernized sign package is common for this proposed fast-food use, and the lighting improvements to LED will be beneficial. The Planning Board finds that the requested bulk variance relief should be granted for the reasons set forth above.

9. The Planning Board Engineer reviewed his report and recommended the elimination of two additional parking spaces near the front entrance, painting the existing fence black to improve aesthetics, and adding landscaping as recommended by the Board Planner.

**No members of the public appeared and/or testified in opposition to the application at the public hearing.**

**Upon motion duly made by Mr. Catrambone and seconded by Mr. Giles to grant the application for Conditional Use Approval, Minor Site Plan Approval, and bulk variance relief, thereby granting the application subject to certain conditions mentioned hereinafter. The results are as follows:**

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**Ayes:** Mr. Catrambone, Mr. Lunemann, Mr. Lyon, Mr. Giles, Mr. Parento, Ms. Cure, & Mr. Ozdemir

**Nays:** None

**Recused:** None

**Absent:** Mrs. Russell

**The Township of Delran Planning Board, that the said application for Conditional Use Approval and Minor Site Plan Approval with bulk variances to modernize the operations of the existing McDonald’s fast-food restaurant by permitting the expansion of the existing drive-thru and other related site improvements, shall be and is hereby granted specifically subject, however, to the testimony, representations and stipulations of the applicant, its attorney and witnesses at the time of the hearings and further specifically subject to the following conditions and stipulations:**

1. Applicant shall comply with the recommendations set forth in the Board Engineer’s review letter dated October 27, 2023, except as modified herein.
2. Applicant shall comply with the recommendations set forth in the Board Planner’s review letter, dated October 16, 2023, except as modified herein.
3. Applicant shall provide supplemental landscaping in coordination with the Planning Board Planner.
4. Applicant shall eliminate two additional parking spaces near the front entrance in coordination with the Planning Board Engineer.
5. The existing fence shall be painted black to improve aesthetics.
6. Applicant shall obtain all required outside agency approvals.
7. Applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or file a written protest with the Township Clerk within seven (7) days of receipt of a final voucher from the Township.
8. These General Conditions of Approval and any additional conditions of approval, if any, shall be binding upon the applicant, the owner, developer, and any successors and/or assigns of them.
9. Applicant has submitted certain plans and documents, which the Planning Board accepted as part of its application and further made certain representations and provided testimony at the time of the public hearing, all of which have been relied upon by the Planning Board in making its determination. Should there be any material deviation from said documents, plans, representations, or testimony or from any conditions contained herein, then the Planning Board may, upon notice to the applicant and an opportunity to be heard, elect to rescind its approval.
10. Any improvement(s) to be constructed as a result of the Delran Township Planning Board approving this application shall be constructed and operated in full compliance with the Uniform Construction Code, Code of the Township of Delran, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.
11. Applicant/owner is responsible for obtaining all zoning and/or building permits and approvals necessary to construct the project/development approved herein.



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12. Applicant/owner is hereby advised that this application and plan have not been reviewed for conformance with the Americans with Disabilities Act (ADA). It is the responsibility of the applicant/owner to conform to said legislation.
13. If the above application involves the granting of a final subdivision or site plan approval, the Township Clerk, Chairperson and Secretary of the Delran Township Planning Board shall not sign the final subdivision plan or final site plan nor shall any zoning permit issue until the applicant has demonstrated that all conditions of the final approval have been satisfied.
14. If a final approval has been granted, the applicant shall submit to the Delran Township Planning Board Engineer for his review a minimum of 10 complete sets of plans which shall incorporate all of the revisions that have been made, conditions of this approval.
15. Performance guarantees (complying with N.J.S.A. 40:55D-53) shall be posted with the Township for the site and utility improvement installations. These guarantees shall be effective for both the time duration required for their installation and upon completion, to check for compliance with the approved plan prior to a certificate of compliance and certificate of occupancy being issued. (The applicant's engineer shall provide a cost estimate of the proposed site improvements, excluding building costs.)
16. Inspection fees shall be posted with the Township for site and utility improvement inspections, which are to be performed by the municipal engineer to check for compliance with the approved plan prior to a certificate of compliance and certificate of occupancy being issued.
17. Applicant shall post the required inspection fee deposit with the application for a building permit.
18. It is the ultimate responsibility of the applicant/owner to construct the necessary improvements in accordance with the Township standards and to offer said improvements to the Township in proper condition and as approved. All damaged and/or defective improvements shall be properly repaired and/or replaced.
19. All improvements are subject to inspection by the Township. No site clearing or construction is to begin without proper notification to the Township Engineer.
20. No deed restrictions may exist in regard to this property/development, except those reviewed and included in the Board's approval.
21. A permit shall be obtained from the zoning officer after final approval and/or prior to any site clearing and/or construction.
22. Applicant/owner shall continue to properly maintain all improvements of the development, including but not limited to streets, storm sewer, drainage swales, etc., and shall sweep the streets, clean the storm sewers, etc., on a monthly basis, or as may be necessary. This shall continue until the improvements are accepted by the Township.
23. The public road rights-of-way within the development shall not be used as storage areas or "staging" areas for the construction of either buildings or site improvements.

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24. Applicant/owner shall schedule a pre-construction meeting through the Township Engineering office prior to the commencement of any work.
25. Landscaping shall be maintained on a continuing basis as a condition of approval and the certificate of occupancy.
26. The inspection and testing by the Township of the work done by the applicant is solely for the benefit of the Township to determine the general quality of materials and workmanship. While the applicant may avail itself of the Township's testing/inspection data, any decisions made by the applicant as a result of the Township's test/inspection information shall be made at the applicant's own risk. The applicant has the right to conduct similar tests and inspections at its own expense to satisfy its need for information and data pertaining to materials and workmanship.
27. Applicant/owner is to be advised that the development of this property is to proceed in accordance with the approved plans and it is its responsibility to do so and obtain all necessary permits, inspections and other approvals which may be necessary to ultimately obtain a certificate of occupancy, and/or acceptance of the improvements.
28. Applicant/owner is responsible for obtaining all the permits and approvals necessary to construct the project/development and the variance improvements. (Copies of all permits and approvals shall be filed with the Board.)
29. The Applicant acknowledged that as a new, non-residential development, the Applicant/Owner would be required to comply with State statutory and local Ordinance for making an Affordable Housing Fund contribution of 2.5% of the equalized assessed value (EAV) of the property.

**OPEN/CLOSE TO THE PUBLIC**

Ms. Cure opened this portion to the public, with a Motion from Mr. Parento and seconded by Mr. Lunemann. Seeing no members of the public who wished to speak, Ms. Cure closed this public portion of the meeting with a Motion from Mr. Parento and seconded by Mr. Catrambone.

**ADJOURNMENT**

**Mr. Lyon made a motion to adjourn the meeting at 8:20 pm.  
Mr. Parento seconded the motion. The results are as follows:**

The motion passed with a unanimous voice vote.

Respectfully Submitted,

Colleen Kohn,  
Planning & Zoning Board Secretary