

**DELRAN TOWNSHIP
PLANNING BOARD
REGULAR MEETING MINUTES
JUNE 6, 2024– 7:00 PM**

OPEN PUBLIC MEETINGS ACT

Delran Township Planning Board regular meeting of Thursday, June 6, 2024, was called to order by Ms. Cure at 7:05 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.

Saban Ozdemir d/b/a Caneren, LLC
3025 Route 130 South
Block 9.02, Lot 61
PN2024-02

Preliminary & Final Site Plan

(Carried over from May 2, 2024 Canceled Meeting)

Saban Ozdemir d/b/a Caneren, LLC filed an application with the Delran Township Planning Board for Preliminary and Final Major Site Plan Approval with bulk variances, design waivers and submission waivers to renovate and expand an existing vacant restaurant and for other related site improvements, on real property identified as Block 9.02, Lot 61 on the Delran Township Municipal Tax Map (the “Subject Property”), which is more commonly known as 3025 Burlington County Pike (Route 130 South).

The Applicant’s case was presented before the Planning Board at a public hearing on June 6, 2024, in sworn testimony by:

- (1) Saban and Johny Ozdemir, the Applicant’s principals.
- (2) Robert Stout, P.E. and P.L.S., the Applicant’s project engineer.
- (3) through the legal representation of F.S. Gurk, Esquire.

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It appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been satisfied and the Board has considered the recommendations and comments of its professional staff and the Board, after carefully considering the evidence and examining certain exhibits, has made the following factual findings and statements of reasons:

1. Saban Ozdemir d/b/a Caneren, LLC of 5001 Route 130 South, Delran, New Jersey 08075 is the owner of the Subject Property.
2. Applicant requests Preliminary and Final Major Site Plan Approval with bulk variances, design waivers and submission waivers to renovate and expand an existing vacant restaurant and for other related site improvements. The proposed restaurant expansion includes construction of a second-floor addition and an 18-foot bump-out expansion on both sides of the existing restaurant footprint. The proposed site improvements include reconfiguration of the internal parking circulation and reduction of the total number parking stalls from 49 to 35 to allow for provision of additional landscaping within 30 feet of the right-of-way. The existing entrance and exit driveways would remain. A new pylon sign is proposed along the Route 130 frontage, as well as two new building mounted signs. New landscaping is proposed along the frontage of the site. The Subject Property is located at 3025 Route 130 South and the proposed restaurant use is a permitted use in the C-2 General Commercial Zoning District.
3. The vacated restaurant was previously operated as the Orchid Sushi and Chinese restaurant and is currently boarded up. The Subject Property is surrounded by other commercial uses along Route 130, including a gas station to the north, a Red Lobster restaurant immediately to the south, and the restaurants to the east across Route 130. To the west behind the site is parking for Red Lobster, and further beyond that is the Hunters Glen multi-family residential development.

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

- (a) Development Application and Checklist, dated April 17 2024, with cover letter;
- (b) Site Plan, prepared by Paulus, Sokolowski & Sartor, dated April 2, 2024, 2023, last revised to May 17, 2024, consisting of six (6) sheets;
- (c) Architectural Plans and Elevations, prepared by Shillaci Architects, dated October 20, 2023;
- (d) Traffic Analysis Letter, prepared by Shropshire Associates, dated May 24, 2024;
- (e) Applicant's Engineer's Response Letter to Board Planner and Engineer's Reports, dated May 9, 2024;
- (f) Colored Aerial Photograph of Site, 2017, marked as Exhibit A-1 at public hearing;
- (g) Architectural and Front Elevation, marked as Exhibit A-2 at the public hearing;
- (h) Colored Rendering of Proposed Signage, marked as Exhibit A-3 at the public hearing;
- (i) Colored Rendering of Landscaping Plan, marked as Exhibit A-4 at the public hearing;

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- (j) The Board Engineer's review letter, dated June 3, 2024, consisting of seven (7) pages;
- (k) The Board Planner's review letter, dated, May 28, 2024, consisting of ten (10) pages.

4. Applicant requested submission waivers from items #24, #25 #26, #28, #31, #32, #33, #35, #38 and #48. The Board Planner recommended the granting of these requested submission waivers in his May 28, 2024 report. Accordingly, the Board finds the requested submission waivers should be granted.

5. Applicant requests the following bulk variance relief from pre-existing nonconforming conditions due to the undersized nature of the Subject Property:

- A) from Section 355-46A for minimum lot area (40,000 square feet required; 27,999 square feet proposed);
- B) from Section 255-46B for minimum lot frontage (200 feet required, 140 feet proposed);
- C) from Section 355-46C(1)(a) for minimum required front-yard setback from Route 130 (75 feet required; 44.9 feet proposed);
- D) from Section 355-46.D form buffer from Route 130 (25 feet required; 22 feet proposed);
- E) from Section 355-46.F for maximum impervious surface coverage (60% permitted; 86.8% proposed);
- F) from Section 355-46.G from maximum clearing limit (70% permitted; 90% proposed);
- G) from Section 355-46H(1) for parking setback from Route 130 (25 feet required; 22 feet provided);
- H) from Section 355-46.H(4) for parking setback from rear property line (20 feet required; 1-foot proposed);
- I) from Section 355-46H(5) for parking setback from side property line (12.5 feet required; 2 feet proposed); and
- J) from maximum number of driveway access points for lots with less than 300 feet of frontage (1 permitted; 2 proposed).

6. Applicant seeks the following additional bulk variance relief:

- A) from Section 355-92.E for minimum parking for restaurant of this size (60 spaces required; 35 spaces proposed); and
- B) from Section 355-92.P(2)(a) for maximum average illumination (2.0 footcandles permitted; 6.0 foot-candles proposed) and for maximum illumination under a light fixture (10.0 footcandles permitted; 16 footcandles proposed).

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7. Applicant seeks the following design waiver relief:

- A) from Section 335-88A(3) to allowing portion of parking areas to encroach into the required buffer (existing condition to be improved);
- B) from Section 335-88A(6)(a) from shrub height minimum requirement of three (3) feet (8"-12" boxwoods and juniper of 24"-36" proposed);
- C) from Section 335-88.B(1) to waive requirement of berm and planting along Route 130 (none proposed);
- D) from Section 335-88.B(8) from one tree per 10 parking spaces (2 trees proposed for 35 parking spaces);
- E) from Section 335-88.B(8) from requirement to provide landscape screening in side-yard (none proposed);
- F) from Section 355-92.J to allow vehicles to back out of parking stalls directly into entrance drive on Route 130; and
- G) from Section 355-92.P(2)(c) from maximum height of lighting fixture (14 feet permitted; 20 feet proposed).

8. Applicant's Saban Ozdemir provided the following testimony at the public hearing. Applicant previously converted a former Burger King to a successful restaurant approximately 17 years ago and it continues to operate today. At the subject site, Mr. Ozdemir proposes to operate a Mediterranean style restaurant with al fresco dining on the ground floor with a newly constructed second floor used for restaurant offices and small banquet hall facility. The Subject Property is undersized at 3/4 of an acre, which causes the need for requested bulk variance and design waiver relief. Most of the requested bulk variances and design waivers are for pre-existing conditions, with some of the bulk nonconformities improved. Mr. Ozdemir testified that the existing site is in disrepair and would be substantially renovated and improved. The proposed banquet hall use would be ancillary and would not have any substantial overlap with the general restaurant use. A concrete slab would be added to the rear as part of renovations to add refrigeration units. Proposed signage would meet ordinance requirements. Hours of operation would be 8 AM-11 PM for the restaurant, 8AM-1AM for the banquet hall and 24 hours and 7 days a week for a bakery within the restaurant. Restaurant employees would park in the rear behind the restaurant.

9. Applicant's Engineer, Robert Stout, P.E. testified that traffic circulation would be improved with the reconfigured parking lot with one-way ingress and egress at each of the two driveways. Loading of restaurant supplies would be by box trucks with 31-feet available to the back section to allow for maneuvering and safe access during off-peak hours. Private trash pickup would occur during off-peak late morning hours. Lighting fixtures would be removed to comply with Township Ordinance standards and would be reduced to security levels during overnight hours.

10. Johny Ozdemir testified that the peak hour time for the restaurant would be 4-8 PM. A total of 94 restaurant seats are proposed, including 40 outdoor seats in the patio area.

11. Applicant reviewed the June 3, 2024 report of the Planning Board Engineer and agreed to the recommendations therein.

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12. Applicant reviewed the May 28, 2024 report of the Planning Board Planner and agreed to the recommendations therein, and further agreed to coordinate with the Planning Board Planner on the supplementation of proposed landscaping and the provision of irrigation.

13. The Board's Planning Board professionals did not oppose the granting of the requested bulk variance relief and design waivers emphasizing that most relate to preexisting conditions and Applicant's willingness accept the recommendations in the Planning Board Planner and Engineer's respective reports. The Planning Board finds that the requested bulk variance relief should be granted based on undue hardship related to the existing conditions on this undersized existing restaurant site and for the reasons set forth above. The Board further emphasizes that the site will be substantially improved from its existing condition as a vacant boarded up restaurant. The Planning Board further finds that the granting of such relief will not substantially impair the C-2 Zone Plan and Master Plan of Delran Township.

OPEN/CLOSE TO THE PUBLIC

Ms. Cure opened this portion to the public. Seeing no members of the public who wished to speak, Ms. Cure closed this public portion of the meeting.

Upon motion duly made by Mr. Parento and seconded by Mr. Catrambone to grant the application for Preliminary and Final Major Site Approval with bulk variance relief, submission waivers and design waivers for the proposed restaurant renovation and expansion. The results are as follows:

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

Nayes: None

Recused: Mr. Ozdemir

Absent: Mrs. Russell

The said application for Preliminary and Final Major Site Approval with bulk variance relief, submission waivers and design waivers for the proposed restaurant renovation and expansion 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 Board Engineer's review letter dated June 3, 2024, except as modified herein.
2. Applicant shall comply with the recommendations set forth in the Board Planner's review letter, dated May 28, 2024, except as modified herein.
3. Applicant shall provide supplemental landscaping in coordination with the Planning Board Planner and provide irrigation.

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4. Hours of operation shall be 8 AM-11 PM for the restaurant, 8AM-1AM for the banquet hall and 24 hours and 7 days a week for a bakery within the restaurant.
5. Lighting fixtures shall be removed to comply with Township Ordinance standards and shall be reduced to security levels during overnight hours.
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 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.
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.
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.

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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 right-of-ways within the development shall not be used as storage areas or "staging" areas for the construction of either buildings or site improvements.
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.

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DISCUSSION

B.

ORDINANCE 2024-09

An Ordinance amending Chapter 355 Zoning Article XIX Supplemental Regulations Section 355-94 Signs and Flagpole regulations, of the code of the Township of Delran.

After the discussion a motion was duly made by Mr. Lunemann and seconded by Mr. Giles to Approve Ordinance 2024-09, the results are as follows:

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

Nayes: None

Recused: None

Absent: Mrs. Russell

C.

RESOLUTION PP2024-03

Application PP2019-01

Delran Associates, LLC

Two-Year Extension of Preliminary & Final Major Site Plan

W/Subdivision Approval through May 15, 2025

Delran Associates, LLC filed a letter application, dated December 18, 2023 with the Delran Township Planning Board (“Planning Board”) seeking a two-year extension of its Preliminary and Final Major Site Plan and Subdivision Approval, previously granted by Planning Board Resolution No. PP2020-03, memorialized on May 7, 2020 and published May 15, 2020, for real property identified as Block 65, Lot 18.01 on the Delran Township Municipal Tax Map (the “Subject Property”) and located on State Highway Route 130 South; and

The Applicant’s case was presented before the Planning Board at a public hearing on April 4, 2024, in sworn testimony by (1) Applicant’s member Yonasan Nevernasky; and (2) through the legal representation of Kyle F. Eingorn, Esquire of the law firm Dembo, Brown and Burns, LLP;

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:

A-1 Letter Application by Dembo, Brown & Burns, LLP, dated December 18, 2023;

A-2 Delran Township Planning Board Resolution No. PP2020-03.

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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 at Block 65, Lot 18.01, consisting of 14.6 acres, which real property is located on State Highway Route 130. Applicant was previously granted Preliminary and Final Major Site Plan and Subdivision Approval by Planning Board Resolution No. PP2020-03 for an inclusionary development of 240 residential units, including 192 market rate units and 48 affordable housing units in the R-1 Zoning District.

2. Applicant requests a two-year extension of Preliminary and Final Major Site Plan and Subdivision Approval through May 15, 2025, pursuant to requirements of N.J.S.A. 40:55D-52e, since the proposed residential development includes more than 100 residential dwellings. Applicant further asserts that the development project is included in Delran Township's Housing and Element and Fair Share Plan and is required to satisfy the municipality's Third-Round affordable housing obligation.

3. The Planning Board considered Applicant's two-year extension request and expressed a willingness to grant it, provided Applicant appears before the Planning Board to provide an update regarding the status of the commencement of construction of this development project at its public hearing on November 7, 2024. Applicant agree to this condition of the two-year extension approval.

The application for a two-year extension of Preliminary and Final Major Site Plan and Subdivision Approval through May 15, 2025 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 appear before the Planning Board to provide an update regarding the status of the commencement of this development project at its public hearing on November 7, 2024.

2. 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.

Upon motion duly made by Mr. Lyon and seconded by Mr. Parento to grant the application for a two-year extension of Preliminary and Final Major Site Plan and Subdivision Approval, the results are as follows:

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

Nayes: None

Recused: None

Absent: Mrs. Russell

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OPEN/CLOSE TO THE PUBLIC

Ms. Cure opened this portion to the public. Seeing no members of the public who wished to speak, Ms. Cure closed this public portion of the meeting.

ADJOURNMENT

Mr. Lyon made a motion to adjourn the meeting, 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