

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

OPEN PUBLIC MEETINGS ACT

The Delran Township Zoning Board regular meeting of Thursday, July 20, 2023, was called to order by Mr. Mormando at 7:07 PM in the Delran Township Municipal Building.

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

ROLL CALL

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

Absent: Mr. Merced

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

OATH OF OFFICE

Mr. David Hermansky

Lou Garty swore in Mr. Hermansky for his Oath of Office.

APPLICATIONS

A.

Adeel & Umair Rama (Starz Auto Group)

9008 Rt. 130 N.

Block 128, Lot 15

ZN 2022-08

Use Variance (Carried over from June 15, 2023, Zoning Board Meeting)

On August 2, 2022, the Applicants, Adeel and Umair Rama, (hereinafter referred to as the “Applicants” or “the Developer”) filed an Application (dated “June 2022”) on behalf of their business partnership, Starz Auto Group (hereinafter “Starz”) with the Delran Township Zoning Board (“Board”) regarding the real property identified as Block 128, Lot 15 on the Township’s Official Tax Map, which is more commonly known as 9008 Rt. 130, in Delran Township (hereinafter the “Property” or “the site”) to obtain Use variance (d1) relief as to the proposed use to permit the Applicants to operate a business on the site for used auto sales, vehicle services and preparation for sale, where such a use is not permitted in the zone; and

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

The property is located in the C-2 (General Commercial District) zone and the Applicant submitted an affidavit of mailing and publication to the Board, demonstrating that notice of the hearing on the Application was provided in a manner which complies with the public notice requirements under the Municipal Land Use Law (“MLUL”).

The Applicants requested that the matter be adjourned from the December 15, 2022 meeting to the January 19, 2023 meeting, and then again requested that the matter be adjourned to the February 16, 2023 meeting.

It appeared that based upon the submissions seeking use variance relief only and not site plan approval, that the Board found that the jurisdictional requirements of the Delran Township Code (“Code”) had been satisfied and that all procedural requirements of the Code had either been satisfied or waived by the Board such that the Board found that it had jurisdiction over the application and the subject matter and the application was deemed complete.

The Board has considered the recommendations and comments of its professional staff, namely the review letters submitted by the Board’s Professional Planner, Joseph Petrongolo, LLA, RLA, PP and by the Board’s Engineer, Edward D’Armiento, P.E., CME, of CME Associates as well as the comments and recommendations made at the hearing of this matter by the Board’s Professionals and the hearing on the application was conducted over the course of two meeting sessions which took place on February 16, 2023 and July 20, 2023, during which the following documents and submissions were presented:

The Board relied on the submissions, exhibits, and witness testimony identified below for reaching its decision.

a. *The Applicant’s submissions:*

- Zoning Board Application form with checklist and narrative description
- Site Sketch, dated June 22, 2022 (updated June 29, 2023)

b. *Reports from Board professionals and staff:*

- Review letter dated July 20, 2022, by the Board’s Professional Planner, Joseph Petrongolo, LLA, RLA, PP of Remington & Vernick Engineers
- Review letter dated August 26, 2022, by the Board’s Engineer, Edward D’Armiento, P.E., CME, of CME Associates
- Site Plan Review by Walt Bauer, Fire Official (dated December 1, 2022)

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

c. Exhibits:

Exhibit A-1: Site sketch

Exhibit A-2: Aerial photo of the site

Exhibit A-3 Site sketch, updated with revisions (dated 06-29-23)

d. Testimony: The Applicant's counsel, Patrick McAndrew, Esq., provided a summary of the application, noting the property is in the C-2 (General Commercial) Zone and that the use is not a permitted use in the zone. The Applicant proposes to use the site in connection with a used auto sales business. Mr. McAndrew presented the following witnesses who testified at the hearing on February 16, 2023:

William Nicholson, P.E., was sworn in and accepted by the Board as an expert in civil engineering and site design. Mr. Nicholson provided orientation of the site, summarized the existing conditions, and identified the Exhibits marked at the hearing. He described Exhibit A-1, a site sketch, and described the proposed buildings and their location.

Umair Rama, the owner of Starz Auto Group, was sworn in and testified as to the proposed operations, describing the proposed use of the site for the sale of vehicles. He testified that the Applicant would continue to have its main location for operations at the current site on Carriage Lane and that this area will be used only for the detailing and service of the cars. He testified as to the hours of operation being M-F 10am – 7 pm; Sat 10am-6pm; closed on Sundays. They will have 3-8 employees on site during business hours, and the site will have lighting and security cameras. There will be dumpsters for refuse. He testified describing how cars will be delivered to the site from the Carriage Lane location, that they will be driven to this location by a single driver or the customer who will then drive the vehicle off-site. Mr. Rama agreed to the restriction that no car carriers would be permitted at this location. It was suggested that signage for the site would be presented at the time of the review of the Site plan application. Mr. Rama described the operations at the Carriage Lane facility, which can accommodate 80 vehicles, and acknowledged that the proposed site would be limited to parking no more than 25 cars at this location, and stated that the business would have approximately 20-25 cars for sale at this location. He testified that the purpose of this facility would be to perform repairs and detailing only on the vehicles for sale. He testified that most used auto sales are being done by internet, then they set up financing, so that there are very few "walk-in" customers to the site. In response to a question, he testified that the site would be used to perform service at this location in preparation for the sale of the vehicles, that the technicians will do oil changes, brake jobs, fix lights, and do detailing on the vehicles being sold, but that the business does not do "regular" maintenance service for vehicles, such as diagnostic or transmission repairs.

In response to a question by Mr. D'Armiento, who noted that the site currently has fewer than 20 parking spaces, which does not account for parking that will be required for customers and employees. Mr. Rama revised his prior testimony, stating that altogether, counting employees plus

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

the vehicles offered for sale, the business would have no more than 20-25 vehicles on the site at any given time. Mr. D’Armiento asked Mr. Nicholson to verify the number of parking spaces on the site. Mr. Nicholson provided testimony, in which he included as spaces the stalls inside the garage area. There was a discussion concerning the parking on the site in which the Applicant agreed to limit the number of vehicles on the site to what is permitted upon site plan approval. There was a discussion about traffic circulation on the site and whether circulation would impact the number of parking stalls able to be designated for use on the site. The Applicant agreed to cap the total number of parking spaces for the site at 20 for the purpose of seeking Use variance relief.

James Miller, PP, AICP, was sworn in and accepted as an expert in professional planning. Mr. Miller identified Exhibit A-2, an Aerial photo of the site, and provided orientation of the site, features of properties in the zone, and adjacent uses on Rt. 130 and noted that there was another car dealership on Rt. 130. Mr. Miller addressed the “special reasons” burden of proof and provided the basis for his opinion that granting the use variance would advance the goals of the MLUL under part A (to encourage municipal action to guide the appropriate use or development of all lands, in a manner which will promote the public health, safety, morals, and general welfare); G (to provide sufficient space in appropriate locations for a variety of different types of uses).

Mr. Miller addressed the requirement that the Developer demonstrate that the site is “Particularly suited for” the proposed use and testified that his opinion is based upon various factors in the area, namely the viability of the commercial use of the site, which is compromised by the existing traffic patterns to the site; that the site fronts a ramp from Rt. 130, which provides access onto Bridgeboro Road. The location of the site limits its accessibility. There is limited visibility, which limits the viability of some types of commercial uses. He testified as to his opinion that a used car dealership is not impacted by the site’s lack of visibility as much now due to the current trend for online sales by buyers. As a result, he doesn’t see a need for the Applicant to seek large signage (which feature was not included in the application filed). He testified as to his opinion that the proposed use would have a lesser impact than other uses due to a lesser amount of traffic, but the Applicant had not performed or engaged in a traffic study, and there was no testimony from a traffic engineer.

Mr. Miller testified as to his opinion that the site is suitable for the proposed use because of:

- (1) The shape of the property limits other commercial uses that are permitted in the zone;
- (2) Due to surrounding land use patterns;
- (3) A car dealership is located nearby, which demonstrates that the location is compatible for use as a car dealership;
- (4) The proposed use is a satellite for an existing use located in another site in the Township;
- (5) The approval would result in an adaptive re-use of a site that has been unoccupied for some time.

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

As to the negative criteria, and the required showing of a lack of negative impacts (from traffic, noise, visual effects), Mr. Miller offered his opinion that there would be no detriment to the public good; that the use will not impair intent of Zone plan or the zoning ordinance but did not testify specifically why there would not be a negative impact from traffic, noise or other elements. Mr. Miller testified as to his opinion that the use is compatible with other uses in the area, noting there is a Home Depot across Rt. 130 (but did not state why the Applicants' use is compatible with that use); that the property is on the same side of other automotive and truck repair businesses; he acknowledged that there is a residential use to the east of the site, but stated his opinion that the interaction (effect on) the adjacent residential properties would not result in a negative impact on those properties because the site is already buffered by some vegetation. He testified that the use is less intensive than other uses for this site, including a traditional auto dealership, and that it will have less traffic because there are fewer repairs being performed, such that granting the relief will advance the identified purposes of MLUL. Mr. Miller noted that because the Application is not seeking Site Plan approval at this time, the Board can include conditions for the site plan which will enhance the features of the site (to address parking, lighting, and other aspects) which will serve to lessen the impacts of the variances which will be required.

Mr. McAndrew presented the following witnesses who testified at the hearing.

Preliminarily, Mr. McAndrew represented to the Board that the Applicant would not use delivery carriers or trucks to the site, either for receiving vehicles or for vehicles leaving the site.

William Nicholson, P.E., provided additional testimony and referred to an updated survey submitted, which delineates the outbound traffic on the survey for its relation to the existing jug handle. He testified that he adjusted the location of parking stalls in the front of the building and adjusted the proposed paving and referred to Exhibit A-3, a Site sketch that had been updated with revisions (dated 06-29-23). He testified that the site will have additional buffering on the south side of the property and will add more trees, which can be adjusted by working with the Board's Planner, and that as a result of the revisions, the site would have 22 parking stalls.

James Miller testified to address prior comments and Planning principles with the updated sketch for the site and testified that there are development constraints that prevent the development of the site, including the presence of a Service Road, a ramp from Rt. 130, that there is not good visibility of the site from the road, which makes it less desirable for other commercial uses that are permitted uses in the zone. He testified that because this use sees customers by appointment and is a satellite location, there is less traffic and a less intense use, so that there is less need for "site visibility" and repeated his opinion that allowing the car dealership at this location would be an "adaptive re-use" of the building to keep it an active business site. He repeated his prior statement of opinion that the site is "particularly suited" for the proposed use and that as to the Negative criteria, there would not be a negative impact on the public welfare, and he does not see a negative impact on the surrounding neighborhood. He stated his opinion that the presence of the auto dealership performing repairs and vehicle readiness maintenance would not negatively impact the

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

adjacent residential uses and that the Applicant has agreed to enhance the landscape buffering to lessen the impact of the site on the adjacent (residential) properties. He noted that the C-2 Zone does conditionally permit “new vehicle sales,” so this similar use is indicative of the compatibility of this site for the proposed use.

Following other discussions and questions by the Board members, Mr. Rama provided testimony that this site will be a “satellite” location, which is a different description of the use than he provided during his testimony at the prior hearing on the Application. When asked how many employees would be on the site, he testified that there are 3-4 employees now, that there is no mechanic shop, that the location at Carriage Lane will have 60-100 vehicles there and that the Applicant will display between 10-15 vehicles at this site at a time. He testified that customers will review cars via a scheduled appointment, that they use video conferences to show cars to customers, that sometimes people buy a car without even driving it, and that he has a return policy which allows for the return of a vehicle. Mr. Rama was then asked about his testimony at the prior hearing (which seemed to conflict with his testimony at the present hearing), in which he testified that the site was only to be used for service and preparation of the vehicles before they were displayed for sale. There was a question about the use because the current testimony provided indicated that the site would be used for clients for sales activity. Mr. Rama then stated that “most of” the vehicles will go to the Carriage Lane location for detailing and then brought to this site. He testified that there will be a maximum of 8 employees on the site and that some of them will be part-time employees. When asked if customers would be able to come to this site for sales, he answered affirmatively, that customer visits would be part of the use of the site. There was a discussion about how the Applicant planned to keep vehicles for display on the site.

Mr. Rama testified that the display areas would be in addition to the parking required for the use on the site and that the storage of vehicles is not the main use on the site. Mr. Petrongolo commented that having both vehicle repair/preparation and a sales component on the same site greatly increases the traffic impact.

The Board asked about the parking and rear yard setbacks, noting that there are existing non-conforming setbacks, and given the question about adding more parking spaces for the site, there was a question about the effect of adding impervious coverage. There was a discussion about whether the Applicants would be able to add parking, but doing so would reduce the setbacks, based upon the configuration noted in the updated site sketch. There was a discussion about the level of sales activity at the site. Mr. Nicholson noted that he added more parking at the back of the property. Mr. D’Armiento asked whether the impervious calculations were included, but they were not indicated on the sketch plan. Mr. Petrongolo noted that if the Applicants need variances for the parking setbacks and other setbacks, that relief also negatively affects the argument as to site suitability.

Mr. Rama was asked about site visits and testified that warranty work repairs would be performed by a 3rd party for such service, so that customers would not come to this site for warranty work or repairs. Mr. Rama testified that he looks forward to having two locations for his business,

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

this site and Carriage Lane site. There was a discussion about the inconsistency of that description with his prior testimony, and then he noted the use of the site for administrative purposes, which had not been specified previously. Mr. Rama testified that customers can't really see cars at this location and confirmed that the business would do vehicle detailing and servicing/prep at the site.

e. Comments by the Board's Professionals and other testimony:

Mr. Petrongolo asked about whether the site would be used for vehicular maintenance or for pre-sales preparation, noting that certain operations result in greater impacts and that there are potential environmental impacts. He noted that the two uses are actually dual uses and asked about the amount of existing lot coverage, which the Applicant acknowledged was not provided in the information provided. Mr. Miller responded that parking is a function of the intensity of the use; Mr. Petrongolo stated that the availability of parking on the site affects the determination of "site suitability."

In providing final comments, Mr. Petrongolo referred to his review letter, reviewed the stringent standards for granting the relief requested, and the non-conforming conditions. He commented on whether the operation would be a "satellite use" as opposed to being another "branch" for operations for the business, noting that the Applicant testified that there will be retail use and that there will be customers on site, which is a more intense use. If the Board found that the Applicant met the standard for granting this form of relief, he recommended that the Board only do so based upon the condition that the site plan must be approved with any required variances and upon the condition that the site is used for internet sales only, with no on-site customer visits and that the Applicant must submit a replanting plan for the trees and shrubs which have already removed, which the Applicant, Mr. Rama admitted were removed without obtaining the required permit from the Township.

Mr. D'Armiento asked about the site's circulation and whether the Applicant has considered making it a 1-way traffic on the eastern portion of property, because there is not an adequate room for a drive aisle. Is there a need for 2-way circulation? There was a discussion about whether the Applicant could reduce the width, which Mr. Nicholson suggested could be reduced at the site plan review stage.

In providing final comments to the Board, Mr. D'Armiento referred to his review letter, noting that the plans call for an inventory of the vehicles on the site and that if the Applicant has other (more) vehicles, then there is a need for more parking on the site. He commented that due to the size of the building with the type of intensity of the use, the Applicant needs 10 spaces and would need another 10 spaces for vehicle display; then the Applicant would need to provide even more parking than is shown on the revised sketch plan. He recommended that if the Board should grant the Application, that it only be granted upon the condition that the Applicant must submit a Traffic report and Environmental Impact Statement.

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

e. *Public comment.* Mr. Mormando opened this portion up to the Public.

Maureen DiMicco, 6 Mulberry Street, was sworn in and provided testimony before the Board, commented about the increased parking noted in the presentation, that she thinks that the Applicant is encroaching too much on the residential area, that car repairs are very noisy, that the hours of operation are extensive for such a noisy business to be located adjacent to a residence with a lack of buffer (to attenuate the sound and to screen the view). She testified that the previous business owner was a good neighbor who made sure that they had a minimal impact on the neighbors, including timing when the garbage was picked up. She commented that Mulberry Street is a very narrow street and that there was a carpet warehouse on the site previously, which was not disruptive. She testified that once the Applicant removed the trees and shrubbery/brush, that activity opened the site up to Rt. 130 and would be a clear view to a used car lot and the adjacent residential properties.

John Holzinger, 7 Mulberry Street was sworn in and provided testimony before the Board and testified that he has been in the car business and is familiar with the business, including that people will go “shopping” on Sundays, driving around a closed lot, so that no one can approach and view vehicles on the lot without being sales reps present. He inquired whether there is going to be any limitation on access to the site when it is closed. Mr. Holzinger noted that traveling south on Rt. 130, there is an open view of the site and into his property, and he has concerns for security and for his privacy. He thinks that if the Applicant proposes to install gates, people will still visit the site but will park on the jug handle. Mr. Holzinger testified that he works at his home and that in the rear of his property, he hears the noise emanating from the auto service work already going on at the site, which occurs all day. He testified that this applicant started work changing the features to this site in October 2022 and has installed lights, which shine into his yard, which bothers him.

Seeing no more public wishing to speak, Mr. Mormando closed this portion to the public.

f. *Questions and comments by members of the Board:*

Mrs. Parento asked whether the Carriage Lane location included sales, and Mr. Rama responded that the location is 99% sales, which occur online. Mr. Rama testified that they still perform replacement of brakes, tires, do oil changes, and address items indicated by sensor lights and would do that type of servicing for the vehicles prior to sale. He wants the subject site to be another “branch” for his business operations.

Mrs. Custer asked about evaluating the need for setbacks with the need for all the parking as that will impact the residential neighbors. In response to Board questions, Mr. Rama provided testimony about the building enlargement and what the uses will be for the operations. Mr. Rama described how a vehicle would arrive at the site with the bare minimum of repairs, that used oil and will be removed, and will be disposed of as required. He testified that not every car will

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

require new brakes or repairs and that their goal is to get cars that are 5-6 years old. He testified that the site currently has two bays; one is used for detailing, and one would be used for repairs. There was a question about whether the addition to the building would add more service bays. The applicants responded that if they decide to construct an addition to the building, it would have 1 bay with a lift to do work such as repairs to mufflers and transmission work and that they would be able to do more intense work on vehicles, but it would not include body work. Mr. Rama estimated that the site would involve the sale of approximately 10 cars per week.

A Board member asked about the removal of oil and antifreeze and what type of vehicles would be coming onto site for that service. Mr. Rama testified that removal of those types of substances is done via pickup truck. Mr. Petrongolo noted that tractor-trailers pick up oil and similar liquids, but Mr. Rama testified that he has a service that uses pick-up trucks with large tanks to dispose of the volatile liquids.

Mr. Aleszczyk asked about the impact of the setbacks, which are designed for the purpose of being a buffer to reduce the potential impact of the site on the adjacent residential properties. He commented that the Applicant could change the orientation of the parking to the front of the property, which is closer to Rt. 130 so that it doesn't impact the residential properties in the rear of the site. There was a discussion that if the Applicant reconfigured the site and did not add to the building, that alternative could relieve the impact on the residences. There was a discussion about the additional paving, which adds impervious coverage and would have an additional impact on the adjacent residences, including drainage.

Mr. Moore asked about the noise remediation plan from the additional bay because noisy power tools would be used. Mr. McAndrew commented that the Applicant would comply with the noise Ordinance. Mr. Mormando asked about the 9-foot setback proposed for the garage from the residential properties and questioned whether that small of a setback would have an adverse impact on nearby residences. Mrs. Custer asked about the continuation of the sidewalk and where that would be located on the site. Mr. Moore asked about the use and how a customer would inspect a vehicle before purchase, which requires a site visit, and questioned whether some purchasers would want a test drive and how that would take place. Mr. Miller responded, describing the "typical online shopping process," which he said doesn't include an in-person review, but he conceded that a customer could want a test drive. There was a question of whether the Applicants would have the present building demolished or whether it would be maintained, and there was a concern expressed about the building being demolished and replaced with a larger building that would reduce the parking and drive aisles and potentially increase the impervious coverage.

Mr. McAndrew was given the opportunity to summarize the Application, noting that the Applicants seek permission to conduct a "limited sales," operation for used vehicles, with an area for vehicle preparation and with administrative offices. He noted that the site is limited due to the configuration and suggested that the proposed use is a low intensity of use as compared to other permitted uses for the zone, but that the site is not a good site for other permitted uses such as retail uses, which generate more activity.

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

Findings & Determination

A. The Applicants, Adeel and Umair Rama (the partners of Starz Auto Group), filed an Application as to the property identified as Block 128, Lot 15 on the Township's Official Tax Map, which is more commonly known as 9008 Rt. 130, in Delran Township, to obtain a Use variance (d1) to be permitted to operate a "limited" used vehicle sales business, which would include delivery and removal of used vehicles, with an area for vehicle service, repairs, and preparation and with administrative offices.

B. The property in question is in the General Commercial Zone (C-2) district.

C. The Board noted that the members had heard and considered the testimony provided by the Applicants' representatives and professional consultants in support of the request to approve the Application for a Use variance.

D. The Board heard and considered the testimony presented in support of the Application and the comments by members of the public, but also raised questions concerning site suitability for the Use variance based upon the varying descriptions of the intensity of the proposed use, the lack of site circulation and emergency vehicle access to and around the site, the need for setback relief for the rear of the property which is just 9 ft. from residential properties, the type and number of bulk variances which detracts from the assertion that the site is "particularly suited" for the use, and the other factors or concerns as stated at the hearings on the Application, all of which detracted from or negatively impacted the proofs presented on the determination of whether the site is particularly suited to the dual commercial use and the requested relief (use variance relief).

E. The Board heard and considered the testimony presented in support of the Application and the comments by members of the public, but also raised questions concerning the demand for parking and the effect of parking on site circulation, the increase in impervious coverage, the lack of adequate buffering and the removal of existing trees and shrubs, and the variance required for the rear yard setback to permit the site to be just 9 ft. from a residential property where there was no plan for noise attenuation from the noise generated by the tools used in the garage bays.

F. The Board raised questions concerning the lack of buffering between the property and the adjacent residential and commercial properties and its potential negative impact on the properties relating to the drainage, coverage, additional noise, lighting, and activity, all of which detracted from or negatively impacted the proofs presented on the determination of whether the site is particularly suited to the dual commercial use (use variance relief) and whether the bulk variance relief requested demonstrated that the positives substantially outweighed the negatives.

G. The Board raised questions concerning the drive aisles proposed, whether they would be adequate, for proper site circulation, and whether the Applicants could address the comments submitted by the Fire Official as to the difficulties posed for emergency vehicles at the site.

H. The Board heard and considered the testimony presented, including the testimony of the Applicants' representative as to the scope of the operations, which was described in varying and inconsistent ways and which testimony the Board members evaluated as to its consistency as related to the certainty of the operations to be conducted on the site, all of which affected the

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

credibility of the testimony provided.

I. The Board heard and considered the testimony presented, including the testimony of the Applicants' professionals/experts and the Board's consultants, which testimony and comments the Board was free to accept or reject, in full or in part, based upon its weighing of the testimony and whether the opinions were supported by facts of record and/or were persuasive.

The Board found that the Applicant did not meet its burden of proof necessary to grant the Application for approval of the Use variance in that:

- (i) The Applicant failed to present credible testimony and evidence demonstrating that the site is particularly suited for the proposed non-conforming use of having the proposed used car sales business operations along with vehicle repairs, servicing and preparation conducted on the site in several garage bays, which are adjacent to residential properties and which does not conform to the setback requirements, including having a rear yard setback of only 9 ft. from the property line;
- (ii) That granting a Use variance request is an extraordinary form of relief and that on balance, granting this Application would not advance the purposes of the Master Plan, the Zone Plan or the Zoning Ordinance;
- (iii) The Applicant failed to present credible testimony and evidence to show that denying the request for this extraordinary form of relief would present or cause an undue hardship for the site, to which the Applicants have already made significant unauthorized changes or revisions, including the removal of trees and other vegetative growth;
- (iv) That the proposed use is not an inherently beneficial use, such that the Applicant was required to demonstrate the existence of positive criteria substantially outweighs the negative criteria and that the concerns or comments expressed about the potential negative impacts were not found to be substantially outweighed by the positive criteria claimed; and
- (v) That Applicant failed to present credible testimony and evidence demonstrating that granting the use variance relief requested will not impair the intent of the Zone Plan and the Zoning Ordinance, or that granting the relief promotes the purposes of the Master Plan or the cites purposes of the MLUL; and that the relief requested could not be granted without substantial detriment to the public good.

A motion was made to grant the Application as presented (to approve the subdivision with the lot consolidation as well as the Application for Use variance relief, based upon certain conditions as recited at the hearing, and the motion was duly seconded; and

In the vote on the Motion on the Application as presented, all seven members voted against the Application finding that the Applicant did not meet the burden of proof for the reasons stated herein, such that the standard for granting the Application for the Use variance was not met by the required super-majority of 5 affirmative votes.

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

The Board reviewed the Application submitted by Adeel and Umair Rama (the partners of Starz Auto Group) as to the property identified as Block 128, Lot 15 on the Township's Official Tax Map, which is more commonly known as 9008 Rt. 130, in Delran Township, to obtain a Use variance (d1) to be permitted to operate a "limited" used vehicle sales business, which would include delivery and removal of used vehicles, with an area for vehicle service, repairs and preparation and with administrative offices, in which a motion was made to approve the Application as presented for the Use variance relief requested in the Application, and the Applicant having failed to obtain the required number of affirmative votes finding in favor of the Application for Use variance relief, the request for such relief is hereby **DENIED**.

A motion to grant the Application subject to the conditions as stated on the record was made by Mr. Mormando and seconded by Mrs. Custer, with the members present voting against granting the relief, subject to the conditions as stated and based upon the findings by the Board members as stated on the record. The results of the motion are as follows:

Ayes: None
Nayes: Mr. Aleszczyk, Mrs. Custer, Mr. Moore, Mr. Mormando, Mrs. Parento, Mr. Weir & Mr. Baiada
Abstain: Mr. Hermansky
Absent: Mr. Merced
Recused: None

B.

Adjourned until August 17, 2023, Zoning Board Meeting

69 Hartford Road, LLC

65 & 69 Hartford Road

Block 120, Lot 38 & 38.01

ZN2021-05

Use Variance (**Adjourned until August 17, 2023, Zoning Board Meeting**)

C.

Adjourned until August 17, 2023, Zoning Board Meeting

Henry Streicher/62 Suburban Blvd

62 Suburban Blvd

Block 108, Lot 1

ZN2022-09

Use Variance (**Adjourned until August 17, 2023, Zoning Board Meeting**)

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
JULY 20, 2023 – 7PM**

OPEN/CLOSE TO THE PUBLIC

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

ADJOURNMENT

Mr. Weir made a motion to adjourn the meeting at 9:03 pm. Mr. Aleszczyk seconded the motion. The results of the motion are as follows:

The motion passed with a unanimous voice vote.

Respectfully submitted,
Colleen Kohn,

Planning & Zoning Board Secretary