

**DELRAN TOWNSHIP  
PLANNING BOARD  
MUNICIPAL BUILDING  
REGULAR MEETING MINUTES  
APRIL 7, 2016 – 7:30 pm**

**OPEN PUBLIC MEETINGS ACT**

The Delran Township Planning Board regular meeting of Thursday, April 7, 2016 was called to order by Mr. Brady at 7:30pm, in the Delran Township Municipal Building.

The Open Public Meeting Act Announcement was read by Mr. Brady and the Pledge of Allegiance was performed.

**ROLL CALL**

**Present:** Mr. Brady, Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Cathel, Mr. Diehl, Mr. Hejnas and Mr. Morrow.

**Absent:** Mr. Williams and Mr. Singer.

**PUBLIC HEARING**

**Hummingbird Construction  
211 and 213 Main Street  
Block 16, Lots 15 & 16  
PP2015-05  
Minor Subdivision**

Mr. Brady stated that before we can have a hearing on this application we need to determine whether or not the application is going to be deemed complete. Mr. Pettit, Planner for the Planning Board was asked to go over the checklist items of the conditions on his review letter dated April 7, 2016 that are still outstanding deeming it incomplete.

- Item 20. Size and location of proposed structures and their dimensional setbacks.
- Item 24. Copy and plan delineation of any existing or proposed deed restriction. A note should be added to the plans indicating the presence or absence of any existing/proposed deed restrictions on the subject property.
- Item 25. Any existing or proposed easement or land reserved or dedicated for public use. A note should be added to the plans indicating the presence or absence of any existing/proposed easements on the subject property.
- Item 28. Existing streets, other rights-of-way or easements, watercourses, wetlands, soils, floodplains, or other environmentally sensitive areas within two-hundred feet (200') of tract. A note has been added to the plans indicating that not wetlands or floodplains existing within two hundred (200) feet of the subject property.

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- Item 30. The proposed clearing limits along with existing and proposed contours based on USGS datum, to extend 200 feet beyond subject tract. The checklist indicates that this information was provided, however didn't see that information.
- Item 34. Existing and proposed utilities: sanitary sewer, water, storm water management, cable and electric.
- Item 51. All applicable outside agency approvals, including but not limited to County Planning Board, NJDEP, Soil Conservation District. Shall be provided prior to Final Approval.

Mr. Brady stated he will give the applicant the option to either consider application incomplete or prefer willing to accept testimony and it would be up to the Board if they will grant waivers for all of the checklist items before deeming the application complete. Ms. Clark, applicant's attorney stated they are ready to give testimony for the items listed.

Michele Clark from the firm Birdsall and Laughlin council to Hummingbird Construction, Inc. presented Reginaldo Barbosa, owner of Hummingbird Construction, Inc. and Curtis Riley to testify for the applicant. Mr. Siciliano swore both of the gentlemen in.

Ms. Clark confirmed with Mr. Barbosa that he is the President of Hummingbird Construction who has authority to sign documents and make decisions on behalf of his Company. It was stated that Hummingbird Construction owns both the lots in question. One of the conditions was to provide plans depicting the size and location of the future homes to be built on the 2 individual lots. Applicant did not provide plans showing the subdivision with the homes on them due to them being meaningless if the application was denied. There are some technical omissions including utilities from the plans, such as streets, right-of-ways within 200' and clearing limits would be provided on the plan per Mr. Barbosa if it was approved that night. Mr. Barbosa stated that there are no deed restrictions or easements on the property or restrictions or dedications to public use. Mr. Barbosa stated he would obtain any further permits or approvals required.

Mr. Brady stated that currently these lots are non-conforming and by combining the two and then dividing them equally, they will still be non-conforming and he wants to hear how this will advance the Master Plan of the Township. There was no site plan provided due to the possibility that if the application was rejected, it would have been an added expense for no reason. Mr. Barbosa's intent is to build a 2 story single family home with a 2 car garage approximately 29 wide X 49 deep.

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His intent is to place the home far enough back on the property that he can add a front porch without affecting the front yard setbacks. His feeling is that these proposed homes will conform to what is currently in that neighborhood and would have no negative effect on the town or neighborhood. He pointed out that lots 4, 8, 9, 18 & 19 are all about the same size and what he is proposing would help the Master Plan that Delran has in place. Mr. Brady would like to know specifically how it will advance the Master Plan. Ms. Clark stated that the lots are non-conforming to begin with and not putting a single family home on lot 15 and leaving it vacant that it would essentially render that lot useless. They are trying to make do with what they have in terms of the size of property. They feel that given the surrounding lots themselves she thinks that this would only create a desirable environment in the neighborhood there. With an exception of a few duplexes the majority are single family homes. One, it would make it a desirable environment, thinks it is consistent with the Master Plan in the sense that the surrounding neighborhood essentially has the same exact thing they are trying to put into place. The property was non-conforming to begin with and again if they were unable to build on lot 15 then it will remain a vacant lot. Building upon it would be more consistent to the Master Plan. Mr. Brady asked if the applicant considered building one single family home on both the lots making it more of a conforming lot. Mr. Riley stated they considered doing a duplex but felt that the 2 single homes would be more desirable to the Board.

Mr. Brady summarized that the applicant provided testimony on checklist #20 regarding the proposed structure, you agreed to amend the plans for checklist item #24, #25 you testified there are no easements or lands dedicated for public use. Checklist item 28, 30 & 34 agreed to update the plans, #51 testified you will not seek any other outside builders because you will be charged immensely. Mr. Catrambone asked about lot 8, 9 and 18, 19 shows that they have the same owners. He wanted to know if it is one or two structures on those lots. Lot 4 across the street with smaller lot has a SFD on it. Lots 18 and 19 have one unit on the lot itself.

Mr. Brady called for a motion to deem the application complete based on the applicants testimony addressing the checklist items addressed in Mr. Pettit's letter dated April 7, 2016. No response. Again Mr. Brady called for a motion granting a waiver for these checklist items. Mrs. Rovinsky said some of these checklist items are hard to accept particularly not knowing where the sanitary lines are & the storm water management information. Her opinion is that she feels this needs to be complete before hearing it. Mr. Brady asked for a motion, he said he is asking for a third and final time. Based on the sentiment of the Board, He doesn't think they are in a position to grant the waivers for the checklist items to deem it complete. Ms. Clark stated that they would like to come back with a more complete plan. Mr. Siciliano stated that they can carry in terms of their notice requirements.

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For the record with regard to the completeness determination, the Board did not find that the application was deemed complete so you have 45 days with no re-noticing. It was agreed that they would work on the review letter to present back to the professionals for the next available date. They asked if it would be receptive from the Board if they combined the two lots & did a duplex. Mr. Brady stated that no matter what they do that they will still have a non-conforming condition. It's very challenging for them to buy into that sort of compromise giving their commitment to advancing the Master Plan and addressing the issues that they spoke of. Mr. Riley stated that they are just trying to find an idea of which way to go. They want to make everyone involved happy. If they can get which way to go, they can redesign, come back complete and try to put it thru. Board member stated they are more comfortable with a single family home. Even if they merge it and go to a single family, they will still have to appear for variances. Mr. Riley feels that maybe at this point they will consider renovating the existing house and sell it.

Mr. Brady was letting the public know that procedurally a hearing can't be conducted on this application until it is determined to be complete. What was heard tonight was a number of checklist items that the applicant has to address before the Board will consider it to be complete. If they come back and address all the checklist items and they deem it complete, then they can move into a hearing. At that point they will take testimony from the applicant and from the public. The public was interested in how they would find out when the next scheduled meeting would be if they don't have to notice again. Mr. Brady stated to check the website, it could be posted on the doors or call the secretary. Looks like it will be June possibly July meeting.

**Fernando and Maria Pimenta  
1012 Oak Avenue  
Block 57, Lot 5  
PP2015-07  
Minor Subdivision**

Jeffery Snow, Attorney representing the applicant Fernando and Maria Pimenta regarding a minor subdivision application for Block 57 Lot 5, 1012 Oak Ave. Mr. Siciliano swore them in. Mr. Snow addressed the open checklist items from Mr. Jordan the Engineer at T&M.

1. Item 2 - Affidavit of Ownership or Consent of Owner- will have the owner sign.
2. Item 12 - Need signature block of Municipal Clerk on plans - will have the plans fix to show space for signature.
3. Item 13 - Certification block as required by the map filing law – they will do it by deed instead of by plan. Will take care of it in that fashion.
4. Item 14 – Monument is required – once approve will do as required.

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5. Item 24 – Copy & plan delineation of any deed restrictions – it shall be confirmed in testimony with a list with name, lot & block.
6. Item 27 – Property owner & lot lines within 200’ and in correct scale – lot lines have been shown, a list of property owners have not.
7. Item 28 – Existing streets, rights-of-way, easements, water courses, wetlands, soils, Flood plains or other environmentally sensitive areas within 200’ of tract - Mr. Snow asked the applicant and he along with the attorney stated there are none that they are aware of with-in 200’ of property. Will have the Surveyor show on plans.
8. Item 34 – Existing and proposed utilities: sanitary sewer, water, storm water management, cable and electric – will have the surveyor show on the plans. There is actually a pole that the utility company has and maintains that services the existing house.
9. Item 51 – All applicable outside agency approvals including but not limited to County Planning Board, NJDEP, and Soil Conservation District – All of these will come into play but not until that time.

Mr. Brady went on to Mr. Pettit’s letter dated January 29, 2015. Let the record show that Mr. Pettit’s letter should be dated January 29, 2016. There are a few waiver checklist items that we’re not discussed already off of T & M’s letter.

- #20 - Size & location of proposed structure - no proposed structure at this time.
- #25 - Proposed easement - no proposed easement at this time.
- #30 - The proposed clearing limits along with the existing & proposed contours based on USGS datum – applicant stated there are a few trees on property and they will comply with what is required.
- #31 - Boundary limits, nature & extent of wooded areas, trees 6 inch in diameter or greater within clearing limits – will comply with what is required.
- A (2) - Location of all streams within 500’ of proposed subdivision – non applicable.
- N - All existing structures & wooded areas within the area to be subdivided.
- Q - Signature lines for the Planning Board on plans.

Mr. Brady asked if any comments from the Board. Mrs. Rovinsky noted she wasn’t happy that the review letters were done in January and it is being heard in April with most of the stuff requested were not taken care of prior to being heard.

Mr. Brady asked the Board for a motion to grant the applicants waivers for items # 20, 30 and 31 the remaining items are testimony to the application. Asking for the motion so they can deem the application complete and proceed with the hearing.

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**Mr. Morrow made a motion to grant the applicants checklist waivers # 20, 30 and 31.  
Mr. Diehl seconded the motion. The results of the voting is as follows:**

**Ayes:** Mr. Brady, Mr. Catrambone, Ms. Kolodi, Mr. Diehl, Mr. Hejnas and Mr. Morrow

**Nays:** Mrs. Rovinsky and Mr. Cathel

**Absent:** Mr. Williams and Mr. Singer

**The motion carried, the application is deemed complete.**

Mr. Snow started that the applicant is seeking a Minor Subdivision approval to subdivide existing Lot 5 of Block 57, into (2) separate proposed residential lots. The remainder of existing Lot #5 shall include the existing residential structure and the existing improvements presently located on the subject parcel, with exception to a new/relocated driveway. Proposed Lot #5.05 shall include a new residential structure and associated site improvements which are not currently depicted on the plan. The Minor Subdivision is proposed to be filed by deed.

If the Board grants the Minor Subdivision that both lots will comply with all of the bulk requirements pursuant to lot size, frontage, depth, setbacks, height, density, all of them will be met. The question came up about some sheds that are located on the property. They were there when they purchased the property approximately 10 years. They estimated the age being about 40 years old for (2) of them, the other one being built by them after they purchased the property.

**OPEN TO THE PUBLIC – No response from the public.**

Mr. Brady stated that because there are 3 sheds on the property and the ordinance calls for only one with certain maximum dimensions, so they're sort of a pre-existing non-conformance and in order to enable the applicant to move forward a variance would have to be granted.

**Mrs. Rovinsky made a motion to grant a variance to allow 2 sheds to remain contingent on the removal of the dilapidated shed in the far rear of the property. Mr. Catrambone seconded the motion. The results of the voting is as follows:**

**Ayes:** Mr. Brady, Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Cathel, Mr. Diehl, Mr. Hejnas and Mr. Morrow

**Absent:** Mr. Williams and Mr. Singer

**The motion carried, the application is deemed complete.**

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Mr. Snow stated he would like to review Mr. Jordan's letter.

- As to the 5' chain link fence, it will remain.
- Lot area of the two lots appear to have been reversed in the Zoning Table and should be corrected. Mr. Snow stated he will take care of it.
- The existing driveway for the existing home will be located on lot 5.05 subsequent to the subdivision. Therefore, the existing driveway will be removed and a new driveway will be provided on lot 5 for the existing dwelling on lot 5.  
Not sure what material it will be but whatever the fire department says on this issue is what they will abide by.
- The subdivision will be filed by deed showing the legal description for both lots. Mr. Snow will confirm with the Tax Assessor what the actual numbers will be so they are correct on the plans as well as on the deed.
- Curb exists along the frontage of the property, sidewalk does not. It shall be noted that the sidewalk does not exist throughout this neighborhood.
- They will provide approval of the Burlington County Planning Board, and any and all agencies having jurisdiction over this application. Once the proposed house plans are done, they will need to come before the board if anything shows not with in the ordinance of that zone.

Mr. Snow agreed that should the Board grant approval to this project, the following conditions shall apply:

1. The approved subdivision deeds must be filed with the County Recording Officer, Municipal Engineer and Tax Assessor.
2. Applicant required to settle any outstanding escrow accounts prior to obtaining final signature of the deeds.
3. The Applicant shall be required to obtain the necessary building permits from the Township's Construction Code Office.
4. In addition the applicant may be required to obtain a Road Opening Permit from the Township.
5. The following additional reviews or approvals may be required from the Burling County Planning Board or any and all agencies having jurisdiction.
6. Upon final approval, twelve (12) sets of plans must be submitted for signatures.

Mr. Brady wanted to know the timeframe for when they will determine what they are going to do with the new lot. The applicant stated they want to start right away getting the plans together. Mr. Snow stated about 90 days before getting the County to approve it. The current lot is 2.75 acres. The proposed lot will be .75 of an acre.

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**OPEN TO THE PUBLIC:** No response from the public.

Mr. Brady asked the Board for a motion to grant the applicant approval to subdivide Block 57, Lot 5 and subject to the applicants addressing items 1-6 in Mr. Jordan's letter.

**Mrs. Rovinsky made a motion to grant the applicant approval to subdivide Block 57, Lot 5. Mr. Hejnas seconded the motion. The results of the voting is as follows:**

**Ayes:** Mr. Brady, Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Cathel, Mr. Diehl, Mr. Hejnas and Mr. Morrow

**Absent:** Mr. Williams and Mr. Singer

**The motion carried, the application is deemed complete.**

**MINUTES**

**January 7, 2016 Re-organization meeting**

**Mr. Catrambone made a motion to approve the re-organization meeting minutes. Mr. Cathel seconded the motion. The results of the voting is as follows:**

**Ayes:** Mr. Brady, Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Cathel, Mr. Diehl, Mr. Hejnas and Mr. Morrow

**Absent:** Mr. Williams and Mr. Singer

**The motion carried, the application is deemed complete.**

**January 7, 2016 regular minutes meeting**

**Ms. Kolodi made a motion to approve the regular meeting minutes. Mr. Morrow seconded the motion. The results of the voting is as follows:**

**Ayes:** Mr. Brady, Mrs. Rovinsky, Mr. Catrambone, Ms. Kolodi, Mr. Cathel, Mr. Diehl, Mr. Hejnas and Mr. Morrow

**Absent:** Mr. Williams and Mr. Singer

**The motion carried, the application is deemed complete.**



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**ADJOURNMENT**

**Mr. Cathel made a motion to adjourn meeting at 8:47. Mr. Catrambone seconded the motion.  
Motion passed with a unanimous voice vote**