

**DELRAN TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MUNICIPAL BUILDING
OCTOBER 6, 2011 – 7:30 PM
MINUTES**

The Delran Township Planning Board regular meeting of Thursday, October 6, 2011, was called to order by Mrs. Rovinsky at 7:30 pm., in the Delran Township municipal building.

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

ROLL CALL

Present: Mr. Belin, Mr. White, Mr. Cathel, Mr. Porreca, Mr. Morrow and Mrs. Rovinsky.
Absent: Mr. Singer, Mr. Diehl, Mr. Catrambone, Mr. DeSanto and Mr. Brady.
Professionals: Salvatore Siciliano, Esquire, Board's Solicitor; Raymond Jordan, PE, Board's Engineer; John Pettit, PP, Board's Planner; Jennifer Beahm, PP, Township's Engineer; and Lynn Curry, Board's Secretary.

PUBLIC HEARINGS

1. Redevelopment Hearing
Public Hearing To Determine The Need For Redevelopment

Mrs. Rovinsky noted that public notice of this hearing to determine the need for redevelopment was published in the official newspaper on September 22, 2011 and September 26, 2011.

Ms. Beahm stated that this process was step #1 to determine whether the area of Swedes Run Corporate Center was an area in need of redevelopment. She reminded the Board that she has been working on the Township's affordable housing plan and recently during that process they were able to secure some units from the adjacent Hunter's Glen apartment complex. She noted that the Hunter's Glen along with this area was located within the M-2 zoning district. She indicated that the master re-examination report, which was recently done by the Board, recognized that there were not a lot of large scale vacant parcels within the township and that redevelopment of existing properties would be encouraged. She stated that Council adopted a resolution in July authorizing the Planning Board to investigate whether the area was in need of redevelopment.

Ms. Beahm indicated that originally to property owned by New Jersey American Water Company was included within the study area, however in speaking with the Township Solicitor that property has been removed from the study. She stated that this was not a development plan, which would show how the property would be developed. She suggested that it was early in the process to establish uses and design standards for the area. She testified that it is not recommended or intended to allow the township to take a property under eminent domain as a result of this study. He noted that that the permitted uses that currently exist in the M-2 zone will remain a permitted use. She added that the goal of this study was to provide additional opportunities for the area for property owners to develop their properties.

Ms. Beahm noted that the study is designed to determine whether these properties listed within Swedes Run Corporate Center were considered in need of redevelopment under the statute requirements. She reviewed the statutory requirements with the Board (listed on page 8 of the report). She indicated that the parcel must meet at least one of those criteria's to fall into this category and be included within the study. She stated that there has been case law, which has made it more difficult for municipalities to use the criteria for underdeveloped or unutilized parcels. She testified that of the 25 parcels included in the study, 9 parcels are vacant, 2 parcels are vacant structures and 14 parcels are improved properties having structures on them.

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(Continued)

Ms. Beahm requested that the following items be marked as evidence:

- “B-1” Figure #1 in the study
- “B-2” Figure #5 in the study

Ms. Beahm suggested that all of the parcels meet the criteria of being consistent with the Smart Growth planning principles (criteria H). She indicated that there were 9 parcels, which meet the criteria of being owned by the municipality, the county, local housing authority, redevelopment agency or the property is unimproved or vacant (criteria C). She stated that there were 8 parcels that meet the criteria of being obsolete (criteria D). She noted that 11 parcels meet the criteria of the lack of proper utilization caused by a condition in title or diverse ownership resulting in stagnant or not fully productive condition of the land (criteria E).

Ms. Beahm recommended that the area in its entirety meets the statutory requirements. She suggested that the Board affirmatively vote to recommend to Township Council to move this process forward and Council can at that time adopt a resolution designating the area. She stated that after Council adopts the designation the criteria for the redevelopment area would be established. She noted that the Township could establish the criteria for redevelopment as an overlay, which would be the easiest way to allow existing businesses to continue to use their property under the current M-2 requirements and still encourage the redevelopment of the area.

At that time, Mrs. Rovinsky opened the meeting to the public for any comments or questions concerning this hearing. The following witnesses from the public were sworn in to testify before the Board.

1. Jim Davidson (715 Windsor Drive, Cinnaminson) – He stated that he and his wife owns block 9.06, lot 6, which is located within the area proposed as being designated for redevelopment. He requested some type of guarantee that the M-2 zoning would remain in place. He questioned what types of uses would be permitted that were currently not permitted within M-2 zone as a result of the redevelopment plan.

He indicated that his property was listed as meeting the criteria D in the report. He stated that his building was a pre-engineered building, which was erected in 1991 and approved by the Delran Township Zoning Board. He indicated that there is only 1 small sign on the building. He testified that in December 2008, during an inspection for a certificate of occupancy various items were required to be updated and those updates were performed. He expressed disagreement with the classification indicating that his property is outdated and of obsolete design since the building is also still available today. He suggested that the development could not be classified as being unsafe.

Ms. Beahm reiterated that it was her recommendation that this process be implemented as an overlay and the underlining M-2 zone remain in place. She noted that she can not guarantee that the M-2 zoning would remain in place for an eternity. She stated that it was unknown at the present time what types of uses would be permitted under the redevelopment plan.

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2. Henry Shinn, Vice-President of Tower City Consulting (526 West Grand Avenue, Tower City, PA) – Representing Lenny’s Towing & Recovery Service – He reminded the Board that Mr. Mongo owns two parcels of ground located at the corner of Carriage Lane and Surrey Lane. He indicated that he went before the Zoning Board to construct the pre-fabricated building. He noted that he has begun the designing of the building to be located at the other intersection on the vacant parcel. He requested that they be included in any discussions concerning the redevelopment.

3. Joe Tittermary (2913 Route 130 South, Delran) – He noted that he owns the first property on Route 130 south of Delran Parkway, which contains his home and his business, which has been located there for 31 years. He requested whether this proposal would affect any future sale of his property.

Ms. Beahm suggested that the addition of the redevelopment plan may possibly open up his parcel to additional uses.

4. William Wolf, Esquire (Attorney representing McKesson Corp) – He stated that McKesson is a long term corporate resident of this municipality. He suggested that they own a beautifully maintained piece of property. He indicated that it was the position of his client that all of the properties within the study do not meet the criteria of being in need of redevelopment. He suggested that CME misused certain designations and failed to recognize the definition of the criteria that use the words “and” “or” such as the parcels having vacant ground and that simply only being vacant land does not meet the criteria since it does not meet the remaining portion of the definition. He indicated that criteria H would apply to every property within the state of New Jersey and simply meeting that criteria is not sufficient to be determined an area in need of redevelopment.

Mr. Wolf requested that his client be placed on notice of each step of the process beyond this meeting and requested that his client reserves the right to participate in every stage of this process beyond this meeting. He suggested that the Board adopt a resolution that concludes that this area is not an area in need of redevelopment. He indicated that the area being reviewed as a redevelopment maybe should actually be looked at as an area in need of a zoning change. He suggested that by placing the labels being used it places a burden on the property owner.

Mr. Siciliano noted that any statutory requirements concerning notice to McKesson would be followed by the township and the township would not be required to go above and beyond what was required under the statute.

Ms. Beahm stated that by making simple zoning changes would not provide the benefit to property owners of allowing tax abatement status and other financial benefits that would be available under the redevelopment designation. She reminded the Board that there were other redevelopment zones within the township. She expressed the opinion that by including the property within a redevelopment area does not label the property in a negative way. She suggested that at time of establishing the requirements for the area that the town allow for input from the property owners in order to attempt to benefit the property owners and the community.

5. Dolores Cannon (910 Hubbs Street) – She questioned why the township can’t say at this time that no residential uses would be implemented as part of this redevelopment process.

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The Board reminded the public that this process was still within the early phases and the exact details of any redevelopment has not yet been established. The noted that those details and requirements would be established at a later time in this process after more research has taken place.

There being nobody further to testify before the Board on this matter, Mrs. Rovinsky closed the public portion of this public hearing.

Ms. Beahm suggested that the Board should look at this proposal as the area in whole as opposed to looking at each parcel individually.

Mr. Porreca made a motion to accept the report from CME Associates on the redevelopment area to add the additional lots contained in that report except for block 9.06, lot 5 and determine that area is in need of redevelopment. Mr. Cathel seconded the motion. The result of the voting is as follows:

AYES: Mr. Porreca, Mr. Cathel, Mr. Belin, Mr. White, Mr. Morrow and Mrs. Rovinsky.

NAYS: None.

The motion was carried; so ordered Mrs. Rovinsky.

2. Robert Dorisio, Jr.
PP2011-8
117 Creek Road – Block 119, Lot 23
Minor Subdivision

The following witness were sworn in to testify before the Board on this application:

1. Robert Dorisio, Applicant
2. William Robins, Applicant's Surveyor

Mr. Pettit noted that there were 3 completeness items, which were listed in his report dated October 6, 2011, that need to be addressed before the Board can take action on the actual subdivision application. He indicated that the applicant needs to address checklist item #25 (existing or proposed easement or land reserved or dedicated for public use), checklist item #30 (proposed clearing limits along with existing and proposed contours based on USGS datum to extend 200' beyond the subject track) and checklist item #31 (boundary clearing limits, nature and extent of wooded areas, trees 6" in diameter or greater within the clearing limits and other significant physical features). He stated that the County has indicated that they will require an easement for the maintenance and future widening of Bridge B3.3 and will also require dedication of additional right-of-way. He stated that he would have no objection to the Board granting the requested waivers given the nature of the application subject to the applicant providing the easement and right-of-way details be shown on the revised plans as a condition of the approval.

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PUBLIC HEARINGS

2. Robert Dorisio, Jr.
PP2011-8
(Continued)

Mr. Dorisio stated that the reason for the subdivision was to divide the property and allow the construction of home in the rear of the property without having any neighbors. He stated that if you were looking at the house from the road the proposed dwelling would be located in the back to the left of the existing dwelling.

Mr. Robins stated that an L.O.I. has been issued concerning the wetlands. He stated that the subdivision meets the zoning requirements and no variances were being requested.

Mr. Pettit questioned the feasibility to allow the applicant to construct a home on the property given the amount of wetlands on the property. He suggested that it appears the applicant may be able to construct a small home and use the existing driveway to access the home. He indicated that the County issued a letter requiring a 150' separation between driveways. He reminded the board that in the event the applicant fails to meet any of the zoning requirements at the time of construction, they would be required to obtain a variance at that time.

At that time, Mrs. Rovinsky 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, Mrs. Rovinsky closed the public portion of this application.

Mr. Pettit questioned where the retaining wall on the property would be located after the completion subdivision. Mr. Robins stated that the retaining wall would be located on the larger lot (proposed lot 23.02).

Mr. Jordan questioned how the subdivision would be recorded. Mr. Robins stated that the subdivision would be recorded by deed. Mr. Jordan requested a copy of the proposed legal descriptions for review and a copy of the sanitary sewer easement on the property. He also requested that the applicant show the flood plain boundary as well on the plan. He added that any approval should be subject to the applicant obtaining County Planning Board approval and the applicant coordinating with the Tax Assessor on the lot designation.

Mr. Porreca made a motion to grant the requested submission waivers, subject to the applicant providing the easements and right-of-way dedication as a condition of the approval. Mr. White seconded the motion. The result of the voting is as follows:

AYES: Mr. Porreca, Mr. White, Mr. Belin, Mr. Cathel, Mr. Morrow and Mrs. Rovinsky.

NAYS: None.

The motion was carried; so ordered Mrs. Rovinsky.

Mr. Morrow made a motion to grant the requested minor subdivision. Mr. Porreca seconded the motion. The result of the voting is as follows:

AYES: Mr. Morrow, Mr. Porreca, Mr. Belin, Mr. White, Mr. Cathel and Mrs. Rovinsky.

NAYS: None.

The motion was carried; so ordered Mrs. Rovinsky.

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RESOLUTIONS

1. New Jersey American Water Company
PP2011-7
213 Carriage Lane – Block 9.06, Lot 5
Submission Waivers

The Board noted that the adoption of the resolution granting the requested submission waivers was being continued until the next regular meeting scheduled for November 3, 2011.

2. New Jersey American Water Company
PP2011-7
213 Carriage Lane – Block 9.06, Lot 5
Preliminary & Final Site Plan

The Board noted that the adoption of the resolution granting the requested preliminary and final site plan was being continued until the next regular meeting scheduled for November 3, 2011.

MINUTES

1. Planning Board Regular Meeting – 7/14/11

The Board noted that the Delran Planning Board regular meeting minutes from July 14, 2011, were not ready to be adopted and were being continued until the next regular meeting scheduled for November 3, 2011.

2. Planning Board Regular Meeting – 9/1/11

Mr. Cathel made a motion to adopt the Delran Township Planning Board regular meeting minutes from September 1, 2011. Mr. Morrow seconded the motion. The result of the voting is as follows:

AYES: Mr. Cathel, Mr. Morrow, Mr. Belin and Mrs. Rovinsky.

NAYS: None.

ABSTAIN: Mr. White and Mr. Porreca.

The motion was carried; so ordered Mrs. Rovinsky.

3. Planning Board Closed Session Meeting – 9/1/11

Mr. Cathel made a motion to adopt the Delran Township Planning Board closed session meeting minutes from September 1, 2011. Mr. Morrow seconded the motion. The result of the voting is as follows:

AYES: Mr. Cathel, Mr. Morrow, Mr. Belin and Mrs. Rovinsky.

NAYS: None.

ABSTAIN: Mr. White and Mr. Porreca.

The motion was carried; so ordered Mrs. Rovinsky.

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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 applicant recently submitted revised plans for review, which were currently being reviewed for completeness and this matter was not currently scheduled for a public hearing before the Board.

ADJOURNMENT

There being no further business to discuss, Mr. Porreca made a motion to adjourn the Delran Township Planning Board regular meeting of October 6, 2011 at 9:05 pm. Mr. Cathel seconded the motion. With all present voting affirmatively, the motion was carried; so ordered Mrs. Rovinsky.

Respectfully submitted,

Lynn Curry, Secretary
Planning Board