

**DELANCO TOWNSHIP  
JOINT LAND USE BOARD  
REGULAR MEETING  
APRIL 5, 2011**

Ms. vanGenderen 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. Mader, Mr. Martin, Mr. Matulewicz, Mr. Taraschi, Ms. vanGenderen, Mr. Anastasi, Ms. Porter

**Absent:** Ms. Lohr, Ms. Jass, Ms. Moore

**Board Professionals:** Denis Germano, Esq., Attorney, Michelle Taylor, Planner; Justin L. Gibson, Engineer (in place of Hugh Dougherty)

**Resolutions**

**Resolution 2011-05**

**Appointing Board Professionals**

Motion by Ms. Mader, seconded by Mr. Lord to adopt and memorialize Resolution 2011-05.

**Those voting in favor:** unanimous

**Those voting against:** none

**Those recusing/abstaining:** none

**Resolution 2011-06**

**Approving Annual Report of Variances**

Motion by Mr. Matulewicz, seconded by Ms. Mader to adopt and memorialize Resolution 2011-06.

**Those voting in favor:** unanimous

**Those voting against:** none

**Those recusing/abstaining:** none

**Approval of Minutes**

**Approval of March 1, 2011 regular meeting and Executive Session minutes**

Minutes were approved by those Board members eligible to approve them. The regular meeting minutes were corrected in the second paragraph of page 3.

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**New Applications**

**#2011-01 Zurbrugg Partnership, LLC  
Zurbrugg Mansion  
Amendment to Major Site Plan & Subdivision  
Block 1202, Lots 1-11  
531 Delaware Avenue  
ZRD Zone**

**Completeness Determination**

Henry Kent-Smith, Esq. appeared on behalf of the applicant. Mr. Germano swore in William Bodwell, the applicant's engineer, as a witness. Board engineer Justin Gibson reviewed the March 31, 2011 completeness letter prepared by Hugh Dougherty and Robert Hall of Pennoni Associates. There was discussion about the requested waivers. Mr. Gibson stated that if the Board granted the waivers the application could be deemed complete.

Motion by Ms. Mader, seconded by Mr. Lord that the application be deemed complete provided the Board gets needed information from testimony.

**Those voting in favor:** Mr. Lord, Ms. Mader, Mr. Martin, Mr. Matulewicz, Mr. Taraschi, Ms. vanGenderen, Mr. Anastasi, Ms. Porter

**Those voting against:** none

**Those recusing/abstaining:** none

**Hearing**

Mr. Kent-Smith stated that the notice materials had been submitted to the Board secretary and that the applicant was seeking amended preliminary and final site plan approval and reaffirmation of the prior variance granted for the townhomes not fronting on a public street. He discussed how the Mansion has been designated as a National Historic site and that the Park Service had concerns related to the layout of the townhomes on the original site plan. The applicant was back before the Board for review and approval of the site plan changes required by the Park Service.

Mr. Germano swore in Randy Cherkas, Zurbrugg Partnership Managing Partner and Joe Ventresca, Zurbrugg Partnership Partner. Mr. Kent-Smith marked as exhibits a color version of the site plan dated April 23, 2008 and last revised on January 26, 2011, a reduced version of the site plan dated April 23, 2008 and last revised on January 26, 2011 and a reduced version of the original site plan dated April 23, 2008 and revised December 15, 2008.

Joint Land Use Board Planner Michelle Taylor stated that Taylor Design Group was now working as consultants to Moorestown Township. She had recused herself as Board Planner for the Zurbrugg application because they have worked with Mr. Cherkas on several committees and Boards. Robert Hall, Professional Planner with Pennoni Associates, co-signed the March 31, 2011 Pennoni review letter as Conflict Planner.

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Mr. Cherkas stated that there were two main issues the Park Service had raised with respect to the previous site plan: the width of the original units at the front (corner of Delaware & Union) of the property was a concern so the number of units was reduced from three units to two units, and the front units on the Willow Avenue side could not be built in front of the Mansion so they were pushed back and one of the units was moved to the Union Avenue side. These changes have resulted in four units on each side of the Mansion. All are now the same size, the density is the same, the footprint is smaller, and the townhomes are further away from the river. Some of the lot lines need to be changed, but the buildings are still within all the same setbacks. Mr. Bodwell reviewed the following items: setbacks, parking, stormwater management, landscaping including tree preservation, and lighting. Mr. Kent-Smith stated that the applicant will be required to re-file the subdivision plat because there will be new lot lines and spoke about the lots that don't front on a public street.

The March 31, 2011 Pennoni review letter was referenced and the following items were discussed: gravel driveways, stormwater management, concrete driveway aprons, maintenance of the gravel driveways, and revised easements and HOA documents. Mr. Kent-Smith marked Architectural Elevations prepared by J. Randolph Perry Architects dated February 7, 2011 as exhibits. Mr. Cherkas said the purpose of the exhibits was to show the previous elevations and the new elevations side by side and that there wasn't much difference in the elevations. There was discussion pertaining to the elevations.

The review of the March 31, 2011 Pennoni review letter continued and the following items were discussed: lighting, access to the lots not fronting on a public street, plan revisions and note changes, use of the existing gates in the perimeter wall, outdoor cooking/picnic areas, sidewalk and driveway repairs, no parking signs on surrounding streets, preservation of trees and tree locations, revised performance and maintenance guarantees, details of driveway cut throughs including site triangles, size of the trash enclosure, condition of perimeter wall, excavation and blowing of dirt, as-built plans, townhome design standards, Park Service approval and tax credits.

Ms. vanGenderen opened the hearing to the public. All members of the public who spoke were sworn in by Mr. Germano.

Kathleen Choikov, 617 Delaware Avenue—Mrs. Choikov did not think the two units closest to the river should be built because there are too many buildings on the site and those units are too close to the wall. She was not in favor of the gravel driveways and suggested cobblestones. Mrs. Choikov also said there is a lot of noise from the dumpster being emptied early in the morning. Randy Cherkas responded to her comments and said he will contact the trash company about their pick up time.

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

Mr. Kent-Smith made concluding comments and asked that the Board grant amended approval.

There was discussion about using cobblestones or other pavers instead of gravel for the driveways. Mr. Germano stated that he had reviewed the notice paperwork and mailings and everything was done

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properly. He said that relief had been granted previously for the three lots not fronting on a public street and reviewed the criteria for making a decision on that variance. Review of the site plan by the fire department and several of the conditions agreed to by the applicant were also discussed.

Motion by Mr. Lord, seconded by Ms. Mader to approve the amended site plan with conditions.

**Those voting in favor:** Mr. Lord, Ms. Mader, Mr. Martin, Mr. Matulewicz, Mr. Taraschi, Ms. vanGenderen, Mr. Anastasi, Ms. Porter

**Those voting against:** none

**Those recusing/abstaining:** none

The Board took a brief recess at 9:10 PM. The meeting resumed at 9:15 PM and Ms. Taylor rejoined the meeting as Board planner.

**Master Plan Consistency Review**

**Ordinance 2011-13**—For the Establishment of Standards in the Definitions, Amendments to the Use, Bulk and Building Standards in the C-1 Zone District and C-2 Zone District, and Creation of the Live/Work L/W Zone District

**Ordinance 2011-14**—Pertaining to Nonconforming Uses or Structures

**Ordinance 2011-15**—To Permit Limited Light Industrial Uses in the Canvas Shop Area

**Ordinance 2011-16**—To Modify Standards Pertaining to Marinas

**Ordinance 2011-17**—To Implement Various Master Plan Recommendations

**Ordinance 2011-18**—For the Establishment of Definitions and Amending Standards for Street Lighting and Site Lighting

**Ordinance 2011-19**—For the Establishment of Zoning Standards for Site Lighting

**Ordinance 2011-20**—Amending Zoning Map for the District Zone Change from C-1 Zone District and Creating the Live/Work L/W Zone District

**Ordinance 2011-21**—Amending Zoning Map for the District Zone Change from C-1 Zone District to the C-2 Zone District and from the R-6 District to the C-2 Zone District

Michelle Taylor's letter of April 4, 2011 regarding Consistency Review was reviewed and there was a brief period of discussion.

Motion by Mr. Taraschi, seconded by Mr. Matulewicz to find Ordinances 2011-13 through 2011-21 consistent with the Master Plan.

**Those voting in favor:** Mr. Lord, Ms. Mader, Mr. Martin, Mr. Matulewicz, Mr. Taraschi, Ms. vanGenderen, Mr. Anastasi, Ms. Porter

**Those voting against:** none

**Those recusing/abstaining:** none

The Board secretary was directed to notify the Governing Body of the finding of consistency for all of the ordinances.

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**Creek Road Realignment Zoning Study**

Discussion on this matter was continued to the Board's regular meeting of May 3, 2011 which will begin at 7 PM.

**Master Plan Ordinances—Joint Land Use Board Initial Review**

**Ordinance 2011-XX**

**Repealing and Replacing §60-1 and §60-2 “Fee and Escrow Schedule”**

Board secretary Katherine Martin summarized the research she had done in arriving at the recommended changes on the Fee Schedule. She spoke about having to go back to applicants and ask for more money for their escrow accounts. Mr. Germano said he would be removing the requirement that the Township Solicitor needed to approve the escrow agreement. There was discussion regarding item 9 which states that requests for escrow funds must be in writing. Mr. Germano commented that going back to applicants for more money is happening too much. Mr. Germano and Mrs. Martin also said that fees are mentioned in many places throughout the current code instead of all being listed in one place, that inspection fees would be added to the new ordinance, and that there is a problem with developers arguing about the inspection fees for which they were responsible. There was discussion about how to guarantee payment of escrow fees. Mr. Germano will add inspection fees and take out the Solicitor provision.

Motion by Mr. Matulewicz, seconded by Mr. Lord to approve the “Fee and Escrow Schedule” ordinance with changes to be made by Mr. Germano.

**Those voting in favor:** Mr. Lord, Ms. Mader, Mr. Martin, Mr. Matulewicz, Mr. Taraschi, Ms. vanGenderen, Mr. Anastasi, Ms. Porter

**Those voting against:** none

**Those recusing/abstaining:** none

**Ordinance 2011-XX**

**Amending the use and bulk and building standards in the R-6 District**

Ms. Taylor summarized that the intent of this new ordinance was to create standards that more closely match what exists so that residents who want to make improvements to their homes don't have to come before the Board every time they want to do something. There was discussion about uniform zoning requirements and Mr. Germano said he would check with Mr. Heinold on that issue. There was also discussion about how to promote the zoning change so residents know about it.

Motion by Mr. Matulewicz, seconded by Mr. Taraschi approving the R-6 ordinance subject to the concurrence of the Township Solicitor.

**Those voting in favor:** Mr. Lord, Ms. Mader, Mr. Martin, Mr. Matulewicz, Mr. Taraschi, Ms. vanGenderen, Mr. Anastasi, Ms. Porter

**Those voting against:** none

**Those recusing/abstaining:** none

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**Open Meeting to the Public**

Ms. vanGenderen opened the meeting to the public.

Steve Jass, 4 McCay Way—Mr. Jass commented that he was present for the Scenic Resources Protection ordinance discussion at the March 1, 2011 Joint Land Use Board meeting. He said that he had done a little research on how the whole Scenic Resources Protection Ordinance got started and summarized the sequence of events. Mr. Jass went on to say that someone had ignored the no trespassing sign on the Fishburn property and had cut down their bamboo and left it in the street for Public Works to collect. He added that if somebody builds a garage or some other structure he hopes a neighbor doesn't get angry and burn it or knock it down. Mr. Jass commented that the behavior of some residents at the March meeting was out of hand.

There were no further comments so Ms. vanGenderen closed the hearing to the public. The Board discussed their suggestion to the Township Committee about forming a subcommittee to revise the Scenic Resources Protection Ordinance. The lots along Delaware Avenue are unique because a public road runs through private property so that may call for a different ordinance. The Heritage Trail and Rancocas Greenway were also discussed.

**Executive Session**

Motion by Ms. Mader at 10:15 PM, seconded by Mr. Lord that the Board enter into Executive Session to discuss a litigation matter. The Board returned to Open Session and continued the meeting at 10:41 PM.

**Comments from the Board**

Mr. Martin asked if Abundant Life was supposed to put a sidewalk in that connected with the Pennington Park sidewalk along Creek Road and there was discussion on that topic.

**Adjournment**

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

Katherine Martin  
Board Secretary

Approved: May 3, 2011