

**DELRAN TOWNSHIP  
PLANNING BOARD  
REGULAR MEETING MINUTES  
FEBRUARY 6, 2025– 7:00 PM**

**OPEN PUBLIC MEETINGS ACT**

**Delran Township Planning Board regular meeting of Thursday, February 6, 2025, was called to order by Mr. Moore at 7:00 pm in the Delran Township Municipal Building.**

**The Open Public Meetings Act announcement was read by Mr. Moore, and the Pledge of Allegiance was performed.**

**ROLL CALL**

**Present:** Mr. Lunemann, Mr. Parento, Mr. Ozdemir, Mr. Moore, Mr. Spych, Mr. Buzzi, Mr. Lyon

**Absent:** Mr. Giles & Mr. Paris

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

**OATH OF OFFICE**

William Spych was sworn in by Mr. Chris Norman, Esq.

**MINUTES**

February 2, 2023

March 2, 2023

April 6, 2023

May 4, 2023

November 2, 2023

Mr. Lunemann made a motion to approve the regular meeting minutes from February 2, 2023 as written. Mr. Ozdemir second the motion. The results of the motion are as follows:

Aye: Mr. Lunemann, Mr. Parento, Mr. Ozdemir Mr. Moore & Mr. Lyon

Naye: None

Abstain: Mr. Spych, Mr. Buzzi & Mr. Hutchins

Absent: Mr. Giles & Mr. Paris

Mr. Parento made a motion to approve the regular meeting minutes from **March 2, 2023** as written. Mr. Lunemann second the motion. The results of the motion are as follows:

Aye: Mr. Lunemann, Mr. Parento, Mr. Ozdemir Mr. Moore & Mr. Lyon

Naye: None

Abstain: Mr. Spych, Mr. Buzzi & Mr. Hutchins

Absent: Mr. Giles & Mr. Paris

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Mr. Mr. Ozdemir made a motion to approve the regular meeting minutes from **April 6, 2023** as written. Mr. Parento second the motion. The results of the motion are as follows:

Aye: Mr. Lunemann, Mr. Parento, Mr. Ozdemir Mr. Moore & Mr. Lyon  
Naye: None  
Abstain: Mr. Spych, Mr. Buzzi & Mr. Hutchins  
Absent: Mr. Giles & Mr. Paris

Mr. Mr. Lyon made a motion to approve the regular meeting minutes from **May 4, 2023** as written. Mr. Ozdemir second the motion. The results of the motion are as follows:

Aye: Mr. Lunemann, Mr. Parento, Mr. Ozdemir Mr. Moore & Mr. Lyon  
Naye: None  
Abstain: Mr. Spych, Mr. Buzzi & Mr. Hutchins  
Absent: Mr. Giles & Mr. Paris

Mr. Mr. Parento made a motion to approve the regular meeting minutes from **November 2, 2023** as written. Mr. Ozdemir second the motion. The results of the motion are as follows:

Aye: Mr. Lunemann, Mr. Parento, Mr. Ozdemir Mr. Moore & Mr. Lyon  
Naye: None  
Abstain: Mr. Spych, Mr. Buzzi & Mr. Hutchins  
Absent: Mr. Giles & Mr. Paris

**APPLICATION**

Jose Pereira  
812 Chester Ave  
Block 9, Lot 38.01  
PN2024-06  
Minor Subdivision

Jose Pereira filed an application with the Delran Township Planning Board for a minor subdivision approval with bulk variances, design waivers and submission waivers, for real property identified as Block 9, Lot 38.01 on the Delran Township Municipal Tax Map which is more commonly known as 812 Chester Avenue.

The applicant's case was presented before the Planning Board at a public hearing on February 5, 2025, in sworn testimony by Jose Pereira and through the legal representation of Joseph Polino, Esq.

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

Jose Pereira of 1014 B Oak Avenue, Delran, New Jersey 08075 is the owner of the Subject Property and the Applicant.

The Subject Property is located near the intersection of Chester Avenue with Greenwood Avenue, and approximately 700 feet north of the Delran municipal complex. The proposed improvements are generally limited to the southeast portion of the Subject Property, with the remainder being wooded. A small storage shed is located on the north side of the lot.

Applicant requests Minor Subdivision Approval with bulk variances, design waivers, and submission waivers to permit the subdivision of Block 9, Lot 38.01, a 0.9-acre parcel, into two (2) lots with flag-stem lot configuration for the proposed vacant lot. Proposed Lot 38.01 would have 75.86 feet of frontage on Chester Avenue and a total lot area of 15,000 square feet. This lot would contain the existing single-family home, driveway, and detached garage on the property. Proposed Lot 38.02, the flag-stem lot would have 61 feet of frontage on Chester Avenue and a total lot area of 24,242 square feet. The proposed residential use is a permitted use in the R-1 Residential Zoning District, which zone requires a minimum lot size of 15,000 square feet, but also a minimum lot frontage of 75 feet. The R-1 Zone bulk standards do not contemplate residential subdivisions creating flag-stem lots.

The Subject Property is surrounded by single-family homes on lots of various sizes to the north along Chester Avenue, Greenwood Avenue, and the other residential streets in the area. To the east of the site across Chester Avenue is the recreational fields associated with the Delran Middle School. South of the site are single-family homes, as well as several industrial buildings and Delran's municipal complex.

Applicant requested submission waivers from Checklist Items #9, 12, 17, 27, 31 and 34. Based upon the recommendation of the Planning Board Planner, the Board grants the requested submission waivers.

Applicant requests the following bulk variance relief: A) from Section 355-46.B for minimum lot frontage (75 feet required; 61 feet for proposed Lot 38.02); and B) from Section 355-18.D(1) for minimum front-yard setback (35 feet; 23.8 feet for existing dwelling on Lot 38.01). Applicant also requests design waivers: A) to allow non-perpendicular side lot lines and B) from the requirement to install a sidewalk along Chester Avenue.

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

- (a) Development Application and Checklist, dated October 8, 2024;
- (b) Subdivision Plan, prepared by William J. Robins of Robins Associates Land Surveying, dated September 9, 2024, consisting of one sheet;
- (c) The Board Planner's review letter, dated October 30, 2024, consisting of six (6) pages;
- (d) The Board Engineer's review letter, dated January 30, 2025, consisting of five (5) pages;

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- (e) Memo of Delran Fire Department, dated February 6, 2025, consisting of one page; and
- (f) Resolution 2009-1 of the Delran Planning Board, denying bulk variance approval to subdivide Block 9, Lot 38 into three (3) residential building lots, marked as Exhibit O-1 at the public hearing.

Mr. Pereira presented the following testimony at the February 6, 2025, public hearing. Mr. Pereira works in construction as a masonry contractor but occasionally engages in developer work. In 2019, Mr. Pereira was granted Minor Subdivision Approval by the Delran Township Planning Board for a three-lot residential subdivision of a 2-acre parcel, located at 816 Chester Avenue. Each of those three (3) lots had a conforming 100 feet of frontage on Chester Avenue. In 2024, the Delran Planning Board re-ratified the granting of the 2019 Minor Subdivision Approval for this parcel, which earlier subdivision was not timely perfected due to issues with obtaining outside agency approvals during the COVID-19 pandemic.

Mr. Pereira testified that he has no current plans to construct a single-family home on the proposed vacant lot (Lot 38.02). The subdivision application is for investment purposes only. Mr. Pereira testified that he currently resides at a dwelling located on a flag-stem lot on Oak Avenue. Mr. Pereira agreed to the recommendations in the reports of the Planning Board Engineer and Planner as a condition of subdivision approval. Mr. Pereira testified that he would consent to a 5.25-foot right-of-way dedication along the property's Chester Road frontage and accordingly modify his bulk variance requests as follows:

- A) From Section 355-46.B for minimum lot frontage (75 feet required; 58 feet for proposed Lot 38.02); and
- B) From Section 355-18.D(1) for minimum front-yard setback (35 feet; 18.55 feet for existing dwelling on Lot 38.01).

Mr. Pereira did not present any planning professional expert testimony in support of the requested bulk variances. He simply posited before the Planning Board that there have been prior subdivisions granted in the Chester Avenue neighborhood that have not resulted in any adverse impacts.

**During the public portion of the meeting, nearby residents provided testimony in opposition to the development application.**

Charles Sylvester, of 803 Drexel Avenue, testified that his residence is located directly behind the building footprint for the proposed flag-stem Lot 38.02. He has resided there for approximately ten (10) years. He testified that Mr. Pereira, at some point, engaged in significant lot clearing to the rear of the flag-stem lot, presumably for the future construction of a new dwelling, leaving his residential home exposed to Chester Avenue, raising new privacy and security concerns for him. He questioned the need to approve a flag-stem lot.

Kevin Peak, Of 810 Chester Avenue, testified that he opposes the residential flag-stem lot configuration subdivision because it will negatively disrupt the existing character of Chester Avenue and promote overdevelopment. Mr. Peak presented Delran Planning Board Resolution 2009-1 as Exhibit O-1, wherein the Planning Board previously denied Mr. Pereira's prior

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application for a 3-lot residential subdivision of Block 9, Lot 38. Mr. Peak testified that the proposed narrow flag-stem lot and driveway also pose issues for emergency vehicular access and turnaround area in the case of a fire. Mr. Peak testified that he is a Delran Township firefighter. Mr. Peak also expressed concerns with unnecessary tree clearing and potential drainage issues from the development of the Subject Property.

Morgan Peak, also of 810 Chester Avenue, questioned whether the previously approved 2019 residential subdivision would have been granted, if pursued in 2025. Ms. Peak opined her belief that the 2019 Subdivision Approval came during the COVID-19 Pandemic, when public attention was elsewhere, shielding it from meaningful public scrutiny.

James Walter, of 808 Chester Avenue, testified that if this flag-lot variance is granted to allow for additional residential development on Chester Avenue, it could invite more development applications adversely alter the existing residential character of Chester Avenue.

Mr. Pereira testified that the fire emergency access issue with the driveway could be addressed through driveway improvements, including construction design to handle the weight loads for emergency vehicles and for the driveway turnaround for emergency vehicles, which could be addressed at the time of application for grading and building permits.

**The Planning Board finds and concludes that the requested bulk variance relief should be denied for several reasons as follows:**

1) Applicant has failed to demonstrate any “undue hardship” in support of the “positive criteria” for bulk variance relief. The Subject Property has already been developed with an existing single-family dwelling and can continue to be utilized in this capacity. The Planning Board finds that the proposed flag-stem configuration design is not intended to mitigate any specific on-site condition of the Subject Property, but rather is merely intended to maximize the developer’s profits through the creation of an additional lot, which is not a basis for establishing “undue hardship” for bulk variance relief.

2) The Planning Board further finds and concludes that Applicant has not met its proofs to demonstrate entitlement to variance relief under the Flexible “C” criteria for bulk variance relief. The Board emphasizes that Applicant presented no expert planning testimony to show that the proposed subdivision plan represents a “better planning alternative to a conforming plan”. Moreover, Mr. Pereira failed to elicit any proofs on the record to show the advancement of any of the purposes of zoning under the New Jersey Municipal Land Use Law, set forth in *N.J.S.A. 40:55D-2*.

3) Lastly, the Planning Board finds and concludes that Mr. Pereira has failed to satisfy the “negative criteria” for the granting of bulk variance relief. In particular, the Planning Board finds that it had previously denied a similar bulk variance application by Mr. Pereira for Block 9, Lot 38 on Chester Avenue. The Board also finds credible the testimony of Mr. Pereira’s neighbors that the granting of a flag-stem lot configuration will disrupt the existing development scheme of homes along Chester Avenue, which generally have been constructed with uniform bulk setbacks. The Board finds that such bulk variance relief, if granted, to allow a flag-stem lot configuration, would adversely impact the Chester Avenue neighborhood, R-1 zoning scheme and the Master Plan of Delran Township for the reasons set forth above.

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**Upon motion duly made by Mr. Lunemann and seconded by Mr. Lyon to DENY the application for minor subdivision approval with bulk variance relief, the results are as follows:**

**Ayes:** Mr. Lunemann, Mr. Parento, Mr. Ozdemir, Mr. Moore, Mr. Spych, Mr. Buzzi & Mr. Lyon

**Nayes:** None

**Recused:** Mr. Hutchins

**Absent:** Mr. Giles

**The Board voted six (7) in favor of DENIAL, with none (0) against and one (1) recusal, thereby DENYING the application.**

**The Township of Delran Planning Board has determined that the application for Minor Subdivision Approval with bulk variances and design waivers, shall be and is hereby DENIED.**

**OPEN/CLOSE TO THE PUBLIC**

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

**ADJOURNMENT**

**Mr. Lyon made a motion at 8:50 pm to adjourn the meeting, Mr. Lunemann seconded the motion. The results are as follows:**

The motion passed with a unanimous voice vote.

Respectfully Submitted,

Colleen Kohn,  
Planning & Zoning Board Secretary