

**DELANCO TOWNSHIP
JOINT LAND USE BOARD
REGULAR MEETING
FEBRUARY 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: Ms. Lohr, Ms. Jass, Ms. Mader, Mr. Martin, Ms. Moore, Ms. vanGenderen, Mr. Schmitt, Mr. Anastasi

Absent: Mr. Taraschi, Mr. Lord, Mr. Matulewicz

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

Resolutions

Resolution 2009-01

Appointing Board Secretary

Motion by Ms. Jass, seconded by Ms. Moore to memorialize Resolution 2009-01

Those voting in favor: Ms. Lohr, Ms. Jass, Ms. Mader, Mr. Martin, Ms. Moore, Ms. vanGenderen, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Resolution 2009-02

Appointing Professional Staff

Motion by Ms. Mader, seconded by Ms. Jass to memorialize Resolution 2009-02

Those voting in favor: Ms. Lohr, Ms. Jass, Ms. Mader, Mr. Martin, Ms. Moore, Ms. vanGenderen, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Resolution 2009-03

Adopting a Comprehensive Amendment to the Township Master Plan

Motion by Mr. Anastasi, seconded by Ms. Jass to memorialize Resolution 2009-03

Those voting in favor: Ms. Lohr, Ms. Jass, Ms. Mader, Mr. Martin, Ms. Moore, Ms. vanGenderen, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Resolution 2009-04

Powerhouse Equipment: Granting Submission Waivers and Deferrals and Declaring the Application Complete

Motion by Ms. Moore, seconded by Ms. Mader to memorialize Resolution 2009-04

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

Those voting against: none

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Resolution 2009-05

Adopting Annual Report of Activity

Motion by Ms. Moore, seconded by Ms. Mader to memorialize Resolution 2009-05

Those voting in favor: Ms. Lohr, Ms. Jass, Ms. Mader, Mr. Martin, Ms. Moore, Ms. vanGenderen, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Master Plan Consistency Review

Ordinance 2009-2 “Design Guidelines”

Ms. vanGenderen asked Mr. Taylor to discuss the design guidelines. Mr. Taylor commented that the design guidelines were part of the grant that had been received by Delanco Township. They are recommended design standards for both residential and commercial uses within the Township. The design guidelines have all been included in the Master Plan that was adopted by the Board in January 2009. The ordinance was introduced by the Governing Body and has been referred to the Board for Master Plan consistency review. Mr. Taylor believed the ordinance was consistent and asked if the Board had any questions.

Ms. Mader asked for clarification of item K. under section 57-4 Building Location and Orientation. Mr. Taylor was not certain about the intent or origin of that item. He noted that the lettering of the items in that section needed to be corrected. Ms. Mader also commented on item C.4. under section 57-8 Architectural Standards. She felt item C.4. was restrictive and had photographs of examples of artificial stone, vertical siding, etc. Ms. Jass felt there was enough flexibility in the paragraph because of the wording “shall be encouraged” and “are not desirable”. There was some discussion about artificial stone. Mr. Taylor revised the paragraph to read “The exterior finish material on all facades shall be encouraged to be brick, wood siding, cementitious fiber siding, real or simulated stone masonry or stucco where possible.” The words “artificial stone” were struck from the last sentence.

Ms. Moore noted a correction to item J. under section 57-8 Architectural Standards. The sentence should read “Buildings with rear facades located at Public Parking lots are encouraged to develop...”. The word “development” is incorrect.

Mr. Taylor referred back to item K. under section 57-4 Building Location and Orientation. He felt that the item should be struck so that the ordinance can move forward. Mr. Germano pointed out that the Board was not rewriting the ordinance. The Board could find the ordinance to be consistent. Mr. Taylor could then come up with a short list of changes. Mr. Taylor stated that once he has a chance to review item K. with his staff he will forward a response to Ms. Martin which will clarify the item.

Ms. vanGenderen noted a correction on page 1 in the third “Whereas” paragraph. The word “and” should be removed from the second sentence. The sentence should read “The program evaluated existing building siting in zoning districts C-1 and C-2.”

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Mr. Martin asked for clarification regarding the purpose of item F. under section 57-7 Parking Standards. After some discussion it was decided that Mr. Taylor would check on that item with his staff.

Ms. Lohr asked about the language in section 57-3. Mr. Taylor responded that the language was meant to be educational. The Board would not need to grant waivers in the event an application does not comply.

Ms. vanGenderen asked for a motion that Ordinance 2009-02 be determined to be consistent with the Master Plan. Motion by Ms. Jass, seconded by Ms. Moore.

Those voting in favor: Ms. Lohr, Ms. Jass, Ms. Mader, Mr. Martin, Ms. Moore, Ms. vanGenderen, Mr. Schmitt, Mr. Anastasi

Those voting against: none

Mr. Germano summarized that the Board was directing Ms. Martin to communicate with the Governing Body that they have made this determination and that Mr. Taylor will supply a list of clarifications for the ordinance.

**Ordinance 2009-04 Establishment of the “Planned Development—Affordable Housing—2”
Zoning District**

Mr. Taylor distributed a revised version of Ordinance 2009-04 and reviewed the history behind it. The ordinance is calling for a modification or renaming of the C-3 Zone along Route 130. The zone is comprised entirely of the Abundant Life Site. The ordinance modifies the permitted uses in that zone to facilitate the development of a mixed use senior affordable housing community. Mr. Taylor reviewed the next steps to be taken to implement the project. He then described three changes that had been made to the ordinance at the Township Committee meeting held on February 2, 2009: (1) The open space requirement was modified from 50% to 30%; (2) the C-3 zoning district was eliminated; (3) the section regarding permitted accessory uses was modified with the addition of language pertaining to schools.

Ms. Mader raised a question regarding the building height of 54 feet. She was concerned about the Township having the necessary fire equipment. Mr. Taylor responded that 54 feet was the height of the current church building. There was further discussion regarding the maximum building height.

Mr. Schmitt raised a question regarding the impact of the project on the school district. Mr. Taylor responded that all of the affordable units would be senior affordable and deed restricted as such. The applicant has agreed to provide a percentage of the units as very low income sites and also another percentage as special needs sites. Those uses are not age restricted. It is possible that there could be a minimal number of children associated with the project.

The Board asked that the Abundant Life representatives make their informal presentation before they voted on the consistency of Ordinance 2009-04. Dan Martin recused himself from the Board at this time.

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Informal Presentation by Abundant Life

George Kroclic, Esq. spoke as a representative of Abundant Life. Mr. Kroclic commented that the Delanco Township Director of Public Safety was in attendance at the Township Committee meeting the previous evening and had heard discussion regarding the maximum building height. He went on to say that Abundant Life was giving the presentation in order to give some reality to the words in Ordinance 2009-04. They were not appearing for an application, but they wanted the Board's input on their conceptual development plan. Mr. Kroclic went on to review a diagram of the site. The diagram showed the planned residential units including one 4-story senior apartment building (100 units total), two 3-story apartment buildings (45 units each), and lakefront cottages (8 units). There were also two commercial buildings planned along Route 130.

Mr. Germano asked if there was any idea of where the very low income units would be located. Mr. Kroclic responded that they would be located in the 4-story senior apartment building.

Ms. Moore asked about access to the site. There was a proposed access point from Route 130 and one from Creek Road.

Mr. Schmitt asked if the State owned property in that area. Mr. Kroclic responded that the State owned wetlands from when the Bridgeboro Bridge was built.

Ms. Jass asked if the very low and moderate units would be integrated throughout the project. Mr. Kroclic responded that they would. The special needs units would be concentrated in one area. There was further discussion regarding the different units. Mr. Aubrey Fenton also participated in the discussion regarding what was planned. Mr. Taylor stated that there will be a very detailed developer's agreement that will spell out all of the requirements for deed restrictions, the provisions for taxation, etc.

Ms. Jass asked for clarification regarding what was meant by "special needs". Mr. Kroclic replied that "individuals with special needs" meant individuals with mental illness, individuals with physical or developmental disabilities, individuals in other emerging special needs groups identified by State agencies.

Mr. Germano asked if the project was a Planned Unit Development as defined by the Municipal Land Use Law. The project has not been identified as a PUD at this time. Mr. Germano asked how long the build out would be. Mr. Kroclic responded the applicant would like to build Phase I very soon with Phase II following shortly thereafter. The 32,000 square foot commercial building was ready to go. That building would be part of Phase I. Mr. Taylor discussed the need for coordination between the Governing Body and the Board to make sure all issues regarding the project are addressed.

Ms. Moore asked about the special needs units. Mr. Taylor stated that he believed Delanco Township would receive a 2 to 1 bonus credit for providing the special needs housing. Ms. Moore asked if Abundant Life had the right to determine what type of special needs people will be housed. Mr. Fenton responded that they can choose the group that they feel they would best be able to help and that Abundant Life and the Township would feel most comfortable with.

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Mr. Germano asked for confirmation on the HMFA (Housing and Mortgage Finance Agency) application deadline. The deadline is April 8, 2009. Abundant Life will need preliminary approval from the Board for their HMFA application. Mr. Germano went on to explain the importance of the consistency review. Mr. Kroculick told the Board that Abundant Life plans to file their application based on the current ordinance. The application can be amended if things move smoothly and the new ordinance is in place at the time of the hearing. Mr. Kroculick asked the Board if it would be possible to schedule a special hearing for the Abundant Life application. Ms. vanGenderen asked if Abundant Life would be appearing at the March 3, 2009 meeting as well as at a second hearing. Mr. Kroculick replied that they would. Mr. Germano asked if the HMFA application required a copy of a resolution granting preliminary approval. Mr. Kroculick responded that he thought yes, they would need a resolution. Mr. Kroculick then asked for a one week waiver of the submission deadline. Mr. Dougherty stated he would not have a problem with the application being submitted after the deadline date. The Board would determine completeness and start to review the site plan at the March 3, 2009 regular meeting. After some discussion it was determined that the special hearing would take place on Tuesday, March 24, 2009 at 7 PM. Ms. vanGenderen stated that she appreciated everyone giving this project priority.

End of Informal Presentation by Abundant Life

Ms. vanGenderen asked if the Board had any other questions regarding Ordinance 2009-04. There was a brief discussion about permitted uses, bulk standards, and a drive-thru as a component of the commercial buildings.

Ms. vanGenderen asked for a motion that Ordinance 2009-04 be determined to be consistent with the Master Plan. Motion by Ms. Jass, seconded by Ms. Moore.

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

Those voting against: none

Mr. Martin rejoined the Board on the dais.

Applications

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

Ms. vanGenderen announced that Powerhouse had an issue with their notice and therefore they would not heard. Mr. Germano announced that if anyone was present for the Powerhouse hearing that the application would be heard at the Joint Land Use Board's regularly scheduled meeting in March. No further notice will be given.

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Meeting Opened to the Public

Ms. vanGenderen opened the meeting to the public.

Public Comments

Mike Templeton, 621 Delaware Avenue—Committeeman Templeton welcomed the returning and new members to the Board and thanked them for their work. Mr. Templeton discussed his letter of February 3, 2009 regarding the Master Plan. Attached to his letter was a two-page list of comments pertaining to corrections that he felt needed to be made to the Plan. Mr. Templeton reviewed a number of those items with the Board. Mr. Martin asked Mr. Templeton if the Township Committee had created or modified any ordinances based on any of the inaccuracies that he had seen. Mr. Templeton replied no. Ms. vanGenderen asked Mr. Taylor to review Mr. Templeton's letter.

Mr. Templeton commented on the Abundant Life presentation. There was no Director of Public Safety present at the Township Committee the previous evening. Mr. Templeton suspected that Mr. Kroclick thought that Mr. Fenimore, Superintendent of the Public Works Department was the Public Safety Director.

John Rahenkamp, 1700 Second Street—Mr. Rahenkamp commented on the following topics:

PSE&G—he had tried to purchase the PSE&G site mentioned in the Master Plan when he was doing Creekside. PSE&G will not give a clean bill of health on the property.

Powerhouse—he would like to see the pine trees remain on that site if possible.

Abundant Life—he supported the Abundant Life effort with their property and thought they had done a good job cleaning up the site.

Master Plan—the historical information is helpful because when you are looking at a variety of different issues it is important information to have. However, he felt that having an historic district would be a disaster. In his experience historic districts wind up devaluing properties because it becomes onerous to improve properties. He did not feel the Township should go that route at all.

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

Approval of Minutes

The following minutes were approved by those Board members eligible to approve them:
December 15, 2008 Housing Element & Fair Share Plan Special Meeting minutes

Miscellaneous Board Business

Authorization of Board Secretary to grant 30-day extensions to Burlington County Planning Board

Mr. Germano explained the situation involving the granting of 30-day extensions and suggested that the Board authorize Ms. Martin to sign the extensions as necessary without having to obtain specific Board authorization for each one.

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Motion by Ms. Moore, seconded by Mr. Martin to authorize Ms. Martin to grant 30-day extensions.
Those voting in favor: Ms. Lohr, Ms. Jass, Ms. Mader, Mr. Martin, Ms. Moore, Ms. vanGenderen,
Mr. Schmitt, Mr. Anastasi
Those voting against: none

Professionals Agreements

Ms. vanGenderen reported that Mr. Martin had gotten back to her with comments that were forwarded onto the Township solicitor. She believed some changes were going to be made and things would be moving forward with the agreements.

Representative to Economic Development Committee

Ms. vanGenderen reported that Mr. Lord had suggested that he would be willing to sit as a representative to the Economic Development Committee.

Motion by Ms. Jass, seconded by Ms. Mader to appoint Mr. Lord as a representative to the Economic Development Committee. The voice vote by the Board was unanimous in favor.

Distribution of Applications to Township Departments

Mr. Germano reported that Ms. Jass had suggested that some applications that go before the Joint Land Use Board should also be reviewed by other Township departments, i.e., the Fire Department, so that input can be given before the Board makes a decision on the application. Mr. Germano suggested that this idea be incorporated into the completeness review. When doing his review, Mr. Dougherty could recommend which Township departments should review the application. Mr. Dougherty responded that he would tailor his letters so that the burden would be on the applicant. The letter would state that they shall provide an application to a specific department for review. Mr. Germano suggested that the Governing Body designate a contact person from the various departments who would review applications.

Mr. Rahenkamp commented that the number of applications required be reduced if the applicant is going to be distributing applications directly to the various Township departments. He also suggested that the Board be more inclusive with regard to the various departments that review major applications.

Testimony of Board Professionals

Mr. Dougherty and Mr. Taylor swore or affirmed that the testimony they will give throughout the upcoming year on the applications that come before the Board will be truthful. Mr. Germano administered the oath.

Creek Road Realignment Update

Mr. Taylor gave a brief update on the realignment of Creek Road. Burlington County confirmed that they are only proposing to construct a curb and asphalt cartway. They are not proposing any sidewalks or street trees as the project is not located within a "downtown" area. Mr. Taylor recommended that the Board or Governing Body draft a letter to the County urging that sidewalks and street trees be included.

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Ms. Moore asked if Mr. Taylor would draft a letter and he responded that he would. Ms. vanGenderen thought that was a good idea.

Correspondence

Correspondence from the Fire Department regarding the Powerhouse application was distributed to the Board.

Comments from the Board

There were no further comments from the Board.

Adjournment

Motion to adjourn the meeting made by Ms. Moore, seconded by Ms. Lohr. The voice vote by the Board was unanimous in favor.

Katherine Martin
Board Secretary

Approved: March 3, 2009