

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REGULAR MEETING MINUTES
MARCH 21, 2024 – 7 PM**

OPEN PUBLIC MEETINGS ACT

The Delran Township Zoning Board regular meeting of Thursday, August 29, 2023, was called to order by Mr. Mormando at 7:00 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, Mr. Aleszczyk, Mrs. Custer, Mr. Weir, Mr. Baiada & Mr. Hermansky

Absent: Mrs. Parento

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

APPLICATION

A.

69 Hartford Road, LLC
65 & 69 Hartford Road
Block 120, Lots 38 & 38.01
ZN2021-05
Use Variance

(Continued from Special Zoning Board Meeting 11/30/2023)

Nathan Mosely, PTE sworn in and accepted as an expert in civil engineering with a specialized expertise in Traffic Engineering for site design. Mr. Mosely summarized and described the uses of other properties in the area testified that he has performed an updated traffic report, dated January 30, 2024.

Mr. Mosely testified that the Applicant seeks to construct an approximately 44,000-square foot (SF) indoor Field House facility (which is larger than the original proposal) which will include an indoor turf field and two (2) indoor basketball courts as well as the multi-purpose field in the rear of the property. The on-site parking has been reduced to a total of 195 parking spaces, which includes 8 ADA spaces.

He testified that he reviewed traffic and potential access points for the proposed development of the site in support of the Use variance application, that he reviewed traffic conditions in the area for Hartford Road, the westbound side of Hartford Road, west of

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Conrow Road that he has reviewed the potential traffic impacts given other uses in the area. The proposal is for a single driveway access point on Hartford Road, which is a county road, so the plan would be subject to County Planning Board approval. Mr. Mosely testified that the traffic counts were performed in July and September 2021 and again in November 2022, while schools were in session and testified as to the methodology for the counts on weekdays and also on a Saturday and described peak hours. He testified that he reviewed the site based upon future conditions, comparing “no build” conditions with “build” conditions, included current approved developments and that he obtained additional data from the Board’s Engineers and used data for a trip generation estimate or opinion for the site. He testified that he utilized and made adjustments to data from a development in Gloucester County (Total Turf), in order to provide a conservative estimate for future conditions. It was noted that the Total Turf facility building is 110,000 SF and in a rural area as compared to 44,000 SF by the Applicant. He provided testimony as to the methodology, the tabulation of the data, reviewed other permitted uses in the zone, and reviewed ITE data for similar sized facilities compared to the present application, including a medical office.

Mr. Mosely admitted that his analysis does not account for a special event or games, that the figure of 13 vehicles per hour does not include the intensity of traffic for those types of scheduled events. He testified that the Applicant would work with the County Planning Board, which may include working on the timing of the nearby signalization. He stated his opinion concerning the “agitation” of waiting at a stop sign, where a driver must merge oneself as opposed to a traffic signal where the time to travel is provided by the timing of the signal. In response to a question by a Board member about a bus arrival instead of passenger vehicles, and whether his testimony assumes that there would be no buses for tournaments, he responded that his data assumes trips for passenger vehicles arriving for training and practices. He also testified as to the traffic at the intersection of Hartford Road and Conrow Road, which is controlled by a stop sign, that the northbound traffic for a left turn out of Conrow Road would go from a LOS of E to F, as indicated in his report. In response to a question from another Board member about why he used Hartford Road for his traffic analysis, when Conrow Road is a gateway for a greater part of Delran, as opposed to Hartford Road. Mr. Mosely provided a response that the modeling was based upon the traffic for Hartford Road. He also testified that the County Planning Board may want a widening of the road (on side of schools) to increase the shoulder opposite the driveway in order to provide an area to pass vehicles making turns. He testified that the Applicant’s accessway will be required to obtain Burlington County Planning Board approval, including meeting all conditions imposed by the County.

A Board member noted that the last traffic count was conducted in November 2022 and asked whether there had been any further studies performed. Mr. Mosely responded that a study had been performed on a similar facility in Pitman, NJ, (Total Turf) which is 3 times larger than this site. There was a discussion about how the other facility is comparable when it is not located on a T-road intersection, that the Pitman facility is not located in

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close proximity to a High School and does not abut a 55+ community and has a significant amount of buffering in that it is a very isolated site in a more rural area. Mr. Mosely responded that the site does have a residential use near to it.

Questions were posed by Mr. Baron, who represents residents of Ashley Crossing through the HOA. He asked Mr. Mosely about Hartford Road, whether he acknowledged that while it is under County jurisdiction, the Township still can address the traffic concerns and including imposing reasonable conditions. Mr. Mosely agreed with that premise. Mr. Baron asked what zone the property is located, which Mosely thought was in the R-2 zone. He was corrected, that it's in the A-1 (Agricultural) zone. Mr. Baron asked if Mosely consulted zoning standards for this zone; thought medical office use is permitted, but it is only conditionally permitted. There was a discussion that a "hospital use" is permitted in the zone and the definition of that use was read and Mr. Mosely agreed that none of the activities or uses permitted for a hospital are proposed for this site. There was a discussion that the proposed use is not a use which is defined in the Ordinance. Mr. Mosely stated that he reviewed the uses permitted in the zone and testified as to what he reviewed, which included "similar" ITE uses, but acknowledged that ITE standards are different for a hospital use. On cross-examination, there were questions about the specific features of the Pitman facility referred to in the presentation. There were questions about whether there was less traffic on the main road where the Pitman facility is located, whether it is a single-lane road in both directions and how close the intersecting streets are to the site entrance. Mr. Mosely did not know those features.

Mr. Baron asked about A-1, the access point, which is closest point to Lisa Road and asked about there being another side with an emergency access point, the requirement for proximity or separation of access roads from one another. Mr. Mosley testified as to his knowledge of the requirement (no less than 150 ft. from one another) but didn't know the distance between the other access point, that in reviewing the renderings, it appears to be 120 ft. from Lisa Road which is the access point for Ashley Crossing. Mr. Petrongolo indicated that the points appear to be 100 ft. apart, to which Mr. Mosley stated that he believes that the access points are "still safe" based upon the anticipated traffic and the existing LOS. Mr. Baron asked about emergency vehicle access and how people getting out of Ashley Crossing could exit using Lisa Road to get onto Hartford Road with existing traffic. There was a question about the number of entrances to Ashley Crossing (there are 2) and Mr. Baron asked how far apart they are (500-600 ft. apart) and inquired about their use in an emergency, for emergency vehicles and passenger vehicles and the difficulty of a site of this size having a single access point.

Mr. Moore asked Mr. Mosely to describe a "LOS F" and Mr. Mosely testified that it requires waiting through cycles of lights, taking several cycles, for a vehicle to get to and through an intersection. He acknowledged that Level "F" is the lowest Level Of Service. Mr. Baron asked whether an LOS F would be a substantial detriment to the public good and Mosely testified that if there was an LOS of F for the driveway itself, then the Applicant

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would explore mitigation measures, such as alternate designs. There was an exchange about whether there would be a need for mitigation in which Mr. Mosely asserted that the traffic volumes are not at that level. There was a discussion about possible other access points for this site and Mosely stated his opinion that a single access point makes it more “efficient” but that there is no other property frontage and that the access point would be subject to County approval.

Tiffany Morrissey, PP, AICP was sworn in and accepted as an expert in Professional Planning and provided testimony to address the special reasons for granting the Use variance relief requested. Ms. Morrissey testified that she had reviewed the Township’s Master Plan, including the recently adopted Re-Examination report, applicable Township ordinances, and the features of the Application, for the proposed development. Ms. Morrissey testified as to the standard for showing the existence of “special reasons” for granting the Use variance as to how the site is particularly suited for the proposed development. She testified that in her opinion, granting the Use variance would not cause or be detrimental to the zone plan or to the public good. Ms. Morrissey testified about the characteristics of the A-1 zone and referred to Exhibit A-6, noting the site is within the A-1 zone, between an R-2 zone and commercial business district and describes the residential zones nearby, is abutted by age-restricted residential and a bus repair depot. She testified that based upon her review of the properties in the zone, there are not a lot of agricultural uses, and that in her view, the area has outlived this zoning, which she describes as now being more of an industrial/business area.

Ms. Morrissey testified that the conditionally permitted uses in the A-1 zone include schools, houses of worship and hospitals and stated her opinion that the site is more appropriate for business uses even though the Township’s Code (Zoning) has not been changed. She described the buffering and other bulk requirements for the conditionally permitted uses in the zone, but not for the permitted uses. She testified that the setbacks proposed by the Applicant are greater than the setbacks of the conditionally permitted uses and that other zones (C-3) would permit this type of use.

With respect to the element of demonstrating “site suitability,” she testified as to her opinion that the facility provides a service to the community and provides a use for an outmoded zone. Ms. Morrissey testified about a finding in Atlantic County that soccer fields in an agricultural zone do not violate a “right to farm” provision which is not being asserted by anyone with respect to this Application. She testified about the population demographics of Delran Township, where 21% of its population is under the age of 18. Ms. Morrissey also testified about a federal Executive Order that provided a national strategy on youth sports, finding a regional need to provide activity. Ms. Morrissey testified as to the Open Space and Recreation analysis in the Master Plan as an element in the most recent report and her opinion that there is a shortfall in the amount of active space available, noting that school ball fields are not always available.

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Ms. Morrissey testified about the purposes of Zoning which would be advanced by this site under the “special reasons” criteria, that it promotes purpose C (for adequate light and open space) and purpose G (providing recreational, commercial and other uses). She noted that Zones A-1 and C-3 allow schools which have outside recreation fields, acknowledged that the proposed use is not permitted or conditionally permitted in any zone in the Township, but stated her opinion that the “positive criteria” has been satisfied by the Applicant’s proposal.

Ms. Morrissey testified about the “negative criteria” stating her opinion that there is no substantial detriment to the public good because the Applicant can meet the proposed setback “requirements” for the zone even though the setbacks are formulated based upon other uses, that the last Master Plan from 2020, does not contain any recommendations for this type of use. She testified as to her opinion that granting the use variance would not offend the Zoning Plan and that certain goals would be advanced to allow for “balanced” development, to maintain a quality of life and “balanced” infrastructure. She made comments as to her opinions utilizing the Medici standard (which notes that the analysis of the “negative criteria” focuses on the effect that granting the Use variance would have on the surrounding properties.)

Ms. Morrissey testified about the proposed use being next to a truck storage facility and acknowledged that there are residential uses next to that lot, and that there is not a good transition between the commercial use and the residential use. In response to a question, she conceded that residential properties are a permitted use, would generate less noise than the proposed site and much less traffic but stated her opinion that having Single Family homes is not the best and highest use of the land.

Ms. Morrissey testified about the standards for determining whether the use poses a “substantial detriment to the public good” noting that there currently is and will continue to be traffic on Hartford Road and stated that the option of not developing a property due to traffic “doesn’t make sense” that there are options for the mitigation of traffic. She listed what she viewed as the benefits of this development, which included the limitations on the use, to be imposed as a condition of any approval.

With respect to the proposed 45 ft. height of the building and whether it is detrimental to the public good, Ms. Morrissey testified that other uses allow buildings with a greater height, that the building is “loaded” to the front of the property with less of an impact. The testimony did not address how a much greater height of the building was necessary or suited for the proposed use.

Mr. Baron asked Ms. Morrissey questions about the potential impacts on neighbors through the exterior uses and the noise, and light generated. The Board’s professionals commented that the proposed hours of operation for the interior activities are unclear, and that a noise study should be done for the site plan and would have it studied at “build-out.” Mr. Baron

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asked about competing interests, about the need for local children to have access to recreational facilities as balanced against the interests of the existing and adjacent 55+ community where residents worked their whole lives to live in this type of quiet community, which is located next to an agricultural zone. He asserted that he doesn't think that the two interests can be harmonized given the noise to be generated and likened this Application to re-zoning, that granting this Application is tantamount to re-zoning the area by granting a use variance.

There was a question of whether the Applicant will sell memberships to the facility. Mr. DeJoseph testified that he will sell the use of the facility online for various activities, such as the indoor (baseball) hitting area or other uses for the facility which will be geared towards baseball, softball, and other classes for special needs classes for kids. In response to a question, Mr. DeJoseph testified that clients can be adults, youth, or adult sports leagues.

Comments by the Boards Professionals and other testimony:

In response to the traffic testimony, Mr. D'Armiento inquired of Mr. Mosely about the length of the road widening which the County may require. Mr. Mosely responded that the County may require 200-400 ft. of widening with tapering, which may carry up to Conrow Road. There was a discussion about the driveway LOS being at a level C/D, but that it has to be at a level D or better to meet NJ DOT requirements. The evaluation was full movement access with both left and right turns in and out of the site.

Mr. D'Armiento asked what additional time is going to be added for Conrow Road turns if it is built and the intersection remains unsignalized, Mr. Mosely stated the LOS would be a level F, but stated that the delay in the LOS can be affected by any mitigation required by the County.

There was a discussion about how the average delay is calculated, whether over 24-hour cycle or 1 hour peak. Mr. Mosely testified that it's calculated based upon delay experience for a vehicle during peak hour. He stated his opinion is based upon a trip comparison and driveway access, that the facility will operate safely and efficiently, that it won't have a significant impact on the intersections or adverse impacts on the Master Plan or Zoning Plan, but that the site still required approval and the traffic mitigation requirements set by the County Planning Board would have to be met by the Applicant.

Mr. Mosley was asked about the "worst case" of delay which he testified would add an additional 13 seconds of delay from the current 53 seconds to 66 seconds, for the left-hand turning vehicles on Conrow Road. There was a discussion about whether the Applicant had considered including a dedicated left-hand turn lane and Mosely testified that for the shoulder, there is an 8 ft. area instead of 15 ft. which is needed for a turning lane. Mr.

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D'Armiento asked about the comments on page 5 of his report which noted that the updated Traffic study indicated that the southbound Bridgeboro Road through/right-turn movements will operate at LOS F in the "build" condition and that the LOS for movements. Mr. Mosely conceded that to be the case. Mr. D'Armiento also asked about the vehicle movements of Conrow Road at the Hartford Road intersection, that his analysis is that in the "build" condition, the traffic flow will degrade to Level-of-Service F for the Conrow Road approach left turn movement. Mr. Mosely agreed with that conclusion.

A Board member asked whether the analysis included a comparison of traffic with residential use. Mr. Mosely responded that he did not compare the use with a residential use because a comparison would depend upon the density of the housing. Mr. D'Armiento noted that for this zone, 2 acre lots are required so there would be 5 homes generated on the site.

Mr. D'Armiento asked Mr. Mosely about performing a Traffic Signal Warrant analysis for the intersection of Conrow and Hartford Roads. Mosely did perform a preliminary analysis, noting that there already is a signal at Bridgeboro Road, that he reviewed it and that based upon the existing conditions, it is probably already warranted under the existing conditions. Mosely testified as to the basis for the analysis, the criteria used to determine whether a signal is warranted, including that a traffic signal could meet the criteria presently, based upon the present traffic conditions for that intersection. He testified that the distance between Bridgeboro Road and Conrow Road is about 750 ft., less than .2 mile, which is a short distance to have a second traffic light, but that any signalization would be reviewed during County review of a site plan application.

Mr. Petrongolo asked what permitted uses were analyzed, and Mr. Mosely responded that a medical office building was reviewed. It was noted that medical office is a conditionally permitted use, not a permitted use, so the Applicant did not compare the site to permitted use such as childcare center or an agricultural use or a residential use. Mr. Mosely testified as to the total trips of a typical daycare facility, which he testified would be similar to what is proposed. Mr. Petrongolo asked if he compared traffic studies to uses which are more time-sensitive, with events which occur in spurts due to "events" as opposed to a steady stream of the permitted uses and if he did an analysis comparing if Turf place had spurts and how intense spurts are. Mr. Mosely responded that his analysis did include counts for multiple groups of hours for peak hours of 5p-6p, and that traffic was still spread out during the peak hour.

Mr. Petrongolo asked Ms. Morrissey about adequate providing air, light and open space when the site is currently all open area. She responded that the proposal provides light and open space compared to other permitted uses in the zone because the rear of the site will be open with the planned fields and will have a landscaped buffering. She also noted that other permitted uses in the zone allow for greater impervious coverage. There was a discussion about the Planning opinions expressed and whether the testimony is centered

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around an opinion that A-1 (Agricultural) Zoning is not appropriate for this site, as opposed to the opposite, that the Applicant's burden of proof is actually whether this site is appropriate for the (A-1) Zone. He commented on the Applicant's burden of proof to demonstrate that the property is particularly suited. Ms. Morrissey responded that the site is a large parcel, next to a different zone, that the use would avoid excessive clearing of vegetation and asserted that the use is similar to other permitted uses in the zone such as schools, which have ball fields and that it's an isolated parcel within the A-1 zone, which would add recreational fields. There was a comment that the fields will not be open or available for use by the general public and that several of the other permitted uses listed such as hospitals, schools, and houses of worship, are all inherently beneficial uses as defined by state statute and that the subject use is not recognized as an inherently beneficial use.

OPEN TO THE PUBLIC

Mr. Mormando opened this portion up to the public.

Barbara Fox – 22 Marsha Drive, in Ashley Crossing – asked Board members to imagine living in one of the homes next to this facility, where you would be bombarded with noise from the outside activities of hundreds of kids. She stated her opinion that the noise would impact the neighbors' way of life, negatively impact re-sale value, impact medical issues with the noise, the Ashley Crossing community has been a quiet place to live, which will be disrupted by this facility.

Norma Blake – 3 Tara Lane, Ashley Crossing – refers to another project by Applicant. She stated that the testimony was that it would be good for landscaping businesses because seniors need landscaping, but that this facility would benefit kids, that while this is a good concept, it is proposed for the wrong location, that seniors need quiet.

Cindy Sparlin – 31 Marsha Drive – she commented that the proposed field will be in the back of the site, closer to neighboring yards, and that the traffic studies were done during the latter part of the pandemic so that they are not reflective of the traffic conditions today. She testified that children are not permitted to live in the 55+ community so as to avoid disturbing the resident's enjoyment of quiet and thinks that the neighborhood will be negatively impacted by this facility and will make traffic on Hartford Road worse. She stated that the existing homes are 50 ft. from the proposed fence line and that they will hear the noise from the sports, with referee whistles, yelling and cheering. She thinks that the noise from the site will violate the Township's noise ordinance. This property backs up to their homes, so it is not isolated from other sites. In contrast, the truck facility is quiet. The proposed hours of operation are long and will be disruptive to the neighbors, and there will be large groups of people because having only 50 people on site will not cover the operating costs, so that she anticipates that there will be tournaments every weekend. She commented about the indoor batting cages which will have multiple users. She noted that when the

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High School has events, the participants park vehicles near their subdivision because they don't want to wait in line for the kids and that people litter or leave trash after parking in their community and that the disruption will reduce the property values. She stated her opinion that This property is not like the Pitman facility, which is "in the middle of nowhere" and that the activity on Pickle ball courts is loud and will add to the noise. She commented that the ongoing construction by PSEG on Hartford Road was done at night because the traffic on Hartford Road is so intense and PSEG didn't want to deal with or exacerbate the traffic volume.

Blaise Harper – 36 Princeton Drive – indicated that the project is supposed to benefit youth athletics, and that the Township is not doing a great job providing facilities for kids. He stated that he is a coach and that the Township's athletic facilities are inadequate. He stated that fields that exist are poorly constructed, that there is a small gymnasium and a small turf field and that he thinks this facility will make Delran better; that Cherry Hill and Pitman have accepted facilities like this one but didn't specify or compare the locations. He commented that storage facilities and cannabis dispensaries or retailers "don't benefit kids" and that he thinks that the Applicant will operate this site in an appropriate fashion.

James Rushmore – 17 Roslyn Drive – Ashley Crossing – stated that this facility will be a private facility so it will not support the teams in this community because the testimony provided that "anyone" can book time at the facility. He foresees the owner having tournaments at the facility which is troubling due to the traffic, that in his experience, travel sports team participants, will park and leave vehicles the entire day, that when there are multiple teams for events, they will stay and "camp out" there and that the design does not include enough parking especially for the weekend activities, where the area will be "flooded" with traffic on the weekends.

Gloria Jacober –testified that she lives in Ashley Crossing and stated that like other residents who are in favor of more recreational opportunities for kids, her opinion is that this proposal is for a facility which is simply in the wrong location, that it will generate too much traffic. She noted that this facility proposes two access points, with one across from the High school and one on Lisa Drive, which is across from an existing house of worship. She stated her opinion that adding this type of traffic volume will make it more difficult to make a left out of these access points. She expressed concern that items would enter their property and a concern about quiet, crime, litter, and noise. She stated that she does not want a gigantic "playground" next to their community. She expressed her personal opinion that neighbors with medical conditions need a restful place and this facility will be very active and noisy, causing a disturbance to their quiet enjoyment of their property.

CLOSE TO THE PUBLIC

Mr. Mormando Closed this portion up to the public.

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At this time, Mr. Mormando asked for a continuation to April 18, 2024, Zoning Board Meeting due to time restraints.

ADJOURNMENT

Mrs. Parento made a motion to adjourn the meeting at 11:08 pm. Mr. Baiada second the motion. The results of the motion are as follows:

The motion passed with a unanimous voice vote.

The hearing was then adjourned due to the time and carried to the April 18, 2024 Zoning Board meeting.

Respectfully submitted,

Colleen Kohn,
Planning & Zoning Board Secretary