

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
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OCTOBER 18, 2018 – 7:00 PM**

OPEN PUBLIC MEETINGS ACT

The Delran Township Zoning Board regular meeting of Thursday, October 18, 2018, was called to order by Mr. Jeney at 7:00 PM in the Delran Township Municipal Building.

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

ROLL CALL

Present: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Lyon, Mr. Anderson & Mr. Gonzaga

Absent: Mr. Hewko, Mr. Khinkis

Professionals: Joe Raday, Engineer for Pennoni, Joe Luste, Planner for Pennoni, Albert Olizi, Attorney & Chris Warren & Marty Miller from Aliamo for Hunters Glen.

NEW APPLICATION

**Advocare, LLC
3104 Bridgeboro Road
Block 118, Lot 2
ZN 2018-08
Use Variance**

Mr. Michael Floyd, Attorney with Archer & Greiner, appeared on behalf of the Applicant, Advocare, LLC, which submitted an application for Use Variance approval for a property at 3104 Bridgeboro Road, Block 118, Lot 2, on the official township tax maps.

The application involved a currently vacant building, formerly a bank branch; and the applicant wanted to repurpose the existing building as a pediatrician's office. No new site improvements were proposed. They do plan to fit out the interior of the building.

Three witnesses were introduced to provide testimony in support of the requested Use Variance relief. Pam Golas, the Practice Administrator for Advocare; Mike Citerone, a licensed Professional Engineer with Taylor Wiseman & Taylor, providing expert testimony regarding the survey and existing site improvements and how the property was currently operated; and last Mr. Jim Miller, a licensed Professional Planner, who will give testimony in support of the requested Use Variance.

It was stated to the Chairman that there was a complete application. The engineer concurred. Notices were received and the secretaries had looked through them, and

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they appeared to be correct. It was noted that no person in the Applicant owned more than 10% of the company and was affirmed by the Attorney. It was noted that the correct name of the company is Advocare, LLC in Marlton, and this was confirmed by the Attorney.

Mr. Floyd stated that they were in receipt of the Technical Review Letters issued by the Board engineer and planner and that they were planning to address all of the questions and comments raised in their letter as well as supplementing the initial application. Pam Golas will come up first and talk about Advocare, why the property is suited for the intended use, and about the hours of operation, number of employees, patients, etc. Mike Citerone will talk about existing site improvements with the survey that was submitted. Jim Miller will have the planning testimony.

Mr. Jeney clarified that we were only dealing with the Use Variance. Mr. Floyd confirmed this. Mr. Jeney asked if this Applicant had gone before the Planning Board for any Site Plan issues. Mr. Floyd stated that they were only seeking Use Variance approval.

Pam Golas was sworn in by Mr. Olizi and then Mr. Floyd asked her to describe Advocare, what they do, and what the intended use is for the property. Ms. Golas said that Advocare, LLC is a group of physicians who started in February 1998, located in New Jersey and Pennsylvania. They provide top quality healthcare to different specialties. They felt this was a good practice location for their Delran Pediatrics – easily accessible and not too far from their current location at this time. There is ample parking for all, so Advocare is hoping to be able to take over the site.

The hours would be Monday & Friday, 8 AM to 5 PM; Tuesdays, Wednesdays, and Thursdays 8 AM to 7 PM, and then Saturday from 8 AM to noon. There would be four providers – three medical doctors and one nurse practitioner; five clinical employees – RNs and MAs; and four front desk people – part-time and full-time at different times.

Mr. Floyd asked how many patients would be seen at any one time. Ms. Golas said it was linked to the number of providers. Each provider generally sees one patient every 15 minutes unless it's a special needs or an extenuating circumstance, and then it would be one patient every 30 minutes. But typically it's one patient every 15 minutes.

Mr. Floyd asked if there was enough parking spaces for the total number of employees and patients that would be on the property at any single time. Ms. Golas stated that "Yes, I do."

Mr. Floyd asked about deliveries to the site and what they'll be delivering. She stated that FedEx or UPS make deliveries of vaccines once every week or two. The office

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supply is usually once a month – a box truck, like a W.B. Mason size truck. Medical supplies come once a month, maybe twice a month every now and then, and that's an oversize van or a box truck. A medical waste company comes in once a month to pick up any medical waste – again a box truck. Other than that, just basically office supplies and medical supplies.

Mr. Floyd asked how medical waste is handled, and whether it's stored inside or outside. Ms. Golas stated that medical waste is stored inside, including sharps, injections, and things like that given to patients. There are containers that they're thrown into that don't come out and also any body fluids if they did rapid strep tests for sore throats or anything along those lines. They're kept in a locked closet marked biohazardous with a red bag. The red bag is sealed up, and a medical waste company will take that away.

Mr. Floyd if Advocare had any intention to utilize the drive-thru lanes from the former bank. Ms. Golas stated, "No." He then asked if the office in the proposed facility was related to the medical use. Ms. Golas stated that there would be a couple offices for providers that they could go and close the door to make some sensitive phone calls and then exam rooms.

Mr. Floyd asked for the total number of employees. Ms. Golas stated that it was 13. At any particular time, including providers, on an average day there would be an average of 7 employees. Mr. Floyd asked if any deliveries would require a loading area. Ms. Golas stated, "No." Mr. Floyd asked if she expected emergency situations requiring an ambulance and at what frequency. Ms. Golas said that it would vary because it was unpredictable with children. Not that often, hard to predict, but maybe once a quarter, just as an estimate.

Mr. Floyd asked if the only services provided were pediatrics. They weren't doing any adults? Ms. Golas stated, "No, just pediatrics." Typically 0 to 18. Sometimes they could be 20 and in college, but, basically, up to 18 years.

Mr. Raday asked what the hours of operation were. Ms. Golas stated Monday through Saturday. Monday and Friday, 8 AM to 5 PM. Tuesday, Wednesday, and Thursday 8 AM to 7 PM, and then Saturday mornings 8 AM to 12 noon.

Mr. Jeney asked about the existing sign. Mr. Floyd replied that there would be no new signage. Just a change of copy on the existing signage.

Mr. Lyon verified that there was no site improvement. Mr. Floyd stated that no new site improvements were proposed. They were not needed with this intended use of the property. Mr. Lyon stated that site improvements were mentioned with deliveries. Mr.

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Floyd said that he meant with the existing site improvements. They were not proposing any changes to the parking lot layout or building expansion. Mr. Olizi confirmed that the drive-thru would not be utilized but would remain there. No drive-by vaccinations.

Mr. Jeney asked if the fire department had any problems with the property at all.

Mr. Olizi asked if anyone else. Engineers or Mr. Planner, I know you had questions for me. Joe, do you have any questions of this witness? Questions were reserved at this time. Thank you, Pam.

Mr. Floyd called up Mike Citerone. Mr. Citerone was sworn in and said that he was a licensed professional engineer with Taylor Wiseman & Taylor. He stated that he had a Bachelor of Science and civil engineering from NJIT, that he was a professional engineer in the state of New Jersey and Pennsylvania since 1993. He has much experience with boards in New Jersey, Zoning and Planning.

Mr. Floyd stated that Mike was going to reference the survey and existing conditions on the property, and this was submitted with the initial application submission. He asked Mike to describe the survey, the existing conditions on the property, ingress/egress and onsite circulation.

Mr. Citerone stated that the property is located on Bridgeboro Road, adjacent to Ott's Tavern, just south of it, just north of the intersection of Hartford Road. Ingress and egress to the site are from Bridgeboro Road, through the driveway. There's an existing parking area that serviced the now vacant bank with 21 spaces, including 2 ADA spaces. There's a two-way driveway all the way around. There's 3 existing drive-thru lanes and a pass-thru lane on the site that circle around the building. There's an existing stormwater management basin at the corner of Bridgeboro and Castleton Road which is adjacent. He further stated that it's a typical bank site – lighting and landscaping, the typical grass areas.

Mr. Olizi asked about the spaces again, 22 and 2 ADA. Mr. Citerone stated 21 total. Two of those are ADA.

Mr. Raday stated that he sees 18 and asked where the other 3 are at. Mr. Citerone stated that one 9 on the map is upside down, making a 6 a 9. So 21 spaces were confirmed.

Mr. Jeney asked about the traffic flow, specifically blocking off the drive-thru. Mr. Citerone stated he didn't do a traffic analysis. Restated that they were not proposing any site improvements. Mr. Floyd stated they did not propose any bollards or to chain off those three driveways as there were enough parking spaces on site to accommodate the patients the visitors. If in the future people are utilizing the drive-thru lanes, a

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bollard or a chain or orange cone could be put up, but no site improvements are proposed with this application.

Mr. Olizi asked that according to the code under the square footage, are there adequate spaces for square footage? Mr. Floyd stated, "The EBO specifies one space per 250 sq. ft. and 21 spaces." Mr. Olizi stated they were all right for now. With the square footage, you're okay.

Mr. Raday asked if the Applicant indicated they're not going to be coming back then for Site Plan review. Mr. Floyd stated, "Correct, they were not proposing any new site improvements. They were seeking a Use Variance approval." The ZB member was worried about things as lighting levels and the handicap ramp, to make sure the ramp is adequate, meets the ADA guidance, things like that. So how would we address that? Mr. Floyd stated that they would have no issues as a condition of the approval of the Site Plan being revised or the survey being revised to depict the handicap ramps, any ADA compliance issues to be addressed. The ZB member stated trash pick-up, things like that.

Mr. Olizi asked shouldn't that be on a separate application as opposed to trying to make the conditions and add all these conditions to a Use Variance?

Mr. Floyd stated that the whole point of Advocare utilizing this site is that it's particularly well suited in terms of there's no changes to the footprint required, no changes to ingress or egress required with the application. And Advocare has done a lot of due diligence, checking the property and lighting in the parking lot and around the building for its purposes. If Mr. Raday needed a lighting study for his review, they would certainly do so. If he decides that the current lighting is not acceptable, they would then come back with a Site Plan showing the improved lighting. But right now they're not proposing any changes to the site, and they will certainly work with the board and its professionals to satisfy any of those questions.

Mr. Anderson asked when it was built. Mr. Floyd stated that they don't know when it was built, but it wasn't built in the 60s or 70s. Someone stated '08 or '09 something. The Roebing Bank, nobody knows that word, at least at that time. Correct. Mr. Olizi stated that notwithstanding anything, there's going to have to be ADA compliance. Mr. Floyd stated he agreed 100%. Mr. Olizi stated if there were additional conditions, Joe can review those if that solves the problem. If it gets to that point.

Mr. Raday stated that the Applicant wants to use the facility as is, and we understand that. But we want to make sure that the lighting levels, handicap accessibility, the

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handicap signage is up to date – normal things.

Mr. Olizi stated that they were asking for a use that's substantially different from a bank, and it's a use that's not allowed. To change it, there has to be some compliance with other requirements that are suitable only to that use and to address that. Mr. Floyd stated that we would hear testimony from Mr. Miller regarding the intended use and how it is less intensive than any other permitted uses in the zoning district; and certainly the site, whether they acknowledge that, a zoning permit cannot be issued, let alone any certificates of occupancy if the entire site does not comply with both the ADA and the barrier-free sub code. So if it's a question or an issue where the ramp is not the right slope, if the handicapped parking stalls are not appropriately sized, if new signage has to be installed, we would readily agree that that would have to be done even if a Use Variance wasn't required.

Mr. Raday mentioned the storm water management basin. They would want something from their engineer stating that they reviewed the existing basin and that in their opinion it's working adequately and there's no sediment, things of that nature.

Mr. Floyd stated that that was fine, and they would provide a call report. Mr. Olizi asked them to continue. Mr. Jeney asked if there were any other questions for Mr. Citerone.

Mr. Raday asked how trash will be completed at the facility. Will you need a trash enclosure? Mr. Floyd asked Ms. Golas to describe how no biohazard waste would be handled. Ms. Golas stated that at the current complex, there is a dumpster. The staff takes it out midday, and the cleaning service takes it out at night when they come in.

Mr. Raday asked if they need a dumpster at this site. Ms. Golas stated yes so, another stipulation would be needed and enclosed. These site issues that they weren't prepared to address but are willing to work with. These must be attached to the resolution so they know this will be done.

Mr. Floyd stated that understood and, unfortunately, they are the contract purchaser of the property; and they do have a due diligence deadline ending. It's not the board's concern here, but we fell a month behind last month; and we do have a looming deadline. I understand why the Board would want to normally see a Site Plan or waiver of Site Plan, but I think here what we're looking at in terms of confirming ADA compliance, that would have to happen anyway before a CO was issued.

In terms of the lighting, we'll certainly confirm that. We'll confirm that the basin is operating properly. And if a trash enclosure is needed, we'll work with you for the

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appropriate enclosure. And if you deem it necessary, we will come back before the board with an application.

A ZB member stated that on trash enclosure, disposal's minimal. I would imagine they take it out. Mr. Floyd stated that if the board is acceptable, we would be willing to remove all the trash on site rather than having a dumpster. Mr. Jeney stated that there's no objection to having a dumpster but what is required. Mr. Floyd stated to be closure.

Mr. Floyd called up Jim Miller to be sworn, and he is sworn in. It is stated that he has testified before this and many other boards in the New Jersey. He asked that he be qualified as an expert or put his credentials on the record.

Mr. Miller stated that he has qualified in the township before. For the record, he is a licensed professional planner in the State of New Jersey, certified by the American Institute of Planners as a Certified Planner. He's been qualified as an expert witness in over 240 municipalities in New Jersey and Pennsylvania, including Delran, but just not recently. He works for J. Miller Planning Consultants.

Mr. Floyd asked Mr. Miller if he's had the opportunity to visit the property and to provide his observations about it, zoning and surrounding uses. Mr. Miller stated that the property is located at 3104 Bridgeboro Road. It's in the NC-1 neighborhood commercial district. The primary principle uses are retail and service uses. The surrounding uses to the north is a wooded area and a townhouse project called The Grande. That property is zoned A1 agricultural. To the east there's additional townhouses which are also in the A1 district. To the south is Ott's Tavern, the Bridgeboro Road Plaza Shopping Center, an Investor's Bank, and all those properties. They're also zoned NC1. It's a commercial area around that intersection with a concentration of commercial uses, and that's what the NC1 zone was really created to encompass. To the west there's some single family detached dwellings also within the NC1 zone and predate the zoning code probably in all likelihood as they're old structures. There's a trucking facility that's behind those residential uses. So that's the uses in the area, and we're seeking a D1 variance to permit the use which is otherwise not permitted.

Mr. Miller is asked to run through the applicable statutory criteria and the proofs. Mr. Miller stated that this is a Use Variance, so they need to show that the use would advance the purposes municipal land use law and that the site would be particularly suited for the proposed use. He stated that the planner has basically given that guidance in his letter.

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He stated that the terms of the purposes that he believe this Use Variance would advance, Purpose A, to encourage municipal action to guide the appropriate use or development of all lands in the state in the manner that will promote the public health safety morals and general welfare. And Purpose G, to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses in open space, both public and private according to their respective environmental requirements in order to meet the needs of all New Jersey residents. Both of these purposes basically deal with the appropriateness of the use for the location and also with the idea that it's good planning to provide for a variety of uses within a community.

In terms of the suitability of this site, I believe the site itself is particularly suited for the use. As you know, the site has a past history as a bank; and there's an existing building and an existing parking lot. So all the infrastructure that the use is going to need is already present and complete on the site. The site has sufficient parking. The code calls for one space for every 250 sq. ft., which would be a total of 12 spaces for a building that's just a little under 3,000 sq. ft. The site has 21 spaces, so basically you have 9 more spaces than are necessary. And that's a ratio of 7 spaces per 1,000, which is a very generous parking ratio for any use. Even shopping centers are generally 5 per 1,000 or less. So it's more than sufficient parking.

The site has existing landscaping buffers, and it was developed relatively recently. From a survey we have, it was constructed in 2005. So the improvements are contemporary and well-maintained. And this use is going to provide a service to the surrounding communities, so I believe all those factors make this an ideal location for the pediatric practice.

Secondly, this is a use which is probably more suited for this specific location than the uses which are otherwise permitted in the district. He believes that the pediatric practice is somewhat less intensive than a lot of other commercial uses permitted in the district. He cited the shopping center. This property's nearest neighbor is the residential units behind the structure, and he believes the practice is a better neighbor for that use than something like a shopping center with more activity, more deliveries, just a more intensive use. This site is an excellent location for this use, and this is less impactful to the adjoining uses than the uses that are typically permitted in the zone.

He stated that it's also a good fit with the township's master plan because this is a service use which isn't currently provided for within the community. A lot of children in the neighborhood. It would provide a service proximate to the people who require that

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service who are currently not able to access that type of service, given the uses that are currently established.

Finally, this will provide an adaptive use of the building which is currently vacant and unutilized. That advances your overall plan and also the purchase of the MLUL because it avoids the detriment of the vacant building there on a long-term basis. Without this Applicant, the building might not be occupied for a significant amount of time. So this is why this meets all the criteria and the positive criteria and that the site is particularly suited for the use, and it would advance the site of purposes, the municipal land use law.

In terms of the negative criteria, we have to show that the use would advance the public welfare; and I believe that that's obvious. It's a pediatric usage, it'll provide medical services for the surrounding communities, contributing to the public welfare. Also, just reoccupying a vacant building does that as well.

To show that we can reconcile this use with the failure to otherwise provide for this use within the zoning district, I believe that's possible to do first because this use, again, is less intensive than the uses which would otherwise be present. So the impact of the use on the surrounding properties is consistent and actually less than what the other uses in the district would create. For instance, a district that permits liquor stores. This is going to be less impactful than that.

Secondly, this is replacing a use which is specifically prohibited in the district. There's a provision in your code that says, "Drive-in banks are not a permitted use within the district." The use of this property would be more conforming with the zoning than it had been with the previous use and a better fit with the zone plan and zone ordinance. So when you convert a property from a more nonconforming use to a less nonconforming use, you're advancing the overall purposes of the zone; and coupled with the fact that the use is less intensive than the permitted uses, I don't see any impairment to the purpose of the zone plan. It also helps the adjoining residential area as well because it's less impactful. For all those reasons, I see no impairment to the zone plan, and I believe the use would meet all the applicable criteria under the statutes in the case law.

Mr. Floyd thanks Jim.

Mr. Luste believes that the criteria established by the Land Use Law, in terms of criteria have been satisfied by the testimony of the planner in this regard.

Mr. Olizi asked if there are any more questions. None. Mr. Floyd has no other testimony at this time.

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Mr. Olizi asked to make sure we have all of the exhibits. The application is part of the record. The drawing will be marked as A1. The fire department's report. In the Delran Fire Department report, there's a comment where the fire official says in the last line, "However, the parking lot may need to be redesigned for additional parking, and this may have an effect on the fire department's access to property." He takes that to be that you guys were proposing a redesign of the parking lot.

Mr. Floyd stated that they were never proposing a redesign of the parking lot.

Mr. Olizi stated a "redesign" of the parking lot.

Mr. Floyd stated correct.

Mr. Olizi asked Joe how he read it. Joe said that he did. So that'll be Exhibit A1. The fire department's report will be entered in the record, as part of the record.

Mr. Floyd added that in addition to the survey with the application, they also submitted an aerial photograph of the property. Mr. Olizi commented that they can make the aerial photo A2. A1, we'll call that an overall site diagram? Mr. Floyd said aerial photograph of the property. Oh, property survey. Mr. Olizi said A2 will be the aerial photograph. Mr. Floyd started, "Yes, please." Mr. Olizi said, "Anything else you wanted to take as part of the record? Mr. Floyd, "No, not at this time." Mr. Olizi, "The fire department's report will be part of the record, the application is part of the record, the Pennoni reports are part of the record. They have the testimony of the engineer, testimony of the planner. We have the testimony of the administrator. Does anybody have any comments?"

Mr. Raday asked if they had to request a Site Plan Waiver if they're not going to be providing a Site Plan.

Mr. Olizi stated that he doesn't know if they have to request a Site Plan Waiver because all they're getting is a Use Variance with conditions. No, they haven't asked for one.

Mr. Raday stated that as far as the conditions go, should he go through his concerns. The storm water, so the engineer will be able to provide some documentation that the basin is working as designed and any deficient areas will be repaired, things of that nature. Mr. Floyd stated that this is correct.

As far as the site planning goes, the dimensions for all the parking lots with the aisles, things of that nature. Lighting provide some kind of written documentation that the lighting meets the standards of the ordinance. Make sure we have coverage. Mr. Floyd stated, "Will do."

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The trash enclosure that was talked about, you'll submit a plan for the trash enclosure. Rehab the sign that's out there now. No signage needed to prevent driving near the drive-thru was. Mr. Floyd stated that no new signage is proposed with this application. We don't think it's necessary due to sufficient parking. And landscaping, not proposing any new landscaping for the site. Mr. Floyd stated, "Correct."

Just regarding the handicap ramps, we would stipulate that some spot grades near where the handicap ramp is, just to make sure it adheres to the new ADA standards. Mr. Floyd, "Agree."

And then in regards to utilities, are all the utilities for the site adequate for your services? Any upgrades? Mr. Floyd stated, "Yes. No, no upgrades are necessary. We're not changing laterals. We're not doing any utility infrastructure with this project."

Mr. Raday would just ask that some of those things just be addressed or provided. Mr. Floyd stated, "We'll provide a note to the site planning service stating that no new utility infrastructure is required. We'll add the spot grades for some of the ADA compliance issues. We'll put the lighting notes, some data on the plans." Mr. Raday stated to add "Just signature blocks on the plans also."

Mr. Olizi stated that it seems like what we were doing is the same thing if we were reviewing a Site Plan. To do it correctly and on the record, there should be a submission of a Site Plan. It doesn't have to be today, but it should be done. Suppose we give a waiver or a condition that a Site Plan be filed prior to COs and the Site Plan cover the highlighted items from the hearing and in the report, and we can enumerate those. Mr. Floyd asked that that be restated.

Mr. Olizi said that everything that we're doing according to a condition is something that would be in a standard Site Plan. The township and I would feel more comfortable with a Site Plan. It can be waived for tonight and not worry about it in terms of the Use Variance, but the condition should be instead of coming up and saying that we're going to comply with ADA, we're going to comply with lighting, we're going to comply with storm service, comply with the dumpster and trash enclosure, a Site Plan should be filed to address all those issues. We can note on the Site Plan that's the storm water, the landscaping and lighting if there are landscaping issues. But the lighting could be noted on there. The parking spots would be noted on there. It could be maintained by the township so that compliance is an easy thing to look at. Your engineer would tell you that's the easier way to do it. You don't need it tonight. You'll comply with your deadline, assuming it's voted positively.

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Mr. Floyd stated that assuming that the board grants the requested Use Variance relief, condition of approval would be to provide a site plan to the board satisfying all the conditions.

Mr. Olizi stated all conditions listed by the engineer in his review. Mr. Raday stated that you wouldn't have to come back to the board. Mr. Floyd stated that, sorry, we take no exception to that condition. Mr. Olizi stated that we would review it, but they don't have to come in and file it. It's something you'd give to the engineer. He'd review it for engineering purposes, and then the board could take a look at it.

Mr. Floyd stated that they take no exception to that. It would be more of a compliance plan, and we'd have to meet all the conditions.

Mr. Floyd stated that he misunderstood what was stated earlier. They would certainly comply with that condition if the board grants the requested relief.

Mr. Olizi asked for a closing and if they were done. Mr. Floyd stated that they were done at this time. Mr. Olizi asked if anyone had anything else.

Mr. Floyd restated the question about the current location on 130 South by Holy Cross. What's the status of that facility, and will that facility close when you open this new facility?

Ms. Golas stated yes. Mr. Gonzaga stated that this new facility will be bigger and better serve the Delran community. Right now it seems like it's over here in Delran for almost 20 years. From what I've seen there, it just seems like there's a lot of patients and families coming there, and this will better serve the community. Ms. Golas stated yes.

Mr. Floyd said that it is intended to be a significant upgrade of their existing facility.

Mr. Lyon stated that from past experience of repurposed banks, don't know if that has any bearing with the fire department or anything, but most new uses of these banks, the drive-thru lanes become parking for the employees, which opens up more parking in your parking facility because you can actually take two cars in each lane because you have that outside lane. See that all the time and don't think the fire department would have an issue with it; but I'm going to bet a lot of money that's where your staff's going to, at least six of them, are going to park.

Mr. Floyd stated that right now based on the number of providers, nurses, staff, and participating number of patients, there's estimating that we have more than sufficient parking spaces.

Mr. Lyon stated he thinks it's a good thing to park there because then you do have more if an ambulance has to come in or a delivery truck. He says he's just wondering if the

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fire department should have an issue with it. It's actually, to me, it's a good spot for the police to park.

Mr. Floyd stated that they'll certainly take it under advisement, and they can certainly instruct their employees to park there. The ZB member stated that "Oh, they're going to park there." Someone stated that it's under the canopy. Mr. Floyd stated that it is covered.

A ZB member has a question for our attorney. Did you want to put, as an exhibit there as A3? You said A1 and A2.

Mr. Olizi stated that A1 was the exhibit up there. A2 is the aerial photo, and we don't have an A3. Everything else is in the record anyway. These are documents submitted by the engineer, the planner, and the application on behalf of the Applicant.

Mr. Jeney asked if any other questions.

OPEN TO THE PUBLIC

Mr. Lyon made a motion to open to the public. Mr. Gonzaga seconded the motion. Seeing that there was no one from the public at the meeting, Mr. Lyon made a motion to come out of public. Mr. Gonzaga seconded the motion. All were in favor.

Mr. Jeney stated that the presentations were very well done, that Mr. Miller was very succinct and to the point in his comments, all questions were answered. Mr. Raday, you were comfortable.

Mr. Raday stated yes.

Mr. Olizi stated that what we're doing, it seems like from the evidence provided, the planner did cover the positive and negative criteria for a Use Variance. That was concurred with by our board planner. The engineer seemed to have covered all of the items that were noted to be on the structure as it exists. There are no changes to the structure planned at this time, but there was discussion by our engineer with regard to certain matters that should be addressed.

We heard from the administrator that the nature of the business, the times open, number of parking spots, frequency of operation. Since we're not dealing with a site plan review, the condition of getting the Use Variance would provide a compliance plan, site plan so to speak, which would address all the items that we talked about tonight – ADA, lighting, storm water management, dumpster, and other things included in the engineer's report and was acceptable to the Applicant. With that being said, if you'd like to make a motion, I would ask that the motion include that condition.

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Mr. Jeney said that based on the comments made, does anyone want to make a motion to approve?

Mr. Anderson made a motion to approve with the noted conditions. Mrs. Parento seconded the motion. The results are as follow:

AYE: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Lyon, Mr. Anderson & Mr. Gonzaga.

ABSENT: Mr. Hewko & Mr. Khinkis

NEW APPLICATION

**Hunters Glen
3001 Route 130 South
Block 9, Lot 44
ZZ2017-01
Phase IV-B Section 1
Final Site Plan**

Mr. Jeney stated that we are listening to an update in application by Hunters Glen. This is Block 9, Lot 44 & 45. It's Phase IV-B Section 1. It's the apartment site plan.

Mike McKenna of McKenna Law in Cherry Hill welcomed all and stated he represented the Applicant seeking a Final Approval based upon a Revised Preliminary granted by the board in May 2017, memorialized in November 2017, with our application here tonight in July of this year. After an exchange of letters, it's clear that a condition of approval ought to be a Compliance Plan that implements the suggestions in the meetings of common ground. There are a few issues, but Mr. Levers will speak.

Mr. Olizi stated that Mr. McKenna told him that he was the 13th solicitor he had dealt with since the project started. There was confirmation that this was for Final Site Plan Approval on Phase IV-B. Mr. Kenneth Levers was sworn in.

Mr. McKenna stated that Mr. Kenneth Levers has been qualified to the Delran board before. He is a licensed engineer in the State of New Jersey, accepted by boards throughout the state previously, and personally responsible for preparing the plans for the application tonight and for maybe the last decade or so. Confirmed. Mr. Levers was asked to work through Phase IV-B, Section 1.

Mr. Levers stated that the plan shown was a plan first done when they first talked about future phases. The colored areas represent Phase IV-B around Azalea Court and the

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Community Center and the recreation. Nearby is what is known as Phase IV-A. Another colored section was Phase III.

Preliminary Site Plan approval for Phase IV-A and IV-B was received. He showed what IV-B looked like on the plan that had been approved previously on the Preliminary. Mr. Olizi asked Mr. McKenna if these should be referred to an exhibit number. Mr. McKenna asked if these were existing plans and if so to just name the sheet number. If they were never submitted before, they needed to be renamed. Mr. Levers stated that these two plans were at Preliminary.

Mr. Olizi asked to legend them. Mr. Olizi is saying that he doesn't know what the "no" means. He asked for a legend or a sheet number from the original.

Mr. Levers referred back to the Overall Plan Future Phases. It was named Exhibit 1. E1. Next was E2. Next was Phase IV-B. It was for 39 units with preliminary approval received previously. This was five buildings around the central or the core recreation area and the existing community building/rental office.

After the Preliminary, the owners made a decision which happened to fall with Final. They didn't feel that they would want to finalize all 49 units that were left. There was preliminary approval for 49 units, consisting of Phase III. Mr. McKenna said it was 39. Levers stated that 39 was in IV-B. Coming back to E1, there's a total of 49 units plus 1 transferred from a burnout for a total of 50 units between III, IV-A, and IV-B. Out of that, IV-B is 39 units. That was the Preliminary approval and what it looked like. Management and owners, after much debate which direction to go in, we have 49 new units. What are we going to Final? It was decided, E3, will be Recreational, Phase 1. Mr. Levers said he put the recreation plan up there. E4, what the owners decided the direction to move into was to build these two buildings out of the five. Phase IV-B, broken down into Section 1 became those two buildings over there. Three buildings here will be in future sections of Phase IV-B. Mr. McKenna stated, "Which we're not trying to approve. We're basically taking half of IV-B," and Mr. Levers agrees. Exactly.

Mr. Levers stated that the units, two buildings, 16 units, combination of one-bedroom, two-bedroom townhouses, the number of units, the building, the parking, the sidewalks are pretty much identical to the Site Plan at Preliminary for that area. Very few adjustments. These two buildings first – very little disturbance to the existing units in the area, parking in this area, recreation area. Really not disturbing a lot of the whole overall area of Hunters Glen by doing this.

Mr. McKenna asked Mr. Levers if that was one of the principle reasons, to minimize the disruption in the community? Mr. Levers agrees. As far as infrastructure, very little

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disturbance in the existing infrastructure – mostly in the front of the complex near the entrance. The prior two phases were in the back of the complex. Mr. McKenna stated that it also was to show the new growth to the public. Mr. Levers stated that it would also enhance the existing recreation area. Nice green space and bringing the recreation area up to speed. Very little disturbance. Two buildings, simplistic. No changes architecturally from Preliminary. The same layouts.

Mr. Levers stated they looked at how the recreation area would be worked, and working with Chris Warren, the planner, many discussions were held. The pool came out about 1-1/2 years ago from near the community building. Peggy Pippin, the General Manager, testified at Preliminary about the recreation and resident survey of what was wanted. The pool was underutilized. Mr. McKenna stated it was membership whereas the Splash Pad was free. Mr. Levers stated that the Splash Pad or Spray Deck was put in and is very popular. A pavilion was put in, a picnic area. They've upgraded all amenities, covering different age groups.

Mr. Levers stated a big thing was knowing the two buildings were coming, the old playground was dismantled and relocated to a new location, purchased a large play unit with proper safety bedding in here (Unit 6), and they spent almost \$71,000 for those units. That is set up and functioning and popular. Mr. McKenna stated that that's what the board was told previously, integrate.

Mr. Levers stated that the location slightly changed. Something one side was offset it a little bit. That allowed a second area behind the pavilion which is now a secondary grass field area in addition to the multi-purpose soccer field. Underground sprinklers were installed, sodded. A well was put in for the irrigation system. In your packets, Peggy Pippin prepared color photographs for handouts in the rec area today, and the use has grown – movie nights during the summer, in addition to athletic use.

Mr. McKenna stated that given the comments of Mr. Warren, that a condition of approval would have to be a Compliance Plan for any changes that he's recommending and we're agreeable to that. Mr. Levers stated yes, yes.

Mr. Levers stated that anything for the drainage or whatever, all pretty much the same that we had shown on preliminary for both units. Mr. Warren's comment about parking had to do with existing trash enclosures or trash bin locations. Bins were moved from a parking lot and provided for a proper enclosure, and that gained three parking spaces and allowed us not to construct three new spaces, which was part of the Preliminary. That's the only change that's different. 22 spaces out here that will be new, so they'll be 22 and 5 for a total of 27 new parking spaces. Three will be made by restriping, so we have a total of 30 spaces for this.

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McKenna wanted to add closure on the rec discussion. One of the Preliminary Approval conditions was continuing to work with Mr. Warren on the overall recreation plan. Knowing that's been done, do you understand behind the Compliance Plan for the Final that obligation to work on the overall and address comments continues with Mr. Warren? Mr. Levers stated yes. Yes.

Mr. Levers continued on the parking. New trash enclosures will be proposed. A previous point from Peggy, raised by Mr. Warren, that 16 units, do we have sufficient solid waste removal areas? Peggy informed that they collect twice a week, rather than adding more remote trash enclosures. Waste management handles it.

Mr. McKenna stated that other than that, we were good with the Preliminary. They received a comment letter from Mr. Warren and Mr. Levers met with him today. Mr. Levers said that he's had several phone conversations and they met with him and Marty today. He thinks they're in good shape with Chris's recently issued letter. He can expound upon his letter. Mr. McKenna asked if he would have the Applicant's authority to comply with those comments without knowing whether it's going to be expanded upon. But the comments as articulated, you have authority, and you believe you'll have no difficulty complying in a compliance plan with those comments? Mr. Levers affirms. Mr. McKenna said that unless there's some additional things for Mr. Warren that we'll deal with, are we ready to go? Mr. Levers stated that there's no need to go beyond the recreation and what was talked to Chris about. Mr. McKenna wants to put on the record that they're here just for Phase IV-B 1, but they have continually promised you, because they originally did the Preliminary and the Recreation in a big track. And they are spreading improvements throughout the track. We have centralized, but we still want to have the pocket parts. Every time we micro zoom to a Final, they take a look at it and sometimes get some better ideas from Mr. Warren. Sometimes they see what the public wants, like the Splash Pad. They will continue to do that overall. That is their pledge and a condition of your preliminary, and they recognize it in this line, and they'll do that every time. But this is our Final. They're committed to it _____. So he wants to hear from Mr. Warren who issued his report to see if he shares our view.

Mr. Warren stated that he issued a letter dated October 17 with some of the issues that were paramount of concern. He stated that one issue with the recreation plan was that facilities were going to be moved out of the core area to other locations, specifically the basketball court and eventually the soccer field. He wanted a program so they would show that they've moved the basketball court in anticipation of Section 2 so they're not dealing with an existing recreational use. One fact of then being shut down, we're actually physically moved, taken place to allow for Section 2. So dealing with the types

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of activities and facilities that they're proposing, we wanted a program to know for the next three years at least what they're planning on constructing. All of this is technically at the whim of the owner, but from the very beginning open space has been an issue with construction.

Mr. McKenna stated that they'll work with the planner, and stated it is their fault because it's them and them alone that really know what the residents want. Nevertheless, they have pledged and gotten good feedback, so why waste that? The board's the ultimate call, but they really want to emphasize it is their call what they think the residents want. They know what hasn't worked there, but they do get good feedback; and they've progressed together and think it's important. Even though it's off this phase final, he wanted to say on the record that they will continue to do that which they've been doing, even on the futures and they will prepare the plan of their proposals going forward for the additional finals.

Mr. Warren mentioned his second issue, residential buffer. The applicant had indicated that there was between 80 and 100 ft. from the townhouse units to the common open space. In fact, there's less distance because the common open space starts right at the patio of the unit. So they had a discussion about fencing, and fencing can be inclusive and exclusive at the same time. He didn't think it was a good idea having residents walk through areas that appeared to be semiprivate or private and thought it would better to have separation to be an open field. After a lot of discussion today, they are of the opinion that fencing should be used around each facility but should not be used to break up the open space that you have.

So one issue was the basketball court. It's only three sides that are fenced right now. It needs to be fenced the fourth side, but it's also going to be relocated. So they will support that, knowing that it's going to be replaced with a facility that meets standard requirements. Mr. McKenna stated, "Four-sided fence. Makes sense." Mr. Warren continued with saying four sides and dimensional requirements as well.

Extended car parking and accessibility, they had two spaces for handicapped parking with an accessible route to the unit. We had previously indicated that they needed eight total handicap units. They're going to provide at least one more, possibly two more handicapped accessible parking units and an accessible path to the front door, which means no curbs or other obstacles.

Development limits for Section 1 have been defined, and they feel the recreation area can be defined as anything that's not private is going to become an open space.

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They had a jogging path that went through two gates, meaning joggers would have to open the gates at two locations. They've agreed to relocate the path to go around the community so they'll be no need for any conflicts by the joggers or walkers.

Mr. McKenna stated that for the solicitor's benefit, when Mr. Warren indicates his agreement, could you just at that point, for each paragraph, just so it's on record, indicate that that is our agreement. Mr. Olizi stated that he's trying to follow along in the letter. Mr. McKenna stated that he knows; he just wants to help.

Mr. Levers stated that what Mr. Warren's referring to is they're going to take that jogging path and go around this side of the building, to avoid going through this gate and out that gate. And that you can see in the handout package, the orange, and so it's around the periphery.

Mr. McKenna stated that so that he can go forward, he's got to go backward a little bit. Has Mr. Warren accurately characterized the meetings of the mind and common ground you've found so far? Mr. Levers said, "Yes." Mr. McKenna stated that we're up to the jogging path.

Mr. Warren stated solid waste enclosures, they questioned how they can have one less container within an enclosure and still meet the needs of the new units; and they've indicated that they have moved to twice a week pickup which makes a big difference in the efficiency of the units. So we think that issue's been resolved.

Fencing, they need details for the existing proposed fencing. They have some interesting decorative fencing out there that needs to be shown on the plan in case it's used for extensions and the like.

One issue that Mr. McKenna and he have had some disagreements on is consolidation of the lots. Under this plan, there are some buildings going on top of existing lots and that creates potential problems. Mr. McKenna stated that he's in agreement and letter was sent. After ten years, no disagreement and that's been resolved. There will be a consolidated lot for the entire premises. Mr. McKenna replied, "Yes, except for the subdivided lot out on 130. The board just subdivided that out, and it wouldn't make sense to put it back in."

A ZB member asked Mr. Warren for an explanation of the consolidation for the benefit of the board. Mr. Warren stated that they had five lots, and they were resistant to consolidate all lots into one because of mortgage concerns. Mr. McKenna stated that there was a time when there was separate financing, and it couldn't be done. He understands that the impediment's gone, although he hasn't spoken to New York counsel that they can consent to it. They didn't want to survey separately because it's

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very pricy. It had never been surveyed before. So if it's a matter of simply taking the out bounds from the deed, putting them together, the municipal concern is simply tax map, etc. They can't convey them separately, but they'll do that. If we're wrong about the financing impediments being gone, then he'll have to come back and see because he understands the condition is I'm agreeing. So they'll do that. Mr. Olizi states that's satisfactory. Mr. Warren stated that it was. They've had real concerns with the lot going through the middle of the building.

Mr. Warren stated that five new decorative streetlights were proposed, which they've used in the back, but this is first time you'll see them when you come in the entrance. We suggested that one streetlight that has a cobra head from PSE&G be converted into a traditional streetlight, and I think they're going to do that with PSE&G's cooperation. Site lighting, it's his understanding that there's no lighting in the recreation area, but there is surveillance.

Mr. Levers stated that, yes, infrared cameras are in there so they can have total visual at night. There may be one little light up under your observation deck put there. They do not want to because they found out the more light they provide after the park is closed, basically that becomes a congregational place.

Mr. Warren stated there were two issues on landscaping – significant changes in grade and replacement trees 1:1 of the same size and 2:1 if there's a significant differential in the caliber of the tree. The second is one from the very beginning, and that is compensatory landscaping. There have been these various phases from trees that have been removed, that they were going to be replaced so that there's always going to be a net gain and to keep track of how many that is. Mr. McKenna asked if they were asking for a count, simply a count, or are we ahead or behind or don't know?

Mr. Levers stated that Hunters Glen has provided to him most recently was they have their own planting program that's not tied specifically to the Site Plan. Mr. McKenna stated that what that means is that they've been adding trees that they weren't required to add. Mr. Levers stated that he was correct, and he said to Mr. Warren that he's going to outline that versus what's come out so far. Mr. McKenna questioned that if they're short, they'll make it up; and they're not taking anything out if they're in.

Mr. Olizi stated that he's referring to some thin areas in trees and some lush in trees. Mr. McKenna stated that the count they start with is the baseline. Mr. Levers stated that there's two different landscaping issues. There is the landscaping material that's going in, in conjunction with the Site Plan; and then if you're taking out any existing trees, we've always been in agreement that there's a compensation for that of the same size tree, so they'll be no net.

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Mr. Levers continued that what Harvey has done in his tenure there is on their own, they have been adding trees with a nursery consultant, a professor at Rutgers, that's developed a whole scheme as to the esthetics of that. So they're going to try to take what they're doing on their own, loss of trees to our Site Plan approval and design process and come up with an overall count and a justification as to where the whole thing sits. Mr. McKenna added that the net result of that will be a compliance plan that's subject to the planner/engineer's review and approval. Mr. Levers confirms that it's going to go to Chris.

Mr. Warren stated that his recommendations have been covered. He asked if Marty had anything to add on drainage. Mr. Miller adds that with the drainage and the proposed final plan directly over the Preliminary plans, there's no change to them, they're okay.

Mr. Jeney stated to Mr. Warren that he was unclear on the residential buffer. What was the final agreement on that? Mr. Warren stated that the agreement was that if they added fencing behind the units, they would separate that, so it would be better leave it open. That's been their experience that fencing makes sense for specific facilities, but if they fenced behind the residential units, it'll end up being their new unit perch. So they have bad experience with that which we would concede to.

Mr. Olizi asked if there was anything else. Mr. McKenna stated that that was the Applicant's presentation and thanked him. Mr. Olizi asked if there were any other questions from the board.

Mr. Smith asked for clarity. Initially got approval for the five buildings, #1 and 2. This is 16 units? Mr. Levers stated 16 units in the two buildings. He stated in the two buildings and we got 39 that theoretically, Mr. Levers stated that in IV-B there's a total of 39 in the five buildings.

Mr. Olizi stated that we're only talking today about the 16 units in two buildings? Mr. Levers stated that he was correct. Mr. McKenna stated and all of the recreation shown. Mr. Olizi and all the recreation shown. He mentioned that he had some notes that he ran by them, and he would like to know when these recreational items are supposed to be completed. Any idea?

Mr. McKenna stated that they're going to be completed with this phase, bonded with this phase. They're going to be requirements of COs; that's the way it's always been. They're not asking for back loading and never have. We give it when we do a section, and sometimes they have taken improvements from other sections, particularly when your consultants say, "You know, why don't you put that. It straddles the line; put it in

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the earlier section,” and we’ve gone along with that. So everything here goes in this section.

Mr. Warren stated that in addition to what’s shown here, there are anticipated changes which they’ve asked to be put into the program, like the basketball court being relocated, which is needed for Section 2. It needs to be done.

Mr. Olizi stated that that basketball court, the fencing that you’re talking about is going to be relocated to a different area. Mr. McKenna stated, “Correct, the court itself.”

Mr. Levers stated that what they did not want to have is totally enclose the basketball court, as Chris has asked for, and rightfully so, and then have to take that down when they come in with Section 2. What Hunters Glen said was that if that’s the case, let’s move the basketball court now and enclose that with a fence, so it makes more sense to move that now. He stated that it was very similar to moving the playground. They moved it in anticipation of two units going up there. Move the playground now so there would be no loss of playground space for the kids. Get the new one constructed; then they demoed the old one. We’ll do the same thing with the basketball court.

Mr. McKenna stated that the board can see that they’re as good as their word and, if anything, they’re always front-loading these improvements when it makes sense or even when it doesn’t make sense when you’ve asked us to. We’re going to do that here as well. We’re never losing that – we’re moving it, we’re making it better when we relocate it. A new location but newer and better, four-sided fence versus two. I think it’s going to be regulation size as well. Someone stated that it’s bigger now, too big. It’s too big.

Mr. Jeney asked if there were any other questions.

OPEN TO THE PUBLIC

Mr. Smith made a motion to open to the public. Mr. Gonzaga seconded the motion. All were in favor.

Mr. Jeney asked if any public had comments regarding this application. Seeing none, motioned to close.

Mr. Gonzaga made a motion to close the public. Mr. Smith seconded the motion. All were in favor.

ADDITIONAL COMMENTS

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Mr. Jeney asked if a final chance was needed. Mr. Olizi stated that the application is for Final Site Plan Approval of Phase IV-B, Section 1 that covers 16 units in two buildings, as demonstrated on Exhibit 3. Mr. Levers stated that was for recreation. 4, E4.

Mr. Olizi stated that it was Applicant's Exhibit 4. It notes the buildings, the parking spaces, recreational areas. You've heard about the items raised and points of contention by our planner, and we've gone through those. Not everything was agreed to; some of them were. There was a recreational plan in phasing, and I think that was agreed to that is number one, correct? Number two, residential buffer; I think we were fine with that. Correct?

Mr. McKenna stated no. Mr. Warren said that based on his being informed by what we've said, it's acceptable as proposed, as is.

Mr. Olizi stated that you heard testimony about the fences, and Mr. McKenna made a good point. He convinced the planner with the fences that there were some that were not needed. The basketball court is being removed, and at that point it will have fencing all around. At this point it does not. It has not been removed yet. Mr. Levers confirmed that it hasn't been removed yet and won't be until the new one is constructed.

Mr. Olizi mentioned that handicapped parking was discussed, and it was point out that two handicapped accessible parking spaces could be provided, and handicapped accessible space will be provided under Section IV-B and an access route. Correct, that's agreeable? Mr. Levers replied yes and that they're going to add at least one more. Mr. Olizi stated, "Section 1."

Mr. Olizi mentioned the development limits in the recreational space, I think they have been defined, have they not? Mr. Levers stated yes. Mr. Olizi stated they have been defined, so number 5 is not an issue.

The common open space definition, the fence line, and the recreation area was satisfied, so that's not an issue, so number six is not an issue here.

The jogging path, there was a discussion about rerouting the jogging path so joggers do not have to open two gates to get through the path. Confirmed.

The solid waste enclosures are no longer an issue because there's going to be pickup twice a week by waste management, so you don't have to store trash on the site. Mr. Levers stated that two new enclosures were being built for the areas that currently just had bins sitting on the parking areas. Mr. McKenna stated that the proposals adequate provided there are two twice-weekly.

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Mr. Olizi discussed fencing detail. Ornamental fencing. That is going to be addressed by the Applicant. Mr. McKenna stated that it's up there where noted, and Mr. Warren would like it to keep going. We were going to anyway. It's nice, decorative black. Mr. Levers mentioned that the detail will be on the plan.

Mr. Olizi mentioned the lot consolidation was something that was being requested, and Mr. McKenna said they will accept that but not separate surveys. Confirmed.

Mr. McKenna asked if a recorded deed would satisfy that condition and that he would do that earlier. He'll get a recorded deed.

Mr. Olizi mentioned street lighting. There was agreement with regard to including a decorative lighting element as opposed to the ugly cobras. Mr. Levers confirmed that it's replacing one of the cobras that exist. Mr. Olizi continues that one light will be replaced with a decorative light and eliminate the cobras. The security lighting in the recreational area, there's no need for that. Only under surveillance. Confirmed.

A landscaping plan will be brought in as a compliance plan to demonstrate the sufficiency of the landscape and try to maintain a no net loss with regard to trees, both in this area and on the site in general. Confirmed. Mr. McKenna asked if we were surveying the whole site with trees. Mr. Levers stated that he's going to bring Chris up to speak as to what's been done. Mr. McKenna asked that before finals are done, how are counts on compliance? We'll send you all the bushes that we put in. Mr. Olizi asked if we're going to use this as a baseline. Mr. Warren stated it was the count from the period you gave of compensatory, which means that we're going to be replaced in another location or consider compensatory. So you had Section 3. You took out half a dozen. They weren't going to be replaced because there wasn't room, but they were going to be moved somewhere else on the site. So we have to look at notes on compensatory planning.

Mr. McKenna asked if it's for the finals to date but not going forward. Mr. Olizi asked for someone to state that, what the agreement would be. Mr. McKenna stated that he thinks the synthesis is to go back to every finding and do actual counts of loss and gain to see where we stand to date, and that will include this final. Am I right? Mr. Warren confirms. Mr. Olizi stated that that will be the base. Start from there. Establish a baseline. So comply with the prior phases, but you'll do a count with the old finals.

Anything else? Okay, that would be the motion for approval.

**Mr. Gonzaga made a motion for approval. Mrs. Parento seconded the motion.
The results are as follow:**

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AYE: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Lyon, Mr. Anderson & Mr. Gonzaga

ABSENT: Mr. Hewko & Mr. Khinkis

OPEN TO THE PUBLIC

Mr. Lyon made a motion to open to the public. Mr. Anderson seconded the motion. All were in favor.

Mr. Jeney asked if any public comments regarding this application. Seeing none, motioned to close.

CLOSE TO THE PUBLIC

Mr. Anderson made a motion to close the public. Mr. Lyon seconded the motion. All were in favor.

MINUTES

Minutes from the regular meeting dated September 20, 2018.

Mr. Jeney stated that minutes from September 20, 2019 will be carried over.

RESOLUTION

**Resolution #ZZ2018-01
Dunkin Donuts – GNJ, Inc.
Block 115, Lot 32
4009 Bridgeboro Road
ZZ2015-10
Use Variance**

**Resolution #ZZ2018-02
Dunkin Donuts – GNJ, Inc.
Block 115, Lot 32
4009 Bridgeboro Road
ZZ2015-10A
Use Variance**

Mr. Jeney stated that the Resolution ZZ2018-01 & ZZ2018-02 will carry over to the next meeting. They were not ready by the ZB Attorney.

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ADJOURNMENT

Mr. Smith motioned to adjourn the meeting at 9:50 pm. Mr. Anderson seconded it. The results are as follows:

Motion carried with a unanimous voice vote.

Respectfully submitted,

Kathy Phillips, Secretary
Planning & Zoning