

**DELANCO TOWNSHIP
JOINT LAND USE BOARD
REGULAR MEETING
FEBRUARY 2, 2010**

Mr. Martin called the meeting to order and led the flag salute.

Sunshine Statement

Adequate notice of this meeting has been provided in the following manner: written notice has been given to the Burlington County Times and Courier-Post newspapers and posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting. Written notice was also filed in the office of the Township Clerk and mailed to those persons who have requested copies and who have paid the required fee. The Secretary is directed to include this statement in the minutes of this meeting.

Present: Mr. Lord, Ms. Lohr, Ms. Jass, Ms. Mader (arrived at 7:40 PM), Mr. Martin, Mr. Matulewicz, Ms. Moore, Mr. Taraschi, Mr. Schmitt, Mr. Anastasi

Absent: Ms. vanGenderen

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

Resolutions

**A. Resolution 2010-01
Appointing Board Secretary**

Motion by Ms. Moore, seconded by Ms. Jass to adopt and memorialize Resolution 2010-01.

Those voting in favor: Ms. Lohr, Mr. Martin, Mr. Matulewicz, Ms. Moore, Mr. Taraschi, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Those recusing/abstaining: none

**B. Resolution 2010-02
Appointing Professional Staff**

Mr. Martin had recused himself from voting for an Engineer. This is reflected in the resolution.

Motion by Ms. Moore, seconded by Mr. Matulewicz to adopt and memorialize Resolution 2010-02.

Those voting in favor: Ms. Lohr, Mr. Martin, Mr. Matulewicz, Ms. Moore, Mr. Taraschi, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Those recusing/abstaining: none

**C. Resolution 2010-03
Designating Authority to the Board Engineer to Make Completeness Determinations**

Motion by Mr. Matulewicz, seconded by Ms. Moore to adopt and memorialize Resolution 2010-03.

Those voting in favor: Ms. Lohr, Mr. Martin, Mr. Matulewicz, Ms. Moore, Mr. Taraschi, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Those recusing/abstaining: none

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Approval of Minutes

Approval of January 5, 2010 reorganization and regular meeting minutes

Ms. Jass stated that she had listened to the recording of the meetings held on January 5, 2010. The January 5, 2010 reorganization and regular meeting minutes were approved by those Board members eligible to approve them. The regular meeting minutes were corrected in the second paragraph of page 2 to read "The applicants...have eliminated most of the variances" instead of "all of the variances".

2009 Master Plan Consistency Review

**Ordinance No. 2010-1
Amending & Supplementing Zoning Chapter 110**

Mr. Taylor summarized the ordinance which strikes principal uses permitted in the C-1 District that were conditionally permitted for properties zoned R-6. The ordinance was passed at first reading at the January 11, 2010 Township Committee meeting. Mr. Taylor felt that the ordinance was consistent with the Master Plan because this change was recommended on page 44 of the 2009 Master Plan. Mr. Germano added that the Board did not need to adopt a resolution, a motion was sufficient.

Motion by Ms. Jass, seconded by Ms. Moore to find that Ordinance No. 2010-1 is consistent with the Land Use Element of the 2009 Master Plan.

Those voting in favor: Ms. Lohr, Mr. Martin, Mr. Matulewicz, Ms. Moore, Mr. Taraschi, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Those recusing/abstaining: Mr. Lord, Ms. Jass

Mr. Martin directed the Board Secretary to inform the Governing Body that the Board had passed a motion finding that Ordinance 2010-1 was consistent with the 2009 Master Plan recommendation.

Continued Applications

Thomas & Tammy McFadden

Block 1400, Lot 1

401 Rancocas Avenue

R-6 Zone

Preliminary & Final Major Site Plan, interpretation of zoning map or ordinances & bulk variances for ice cream parlor with "affordable unit" apartment above.

This application was continued from the January 5, 2010 Board meeting. Mr. Germano told the Board that the McFaddens' attorney, Mr. William Ziegler, had contacted him prior to the meeting regarding Ordinance 2010-1. Mr. Germano informed Mr. Ziegler that it was his expectation that the Board would not be hearing the application tonight which was why the McFaddens were not present. Mr. Martin announced that the McFadden application would be continued to the Board's next regularly scheduled

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meeting which will be held on March 2, 2010 at 7 PM in the Delanco Township Municipal Building. Any members of the public who have been previously noticed on this application will not be noticed again and it will be incumbent upon them to be present for the continuation of this application.

2009 Annual Report of Variances & 2009 Annual Report of Application Fees

Mr. Germano advised the Board that the 2009 Report of Variances had to be adopted by resolution. The report catalogs the applications and decisions the Board made over the past year in its role as a Zoning Board. The report provides information to both the Joint Land Use Board and the Governing Body so that there may be recommendations for zoning changes. The Board Secretary had also prepared a report of application fees for the Board's information. Mr. Germano had prepared Resolution 2010-06 in anticipation of the Board's decision to adopt the 2009 Annual Report of Variances.

Motion by Ms. Jass, seconded by Ms. Moore to adopt and memorialize Resolution 2010-06.
Those voting in favor: Mr. Lord, Ms. Lohr, Ms. Jass, Mr. Martin, Mr. Matulewicz, Ms. Moore,
Mr. Taraschi, Mr. Schmitt, Mr. Anastasi
Those voting against: none
Those recusing/abstaining: none

New Applications

Zurbrugg Partnership, LLC

Block 1202, Lots 1.01, 1.02 & 1.03
Delaware Avenue
ZRD Zone—Zurbrugg Mansion Redevelopment District
Final Site Plan Amendment—Project Phasing Plan

Mr. Henry Kent-Smith, Esq. represented Zurbrugg Partnership, LLC. He stated that the applicant was appearing before the Board to obtain approval of a phasing plan for purposes of the posting of their performance bond for the renovation and development work at the Zurbrugg site. The phasing of the project was not discussed during the hearings for the original application. Work is under way at the mansion but the townhouses will not be built in the immediate future. With input from the Board's professionals, the applicant reconfigured the site plan to show the new phases. Improvements required as part of the mansion project are identified as Phase One, and improvements that will follow as part of the townhouse construction are identified as Future Development on the Phasing Plan.

Zurbrugg Partnership also asked the Board to consider the amount of the performance bond required. Because the Phase One bonding is related solely to a low to moderate income housing project, they asked that the Board consider and recommend to the Township Committee that Zurbrugg Partnership only post a bond for 100% of the cost for the improvements and not the 120% maximum amount allowed under Municipal Land Use Law. Mr. Germano pointed out that whatever recommendation the Board may make would only apply to Phase One.

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Mr. Dougherty stated that a staging plan was submitted with the original application. He had originally developed a bond estimate for the whole site. The applicant then raised the question with him of whether the stages would apply for phasing, so Mr. Dougherty broke the estimate into separate stages (Stage I, Stage I Improvements, Future Phase). Mr. Dougherty then raised the issue with the applicant that such a plan had never been approved by the Board. The Board should determine whether the whole site should be developed all at once or if phasing was OK. Mr. Dougherty worked with the applicant's engineer and the applicant. He stated that he felt comfortable with the Phasing Plan (dated 1/8/10) that now shows Phase One Improvements. Mr. Dougherty referred to his letter of February 1, 2010 entitled Revised Engineer's Estimate of Probable Construction Costs. He described the process used in calculating the estimate.

Mr. Taylor asked that the Phase One area on the plan be revised to include the area immediately surrounding the mansion and the handicapped ramps. The applicant agreed to this revision. Mr. Taylor asked that the existing column that was to be restored at the intersection of Willow & Delaware be included in Phase One as well. The applicant agreed.

Mr. Taraschi expressed concern that the full parking lot along Second Street was not included in Phase One and asked if temporary bollards shouldn't be used to delineate the end of the parking area. Randy Cherkas, part owner of Zurbrugg Partnership was sworn in. Mr. Cherkas stated that they are planning to build a gravel parking lot and move the current grass line. There was further discussion regarding delineating the parking area. The applicant agreed to place bollards along the edge of the parking area to prevent people from parking on the grass. The bollards could then be reused for the next phase.

There was further discussion regarding the removal of trees, on site utility improvements, construction parking, and relocating lamp posts. John Rahenkamp, part owner of Zurbrugg Partnership was sworn in and provided testimony regarding the dumpsters for the site.

Mr. Martin opened the hearing to the public and since there were no public comments the hearing was closed to the public.

There was discussion regarding Zurbrugg Partnership's request that the Board recommend to the Township Committee that they be allowed to post less than 120% of the construction costs. Mr. Cherkas discussed the funding of the project and stated that approximately 25% of the project was already completed. He also discussed the cost of the bond. Mr. Cherkas stated that this request only applies to Phase One. They will not come back and ask for a reduction for subsequent phases.

Ms. Lohr stated that she would like to see the Phase One boundaries include all improvements necessary to service the mansion. Mr. Cherkas responded that the plans would be revised to reflect that change. There was further discussion regarding the area surrounding the mansion, the bond estimate, and parking.

Mr. Germano summarized that the Phase One area of the plan would be revised to include the area immediately surrounding the mansion and the handicapped ramp. The column designated in the original

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plan to be repaired will also be included in Phase One. Three bollards will be installed at the end of the Phase One parking area. Mr. Cherkas stated that all of the conditions were agreeable.

Motion by Mr. Taraschi, seconded by Ms. Jass for a final site plan amendment to include a phasing plan with the conditions as read by Mr. Germano.

Those voting in favor: Mr. Lord felt that phasing on a project like this was appropriate

Ms. Lohr, Ms. Jass, Mr. Martin, Mr. Matulewicz, Ms. Moore, Mr. Taraschi, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Those recusing/abstaining: Ms. Mader

Mr. Martin asked if there were any additional comments regarding a recommendation to the Township Committee for 120% vs. 100% bonding. After some discussion the Board decided not to take any action on making a recommendation.

Creek Road Realignment Zoning Study

Mr. Taylor reported that one of the outstanding issues to be resolved was any third round growth share obligation that might be generated by a conversion of the Newton's Landing property from commercial to residential. He discussed the Lesniak Bill that is now before the New Jersey Senate and its impact on Delanco Township's COAH obligations. Mr. Taylor suggested that the Board wait and see what happens with the bill over the next 30 days and then spend some time evaluating the issue in greater detail. The Board agreed to postpone discussion until the March 2, 2010 meeting.

Standards for Granting/Denying Variance

Mr. Germano suggested that this item be removed from the agenda. He will do a review letter explaining the standards to be applied the next time there is a case with a variance. The Board agreed.

Open Meeting to the Public

Mr. Martin opened the meeting to the public and since there were no public comments the meeting was closed to the public.

Comments from the Board

Ms. Jass reported that the Ordinances Subcommittee met last week, and they have another meeting scheduled for February 10.

Adjournment

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

Katherine Martin
Board Secretary

Approved: March 2, 2010