OPEN PUBLIC MEETINGS ACT

Delran Township Planning Board regular meeting of Thursday, July 15, 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. Lyon, Mr. Giles, Mr. Parento, Mr. Ozdemir & Ms. Cure

Absent: Mr. Lunemann & Mrs. Russell

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

Dochney, Planner

APPLICATION

A.

MPS House Investing, LLC 55 Stecher Ave Block 80, Lot 40 PN2024-03 Minor Subdivision & Variance

MPS House Investing, LLC filed an application with the Delran Township Planning Board to permit minor subdivision approval with bulk variances and submission waivers, for real property identified as Block 80, Lot 40 on the Delran Township Municipal Tax Map, which is more commonly known as 55 Stecher Avenue.

The Applicant's case was presented before the Planning Board a public hearing on July 15, 2024, in sworn testimony by:

- (1) Murillo De Costa Sousa; the Applicant's managing member
- (2) Douglas Robins, an employee by Applicant's land surveyor; and
- (3) through the legal representation of Louis Giansante, Esq. and Mark Carusillo, Esq.

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.

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

- 1. MPS House Investing, LLC of 632 Camelot Court, Cinnaminson, New Jersey 08077 is the owner of the Subject Property and the Applicant.
- 2. Applicant requests Minor Subdivision Approval with bulk variances and submission waivers to permit the subdivision of Block 80, Lot 40, consisting of 29,250 square feet (0.67 acres), into two (2) residential dwelling lots with proposed Lot 40 containing an existing dwelling and proposed Lot 40.01 lot for the future construction of a new single-family dwelling. The Subject Property is located at 55 Stecher Avenue, near the end of a residential street. The proposed residential use is a permitted use in the R-1 Residential Zoning District.
- 3. The Subject Property is currently developed with a two-story residential dwelling. containing four (4) bedrooms and has access from a single driveway on Stecher Avenue. Proposed Lot 40 would have 89.67 feet of frontage on Stecher Avenue and total lot area of 17,472 square feet (0.401 acres). Proposed Lot 40.01 would have 60.4 feet of frontage and total lot area of 11,778 square feet (0.27 acres).
- 4. Applicant requested submission waivers from Checklist Items #12, 17, 27, 31 and 34. Based upon the recommendation of the Planning Board Planner, the Board grants the requested submission waivers.
- 5. Applicant requests the following bulk variance relief: A) from Section 355-18.A for minimum lot area (15,000 sq. ft. required; 11,776 sq, ft, for proposed Lot 40.01); B) from Section 355-46.B for minimum lot frontage (75 feet required; 60.4 feet for proposed Lot 40.01); and C) from Section 355-91 for minimum parking (2 spaces required; 0 spaces proposed), although Applicant submitted revised plans eliminating the need for such parking variance.

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

- (a) Development Application and Checklist, dated April 4, 2024;
- (b) Subdivision Plan, prepared by Robins Associates Land Surveying, dated January 20, 2024, consisting of one sheet, marked as Exhibit A-1 at public hearing;
- (c) Subdivision Plan, prepared by Robins Associates Land Surveying, last revised to April 4, 2024, consisting of one sheet;
- (d) Sample Architectural Plan and Elevations, for proposed dwelling, dated August 24, 2023, consisting of one sheet;
- (e) The Board Engineer's review letter, dated July 11, 2024, consisting of four (4) pages;
- (f) The Board Engineer's review letter, dated August 30, 2024, consisting of five (5) pages;
- (g) The Board Planner's review letter, dated, May 14, 2024, consisting of six (6) pages;
- (h) The Board Planner's review letter, dated, September 4, 2024, consisting of seven (7) pages;

- (i) Existing House, presented by Mr. Snow, Esq., marked as Exhibit R-1 at the public hearing; and
- (j) Photos depicting Applicant's dwelling with trees removed by July 15, 2024, presented by Mr. Snow, Esq., marked as Exhibit R-2 at the public hearing.
- (k) Additional Photos of tree removal on Subject Property by July 15, 2024, presented by Mr. Snow, Esq., marked as Exhibit R-3 at the public hearing.
- 5. Applicant's managing member, Mr. Sousa, presented the following testimony at the July 15, 2024, public hearing. Mr. Sousa is a homebuilder and purchased the subject property to renovate the existing dwelling by adding a second floor and subdividing the parcel to create a second residential lot, upon which to construct a new dwelling. Mr. Sousa testified that the existing dwelling has four (4) bedrooms and that there would be sufficient off-street parking provided to meet ordinance requirements. Mr. Sousa indicated an intention to replace an existing fence with a white vinyl fence along the right-of-way. Mr. Sousa indicated that, in support of the requested bulk variance relief, there is a need for more residential housing in the area. The new dwelling to be constructed on proposed Lot 40.01 would be smaller and have three bedrooms and sufficient space would be created on the proposed driveway to park three (3) vehicles by siting the proposed dwelling further back on the proposed lot. Upon questioning from the Board Engineer, Mr. Sousa conceded that approximately 8-10 trees had been cut down prior to the July 15, 2024 public hearing. Mr. Sousa agreed to submit a tree replacement for the trees to be removed in accordance with the Township Tree Replacement Ordinance. Mr. Sousa further agreed to eliminate any potential fence encroachments existing on the Subject Property.
- 6. Applicant did not have any planning professionals appear to provide expert testimony at the first public hearing in support of the granting of bulk variance relief. Mr. Sousa indicated that to recoup his investment in the Subject Property, he would need to construct and convey two (2) dwellings and that undue hardship would result, if the bulk variance relief was denied. Applicant agreed to a continuation of the application to submit revised plans to show separate driveways on each of the two (2) lots, which was not presented on the original January 20, 2024, minor subdivision plan.

Upon motion duly made to Carry Over the Applicant to the September 5, 2024, Planning Board Meeting by Mr. Catrambone and seconded by Mr. Parento for the Minor Subdivision and Variance, the results are as follows:

The motion passed with a unanimous voice vote.

The second public hearing was thereafter scheduled for September 5, 2024.

В.

TCD 257 SNJ Property (Taurus Investments) 600 Delran Parkway Block 9.05, Lot 5 PN2024-04 Preliminary & Final Site Plan Approval With Variances

TCD 257 SNJ 600 Delran Parkway, LLC filed an application with the Delran Township Planning Board for Preliminary and Final Major Site Plan Approval with bulk variances, design waiver and submission waivers to permit construction of an additional warehouse distribution center with other related site improvements, including additional parking and truck loading bays, on real property identified as Block 9.05, Lot 5 on the Delran Township Municipal Tax Map which is more commonly known as 600 Delran Parkway; and

Applicant's case was presented before the Planning Board at a public hearing on July 15, 2024, in sworn testimony by

- (1) Joshua M. Sewald, P.E. of Dynamic Engineering, the Applicant's project engineer;
- (2) Kevin Savage, P.E. of Dynamic Traffic, the Applicant's traffic engineer;
- (3) Tiffany Morrisey, P.P., the Applicant's professional planner; and
- (4) Jason Tuvel, Esquire of Prime & Tuvel;

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

- 1. TCD 257 SNJ 600 Delran Parkway, LLC of 4 Radnor Corp. Center #105, Radnor, PA 19087 is the owner of the Subject Property and the Applicant.
- 2. Applicant requests Preliminary and Final Major Site Plan Approval with bulk variances, design waiver and submission waivers to permit construction of a 61,661 square foot warehouse distribution center including 3,680 square feet of office space with other related site improvements, including 21 truck loading bays, 75 parking spaces and two drive-in ramps to the warehouse on an 8.7-acre lot. The Subject Property is located at 600 Delran Parkway at the intersection with Carriage Lane approximately 1,400 feet north of Route 130 in the southwestern end of the Township. The proposed warehouse distribution center is a permitted use in the M-2 General Industrial and Commercial Zoning District.
- 3. The Subject Property is currently developed with a two-story 89,000 square foot warehouse building with associated parking and loading areas. The new parking and loading areas would be accessed from an existing driveway on Delran Parkway, and two new driveways are proposed on Carriage Lane. The new proposed building footprint requires a reconfiguration of the existing parking on the site, with spaces eliminated to accommodate the new building. A total of 110 parking spaces would remain to serve the existing warehouse building. Total parking would be 170 spaces. Applicant proposes landscaping improvements, including the planting of 69 trees, plus additional shrubs. Surrounding the site are other industrial uses to the north, south and west, including several other small warehouse and distribution facility uses in the area.

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

- (a) Development Application and Checklist, dated May 21, 2024, with application rider;
- (b) Site Plan, prepared by Dynamic Engineering, dated May 10, 2024, consisting of fourteen (14) sheets;
- (c) Architectural Plans and Elevations, prepared by Randal Paul Architects, dated May 13, 2024;
- (d) Traffic Impact Study, prepared by Dynamic Traffic, dated May 8, 2024;
- (e) Survey, prepared by James A. Conway, Jr., Dynamic Survey, dated October 9, 2024;
- (f) Stormwater Management Facility Operations and Maintenance Manual, prepared by Dynamic Engineer, dated May 2024;
- (g) Burlington County Planning Board Approval, dated July 2, 2024;
- (h) The Board Engineer's review letter, dated July 11, 2024, consisting of nine (9) pages;
- (i) The Board Planner's review letter, dated, June 17, 2024, consisting of nine (9) pages;
- (j) Fire Marshal's Review Letter
- (k) Colorized Aerial Map Exhibit, marked as Exhibit A-1 at the public hearing;
- (I) Colorized Rendering of Site, depicting new development in orange, marked as Exhibit A-2 at the public hearing.
- 4. Applicant requested submission waivers from items #23, #26, #38, #42, #48 and #51. The Board Planner recommended the granting of these requested submission waivers in his June 17, 2024 report. Accordingly, the Board finds the requested submission waivers should be granted.
 - 5. Applicant requests the following bulk variance relief:
 - A) from Section 355-72.C(1) for minimum front-yard setback from Carriage Lane (60 feet required; 30 feet feet proposed);
 - B) from Section 355-72.F for maximum lot coverage (60% permitted; 80.3% proposed);
 - C) from Section 355-72.G for maximum lot clearance (70% permitted; 100% existing and proposed);
 - D) from Section 355-72.H for minimum parking setbacks (30 feet from street ROW and 10 feet from any side yard lot required; 14.5 feet from Delran Parkway and 8 feet from side-yard proposed);
 - E) from Section 355-92.K for minimum distance of entrance drive from street intersection (75 feet required; 61 feet proposed);

- F) from Section 355-92.L for maximum number of entrance/exit drives (2 permitted; 4 proposed);
- G) from Section 355-92.N for screening of loading areas;
- H) from Section 355-92.P(2)(a) for minimum level of illumination in a parking lot (0.25 footcandles required; portions of parking lot with less proposed); and
- I) from Section 355-92.P(2)(c) for maximum permitted height of lights (20 feet permitted; 30 feet proposed).
- 6. Applicant seeks a design waiver from requirement to install sidewalks along all street frontages.
- Applicant's Engineer, Joshua M. Sewald, P.E. provided the following testimony at 7. the public hearing. The existing warehouse was developed in the 1980-1990's with 400 parking spaces, much of which remains highly underutilized today. The proposed development would allow for multiple tenants and would be "spec building". No added trash enclosures are proposed, since there is plenty of additional area to add them later, if needed. There would be two full movement driveways on Carriage Land and Delran Parkway. Underground stormwater management will allow for the removal of approximately one-acre of paved asphalt. Total parking would be reduced from 400 to 170 spaces. Substantial landscaping is proposed, including 69 trees with additional shrubs. Applicant would agree to provide additional landscaping as requested by the Board Planner in his report. Applicant will agree to comply with the recommendations set forth in the reports of the Board Planner, Engineer and the Fire Marshal. Applicant requests a design waiver from the provision of sidewalk due to there being no pedestrian traffic in the area. Applicant will comply with the 10-foot required parking setback and eliminate the need for the bulk variance. Applicant further agreed to install wall packs on the side of the building to eliminate the variance from lighting footcandle requirements.
- 8. Applicant's traffic engineer, Kevin Savage, P.E. testified that the proximity of the driveway to the intersection of Carriage Lane will not result in any traffic safety issue. The design of parking for passenger cars will not conflict with the loading areas.
- 9. Applicant's planner, Tiffany Morrisey, P.P., provided the following testimony in support of the positive criteria for the requested bulk variance relief. Undue hardship exists due to the location of the existing warehouse building and because there are two front-yards for this corner property creating the need for bulk variance relief. Flexible "C" variance relief should also be granted because the proposed design plan results in a better planning alternative to a conforming plan. Impervious coverage would be meaningfully reduced with improved underground stormwater management and unsightly and unneeded paved parking spaces will be eliminated. The lot clearance bulk variance should be granted because the site is already entirely cleared. The addition of a fourth driveway will provide safer access for cars and avoid potential conflicts with trucks attempting to ingress/egress the site and access loading areas. Conversion of the existing parking lot area to warehouse space is a better utilization and effective use of the warehouse space.
- 10. Applicant's planner, Tiffany Morrisey, P.P., provided the following testimony in support of the negative criteria for the requested bulk variance relief. The warehouse distribution center is allowed in the M2 Zone and is surrounded by other industrial uses. The parking lot design will promote safe and efficient traffic circulation, both on- and off-site, and has been designed to segregate car and truck traffic. The extent of bulk variance relief is insubstantial in

context. The existing setback on Delran Parkway would be consistent with the existing scheme on that roadway. Substantial landscaping and the elimination of the sea of parking is proposed to improve aesthetics. The proposed development amounts to a redevelopment of an underutilized property.

- 11. The Board's Planning Board professionals did not oppose the granting of the requested bulk variance relief and the design waiver for the reasons adduced on the record and due to the Applicant's willingness accept the recommendations in the Planning Board Planner and Engineer and Township Fire Marshal's respective reports. The Board Planner further testified that it would be impossible to fully screen the existing loading area. The Board Planner further agreed that a waiver from the sidewalk requirement is appropriate given the lack of pedestrian traffic.
 - 12. Applicant further agreed to the following Board Engineer's recommendations:
 - a) Applicant shall add a parapet, if needed, to screen any mechanical equipment on the roof;
 - b) Applicant shall show a location for trash enclosure/recycling on the plans, should such be later needed;
 - c) Applicant shall comply with ADA requirements as to sidewalk installation onsite and shall provide an easement for sidewalks, if ever needed in the future;
 - d) Applicant shall show a location for any future proposed break areas on the plans; and
 - e) Applicant shall provide a phasing plan for the period of construction.
 - 13. Joseph Cunningham, from the Township Fire Marshal's office testified that:
 - a) Applicant should allow for a test of radio equipment;
 - b) Applicant should add signage to show parking areas where no truck traffic is permitted;
 - c) Applicant must comply with DEP noise requirements; and
 - d) Applicant should comply with other requirements in the Township Fire Marshal's report.
- 14. The Planning Board finds that the requested bulk variance relief should be granted based on undue hardship and the flexible "C" variance criteria for the reasons set forth above. The Board further emphasizes that the site and proposed development will be a substantial improvement from the existing condition. The Planning Board further finds that the granting of such relief will not substantially impair the M-2 Zone Plan and Master Plan of Delran Township 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. Ozdemir to grant the application for Preliminary and Final Major Site Approval with bulk variance relief, submission waivers and design waiver for the proposed development of a warehouse distribution center and related site improvements, the results are as follows:

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

Nayes: None Recused: None

Absent: Mr. Lunemann, Mr. Parento & Mrs. Russell

The Township of Delran Planning Board, that the application for Preliminary and Final Major Site Approval with bulk variance relief, submission waivers and design waiver, for the proposed development of a warehouse distribution center and 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 July 11, 2024, except as modified herein.
- 2. Applicant shall comply with the recommendations set forth in the Board Planner's review letter, dated June 17, 2024, except as modified herein.
- 3. Applicant shall comply with the recommendations set forth in the report of the Township Fire Marshal.
- 4. Applicant shall provide supplemental landscaping in coordination with the Planning Board Planner.
- 5. Applicant shall add a parapet, if needed, to screen any mechanical equipment on the roof.
- 6. Applicant shall show a location for trash enclosure/recycling on the plans, should such be later needed.
- 7. Applicant shall comply with ADA requirements as to sidewalk installation onsite and shall provide an easement for sidewalks, if ever needed in the future.
- 8. Applicant shall show a location for any future proposed break areas on the plans.
- 9. Applicant shall provide a phasing plan for the period of construction.
- 10. Applicant shall allow for a test of radio equipment by the Fire Marshal.
- 11. Applicant shall add signage to show parking areas where no truck traffic is permitted.
- 12. Applicant shall obtain all required outside agency approvals.
- 13. 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.
- 14. 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.

- 15. 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.
- 16. 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.
- 17. Applicant/owner is responsible for obtaining all zoning and/or building permits and approvals necessary to construct the project/development approved herein.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. 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.)
- 22. 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.
- 23. Applicant shall post the required inspection fee deposit with the application for a building permit.
- 24. 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.
- 25. All improvements are subject to inspection by the Township. No site clearing or construction is to begin without proper notification to the Township Engineer.
- 26. No deed restrictions may exist in regard to this property/development, except those reviewed and included in the Board's approval.

- 27. A permit shall be obtained from the zoning officer after final approval and/or prior to any site clearing and/or construction.
- 28. 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.
- 29. 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.
- 30. Applicant/owner shall schedule a pre-construction meeting through the Township Engineering office prior to the commencement of any work.
- 31. Landscaping shall be maintained on a continuing basis as a condition of approval and the certificate of occupancy.
- 32. 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.
- 33. 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.
- 34. 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.)
- 35. 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.
- 36. Applicant shall submit sidewalk easements for review and approval by the Board Engineer and Board Attorney.

RESOLUTION

C.

Resolution PP2024-04

Application PN2024-02 Caneren, LLC Saban Ozdemir 3025 Route 130 South Preliminary & Final Site Plan

Mr. Catrambone made a motion to adopt Resolution # PP2024-04, Ms. Cure seconded it. The results are as follows:

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

Nayes: None Abstain: None Recuse: Mr. Ozdemir

Absent: Mr. Lunemann, & Mrs. Russell

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