

**DELANCO TOWNSHIP  
JOINT LAND USE BOARD  
REGULAR MEETING  
MARCH 3, 2009**

Ms. vanGenderen called the meeting to order and led the flag salute.

**Sunshine Statement**

Please be advised that proper notice of this meeting has been given in compliance with the Sunshine Law in the following manner: written notice has been mailed to the Burlington County Times and Courier-Post newspapers and published in the January 3, 2009 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

**Present:** Mr. Taraschi, Ms. Lohr, Ms. Jass, Mr. Lord, Ms. Mader, Mr. Matulewicz, Ms. Moore, Ms. vanGenderen, Mr. Schmitt, Mr. Anastasi

**Absent:** Mr. Martin

**Board Professionals:** Denis Germano, Esq.; Hugh Dougherty, Engineer; Scott Taylor, Planner

**Approval of Minutes**

The following minutes were approved by those Board members eligible to approve them:

January 6, 2009 reorganization & regular meeting minutes

The following corrections were made to the January 6, 2009 regular minutes: Mr. Dougherty recommended deferrals with respect to the Powerhouse completeness hearing, he did not request them.

February 3, 2009 regular meeting minutes

The Class I (Carl Taraschi) and Class III (Marlene Jass) Board members recused themselves from hearing the Powerhouse application and the Abundant Life application because the applicants are requesting use variances.

**New Applications:**

**Powerhouse Equipment & Engineering Co.  
Block 2000 Lot 6.02  
240 Creek Road  
I-2 Industrial Zone  
Preliminary & Final Major Site Plan**

Dennis Talty, Esq. represented Powerhouse. The following witnesses were sworn in by Mr. Germano: Brian Tait, contractor with B. Tait Builders; Paul Stohner, Vice President of Powerhouse Equipment; Mark Malinowski, engineer with Stout & Caldwell; James Miller, professional planner.

Mr. Malinowski appeared as the first witness. He reviewed his qualifications for the Board and was accepted as an expert witness. He is the site designer of the Powerhouse project. Mr. Malinowski described the nature of the parcel and the existing structures and improvements on the parcel. A rendering of the site was marked as Exhibit A-1. A rendering of the building elevations was marked as Exhibit A-2. Mr. Malinowski gave the Board an overview of what was shown on Exhibit A-1. He described the properties surrounding the Powerhouse location and reviewed the existing structures on the

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site and the parking areas. He also reviewed site access, storage areas, stormwater basins, and existing utilities.

Mr. Malinowski described the proposed expansion. The following changes to the property are being proposed: a small building addition to the northeast of the current building that will be used for parts and storage, a covered loading dock area toward the front of the site, the addition of a paint booth, and expansion of the stone yard to provide more room for trucks which would require the stormwater basin be relocated to the rear of the property along Coopertown Road.

Mr. Malinowski stated Powerhouse wanted more room for parts, the covered loading dock would be used for the storage of items before delivery, the increase in parking would bring the property into conformance with the Township's parking ordinance standards, and the existing infiltration basin would be expanded in order to accommodate the increase in runoff and to bring it into compliance with current stormwater management regulations.

Mr. Malinowski reviewed the proposed building elevations on Exhibit A-2. The storage building will not be seen from Creek Road. The covered loading dock would connect the new storage building to the existing building. He reviewed the elevations as they would appear from various directions.

Mr. Malinowski stated that there were no wetlands on the site, and he discussed the improvements regarding stormwater management that the newly configured and relocated basin would bring to the site. Keeping the stone storage yard would reduce runoff by providing more permeable surface. Mr. Malinowski described changes in the grading, vegetation, infiltration basins, and the front parking lot. Mr. Talty asked if the realignment of Creek Road had been accounted for in his design. Mr. Malinowski replied that the realignment had been accounted for and he described how the County was planning to handle runoff from the roadway.

Mr. Malinowski then discussed the entrance to the facility when Creek Road is realigned. The existing entrance will be retained but it will be difficult for large trucks to use that entrance. The County has provided a curb cut for an entrance into the rear stone yard so the large vehicles could enter there. The additional entrance would also help keep the truck traffic away from the residential area. Smaller vehicles would still use the existing entrance. Mr. Malinowski stated that the traffic pattern would be the same with the exception of the Creek Road realignment.

Mr. Malinowski discussed the Delanco Township ordinance regarding the conditional use for outdoor storage of trailers, motor vehicles, and equipment. Powerhouse does not want to pave the stone yard because it is better from a maintenance standpoint. Paving would be destroyed by the heavy equipment. The stone also assists with stormwater control.

Mr. Malinowski described the location of the paint booth and gave a general description of it. He indicated where the paint booth would be located on Exhibit A-1 and described its dimensions. He stated that it would be self contained with its own fire suppression system. It meets all State and local requirements.

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Mr. Talty asked Mr. Malinowski to review his report dated January 9, 2009 which he did. Mr. Germano marked the report as Exhibit A-3. The paint booth specifications were attached to the report as Appendix B.

Mr. Talty next referred to the Taylor Design Group letter of February 3, 2009 (letter sent to the Board was dated January 6, 2009). Mr. Taylor asked that issues with conditional use standards be addressed. Mr. Malinowski provided testimony regarding lot coverage and discussed reasons for not paving the stone yard. There was discussion regarding where work is done on the equipment and that no fluids or other materials would cause any contamination outside. Mr. Germano summarized that the equipment is finished product that is waiting outside to be shipped to purchasers. Mr. Stohner responded that that was correct. Mr. Malinowski provided testimony regarding landscaping, the proposed new entrance, a gate at the new entrance, and existing fencing. Revised plans will be needed to show the new driveway. The new driveway would eliminate three trailer storage spaces and there was further discussion regarding those spaces. Powerhouse had a letter dated February 25, 2009 from the County which gave conditional approval for the driveway. The letter was marked as Exhibit A-5. Mr. Germano also marked a photograph showing landscaping screening as Exhibit A-4. Mr. Malinowski described the screening that was shown in the photograph. Mr. Stohner provided testimony regarding equipment size and shipping, the process used for painting equipment and storing paint, how many shifts were being run, and parking. Mr. Malinowski provided testimony regarding landscaping, proposed lighting, and stormwater basin.

Mr. Talty moved on to the Pennoni Associates review letter of January 30, 2009. Mr. Stohner provided testimony regarding deliveries, the use of dumpsters, the new canopy over the equipment storage area. Mr. Malinowski provided testimony regarding the site triangle and the impact of the Creek Road realignment as well as the stormwater basins.

Mr. Tait was called to testify. He reviewed his qualifications for the Board. Mr. Tait provided detailed information regarding the paint booth including the type of unit, specifications, where it would be located, ventilation system, noise levels, odors, and the fire compression system. Mr. Tait indicated where the paint booth would be located on Exhibit A-1.

Mr. Miller was called to testify. He reviewed his qualifications for the Board and was qualified as an expert planner. Mr. Miller described the property zoning, its location, and the current and proposed use of the property. Mr. Miller reviewed the three conditions that were not currently being met under the zoning ordinance. He stated that the applicant was willing to improve the landscape screening. With respect to paving the current stone yard, Mr. Miller testified that the stone was a better surface due to the heavy equipment being moved. Because there are 13 employees offsite, Mr. Miller stated that there was more than ample parking and there was still space to accommodate guests and visitors. He felt all of the deviations from the ordinance were justified.

Mr. Miller discussed the negative criteria. He stated that the three conditions were pre-existing. He did not believe there was any detrimental impact because the applicant is going to enhance the buffer so the screening objectives will be met; the crushed stone is a better surface than paving; there is no detriment because of the parking because it is more than adequate given the use. From a planning standpoint these

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are positive impacts because the facility would be operated in a much more efficient manner without any detriment to the surrounding neighborhood.

Ms. vanGenderen opened the hearing to the public.

**Public comment:**

Marlene Jass, 4 McCay Way—Ms. Jass wanted to thank Powerhouse for the fine job they have done with their building. She asked for information regarding the ventilation shaft and the compressor for the paint booth, the new concrete pad, the type of material used for the canopy, and the number of forklifts. Mr. Stohner and Mr. Tait responded to her questions. Ms. Jass expressed concerns about adequate buffering and trucks making the turn into the property. Mr. Taylor suggested that a field inspection of the buffering would be appropriate.

John Rahenkamp, 1700 Second Street—Mr. Rahenkamp stated that Powerhouse is a good neighbor, they did a beautiful job on the front of their building, and the property is well maintained. He asked that evergreen trees be preserved and mentioned that having their trucks use the new County road (Creek Road realignment) will be a big plus. He felt that anyone doing positive business on Creek Road deserved to be pushed as fast as possible. Mr. Taylor agreed with Mr. Rahenkamp.

Jim Hendrick, 821 Coopertown Road—Mr. Hendrick's property borders the west side of the Powerhouse property. He asked about a better visual barrier on that side of the property. Mr. Dougherty stated that there is a sanitary sewer there so any plantings would need to be kept out of the sanitary sewer area. There was further discussion regarding appropriate buffering. Mr. Taylor suggested that a report be provided to the Board before the April meeting with a proposal based on input from the applicant, Mr. Hendrick, and the Board professionals.

Carl Taraschi, 55 Pennington Court—Mr. Taraschi asked for information on the fire suppression system for the paint booth and the possibility of an explosion. Mr. Tait responded to his questions.

Randy Johnson, Delanco Fire Marshall—Mr. Johnson stated that Powerhouse runs one of the cleanest businesses he has been involved in inspecting over the years. He is familiar with the paint booth and it is a good system.

Ms. vanGenderen closed the hearing to the public.

Ms. Lohr asked if paint waste would be discharged into the sanitary sewer system. Mr. Tait answered it would not. There is no drain in the paint booth. Ms. Lohr asked about COAH fees. Mr. Germano responded that one of the standard conditions of approval was that the applicant pay the COAH impact fee at the time the building permit is issued. Ms. Lohr also asked about the sewer connection fee owed by the applicant. Mr. Germano reviewed the situation for the Board. Payment of this fee will be a condition of approval. Mr. Talty reported that a meeting has been scheduled on March 13 to address this matter.

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Mr. Taylor summarized that the applicant would be requesting a conditional use variance from three specific conditional use standards including not paving the storage area where paved storage areas are required, for less than strict compliance with the onsite parking requirement of the ordinance, and for the existing condition where the buffer condition does not comply with the ordinance requirement. Mr. Taylor and Mr. Dougherty summarized the following conditions of approval:

1. Compliance with the January 6, 2009 Taylor Design Group report.
2. Compliance with the January 30, 2009 Pennoni Associates report.
3. Amending the application to include a new driveway onto the realigned portion of Creek Road subject to a configuration agreeable to the Board engineer.
4. Providing supplemental buffering along the realigned portion of Creek Road.
5. Providing a gate that is set back a minimum of 60 feet or other dimension that is determined necessary by the engineer to provide an opportunity for tractor trailers to pull off of the realigned portion of Creek Road. The gate will have some screening to minimize views to the rear of the site.
6. In substantiating the request for an unpaved storage area, there will be no work performed on equipment in that area and there will be no fluids in the equipment that is located on the stone areas.
7. The applicant demonstrated compliance with all the conditional use standards except for the three previously discussed.
8. Move the northwest dumpster further from the new driveway to minimize views.
9. Preserve trees and "limb up" if possible within any site triangle areas as acceptable to the County.
10. Proposed building materials will match the existing building structure generally in materials and color.
11. Provide additional evergreen trees near the southwest corner of the building to block views from Newton's Land and from the existing Creek Road subject to a field inspection.
12. Provide additional buffering along the western property line common with the existing residential use to the extent agreeable to the Board professionals, the applicant, and the resident.
13. Revised plan would indicate the new revised driveway and also the location of the existing dumpsters.
14. The applicant agrees to comply with the applicable COAH fee requirement prior to the issuance of any building permits.
15. The applicant agrees to comply with the sewer connection fee requirement prior to the issuance of any building permits.
16. Provide performance and maintenance guarantees.

A motion was made by Ms. Moore that the Board grant the conditional use variance addressing the three unmet standards identified as parking, landscaping, and paving as well as preliminary and major final site plan approval. Mr. Lord seconded the motion.

Those voting in favor: Ms. Lohr, Mr. Lord

Ms. Mader stated she found Mr. Miller's testimony to be very convincing

Mr. Matulewicz, Ms. Moore, Ms. vanGenderen, Mr. Schmitt

Those voting against: none

Ms. vanGenderen ordered a recess at 9:29 PM. The meeting resumed at 9:41 PM.

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**Abundant Life Fellowship, Inc.—Living Springs project  
Block 2200 Lots 2.01 & 3  
Route 130  
C-3 Highway Commercial Zone  
Preliminary Major Site Plan, Preliminary Major Subdivision, Bulk & Use Variances**

**Completeness Determination**

Mr. Dougherty reviewed his letter of February 27, 2009 regarding completeness. He stated that the applicant had submitted a number of checklists. No waivers were requested by the applicant. Mr. Dougherty reviewed pages 3 and 4 of his letter and made comments regarding each item. He recommended that the application be found complete with 9 deferrals.

Ms. vanGenderen asked for a motion from the Board for a completeness determination on the application. A motion was made by Ms. Mader. Ms. Moore seconded the motion.

Those voting in favor: Ms. Lohr, Mr. Lord, Ms. Mader, Ms. Moore, Ms. vanGenderen, Mr. Schmitt

Those voting against: Mr. Matulewicz felt the Environmental Impact Statement and the Letter of Interpretation from the NJDEP on this site were critical components and they should have been ready at this stage.

**Hearing**

George Kroculick, Esq. represented Abundant Life Fellowship. Mr. Kroculick provided exhibits that had been prepared by Brian McMorrow of Bohler Engineering. Mr. Germano marked them as exhibits A-1 through A-10. Mr. Germano swore in Mr. McMorrow and the Reverend Aubrey Fenton as witnesses.

Mr. Germano announced that notice of the application was done in a timely manner and went to everyone who should receive it. The Class I (Carl Taraschi) and Class III (Marlene Jass) members of the Board did not participate in the hearing because the applicant is requesting a use variance.

Mr. McMorrow reviewed his qualifications for the Board. He reviewed Exhibits A-1 and A-2 which showed aerial views of the property. He discussed the current and proposed zoning of the property. Mr. McMorrow continued his review with Exhibits A-3, A-4, and A-5. Exhibit A-5 showed the existing conditions on the property. Mr. McMorrow discussed details regarding the water features and the Letter of Interpretation that is pending from the NJDEP, vegetation, access drives and parking lots, existing structures, and drainage. Exhibit A-6 showed the same view as Exhibit A-5 with all of the proposed redevelopment shown. Mr. McMorrow discussed access to the property, sidewalks and pedestrian paths, residential units, commercial buildings, and parking. Mr. McMorrow reviewed Exhibit A-7 which illustrated areas of the site where additional parking could be constructed if necessary, Exhibit A-8 which showed the proposed various utilities in different colors, Exhibit A-9 which showed proposed fire lanes, and Exhibit A-10 which was a tentative subdivision plan. He noted that Holiday Lake would be used for stormwater management. Mr. McMorrow pointed out that if the new zoning ordinance is adopted there will be need no need for variances for the subdivision.

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There was discussion regarding waterfront development, making application to Edgewater Park, discussions with the County regarding the Rancocas greenway, the 8 duplex homes on the plan, and pedestrian access to Pennington Park. Mr. McMorrow concluded his testimony.

Ms. vanGenderen announced that a special meeting has been scheduled for Tuesday, March 24 at 7 PM to continue the hearing of the Abundant Life application. The meeting will take place at the Delanco Township Municipal Building.

Mr. Taraschi and Ms. Jass rejoined the Board on the dais.

**Meeting Opened to the Public**

Ms. vanGenderen opened the meeting for public comment.

**Public comments:**

Ed Devinney, 100 Union Avenue—Mr. Devinney provided the Board with a letter regarding “Better nighttime illumination, dark skies” along with a CD which provided information, including a model ordinance, about the goal of good lighting. Mr. Taylor stated that Delanco Township already had an ordinance regarding lighting and discussed details about the issues. There was further discussion about this topic.

Since there were no further comments Ms. vanGenderen closed the meeting to the public.

**Correspondence**

Mr. Taylor discussed his draft letter of February 17, 2009 to the County Engineer regarding the Creek Road & Coopertown Road realignment and the need for sidewalks and street trees. Ms. Martin was directed to put the letter on letterhead for Ms. vanGenderen’s signature.

Mr. Germano reported that he had sent Mr. and Mrs. William Fishburn a letter detailing what they need to do to appeal their escrow fees. There was further discussion regarding the Fishburn escrow account in particular and the collection of escrow fees in general.

**Adjournment**

A motion to adjourn the meeting was made by Mr. Matulewicz and seconded by Mr. Lord. The voice vote by the Board was unanimous in favor.

Katherine Martin  
Board Secretary

Approved: April 7, 2009