

**DELANCO TOWNSHIP PLANNING BOARD
REGULAR MEETING
JANUARY 9, 2008**

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 7, 2008 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. Ouellette, Mr. Corcoran, Ms. Mader, Mr. Martin, Mr. Matulewicz, Ms. Moore,
Ms. vanGenderen, Mr. Denlinger, Ms. Jass, Mr. Taraschi.

Absent: Mr. Templeton, Mr. Lord.

Old Business:

Fishburn, William
Block 804, Lot 1
1225 Delaware Ave.
R-1 Single Family Residential Zone
Bulk & Use Variances

Mr. Germano advised the Board that the applicant retained an attorney and their attorney has requested that the application be carried until March because he had a conflict and was unavailable for this meeting and for the Board's February meeting. He also requested that it be announced so that it would not have to be advertised again.

Ms. vanGenderen advised the public that the application will be continued at the March 4, 2008 meeting which begins at 7:30PM and that anyone that had been noticed will not be re-noticed and that it is incumbent upon anyone interested in the application to be at the meeting.

New Business:

Robert T. Winzinger, Inc.
Block 1900, Lot 7
900 Coopertown Rd.
I-2 General Industrial
Site Plan Waiver

Ms. vanGenderen advised the public that the applicants attorney was unavailable for this meeting and that the application will be heard at the February 13, 2008 meeting which begins at 7:30PM.

Meeting opened to the Public:

Ms. vanGenderen opened the meeting to the public and since there were no public comments she closed the public portion of the meeting.

Correspondence:

The secretary passed out member lists to the Board members and asked them to verify their information on the list.

Draft Master Plan:

The secretary advised the Board that additional copies of the Draft Master Plan were received along with new maps and that they will be forwarded to the members.

Mandatory Course:

The secretary also advised the Board that a required class for Board members is being held on Saturday and asked if there were any members interested in taking the course.

Mr. Corcoran advised the Board that there will be a class in the Municipal Building before the end of the month on a Saturday and that Board members can also participate in it or in the courses being offered by New Jersey Planners.

Mr. Matulewicz stated that four of the Board members have to be certified by January 18, 2008. The Board members discussed the matter at some length and Mr. Corcoran was to forward additional information concerning the course that is to be held at the Municipal Building to the members by e-mail so that the members that are required to take the course can take it here if they wish to do so.

Comments from the Board:

Ms. vanGenderen welcomed Mayor Ouellette and Mr. Taraschi to the Board.

Ms. vanGenderen advised the Board that there was a letter to the editor in the Burlington County Times that criticized the Delanco Township Joint Land Use Board's approval of the Newton's Landing and River's Edge developments. The article said that the Board has never found a developer that it didn't like. She stated that she drafted and forwarded a response to the Burlington County Times to set the record straight. Both developments were court mandated developments and the Board did not have a say in the density and other aspects of the projects.

Mr. Matulewicz stated that in November he rode through the River's Edge development and noted that there are some new extensive river views on the property through areas that were designated as conservation easements, costal bluffs and bald eagle foraging habitat. They clear cut a lot of mature timber right down to the water, pushed the brush into the water and pushed a lot of the soil into the transition zone and conservation easement. He stated that he reported the incident to the DEP for enforcement. They will be issuing Ryan Homes a notice of violation which will probably involve full restoration of the damage they created and probably a monetary fine.

Ms. vanGenderen asked how they will restore mature trees.

Mr. Matulewicz stated that they plant mature trees. A lot of times the department will meet with the violator and negotiate a lesser penalty. He stated that he will forward a letter concerning the clearing to the enforcement officer, the Township Committee, the Board, the Commissioner of the DEP and the press officer advocating for fines to the full extent of the law.

Ms. vanGenderen asked if the Board can send a similar letter.

Mr. Germano stated that the Board can.

Ms. vanGenderen asked how quickly the DEP will come to a settlement with the developer.

Mr. Martin stated that it would take six months to a year.

Mr. Matulewicz stated that the case officer will be meeting with Ryan homes within the next couple weeks.

Ms. Moore asked if a representative from the Township can be at the meeting.

Mr. Martin stated if they violated the site plan they would have to go before the Town Council. Violation of the State law has nothing to do with the Township but the Township should be represented.

Mr. Germano stated that the Township's remedy would be to prosecute them in Municipal Court for violating the terms of their approval.

Ms. Moore asked if we could stop their work until it is resolved.

Mr. Germano stated that we could not.

Ms. vanGenderen asked if the Township could bring them into Municipal Court.

Mr. Germano stated that the Zoning Officer can bring them in.

Ms. vanGenderen asked Mr. Matulewicz to contact the Zoning Officer concerning the violation and asked if the Board wanted to send a letter to the DEP.

The Board agreed that they would also like to send a letter.

Mr. Denlinger asked if a riverfront property in Delanco that has a house on it can be subdivided so that the non-conforming house is on a smaller lot and the subdivided riverfront portion can be annexed with a property across the street.

Mr. Germano stated that the zoning in that area requires large lots. The subdivision would probably result in an undersized lot and they would need a variance that could be difficult to obtain. The lot across the street is a separate tax map lot and as a matter of law you can't count one as belonging to the other. They are divided by a street.

Mr. Denlinger asked how the property owner would obtain the variance.

Mr. Germano stated the applicant would have to apply for a minor subdivision with a bulk variance.

Mr. Taraschi stated that it would be a self imposed hardship.

Adjournment:

A motion to adjourn the meeting was made by Ms. Moore and seconded by Mr. Matulewicz. All members present voted in the affirmative.

Roseann M. Lameiras
Board Secretary
Approved: 06-11-08