

**DELRAN TOWNSHIP  
PLANNING BOARD  
REGULAR MEETING  
MUNICIPAL BUILDING  
MAY 5, 2011 – 7:30 PM  
MINUTES**

The Delran Township Planning Board regular meeting of Thursday, May 5, 2011, was called to order by Mr. Brady at 7:30 pm in the Delran Township municipal building.

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

**ROLL CALL**

Present: Mr. White, Mr. Singer, Mr. Diehl, Mr. Cathel, Mr. Porreca, Mr. Catrambone, Mrs. Rovinsky and Mr. Brady.  
Absent: Mr. Petti, Mr. DeSanto and Mr. Morrow.  
Professionals: Salvatore Siciliano, Esquire, Board's Solicitor; Raymond Jordan, PE, Board's Engineer; John Pettit, PP, Board's Planner; Martin Miller, PE, Board's Acting Engineer (TAR Construction); and Lynn Curry, Board's Secretary.

**PUBLIC HEARINGS**

1. TAR Construction Company  
PP2009-5  
Fairview Street – Block 65.06, Lot 28 & 28.01  
Final Subdivision

Julie Williamson, the attorney for the applicant, indicated that the applicant was requesting final subdivision approval. She reminded the Board that the applicant had received preliminary approval of their subdivision on December 6, 2007. She noted that the applicant has obtained approval from the Burlington County Planning Board and no variances were required as a result of their application.

Ms. Williamson reviewed the history of the project with the Board. She stated that the applicant was proposing a residential subdivision in the R-1 zoning district. She indicated that the applicant was proposing to install a roadway along with six residential lots for single family dwelling along with another lot for the stormwater management area. She suggested that all of the review comments from the Board's professional have been met by the applicant.

Mrs. Williamson requested that the following witness be sworn in to testify before the Board:

1. Kris Kluk, Applicant's Engineer

Mr. Kluk indicated that he prepared a stormwater maintenance plan, which was reviewed by Mr. Miller. He stated that there was also an issue dealing with the property corners on the plans, which has been rectified to the satisfaction of Mr. Miller. He testified that the applicant hired Reagan Design Group to prepare a landscaping plan, which was presented to Mr. Augustyn and he had no comments on the landscaping plan that was provided. He added that the applicant has no objection to installing the additional requested no parking signs as requested by the Fire Official.

Mr. Miller indicated that the only comment from Mr. Augustyn concerning the landscaping was that there should be no oaks being proposed and he checked the plan and confirmed that no oaks were being proposed in the plantings.

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1. TAR Construction Company  
PP2009-5  
(Continued)

Mr. Porreca questioned whether the applicant's proposal was creating a reverse frontage requirement and 25' buffer requirement variance. Ms. Williamson reminded the Board that the issue was discussed at length during the hearing for preliminary approval and the Board adopted the conclusion that the requirements for reverse frontage lots do not apply to this circumstance. Mr. Porreca suggested that the layout on the plan has changed slightly and block 66, lot 4 would now be required to comply with the reverse frontage requirement based upon the new layout.

Mr. Kluk stated that the proposal of the design of the lot to create no reverse frontage was based upon the recommendation of Mr. Augustyn preventing the existing located on Pancoast to subdivide their lots and use the new proposed roadway as access to their lots. Mr. Brady indicated that he was reviewing the plan that was submitted for preliminary approval (with a revision #3 date of 10/16/07) which was the final plan submitted that the Board based their preliminary subdivision approval on. He noted that plan shows the lot extending all the way to Fairview Street and the lot is now being shown tapering off to the new proposed roadway. Mr. Kluk testified that the applicant can revise the lot line to extend back to Fairview Street and it would not affect the proposed subdivision.

Mr. Brady questioned why the plan was changed where the new proposed street was moved to the south before approaching Fairview Street. Mr. Kluk stated the change was made at the recommendation of the County Planning Board to comply with the required turning radius for trucks entering and exiting the development and to increase the distance from the adjacent intersection.

Mr. Miller stated that the applicant will be providing an emergency spillway for the detention basin. He noted that the applicant would be required to address the street opening permit from the township for the work being done along recently paved Pancoast Boulevard.

Mr. Siciliano noted that there was an issue dealing with the owner of lot #28, which is currently listed as being owned by Carmen and Nancy Fuoco. He indicated that the only property owner certification was submitted for Mr. Tavares, which was the applicant but there was no signed property owner certification submitted by the Fuoco's. Ms. Williamson noted that Mr. and Mrs. Fuoco were represented by George Hulse and he was hoping to meet with the Fuoco's to discuss the proposal and obtain their consent. She suggested that the Fuoco's had given their consent of the proposal during the preliminary proposal. Ms. Williamson requested that the board grant the final approval contingent upon the applicant obtaining the property owner certification from the Fuoco's within thirty (30) days. She added that in the event the applicant could not obtain the authorization from the Fuoco's the applicant would be required to return to the Board.

At that time, Mr. Brady opened the meeting to the public for any comments or questions concerning this application. The following witnesses from the public were sworn in to testify before the Board:

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1. TAR Construction Company  
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1. Dolores Cannone (910 Hubbs Street) – She indicated that the proposed detention basin would be located 15' from their rear property line and she was concerned about the overflow of water onto her property. She testified that currently they don't get any water into their basement and they were concerned that water would now accumulate into their basement as a result of the proposed subdivision. She stated that she was told by a township employee that the line that was going to run the water down the street into Riverside was clogged and it was Delran's responsibility. She questioned who was going to be responsible for the maintenance of the basin to ensure that it was working properly.

Mr. Kluk noted that the design of the basin as a result of Mr. Miller's recommendations was to be designed as retention/detention basin with an outflow pipe so that after each storm the excess water would be emptied. He indicated that a stormwater management plan was established to ensure the maintenance of the basin to prevent and eliminate any problems with basin.

Mrs. Cannone stated that she had requested soil borings from Mr. Miller and was told that he had to obtain permission from the property owner and to date she still had not received copies of those borings. Mr. Miller indicated that it was his understanding that copies of those borings were provided to her and that his office witnessed those borings. She indicated that she never received the borings and she did not believe the borings that the applicant provided. Mr. Brady indicated that he remembered seeing that report and that a copy could be resent to her and the letter was dated January 12, 2009 addressed to Mrs. Cannone and it identifies that Alaimo witnessed tested and the report contains the results from that test.

Mr. Kluk noted that ground water is not only measured by the amount of water in the location at any given time but also the coloration of the soil, which is affected by the amount of ground water. Mr. Brady reminded the Board that the issue dealing with stormwater management was previously discussed at the time of preliminary approval and was resolved to the satisfaction of the Board as per the resolution at that time.

2. Nancy Fuoco (1209 S. Fairview Street) – She stated that she never received any certified mail from the applicant and requested to be put on their mailing list.

Ms. Williamson noted that the applicant provided notices to the property owners based upon the list that was provided by the township. She stated that she would provide a list of the names that was provided by the township and she would agree to add any additional names to that list, which may be requested. Mr. Brady indicated that the Fuoco's were not shown on the list from the township however it appears it wasn't listed due to their lot being part of this application.

3. Charles Forssell (78 Pancoast Boulevard) – He stated that he has been a plumber in the community and was familiar with the water table throughout the town. He indicated that he used to camp in that area when he was child. He suggested that anyone could ask him a question about the area and he would try to provide the information.

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1. TAR Construction Company  
PP2009-5  
(Continued)

4. Walter Lipinsky (909 Hubbs Street) – He indicated that he was a landscaper and he was worked around basins and suggested that they never dry out completely. He questioned how the issue with mosquito control would be addressed since the basin would not dry out completely.

Mr. Kluk suggested that the design of the basin was adequate to address any flooding that may occur. He reminded the Board that the system was reviewed by the Board's professionals.

Mr. Catrambone questioned who was going to be responsible to maintain the basin after the bonds were released by the township. Ms. Williamson stated that a homeowners association would be established to maintain the basin.

There being nobody further from the public to testify on this application, Mr. Brady closed the public portion of this application.

Mr. Miller reminded the Board that Fairview was a County roadway and they had jurisdiction dealing with the traffic situation as a result of this application. He noted that the County has approved the plan.

Mr. Brady made a motion to grant the requested final subdivision subject to the applicant providing a property owner certification from the Fuoco's within thirty (30) days, the applicant moving the lot line for lot 4 to extend to the southwest corner, the applicant complying with Walt Bauer's report dated May 5, 2011, and the establishment of a homeowners association to maintain the stormwater management area. Mrs. Rovinsky seconded the motion. The result of the voting is as follows:

AYES: Mr. Brady, Mrs. Rovinsky, Mr. White, Mr. Singer, Mr. Diehl and Cathel.

NAYS: Mr. Porreca (proposal would create an unfavorable precedent to the township's reverse frontage ordinance).

ABSTAIN: Mr. Catrambone.

The motion was carried; so ordered Mr. Brady.

At that time, Mr. Jordan and Mr. Pettit resumed their roles as the Planning Board Engineer and Planner and Mr. Miller stepped down as the Board's Engineer and left the meeting.

*The Board took a five minute recess.*

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**PUBLIC HEARINGS**

2. Calvary Temple of Assemblies of God, Inc.  
PP2011-3  
317 Conrow Road – Block 83, Lots 26 & 26.01  
Preliminary & Final Site Plan w/Bulk Variances  
Applicant Requesting Submission Waivers

Alan Ettenson, the attorney for the applicant, indicated that the applicant was requesting preliminary and final site plan to permit the addition to an existing church. He stated that the applicant was requesting submission waivers for the required Environmental Impact Statement and the Traffic Impact report.

Mr. Ettenson requested that the following witnesses be sworn to testify concerning the request for submission waivers:

1. Pastor Paul Jackson, Lead Pastor of Calvary Church
2. Jeffrey Richter, Applicant's Engineer

Mr. Singer noted that his daughter was a student of Tot's, which is a tenant of the applicant but was not official part of the church. He indicated that he was also a resident of Conrow Road. Mr. Siciliano suggested that those issues should not create a conflict however it should be disclosed to the applicant.

Mr. Ettenson requested that a copy of the site plan be marked as exhibit "A-1"

Pastor Jackson testified that the bulk of the activity of the site, which is currently a church, occurs on Sunday between 9am-12:30pm. He stated that the church is currently averaging an attendance of 350 on Sundays. He indicated that according the Fire Marshal the church only seats 245 people but in actuality the church only has 210 chairs. He noted that currently there were two services held on Sundays with one being at 9am, which lets out at approximately 10:20am and the second service being held at 11am, which lets out at approximately 12:20pm.

The Board noted that Methodist church and the Holy Name church were also located on Conrow Road and also held services on Sundays. Mr. Brady indicated that he attends the Holy Name church and at times when they get out of church he may be sitting in front of the driveway for Calvary Temple on Conrow Road for some time waiting to turn onto Hartford Road. He suggested that it would be unfortunate if an emergency vehicle needed to get down Conrow Road at that time and was unable to do so.

Pastor Jackson stated that the new proposed addition would allow for total seating of 390 seats. He anticipates only 80% of capacity at any given church service. He indicated that it was goal of the church to remain under two services.

The Board estimated that there would be approximately 1 car for every 3 additional people, which would provide approximately an additional 30 cars per service.

Mr. Singer made a motion to require the applicant to submit the required traffic impact study. Mr. Diehl seconded the motion. The result of the voting is as follows:

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2. Calvary Temple of Assemblies of God, Inc.  
PP2011-3  
(Continued)

AYES: Mr. Singer, Mr. Diehl, Mr. White, Mr. Cathel, Mr. Porreca, Mr. Catrambone, Mrs. Rovinsky and Mr. Brady.

NAYS: None.

The motion was carried; so ordered Mr. Brady.

The Board suggested that when the applicant prepares the required traffic study that they specifically review the traffic during the times when functions would be held at the church.

Mr. Richter stated that they had their environmental specialist visit the site and there were no wetlands on this particular property however there were wetlands in the wooded areas near the site. He suggested that there would be no impact to the wetlands since the buffers generally don't jump over the roadways. He testified that the applicant would be bringing the site into conformance with the proposed drainage for this application. He noted that there was an onsite septic system for the office building and the church building and would be proposing to install a pump station and tie into the sewer system along Hartford Road. He indicated that the applicant has already obtained easements to run the sewer lines from the adjacent property owners and there were no wetlands on those properties. He added that it was the applicant's intention not to disturb the existing trees on the property other than a few trees in the back of the property to allow for the construction of the parking lot.

Mr. Richter testified that that it was his opinion that there would be no negative environmental impact as a result of the application and that he felt the application would make the site better for the environment given the improvement to the drainage and the elimination of the septic systems.

The Board noted that the current impervious coverage for the property was 32% and the increased impervious coverage would bring the property to 69%, which exceeds the amount permitted by ordinance of 60%.

Mr. Brady questioned whether the applicant has evaluated whether the pumping station on Hartford Road has the capacity for the additional sewer system. Mr. Richter stated that the applicant has not evaluated the capacity of the pumping but has had discussions with the Township Engineer and they did not mention any issue during those discussions.

Mr. Brady noted that this area was one of the few remaining undeveloped areas within the township and provides a habitat for a variety of wildlife. He expressed that he did not want to see any additional development create a negative environmental impact within the area.

Mrs. Rovinsky made a motion to require the applicant to submit the required Environmental Impact Statement. Mr. Singer seconded the motion. The result of the voting is as follows:

AYES: Mrs. Rovinsky, Mr. Singer, Mr. White, Mr. Diehl, Mr. Cathel, Mr. Porreca, Mr. Catrambone and Mr. Brady.

NAYS: None.

The motion was carried; so ordered Mr. Brady.

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2. Calvary Temple of Assemblies of God, Inc.  
PP2011-3  
(Continued)

The Board noted that the application was being certified as an incomplete submission until the applicant provides the required traffic impact study and environmental impact statement and a public hearing would not be held until those required items are provided. The also noted that the required items must be provided at least 15 days prior to any scheduled hearing.

3. Hartford Corners 4 Corporation c/o Invesco Real Estate  
Dooney's Pub & Restaurant  
PP2011-5  
1361 Fairview Boulevard (Suite F) – Block 120, Lot 14.01  
Amended Site Plan w/Bulk Variances  
Applicant Requesting Submission Waivers

Frank Wisniewski, the attorney for the applicant, indicated that the applicant was requesting minor site plan approval to permit the applicant to remove some existing paving and replace it with a 520 sq.ft. patio to be used for outdoor seating for Dooney's Restaurant. He stated that there would less impervious coverage as a result of the application. He noted that this was an existing developed shopping center and the applicant was requesting submission waivers and those items would not provide any additional information sufficient to this applicant's proposal.

Mr. Wisniewski stated that the applicant was requesting the following submission waivers:

1. Proposed clearing limits (checklist #30)
2. Drainage calculations (checklist #33)
3. Spot and finish elevations (checklist #36)
4. Lighting plan an details (checklist #40)
5. Traffic impact report (checklist #49)
6. Existing and proposed signs and fencing details (checklist #50)

Mr. Wisniewski suggested that there was no additional clearing being proposed as a result of this application. He suggested that the difference in drainage was minimal. He indicated that there was change to the spot and finish elevations or to the lighting plan. He noted that there was no changes to the traffic coming to the facility. He stated that the applicant was not proposing any changes to the signs or fencing details except for the additional of a small railing around the patio and those details would be provided. He added that the sign would be moved as a result of the proposed alteration since the existing sign would be blocked by the proposed column.

Mr. Wisniewski suggested that the following items could be submitted with the revised plans as a condition of any approval:

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1. Seal on the plans (checklist #7)
2. Key map from official Tax Map (checklist #9)
3. Date of property survey (checklist #15)
4. Minimum zoning setback lines and lot frontage dimensions (checklist #21)

Mrs. Rovinsky made a motion to grant the requested submission waivers for checklist item #30, 33, 36, 40, 49 and 50 and determine that the application was complete. Mr. Cathel seconded the motion. The result of the voting is as follows:

AYES: Mrs. Rovinsky, Mr. Cathel, Mr. White, Mr. Singer, Mr. Diehl, Mr. Porreca, Mr. Catrambone and Mr. Brady.

NAYS: None.

The motion was carried; so ordered Mr. Brady.

Mr. Wisniewski stated that the proposed patio will be constructed of a concrete material. He indicated that the pillars that connected to the railing in the front of the building would like the same as the existing brick on the façade of the building. He agreed to relocate the gate referenced in Fire Official's letter as creating a conflict with the door so it would no longer create a conflict. He noted that there would be a total of 140 parking spaces (including five handicap spaces) from the existing 146 spaces on the lot as a result of proposal. He added that the tree being removed would be relocated in another area and in the event the tree does not survive the relocation a new tree would be planted in that location.

Mr. Pettit noted that the applicant was required to provide an additional 11 parking spaces under the terms of the ordinance due to the number of seats being provided. Mr. Wisniewski noted that the patio would only be used seasonally and weather permitting. He suggested that the additional seating would not generate additional customers but would simply give the existing customers a different seating location option. He reminded the Board that there were currently cross-easements in places for the parking lot, which gives everyone the right to use the parking spaces on another lot to accommodate the overflow of parking. Mrs. Curry reviewed the prior history of the shopping center and noted that originally the applicant obtained site plan approval under the one lot and the applicant later filed a subdivision application and at that time the cross-easements were put into place.

Mr. Catrambone questioned whether the Board had any recourse concerning the noise situation which may occur given that the outdoor seating area could affect the residents of Ashley Crossing. Mr. Wisniewski suggested that there would not be enough noise generated to create a problem for the residents in Ashley Crossing and that the building would act as buffer for any noise that may be generated. Mr. Catrambone acknowledged that this would likely be the best location for the outdoor seating since it was located in the front of the building and Ashley Crossing was located to the rear of the building and giving the large buffer located behind the building.



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3. Hartford Corners 4 Corporation c/o Invesco Real Estate  
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PP2011-5  
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Mr. Pettit reviewed his report dated May 2, 2011. He noted that Burlington County Planning Board approval would be required for this project. He requested that the revised plans included all the details that have been submitted via e-mail since his letter was generated including the fence details for the patio area.

Mr. Jordan noted that most of his issues have been addressed by the applicant. He questioned whether a technical variance is required given that the impervious coverage is being reduced but is still considered nonconforming to the ordinance of the township. Mr. Siciliano agreed that a technical variance would be required for the impervious coverage. He suggested that the plans should note that the property lies outside of the 100 year flood plain area. He recommended that the paving be the same thickness as what currently exists. He indicated that any issues dealing with the codes on handicap accessibility be reviewed by the Construction Official.

Mr. Wisniewski agreed to have the applicant provide a note on the plan that the property was located outside of the 100 year flood plan. He also agreed to provide a note on plan indicating the thickness of the paving.

Mr. Wisniewski requested that the following witnesses be sworn in to testify before the Board:

1. James Dooney, Owner of Dooney's Pub & Restaurant
2. Scott Kennel, Traffic Expert
3. John Thomas, Property Manager

Mr. Dooney stated that the hours of operation would be Sunday through Thursday until 11pm and until either 12am or 1am on Friday and Saturday based upon the volume of business. He suggested that the business would be considered more of a restaurant than a bar. He indicated that the outdoor seating would be used for overflow and another option for customers to sit. He testified that there would be no outdoor music but would have background music inside the restaurant along with a number of televisions.

Mr. Kennel indicated that the national standard for shopping centers was for 3 spaces for every 1,000 square feet of space with Delran requiring 5 spaces for every 1,000 square feet. He stated that when he observed this shopping center from 4pm-8pm on Friday and Saturday the maximum parking ratio during the time of 4pm-5pm for this lot was less than 3 spaces for every 1,000 square feet and later in the evening when the restaurant would increase their activity the demand for parking was less than 2 spaces for 1,000 square feet.

Mr. Kennel reminded the board there was an additional 250 parking spaces located on the lot immediately adjacent to this property and they observed only approximately 50 – 60 parking spaces being occupied by those buildings. He stated that it was his opinion that 130 parking spaces should be sufficient given the types of uses on the lot, which would comply with the requirement of 5 spaces for every 1,000 square feet.

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Mr. Pettit questioned whether the proposal complies with the parking easement provided, which states that each parcel shall maintain a parking ratio of 4.5 spaces per 1,000 square feet of retail area plus 1 space for everyone 3 seats of restaurant use and 1 additional space for every employee. Mr. Wisniewski stated that it was his understanding that the owner has approved the proposal along with everyone else involved and that it was acceptable. He noted that there were approximately 170 seats located inside the restaurant. Mr. Pettit suggested that based upon the number of seats for the restaurant (indoor and outdoor) and the remaining square footage of the existing building as a retail shopping center would require a total of 161 total parking spaces.

Mrs. Rovinsky questioned who was going to be responsible for maintaining the proposed landscaping. Mr. Wisniewski stated that the landlord would be responsible for maintaining the landscaping.

Mr. Thomas suggested that the existing tenants in that area of the shopping center were anxious for the property owner to bring in a significant anchor to pull in additional business to their stores. He stated that he was uncertain of any regulation that would prohibit smoking on the patio. He noted that other tenants would go outside to smoke. He indicated that the center and perimeter of parking lot is cleaned by street sweepers. He testified that snow removal would be handled by both Dooney's and the shopping center to ensure there were no potential hazards at the site.

Mr. Wisniewski agreed to a conditional of any approval that any tenting, awnings or enclosures with the exception of umbrellas will not be added without the approval of the township. Mr. Thomas noted that the owner does not allow other tenants to change even the color of their awnings and that tenants are required to meet their standards.

Mr. Catrambone questioned whether there were other means of ingress and egress for the public to the restaurant. Mr. Dooney stated that there were two public entrances to the restaurant, one being through the patio and other separate entrance also located in the front of the building.

At that time, Mr. Brady opened the meeting to the public for any comments or questions concerning this application. There being nobody present from the public to testify on this application, Mr. Brady closed the public portion of this application.

Mr. Cathel made a motion to grant the requested amended site plan along with a variance for the number of parking spaces and amount of impervious coverage, subject to the applicant moving the existing tree, moving the location of the existing sign, no awnings or temporary covers be installed without approval with the exception of umbrellas and all requested revisions and recommendations by the Board's professionals be completed. Mr. White seconded the motion. The result of the voting is as follows:

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AYES: Mr. Cathel, Mr. White, Mr. Singer, Mr. Diehl, Mr. Porreca, Mr. Catrambone, Mrs. Rovinsky and Mr. Brady.

NAYS: None.

The motion was carried; so ordered Mr. Brady.

**MINUTES**

1. Planning Board Regular Meeting – September 2, 2010

The Board noted that the Planning Board regular meeting minutes from September 2, 2010 were not ready to be adopted and were being continued until the next regular meeting scheduled for June 2, 2011.

2. Planning Board Reorganization & Regular Meeting – January 6, 2011

Mr. Cathel made a motion to adopt the Planning Board reorganization and regular meeting minutes from January 6, 2011. Mrs. Rovinsky seconded the motion. The result of the voting is as follows:

AYES: Mr. Cathel, Mrs. Rovinsky, Mr. Diehl, Mr. Porreca, Mr. Catrambone and Mr. Brady.

NAYS: None.

ABSTAIN: Mr. White and Mr. Singer.

The motion was carried; so ordered Mr. Brady.

**MATTERS FOR DISCUSSION**

1. Discussion On Appointment of Conflict Engineer & Planner

The Board discussed the need to appoint a conflict engineer and conflict planning consultants in the event a conflict should arise with an application. They noted that they already appoint a conflict solicitor. They decided they would advise for proposals for the position of the conflict engineer and conflict planner at the time of their next annual reorganization meeting.

**PENDING ITEMS**

1. Barlow Car & Truck Center  
PP2008-5  
1215 Fairview Street – Block 46, Lots 20, 20.01, 21, 22, 23.01 & 24  
Preliminary & Final Site Plan

The Board noted that the application for a preliminary and final site plan was currently certified as an incomplete submission and they were currently waiting for the applicant to submit revised plans for review.

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**ADJOURNMENT**

There being no further business to discuss, Mr. Cathel made a motion to adjourn the Delran Township Planning Board regular meeting of May 5, 2011 at 10:25 pm. Mr. Catrambone seconded the motion. With all present voting affirmatively, the motion was carried; so ordered Mr. Brady.

Respectfully submitted,

Lynn Curry, Secretary  
Planning Board