

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING  
MUNICIPAL BUILDING  
MARCH 20, 2012 – 7:00 PM  
MINUTES**



The Delran Township Zoning Board regular meeting of Tuesday, March 20, 2012, was called to order by Mr. Fox at 7:00pm in the Delran Township municipal building.

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

**ROLL CALL**

Present: Mrs. Parento, Mr. Gonzaga, Mr. Taylor, Mr. Vajapey, Mr. Kohli, Mr. Hejnas and Mr. Fox.

Absent: Mr. Smith and Mr. Harley.

Professionals: Mark Asselta, Esquire, Board's Solicitor; Terrence Combs, PP, Board's Planner, Bryan Hall, PE, Board's Engineer; and Lynn Curry, Board's Secretary.

**PUBLIC HEARINGS**

1. Dredge Harbor Boat Center, LLC  
ZZ2011-15  
67 St. Mihiel Drive – Block 1, Lots 6.01 & 32  
Use Variance

Thomas Coleman, the attorney for the applicant, requested that the following witnesses be sworn in to testify before the Board:

1. John Pagenkopf, Applicant's Planner/Architect
2. William Parsons, Applicant
3. Tammy Savidge, Applicant

Mr. Coleman stated that the applicant was requesting a use variance to permit a fitness center at this time and in the event the Board should grant the requested use variance, the applicant will return for site plan approval. He noted that the property consisted of approximately 85 acres and was located within the Harbor zoning district.

Mr. Parsons reminded the Board that the Boat Center has been family run business for 73 years. He stated that the he was proposing to add a fitness center in an attempt order to provide additional business. He indicated that there are other smaller marinas that have small fitness centers. He testified that the property currently contained a swimming pool, a restaurant, the marina along with the additional uses associated with the marina including the sale of fuel, 275 boat slips along with an additional 245 rack storage spaces for boats. He noted that members of the marina were permitted access to the pool and the game room and would permitted access to the fitness center. He said there were currently approximately 450 members for the marina with a maximum of half the members being at the marina on a busy day. He added that the swimming was generally open from Memorial Day to Labor Day.

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1. Dredge Harbor Boat Center, LLC  
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Mr. Parsons stated that the proposed fitness center would be located adjacent to the swimming pool. He indicated that the fitness center would be open the general public in addition to the members. He suggested that the members of the marina would generally use the fitness center during the weekends and the members from the public would generally use the fitness center during the week.

Mr. Pagenkopf requested that the following item be marked as evidence:

1. Exhibit "A-1" – Copy of plan submitted with application titled "Use Variance Exhibits"
2. Exhibit "A-2" – Floor plan

Mr. Pagenkopf stated that the same entrance that services the marina would also service the fitness center. He suggested that the fitness center could accommodate approximately 15-20 people during the peak hours of operation. He indicated that the peak hours would be considered from 6:30 am to 7:30 am and 6:00 pm to 7:00 pm during the weekdays. He agreed with Mr. Parson's assessment that the marina members would generally use the fitness center during the weekend. He noted that the swimming was closed during the winter months. He testified there would be no new impervious coverage as a result of this project other than to change the grade of the existing concrete pad to allow access to the facility.

Mr. Pagenkopf said that the marina members would usually park next to their boat and would then walk to the fitness center from that parking spot rather than have to move their vehicles approximately 200 yards. He testified that the applicant would stripe 16 parking spaces at a 90 degree angle along the swimming pool and fitness center. He suggested that the parking lot design would still provide adequate traffic circulation and emergency vehicle access for the site. Mr. Parsons added that the driveway was originally paved approximately 40 years ago.

Mr. Pagenkopf suggested that the site has sufficient space to accommodate the fitness center. He indicated that the use will provide additional tax revenue for the township and provide additional jobs for the residents within the township. He testified that the proposed use would not substantially impair the intent and purpose of the master plan or the township ordinances. He stated that the use would be a benefit to the community since it would help residents in the area provide for a healthy lifestyle. He said the application would allow the applicant to make improvements to an under-utilized building. He added that the Board could review the lighting plan to determine the need for additional lighting to the site at the time of site plan approval.

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1. Dredge Harbor Boat Center, LLC  
ZZ2011-15  
(Continued)

The Board questioned whether the applicant was going to put a limit on the number of members for the fitness center. Mr. Parsons stated that he does not have an exact membership number for the fitness center however it was his intension to not allow the use to become out of control. Mr. Pagenkopf stated that the size of the facility would limit the amount of intensity the proposed use could be.

The Board questioned how the applicant handles there sanitary for the property. Mr. Parsons stated that the waste is collected and hulled off site. He stated that he would be installing an additional storage tank to account for the additional usage.

The Board questioned what the hours of operation would be for the fitness facility. Mr. Parsons stated that the fitness facility would open at approximately 5:30 or 6:00 am and would close at approximately 8:00 or 9:00 pm.

At that time, Mr. Fox 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. Fox closed the public portion of the application.

Mr. Vajapey made a motion to grant the requested use variance to permit the fitness center in the Harbor zoning district, subject to the applicant obtaining site plan approval for the project. He suggested that the proposed use would create a negative impact to the township. Mr. Hejnas seconded the motion. The result of the voting is as follows:

AYES: Mr. Vajapey, Mr. Hejnas, Mrs. Parento, Mr. Gonzaga, Mr. Taylor, Mr. Kohli and  
Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

2. Resurrection Parish  
ZZ2012-1  
260 Conrow Road – Block 110, Lot 32  
Use Variance w/Submission Waivers

Timothy O'Brien, the attorney for the applicant, requested that the following witnesses be sworn to testify before the Board on this application:

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**PUBLIC HEARINGS**

2. Resurrection Parish  
ZZ2012-1  
(Continued)

1. Reverend David Stachurski
2. John Dawkins, Applicant's Solar Energy Consultant

Mr. Dawkins requested that the following item be marked as evidence:

1. Exhibit "A-1" – Abstract for the property

Mr. Combs reviewed the outstanding items dealing with the completeness of the application as noted in his report dated February 27, 2012. He stated that the applicant has agreed to submit an updated survey for the property and he has no objection to the Board granting that waiver subject to the applicant submitting that plan. He indicated that the previously approved site plan for the church shows some flood plain and wetland areas on the property however it does not appear the proposed improvements will be located within those areas. He added that he would also have no objections to the Board granting the waiver showing the vehicular and pedestrian circulation plans.

Mr. Hall stated that his office also had no objections to the Boards granting the requested submission waivers.

Mr. Taylor made a motion to grant the requested submission waivers. Mr. Gonzaga seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Gonzaga, Mrs. Parento, Mr. Vajapey, Mr. Kohli, Mr. Hejnas and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

Mr. Dawkins stated that the applicant was proposing to install a ground mounted solar field behind the existing church, which would meet the power requirements of approximately 99% for the church. He testified that the applicant was requesting a use variance since the R-1 zone does not specifically permit a solar field within the zoning district. He suggested that the proposal would not create an impact on the traffic, impervious coverage and would disturb less than 5,000 square feet of soil and therefore the applicant was requesting a site plan waiver.

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Mr. O'Brien reminded the Board that the use was an inherently beneficial use and therefore the applicant meets the positive criteria for the granting of the use variance. Mr. Asselta reviewed the definition of an inherently beneficial use with the Board. He noted that if the applicant meets the definition of an inherently beneficial use the applicant would still be required to meet the negative criteria for the use variance application.

Mr. Dawkins suggested that there would be no negative to the community as a result of the granting this application. He noted that the field would be surrounded by a 6' high chain link fence with two gates. Mr. O'Brien indicated that the proposed solar field would not be visible to the general public given the location of the proposed field.

Mr. Dawkins testified that the company that would install the solar panels would be monitoring them for performance and in the event a problem should occur with the panel that company would maintain the panel. He indicated that the panels carry a 25 year warranty and the inverters have a 15 year warranty with an option to purchase a 20 year warranty. He recommended that the panels be cleaned once a year.

Mr. Dawkins stated that the panels would be facing south. He indicated that the applicant was not proposing any additional landscaping. Mr. Combs noted that the panels would be facing in the direction that would cause the least amount of impact to the surrounding properties given the amount of vegetative screening that currently exists on the property.

Mr. Dawkins indicated that the height the panel is installed is generally up to the applicant. He suggested that the panel be installed approximately 2 to 2 ½ about the ground. He stated that they plant a low growth seed mix underneath the panels that only requires maintenance twice a year. He noted that the maximum height of the panel should not exceed 18 feet from the ground. He testified that there would be a very slight humming from the inverter however the noise should not create a negative impact to the surrounding neighbors. He said there would be no glare generated from the panels.

Mr. Asselta suggested that the Board would not have the jurisdiction to waive the site plan approval however they could grant the site plan and waive certain requirements of that approval. Mr. Combs suggested that the applicant provide revised plans for review prior to beginning construction so that they can make sure what is being built is consistent with any approval the Board should grant.

At that time, Mr. Fox 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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2. Resurrection Parish  
ZZ2012-1  
(Continued)

1. Kathleen Selover (11 Sycamore Street) – She suggested that she would be able to see the proposed solar field from her property. She stated that the existing church was currently visible during winter and summer months. She questioned whether the applicant to perform additional improvements to the property under this application other than the proposed solar field. She asked why the applicant has chosen to install the solar field on the ground instead of constructing the panels on the roof. She wanted to know whether the applicant would be required to perform any grading changes to accommodate the solar field. She expressed concern that the applicant was installing a chain link fence, which would only extend 6' above the ground and the ability for that fence to buffer any of the noise generated by the project.

Mr. Asselta stated that the applicant would be locked into performing whatever improvements were testified to and agreed to by the Board under this application. He added that the applicant would not be permitted to perform any additional improvements, which would include the installation of additional antennas, to the property without making a separate application before the Board for approval.

Reverend Stachurski stated the building was approximately 11 years old and they have had to contact roofers to make repairs over the course of time. The Board also noted that the angle of the roof would not provide good southern exposure for the panels, which would be considered optimum circumstances.

Revered Stachurski indicated that no additional grading would be done to the property as a result of this project. He noted that there were currently no additional plans to expand the property or any of the buildings located on that property.

The Board discussed the possibility to requiring the applicant to install additional evergreens to help buffer Ms. Selover's property from the solar field. Mr. Dawkins suggested that any evergreens that were required be positioned closer to Ms. Selover's property to provide a better buffer and so as not to interfere with the amount of sunlight for the solar panels. The Board noted that the solar field would be approximately 208' from Ms. Selover's property. The Board suggested that the applicant could work out a landscaping plan to provide an additional buffer from Ms. Selover's property.

2. Kenneth Fynan (816 South Chester Avenue) – He questioned whether solar fields were more prone to lightning strikes as opposed to an open field. He asked how the panels would affect the rainwater runoff.

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(Continued)

Mr. Dawkins indicated that solar fields were not more prone to lightning strikes since the entire system would be grounded. He stated that the rainwater would simply flow off the panels and continue to run and flow onto the grass as it currently does.

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

Mr. Hall indicated that according to his calculations the panels would have a maximum height of approximately 8' based upon the panels being installed at 23 degrees. Mr. Dawkins stated that the final design of the field has not yet been established and suggested that limiting the height to 8-10 feet may be unreasonable at the present time. He noted that the height of the mounting would not exceed 3'. Mr. Hall suggested that at an angle of 45 degrees the panels would lose the amount of sunlight and would provide a maximum overall height of approximately 9 ½ feet high. The Board discussed limiting the overall height of the panels to a maximum of 12 feet.

Mr. Vajapey made a motion to approve the use variance to permit the proposed solar field and along with the granting of a site plan that would include any submission or design waivers to permit the applicant to install the solar field as testified to at this meeting, subject to the following conditions:

1. The applicant shall provide a copy of the survey
2. The applicant shall provide additional buffering to be worked out by the Board's Planner
3. The overall height limitation for the panels to be no more than 12 feet
4. The satisfactory review of the title report by the Board's professionals
5. The satisfactory review of the revised plans (including construction plans) by the Board's professionals to make sure they are consistent with the Board's approval; and
6. The applicant must pay the required fee for a site plan application.

Mr. Taylor seconded the motion. The result of the voting is as follows:

AYES: Mr. Vajapey, Mr. Taylor, Mrs. Parento, Mr. Gonzaga, Mr. Kohli, Mr. Hejnas and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

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**MATTERS FOR DISCUSSION**

1. Annual Report On Variances & Fee Schedule Report

The Board discussed what recommendations to make to their proposed fee schedule that would bring the bottom line closer to breaking even on the Board's yearly budget. The Board requested that Mrs. Curry come up with a final proposal for the next meeting for the Board to approve at that time.

**RESOLUTIONS**

1. Estate of Albert Fynan  
ZZ2011-14  
816 Chester Avenue – Block 9, Lot 39  
Interpretation/Use Variance

Mr. Taylor made a motion to adopt the resolution granting the requested use variance subject to certain terms and conditions. Mr. Kohli seconded the motion. The result of the voting is as follows:

AYES: Mr. Taylor, Mr. Kohli, Mrs. Parento, Mr. Hejnas and Mr. Fox.  
NAYS: None.  
ABSTAIN: Mr. Gonzaga and Mr. Vajapey.  
The motion was carried; so ordered Mr. Fox.

**ELECTION OF OFFICERS**

1. Nomination(s) of the Zoning Board Conflict/Acting Planner  
Election of the Zoning Board Conflict/Acting Planner

Mr. Kohli made a motion to nominate the firm of CME Associates as the Zoning Board Conflict/Acting Planner. Mr. Hejnas seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mr. Hejnas, Mrs. Parento, Mr. Gonzaga, Mr. Taylor, Mr. Vajapey and  
Mr. Fox.  
NAYS: None.  
The motion was carried; so ordered Mr. Fox.



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1. Zoning Board Regular Meeting – 10/20/09

The Board noted that the regular meeting minutes from October 20, 2009 were not ready to be adopted and were being continued until the next regular meeting scheduled for April 17, 2012.

2. Zoning Board Regular Meeting – 2/21/12

Mr. Kohli made a motion to adopt the Zoning Board regular meeting minutes of February 21, 2012. Mrs. Parento seconded the motion. The result of the voting is as follows:

AYES: Mr. Kohli, Mrs. Parento, Mr. Taylor, Mr. Hejnas and Mr. Fox.

NAYS: None.

ABSTAIN: Mr. Gonzaga and Mr. Vajapey.

The motion was carried; so ordered Mr. Fox.

**BILL LIST**

(See Attached Sheet)

Mr. Hejnas made a motion to approve the Delran Zoning Board bill list for March 20, 2012. Mr. Gonzaga seconded the motion. The result of the voting is as follows:

AYES: Mr. Hejnas, Mr. Gonzaga, Mrs. Parento, Mr. Taylor, Mr. Vajapey, Mr. Kohli and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

**PENDING ITEMS**

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

The Board noted that the application for an amended use variance and subdivision was certified as an incomplete submission some time ago and the applicant has failed to address their completeness issues. Mrs. Curry noted that the applicant was recently sent a violation notice from the Construction Official.

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**PENDING ITEMS**

1. Bee Dee Associates  
ZZ2010-11  
(Continued)

Mr. Vajapey made a motion to dismiss the application without prejudice. Mr. Taylor seconded the motion. The result of the voting is as follows:

AYES: Mr. Vajapey, Mr. Taylor, Mrs. Parento, Mr. Gonzaga, Mr. Kohli, Mr. Hejnas and Mr. Fox.

NAYS: None.

The motion was carried; so ordered Mr. Fox.

2. New Cingular Wireless PCS, LLC (AT&T)  
ZZ2011-6  
8006 Route 130 North – Block 120, Lot 4.01  
Bulk & Use Variance w/Site Plan

The Board noted that the application for a bulk and use variance along with site plan was certified as incomplete submission and they were waiting for the applicant to address the outstanding issues dealing with the delinquent taxes and sewer fees. Mrs. Curry indicated that she has been in contact with the applicant's attorney and they were attempting to have the outstanding issues resolved in time for the next regular meeting.

3. R.D.M.D.  
ZZ2011-9  
23 Hartford Road – Block 120.07, Lot 31  
Bulk & Use Variance w/Site Plan

The Board noted that the application for a bulk and use variance along with site plan was currently certified as an incomplete submission and they were waiting for the applicant to address their outstanding issues.

**ADJOURNMENT**

There being no further business to discuss, Mr. Taylor made a motion to adjourn the Delran Township Zoning Board regular meeting of Tuesday, March 20, 2012 at 9:20pm. Mr. Fox 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