

**DELRAN TOWNSHIP
ZONING BOARD
MUNICIPAL BUILDING
REORGANIZATION MEETING MINUTES
JANUARY 18, 2024 – 7PM**

OPEN PUBLIC MEETINGS ACT

The Delran Township Zoning Board Reorganization Meeting of Thursday, January 18, 2024, 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, Mrs. Parento, Mr. Aleszczyk, Mrs. Custer, Mr. Baiada & Ms. DeVito

Absent: Mr. Moore & Mr. Hermansky

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

OATH OF OFFICE

Mrs. Mary Parento
Mr. Chris Aleszczyk
Ms. Joyce DeVito

ELECTION OF OFFICERS RESULTS

1. Zoning Board Chairperson- **Mike Mormando**
2. Zoning Board Vice Chairperson- **Jack Moore**
3. Zoning Board Secretary-**Colleen Kohn**
4. Zoning Board Assistant Secretary- **Mary Parento**
5. Zoning Board Solicitor- **The Garty Law Firm, LLC**
6. Zoning Board Engineer- **CME ASSOCIATES**
7. Zoning Board Planner-**Turek Consulting, LLC**
8. Zoning Board Traffic Engineer- **CME ASSOCIATES**
9. Zoning Board Conflict Engineer-**Turek Consulting, LLC**
10. Zoning Board Conflict Planner- **CME ASSOCIATES**

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ESTABLISHMENT OF OFFICIAL MEETING DATES AT 7:00 PM

Thursday, January 18, 2024 (Re-Org)
Thursday, February 15, 2024
Thursday, March 21, 2024
Thursday, April 18, 2024
Thursday, May 16, 2024
Thursday, June 20, 2024
Thursday, July 18, 2024
Thursday, August 15, 2024
Thursday, September 19, 2024
Thursday, October 17, 2024
Wednesday, November 13, 2024
Wednesday, December 18, 2024
Thursday, January 16, 2025 (Re-Org)

ESTABLISHMENT OF OFFICIAL NEWSPAPERS

Burlington County Times
Courier Post

APPLICATION

A.
James & Kathleen McHugh
18 Sycamore Street
Block 110, Lot 24
ZN2023-03
Bulk Variance

James J. McHugh and Kathleen McHugh (referred to as the “Applicants”) filed an Application with the Delran Township Zoning Board (“Board”) for bulk variance relief from the side-yard and rear yard setback requirements with respect to the real property identified as Block 110, Lot 24, which is more commonly known as 18 Sycamore Street, on the Official Tax map of Delran Township (hereinafter the “Property” or “the site”).

The applicants seek to construct a 24 ft. wide garage on the west side of their property as an accessory structure for their existing home, which will require bulk variance relief from the setback requirements on the west side of the property; the property is in the A-1 (Agricultural) zone, and It appears that the Applicants’ submissions are complete such that all jurisdictional requirements of the Delran Township Code (“Code”) have been satisfied and that all procedural requirements of the Code have either been satisfied or waived by the Board.

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The Applicants submitted an affidavit of mailing and publication to the Board demonstrating that notice of the hearing on the Application was provided in a manner that complies with the public notice requirements under the Municipal Land Use Law (“MLUL”).

The Board finds that it has jurisdiction over the Application and the subject matter, and the Application was deemed complete.

The Board has considered the comments and testimony of its professional staff, namely the Board’s Professional Planner, Joseph Petrongolo, P.P., and the Board’s Engineer, Edward D’Armiento, P.E., C.M.E., C.F.M. of CME Associates, which were made at the hearing on the Application.

The following documents and submissions were presented:

Submissions and Testimony of Record at the Hearing

In reaching its decision, the Board relied on the submissions, exhibits, and witness testimony identified below:

A. The Applicants’ submissions:

- Zoning Board Application form with Schedule A, dated 08-18-23, with a narrative describing the proposed addition and relief requested
- Submission materials: Plot plan showing the area/location of the proposed addition by Glenn M. Wallace, P.E., dated 08-10-2023.
- Survey by William J. Robins, P.L.S. of Wallace Associates Inc. 03-10-11.

B. Reports from the Board’s professionals and Township staff: None

C. Exhibits: The Applicants’ submissions, including design plans and other documents depicting the improvements, were incorporated by reference.

No additional Exhibits were marked at the hearing on the Application.

1. Testimony presented:

The Applicants were represented by Gary Zangerle, Esq., who provided a summary of the setback relief sought, noting the current site conditions and that the property is on a dead-end street. They are seeking to be permitted to build a garage within the required setback, but will remove the existing shed to construct the garage. He stated that during the presentation, the Applicants will clarify that the trees shown on the survey are on the neighboring property, not the Applicants’ property, so they will not be affected by the construction of the garage.

The Applicant, James J. McHugh, was sworn in, and Mr. McHugh provided testimony in support of the Application. Mr. McHugh confirmed the summary provided by counsel, that the house is a ranch-style house, which does not have a garage. The Applicants would like to have a 2-car garage to store items and to get their vehicles off the street. He noted that there is no driveway for them to avoid parking their vehicles on the street and that the existing shed would be removed to make room for the garage. Mr. McHugh testified that the trees shown on the survey

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are actually on the neighboring property, not theirs, that they are 10 ft. beyond the property line with the church, so that they are on the church's property and won't be removed or affected. He confirmed that the style and color of the exterior of the garage will match the design of his house, which will be an improvement. The plan is for the garage to be attached to the house and have a door for direct access to and from the house. The Applicant acknowledged that they will be required to obtain all required permits and approvals for the construction and pay all required fees for issuing the permits and for inspections.

Glenn Wallace, P.E., was sworn in and accepted as an expert in engineering and site design. Mr. Wallace testified that he prepared the design plans for the attached garage, and the addition of the garage will remove vehicles from being parked on the street. He noted that the street is a dead-end street with no turnaround area, so the addition of the garage to the house will also aid in the circulation or maneuverability of vehicles entering and leaving their property. In response to a question by Mr. Petrongolo about a chain link fence shown on the property line, he stated that the fence will be modified so that the fence connects to the garage, completing the connection for that enclosure. There was a discussion about curbing, and it was noted that there will be a depressed curb, and Mr. Wallace confirmed that the drive to the garage will have a concrete apron.

Father Michael Gentile was sworn in and testified that he is authorized to convey the position of the Board of the church that neighbors the subject property. The church's property is on Conrow Street. He described the area, noting that there is a solar field, then a wooded area which is adjacent to the McHugh's property. Father Gentile confirmed that the church authorized him to speak at the meeting and to indicate that the church has no objection to the Application filed and the relief sought.

The Applicants agreed to obtain all required permits and building inspections for the proposed construction. The Applicant, Mr. McHugh, acknowledged that the improvement may trigger a minor reassessment of the property, which may result in an increase in their property taxes. The Applicant testified as to the opinion that the addition of the garage, even with the setback relief required, would not be inconsistent with the characteristics of the homes in the neighborhood. Mr. Wallace stated his opinion that the presence of the garage would be beneficial as it would enable them to store their vehicles off the street, which is a better alternative to parking vehicles on the street.

2. *Public comment.* The following comments were made by members of the public:

Kathleen Selover of 11 Sycamore Street, testified that she lives directly across the street from the Applicants and indicated that she had not seen the plans and was concerned about whether drainage from the garage and driveway would affect her property, noting that drinking water for her property is serviced by a well. Mr. Zangerle clarified that the setback sought to be 3 ft. is the setback from the church's property line, not from the garage to the road. There was a discussion about the grading, and drainage would be addressed by the grading plan to ensure that water drains appropriately.

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3. *Comments by the Board's professionals:*

- a. Mr. Petrongolo commented about the nature of "c" bulk variance relief, noting that a 15 ft. setback is required where 3 ft. is to be provided, that the Application appears to be based upon a claimed hardship, in which the Applicant has to show either the proposed improvement is a better planning alternative or some condition which indicates the existence of a hardship. Mr. Zangerle interjected that both apply, in that the size of the lot, its location (at the end of a dead-end street), and typography all created a hardship, but also that the addition of the garage is a better planning alternative. Mr. Petrongolo confirmed that the property is in the A-1 zone. Mr. Petrongolo also noted that the minimum lot size for this zone is 1 acre, that this lot is .30 acres, so it would be very difficult to add a garage without some form of variance relief. With respect to the removal of the one ornamental tree in the front yard, he expressed his opinion that the removal of that tree does not trigger the requirement for a compensatory tree planting. He also stated his opinion that the inclusion of the garage has the benefit of removing vehicles from being parked on the street, and that he does not think that the addition of the garage will affect impervious coverage.
- b. Mr. D'Armiento suggested that, as a condition of approval, the Applicants should be required to submit a grading and drainage plan and that the Applicants should be required to obtain any outside agency approvals for entities exercising jurisdiction over the Application, if applicable.

Specific conditions agreed to by the Applicants at the hearing: The Applicants agreed to the following revisions to the design plan and the following conditions for approval, all of which were material to the Board's determination:

1. As a condition of approval, the Applicants acknowledged that they will be required to obtain all required building permits, pass all required construction and other inspections, the construction of the addition must conform with the Uniform Construction Code, and other Code requirements and the Applicants are required to pay all required fees for permits, inspections, assessments, and taxes.
2. As a condition of approval, the Applicants are required to construct the addition consistent with the sketch plans presented in the submissions and with the comments and testimony at the hearing, including the testimony as to the exterior will match the style and color of the existing exterior surface and the roofing matching the existing roofing materials.
3. As a condition of approval, the Applicants are required to submit a grading and drainage plan for review and approval by the Engineer.
4. As a condition of approval, the Applicants are required to obtain any outside agency approvals for entities exercising jurisdiction over the Application, if applicable.

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Findings & Determination

The Board has made the following findings of fact and conclusions, in addition to those outlined above:

1. The Board found that the Applicants, James J. McHugh and Kathleen McHugh, submitted an application as to Block 110, Lot 24, more commonly known as 18 Sycamore Street. The Application seeks bulk variance relief from the side yard setback requirement in order to be able to construct a 24 ft. wide garage on the west side of their property as an accessory use to their existing home, which construction requires side yard setback relief. Based upon the testimony and proofs submitted and in reliance upon the Applicants' submissions and testimony on their behalf, and as more fully detailed within the full record of the underlying hearing, the Applicants' request for the following bulk variance relief, is hereby GRANTED as follows: (a) relief from §355-18(l)(9) to allow a side-yard setback of 3 ft. where a 15 ft. setback is required, so as to permit the construction of an attached garage consistent with the dimensions and location as marked on the survey and the design plans submitted.

2. The Board found that granting the setback relief requested would provide a benefit to the use and design of the property; that granting the relief could be done with little or no impact on the surrounding properties, and that there would be no significant change to air, noise or drainage. In addition, the Board noted that the design of having an attached garage added to the home was a superior design alternative as it results in vehicles being removed from being parked overnight in the street, which is an aesthetic and safety benefit. Also, due to the small size of the lot, its location on a dead-end street, the Applicant demonstrated the existence of a hardship, all of which formed the basis for the Board finding that the positives outweighed the negatives in granting the variance relief requested and that granting the relief would not impair the intent of the Zone Plan or the Zoning Ordinance and would be consistent with the goals of the Master Plan and serve other reasonable planning purposes consistent with the MLUL.

3. The grant of the within Application for the "bulk" variance relief does not confer any other rights as to any other relief or as to any accessory buildings or structures and shall not serve to enable or be deemed as permission granted to the Applicants to enlarge the scope of the relief granted for the specific variances granted from the setback requirements in this zone, or for such other deviations from standards for which additional governmental approval is required, except to the extent testified to at the time of the hearing and/or as may be permitted pursuant to approvals granted to others that are not superseded by this approval.

the Application, which was approved, and for which variance relief is subject to the following specific and general conditions:

1. The Applicant agreed to satisfy the conditions outlined during the hearing and as set forth in Section 1g (#1-4).

2. The Applicant agreed to comply with all other usual and customary conditions as may be required by the Board, with respect to required approvals by other agencies with jurisdiction, payment of all required fees, submission of plans, and timely payment of escrows.

3. The Applicants have submitted certain plans, drawings, rules, depictions, written summaries, concept plans, colorized depictions, and other tangible things or documents that were accepted by the Zoning Board as part of its application. Further, the Applicants have made certain

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representations, provided testimony, agreed to modifications to the plans, drawings, and other features, all of which were made at the public hearings and all of which have been relied upon by the Zoning Board in making its findings and determinations. Should there be any material deviation from said documents, plans, representations, agreements made, the testimony presented, the modifications to be made, modifications agreed to or modifications to any of the conditions contained herein and/or otherwise agreed to, then the failure to comply with those representations, changes and/or agreements shall be deemed a violation of the approvals granted and the Zoning Board may, upon notice to the Applicants and an opportunity to be heard, elect to rescind its approval. Should there be any material deviation from the application approved, such a change or revision is deemed to be a material revision, which would be inconsistent with the basis for the relief granted, such that the Applicants would be required to return to the Board for additional review of the required setbacks or other modifications as to whether the relief should be granted or whether additional relief should be afforded.

4. As a condition to this approval, Applicants are required to comply with its fees for inspections, pay for and obtain all required permits, and comply with the escrow agreement with Delran Township for the payment of the Board's professionals' fees. No plan shall be processed, no certificate of occupancy shall be granted, and no permit issued unless and until all outstanding professional fees and taxes are paid and an appropriate escrow created to pay for future sums due. The Applicants agreed to promptly pay any professional staff fees billed, in excess of the required application escrows, or file a written protest with the Township Administrator within seven (7) days of receipt of a final voucher from the Township.

5. The Applicants shall obtain the required permits noted from any other County, State, or municipal agency having jurisdiction over the application as is required under law unless specifically and otherwise expressly waived, including approval by the following agencies, entities or officials, if applicable: (a) Delran Township Fire Code Official; (b) Burlington County Planning Board and/or County Engineer; (c) Delran Township Zoning and Construction Officials; and (d) such other governmental entities as may be appropriate and which may have jurisdiction over the site and its activities.

6. No improvement(s) are approved to be constructed as a result of the Board approving this application. The Applicant is required to obtain all required approvals, including site Plan approval and any variance relief or design waivers as may be required, before submitting the required plans and/or seeking the required permits and inspections.

7. These General Conditions of Approval, and any additional conditions of approval, if any, shall be binding upon the Applicants, the owner, and any successors and/or assigns of them.

Upon motion made by Mr. Aleszczyk and seconded by Mrs. Parento for the approval of this Application, the results of the motion are as follows:

Ayes:	Mr. Aleszczyk, Mr. Baiada, Mrs. Custer, Mr. Mormando, Mrs. Parento & Ms. DeVito
Nays:	None
Absent:	Mr. Moore & Mr. Hermansky
Recused:	None

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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. Aleszczyk made a motion to adjourn the meeting at 8:15 pm. Mr. Baiada 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