

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
MAY 17, 2011 – 7:00 PM
MINUTES**

The Delran Township Zoning Board regular meeting of Tuesday, May 17, 2011, was called to order by Mr. Fox at 7:00 pm.

The open public meetings act announcement was read by Mr. Fox and the pledge of allegiance was performed.

ROLL CALL

Present: Mr. Pogoda, Mr. Smith, Mr. Harley, Mr. Gonzaga, Mr. Kohli, Mr. Hejnas and Mr. Fox.
Absent: Mr. Taylor and Mr. Vajapey.
Professionals: Beth Marlin, Esquire, Board's Solicitor; and Lynn Curry, Board's Secretary.

PUBLIC HEARINGS

1. Robert McKeen
ZZ2011-5
515 Arch Street – Block 29, Lot 10
Bulk Variance

Mrs. Curry indicated that the applicant withdrew his application for a bulk variance since it was determined that a variance was not required for his proposal. She indicated that his permit application was denied under the requirement, which states that no accessory structure shall be located closer than 15' from the side and rear property line however there was another section in the ordinance which states that pools must have a rear yard setback of 15' and a side yard setback of 10'.

RESOLUTIONS

1. Harvey Berk c/o Manhattan Management
ZZ2003-5
3001 Route 130 South – Block 9, Lots 33, 34, 43, 44 & 45
Preliminary Site Plan

Mr. Pogoda made a motion to adopt the resolution granting the application for preliminary site plan. Mr. Kohli seconded the motion. The result of the voting is as follows:

AYES: Mr. Pogoda and Mr. Kohli.
NAYS: None.
ABSTAIN: Mr. Smith, Mr. Harley, Mr. Gonzaga, Mr. Hejnas and Mr. Fox.
The motion was carried; so ordered Mr. Fox.

2. Susan & Terrill Bohnsack
ZZ2009-6
74 Stoneham Drive – Block 118.03, Lot 18
Bulk Variance

The board noted that the resolution for the bulk variance was not ready to be adopted and was being continued until the next regular meeting scheduled for June 21, 2011.

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RESOLUTIONS

3. Manhattan Management
ZZ2007-20
3001 Route 130 South – Block 9, Lots 46 & 47.05; Block 9.04, Lot 4; Block 9.05, Lot 4
Use Variance

The board noted that the resolution for the bulk variance was not ready to be adopted and was being continued until the next regular meeting scheduled for June 21, 2011.

4. DCB Auto, Inc.
ZZ2011-1
8000 Route 130 North – Block 120, Lot 8
Use Variance

Mr. Kohli made a motion to adopt the resolution granting the requested use variance. Mr. Gonzaga seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mr. Gonzaga, Mr. Smith, Mr. Harley, and Mr. Fox.
NAYS: None.
ABSTAIN: Mr. Pogoda and Mr. Hejnas.
The motion was carried; so ordered Mr. Fox.

MINUTES

1. Zoning Board Regular Meeting – 10/20/09
2. Zoning Board Regular & Reorganization Meeting – 7/20/10

The board noted that the regular meeting minutes from October 20, 2001 and the regular and reorganization meeting minutes from July 20, 2010, were not ready to be adopted and were being continued until the next regular meeting scheduled for June 21, 2011.

3. Zoning Board Regular Meeting – 2/15/11

Mr. Gonzaga made a motion to adopt the Zoning Board regular meeting minutes from February 15, 2011. Mr. Kohli seconded the motion. The result of the voting is as follows:

AYES: Mr. Gonzaga, Mr. Kohli and Mr. Fox.
NAYS: None.
ABSTAIN: Mr. Pogoda, Mr. Smith, Mr. Harley and Mr. Hejnas.
The motion was carried; so ordered Mr. Fox.

4. Zoning Board Regular Meeting – 4/19/11

Mr. Smith made a motion to adopt the Zoning Board regular meeting minutes from April 19, 2011. Mr. Kohli seconded the motion. The result of the voting is as follows:

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AYES: Mr. Smith, Mr. Kohli, Mr. Harley, Mr. Gonzaga and Mr. Fox.

NAYS: None.

ABSTAIN: Mr. Pogoda and Mr. Hejnas.

The motion was carried; so ordered Mr. Fox.

BILL LIST

(See Attached Sheet)

Mr. Hejnas made a motion to approve the Zoning Board bill list for May 17, 2011. Mr. Harley seconded the motion. With all present voting affirmatively, the motion was carried; so ordered Mr. Fox.

REFUND REQUEST

1. Robert McKeen
ZZ2011-5
Request Escrow Fee Refund: \$250.00
Request Application Fee Refund: \$200.00
Request Reimbursement of Publication Cost \$43.40
Request Reimbursement of Mailing Cost \$11.15

The Board reviewed the applicant's request for refunds and noted that his application was not required. The Board did not recall ever issuing a refund for the costs of mailing or publication in any other applications that were withdrawn or appeared before the board when their application was not required. The Board questioned whether they have the actual authority to issue a refund for the applicant's out of pocket expenses other than the application fee and escrow fees and they determined that only Township Council could agree to issue a refund of any additional out of pocket expenses other than the application fee and escrow fee.

Mr. Pogoda made a motion to refund the applicant's \$200.00 application fee and \$250.00 escrow deposit. Mr. Hejnas seconded the motion. The result of the voting is as follows:

AYES: Mr. Pogoda, Mr. Hejnas, Mr. Smith, Mr. Harley, Mr. Gonzaga, Mr. Kohli and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

PENDING ITEMS

1. Pizza Mia, LLC
ZZ2010-10
77 Hartford Road – Block 120, Lot 120, Lot 41.01
Use Variance

The Board noted that the application was currently incomplete however the applicant's attorney has expressed the interest in requesting submission waivers for the remaining outstanding items. Mrs. Curry indicated that the applicant's attorney was unavailable for the meeting in June and would likely be scheduled for the meeting in July assuming the applicant makes a formal request for the submission waivers in time for that meeting.

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PENDING ITEMS

2. Bee Dee Associates
ZZ2010-11
75 Hartford Road – Block 120, Lots 40 & 40.02
Amended Subdivision

The Board noted that the application was recently certified as an incomplete submission. Mrs. Curry indicated that one of the issues dealing with the application was whether the applicant needs to amend their application to include a request for a use variance.

3. Liberty Towers
ZZ2010-14
28 Conrow Road – Block 177, Lot 16.02
Use Variance w/Minor Site Plan

The Board noted that the applicant recently submitted revised plans, which was currently being reviewed for completeness by their professionals for completeness. Ms. Marlin stated that she recently received a phone call from Mr. Combs, who questioned whether the application needs to be amended to include the neighboring church property since the access to the tower was changed to be located on the church property. Mrs. Curry indicated that the escrow account for this project was delinquent and the applicant needs to post their required payment before proceeding with their public hearing.

4. Manhattan Management Co., LLC
ZZ2011-2
3001 Route 130 South – Block 9, Lot 46
Minor Subdivision

The Board noted that the application was recently certified as incomplete submission. Mrs. Curry noted that one of the issues with the application was the survey that was submitted was from 2001, which may or may not reflect the current conditions therefore a new up to date survey was being requested.

5. Larry & Jane Herman
ZZ2011-4
8004 Route 130 North – Block 120, Lot 5
Use Variance

The board noted that the application for a use variance was currently being reviewed for completeness and was currently not scheduled for a public hearing at this time.

ADJOURNMENT

There being no further business to discuss, Mr. Gonzaga made a motion to adjourn the Delran Township Zoning Board meeting at 7:30 pm. Mr. Pogoda seconded the motion. With all present voting affirmatively, the motion was carried; so ordered Mr. Fox.

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Respectfully submitted,

Lynn Curry, Secretary
Zoning Board

Delran Township
Zoning Board of Adjustment
Bill List
 May 17, 2011

Budget Bills			
Vender	Description	Invoice #	Amount
Brown & Connery	Misc. Services	113678	\$1,496.80

Escrow Accounts				
Vender	Applicant	File #	Invoice #	Amount
Brown & Connery	T-Mobile	ZZ2010-9	113673	\$242.66
Brown & Connery	Pizza Mia	ZZ2010-10	113674	\$64.00
Brown & Connery	Bee Dee	ZZ2010-11	113675	\$64.00
Brown & Connery	Liberty Towers	ZZ2010-14	113677	\$224.00
Pettit Associates	Telecom Transport	ZZ2009-10	3259	\$60.00
Pettit Associates	Bee Dee	ZZ2010-11	3260	\$600.00
Pettit Associates	Liberty Towers	ZZ2010-14	3261	\$480.00
Pettit Associates	T-Mobile	ZZ2010-9	3262	\$450.00
Pettit Associates	DCB Auto	ZZ2011-1	3263	\$2,190.00
Pettit Associates	Herman	ZZ2011-4	3264	\$60.00
Adams Rehmann & Heggan	T-Mobile	ZZ2010-9	42562	\$195.00
Adams Rehmann & Heggan	Pizza Mia	ZZ2010-10	42563	\$1,170.00
Adams Rehmann & Heggan	Bee Dee	ZZ2010-11	42564	\$1,253.75
Adams Rehmann & Heggan	DCB Auto	ZZ2011-1	42565	\$1,967.50
Adams Rehmann & Heggan	Manhattan Management	ZZ2011-2	42566	\$2,222.50
Frederick Hardt	Harvey Berk	ZZ2003-5	15404	\$3,990.00