

**DELANCO TOWNSHIP PLANNING BOARD
REGULAR MEETING
MAY 6, 2008**

Mr. Lord 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, Mr. Templeton, Mr. Lord, Ms. Mader, Mr. Martin,
Mr. Matulewicz, Ms. Moore, Mr. Denlinger, Ms. Jass, Mr. Taraschi.

Absent: Ms. vanGenderen.

Continued Applications:

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

Mr. Lord advised the Board and the public that a continuance was requested and granted and that it will be continued at the June 11, 2008 meeting.

**NVR/Ryan Homes, Inc.
River's Edge at Delanco
Block 500, Lots 1.01 & 2; Block 500.01, Lot 1; Block 500.02, Lots 2 & 2.01
WFD/AH Water Front Development/Affordable Housing Zone
Amended Preliminary and Amended Final Subdivision and/or Site Plan
Approvals for the Inclusionary Development
(Began at 7:38:42PM and ended at 8:14:42PM)**

Tracy Siebold represented the applicant. She advised the Board that she is representing the applicant in the continuation of the process of re-consolidating the lot for building "X" into the original mother lot as a result of the Board's approval of the transfer of the 14 affordable age restricted units to the Zurbrugg Mansion. The redevelopment agreement was agreed upon, signed and has been executed, the agreement between Ryan Homes and Zurbrugg has occurred, the money has been transferred into the escrow agreement and the Court has approved the whole process.

Mr. Germano swore in John Frei the Land Development Manager for Ryan Homes and John Schweppenheiser the applicant's engineer.

Mr. Schweppenheiser stated that River's Edge at Delanco is a townhouse project and about a year and a half ago the area of the project known as Phase III was subdivided from one lot into three lots. Lot 2 which is the mother lot was subdivided into three lots consisting of lot 2.02, 2.01

and 2.2. The purpose of the subdivision was to create a single lot that would house the 14 age restricted COAH units. We plan to recreate the mother lot again. He identified and marked the following exhibits:

Exhibit A-1 – The previous final plat for Phase III.

Exhibit A-2 – The proposed final plat for lot consolidation for Phase III.

He stated that no unit change is occurring and buildings are remaining identically as proposed and a majority of them are under construction. The road system is identical and there are no changes in utilities or parking. We propose to remove the two lot lines and recreate the mother lot consisting of 1.917 acres.

Mr. Taraschi asked if the tax assessor will have to give the lots new lot and block numbers.

Mr. Schweppenheiser stated that as a condition of the approval we will be affirming that this is the correct lot and block.

Mr. Taraschi stated that there will be a cost for the assessor to make the changes.

Mr. Dougherty stated that he reviewed the revised plan dated April 9, 2008 and did a letter dated May 5, 2008. He advised the Board that he had no problem with the Board declaring the application complete and going right into the hearing. They are basically removing the lot lines and going back to a plan that was originally filed with the County. They re-filed a plan that showed a separate lot and they are now removing the lot and re-filing it again. There are some conditions that were tied to the original subdivision and we should make sure that they are still in force or have been met. There were some fees that needed to be paid and there was a tot lot to be constructed.

Mr. Frei stated that the tot lot is under construction.

Mr. Dougherty stated that there was a fee that was associated with market rate units and now that there is 14 more market rate units involved and there is an assessment for recreation for the additional units.

Mr. Frei stated that as part of the last approval they agreed to pay the recreation fee and will comply with the requirement.

Ms. Jass stated that it would be the current recreation fee of \$1,500.00.

Mr. Frei agreed.

Mr. Dougherty stated that the surveyor's certification refers to a plan date that is different than April 9th and advised them that it needs to be consistent when the file is planned.

Mr. Schweppenheiser stated that they agree to change the date and that it also needs to be filed with the County.

Mr. Dougherty stated that the plan appears to be adequate for filing and that he had no objection to the Board declaring it to be complete and granting the amended preliminary and final subdivision approval.

Mr. Taylor asked if there is any need to modify the plans that are being used for bonding purposes and construction inspection by the Township Engineer.

Mr. Schweppenheiser stated that there will be no change to the construction plans. Any change in easements will be reflected on this plan and revised legal descriptions will be done.

Mr. Taylor stated there should be confirmation from Mr. Denton that it doesn't create any issues.

Mr. Schweppenheiser stated that he will send a complete set of plans to Mr. Denton.

Mr. Germano stated that the condominium association that was previously created needs to be undone.

Ms. Siebold agreed and asked that the resolution should state that it is the desire of the Board for it to go back into the original condominium association.

Mr. Germano stated that it can be made a condition of approval.

Mr. Taraschi asked if the applicant could pay \$100.00 per lot to redo the tax map.

Mr. Frei asked if it would be a total for \$300.00 for the three lots that are consolidating into one lot.

Mr. Taraschi stated that he believes that it is for every lot within the block.

Mr. Martin stated that it is in "Section 100-21 B".

Mr. Frei asked if it for consolidation or creation of lots.

Mr. Dougherty stated that it is a tax map maintenance fee associated with a subdivision. It would be for the three lots affected and would be a \$300.00 fee. It may not be adequate to cover the cost of the tax map change.

Mr. Frei stated that he would have no problem complying with the \$300.00 fee.

Mr. Germano stated that there will be a tax map revision fee of \$300.00.

He also stated that Ms. Jass pointed out that there should be a \$1500.00 per lot fee for the 14 market rates units.

Ms. Jass stated that the fee should be whatever the current rate is at this time.

Mr. Taylor stated that the number should be eliminated and that there is a schedule set forth in the ordinance and that it should be the current requirement at the time of Certificate of Occupancy for each unit.

Public Comments:

Edward P. Ovalle – 56 Shipps Way – He asked about the location, number of units and type of units.

Mr. Schweppenheiser stated that it is located in the River's Edge development on Burlington Avenue and that they are townhouse units with two and three bedrooms.

Mr. Frei stated that this is an existing subdivision that was previously approved by the Board and the previous approval created a subdivision of three lots and are asking for approval to consolidate the lots into one lot. Most of the buildings have already been built or are under construction.

Since there were no further comments Mr. Lord closed the hearing to the public.

Comments:

Mr. Templeton stated that the County will be requiring new recycling containers and asked if the applicant can provide the new recycling containers for the development.

Ms. Moore stated that she thought the original approval required them to provide recycling containers and they will have to provide the type of containers that the Township is specifying.

They have been providing the current type of container and we will have to broaden the condition to say whatever containers are required the applicant will provide them.

Mr. Germano stated that it should say "Township required recycling containers".

Mr. Denlinger asked if there is a homeowners association in existence at this time.

Ms. Siebold stated that there are currently two associations, one for the senior building and one for the original development. The senior housing association will be eliminated due to the consolidation and the units in building “x” will become part of the remaining association.

Mr. Denlinger asked if the association is operating or if Ryan Homes is still running things.

Mr. Frei stated that Ryan Homes was never the caretaker of the association and that it was always Gres and Kaluzny. It is his understanding that it is operating and that he believe that they haven’t gone under transition yet and Gres and Kaluzny still has control over the association. We will have to file an amended application to the Department of Community Affairs.

Ms. Siebold stated that it is a condominium association.

Mr. Templeton asked Mr. Taylor what the final number for the growth share for COAH would be for the fourteen market rate units that the project will incur.

Mr. Taylor stated that it is yet to be determined because of rule changes that will be adopted on June 2nd by COAH. They have also modified a new set of rules that will be posted for public comment. He thought that it would be the number specified in the original approval and discussed in the re-development agreement.

Mr. Templeton stated that he is concerned about the growth share COAH units that the Township would have to provide for and if the Township could have some financial assistance with.

Ms. Siebold stated that the growth share generated by the 14 market rate units will be constructed at the Zurbrugg Mansion and the Township will not incur any additional obligation.

Mr. Templeton stated if the plan is not completed the Township would have to provide the 14 units and the growth share from the market rate sales and the townhouse sales on the re-development site.

Ms. Siebold stated that under the re-development plan there are several clauses written in by the Township’s attorneys to make sure that they retain control or ability to for you to revert back to the Township the Zurburgg Mansion. In addition they will gain the funding that Ryan Homes is providing.

Mr. Templeton stated that it barely covers the 14 units and was concerned that the Township will have an additional obligation. 8:09

Motion by Ms. Mader to deem the application complete, second by Ms. Moore.

Mr. Corcoran, yes; Mr. Lord, yes; Ms. Mader, yes; Mr. Martin, yes; Mr. Matulewicz, yes; Ms. Moore, yes; Mr. Denlinger, yes.

Recused: Mr. Ouellette and Mr. Templeton.

Mr. Germano stated that the next motion would be for an Amended Final Major Sudivison with the following conditions:

The applicant will be required to disintegrate the senior citizen condominium association created for the lot.

They will be required to reintegrate the lot into the overall condominium association.

They will be required to pay a \$300.00 tax map revision fee.

They will be required to pay the recreation fee for each of the 14 units at the time that the CO’s are issued the amount of the fee will be determined by the year in which they are issued.

Outside agency approvals will be required.

The applicant will provide all Township required recycling containers.

All taxes on each lot in the subdivision must be current.

Professional reviews fees must be paid.

The applicant will supply Mr. Denton with a set of plans to confirm that there will be no changes in the bonding.

Mr. Taylor suggested that the condition should say that the applicant will revise any site plans and or bonding subject to the requirements of the Township Engineer.

Motion by Ms. Moore to approve the Amended Final Major Suvdivision with conditions stated, second by Mr. Martin.

Mr. Corcoran, yes; Mr. Lord, yes; Ms. Mader, yes; Mr. Martin, yes; Mr. Matulewicz, yes; Ms. Moore, yes; Mr. Denlinger, yes.

Recused: Mr. Ouellette and Mr. Templeton.

New Applications:

**Berger Enterprises, LLC and Hawk Island Marina, LLC
Block 1304, Lot 9; B1306, Lot 1,2,3&4; B2300, L5.01
130 Rancocas Ave.
R-6 Single Family Residential Zone
Preliminary & Final Major Site Plan & Use Variance
(Began at 8:16:46PM and ended at 9:18:23PM)**

Alan Ettenson represented the applicant. He advised the Board that they plan to put in a fueling facility with a 3,000 gallon above ground tank with an underground line that runs down to the ramp where the boats are so that the boats can be filled.

Mr. Germano swore in Mark Malinowski the applicants engineer and John Berger the principal of the applicant. He advised everyone that Mr. Templeton and Mr. Ouellette will participate because the application includes a D2 variance.

Mr. Ettenson stated that the marina has been at the location for many years. It is a conditional use in only three of the lots and the marina encompasses a number of lots.

Mr. Berger testified that he lives at the marina and has been the owner and operator of the marina for four years. He removed the existing underground fuel storage tank when he bought the property. He stated that he would like to provide fuel to his customers. The marina is entered from Rancocas Avenue. The parking lot is used for storage of boats in the winter and for parking in the summer. A Spill Control Plan was submitted to the Board's engineer. The project will be funded through a grant from the DOT of New Jersey and himself. There is a store under his house on the bottom floor that sells basic boating supplies, snacks, ice and bait. The above ground tank will be protected with 16 concrete bollards and a 6 ½ foot high chain link fence. He stated that his request would not be a detriment to the Township and that it would be a benefit to the Township.

Mr. Germano stated that Ms. Jass stepped down during the presentation because she keeps her boat at the facility and has recused herself.

Mr. Taraschi asked how a spill at the docks would be handled.

Mr. Berger stated that they will install the required boom system and that they will be installing two because of the current.

Mr. Taraschi asked how it will be handled once it is contained.

Mr. Ettenson stated that how it is handled is part of the Spill Prevention Plan that was submitted.

Ms. Moore asked if he received guidelines from the DEP for the proper installation of the tank.
Mr. Berger answered in the affirmative.

Mr. Denlinger asked if the pump will be located on the new dock.
Mr. Berger stated that the pump will be on land and the hose will run down the floating dock.
Mr. Denlinger asked if pump out facilities are available at the marina.
Mr. Berger stated that he has none but there is grant available from the DEP.

Mr. Lord asked about the frequency of fuel deliveries and how it will be delivered.
Mr. Berger stated that it could be once a week or every other week by tank truck down Rancocas Avenue. Deliveries will be during the day.

Mr. Ettenson asked what the hours will be for the operation of the marina.
Mr. Berger stated that they will be Wednesday to Friday from 2PM until 8PM and 8AM to 8PM on Saturday and Sunday.
Mr. Ettenson asked Mr. Berger about other deliveries and the size of the trucks.
Mr. Berger stated that he receives marine supplies three times a week in a 20 foot box truck or van.

Mr. Ettenson asked Mr. Dougherty if he has any additional questions that were in his letter.
Mr. Dougherty stated that the applicant answered the questions in his letter dated March 25, 2008 and has supplied an EIS. He asked if there is adequate parking for the facility.
Mr. Berger stated that there will be boat storage around the perimeter of the marina during the summer and the rest of the marina has parking for patrons.
Mr. Dougherty asked if additional parking at the marina will be needed.
Mr. Berger stated that the only impact from the fueling facility will be thru the waterway.
Mr. Dougherty asked what the grant covers.
Mr. Berger stated that it is for general upgrades to the marina including the dispensing of gasoline.
Mr. Dougherty asked about the availability of a pump out station to the boaters that utilize his marina.
Mr. Berger stated that there are several marinas in the area that have pump out stations and that he has an approved grant for one to be added to his marina.
Mr. Dougherty asked if there is a fire hydrant near the marina.
Mr. Berger stated that according to his insurance there is one within one-thousand feet.
Mr. Dougherty recommended that an approval should be subject to review by the Fire Official.
He asked about the storage and removal of trash.
Mr. Berger stated that the trash is removed by a private hauler on Mondays.
Mr. Dougherty asked if there is food cooked at the facility that is for sale.
Mr. Berger stated that they only sell snacks at that nothing is cooked.
Mr. Dougherty asked him to describe what the residences on the property are used for.
Mr. Berger stated that he lives in one house and the other building is used for storage only.
Mr. Dougherty suggested that it be noted in the resolution that the second building is only used for storage.
Mr. Dougherty asked what type of tank will be used.

Mr. Berger stated that he thought it was a four hour burn rated double walled concrete lined tank the will be installed above ground.

Mr. Dougherty went over his comments concerning the site plan.

Mr. Taraschi asked if quarts of oil will be available for sale and where they will be stored.

Mr. Berger stated that they will be stored and sold in the store.

Mr. Taraschi asked if there is a system in place if a fire should occur.

Mr. Berger stated that the Fire Marshall has inspected the property and he meets the requirements that he was given.

Ms. Moore stated that marine oil was sold by the prior owners.

Mr. Dougherty asked how the oil is stored.

Mr. Berger stated that it is in quart and pint size plastic containers.

Mr. Malinowski the applicants engineer went over the site plan with the Board.

Mr. Ettenson stated that there are some minor bulk variances that are due to pre-existing conditions.

Mr. Germano stated that he did not see them as variances because they are grandfathered.

Mr. Martin asked if the municipal streets can handle the delivery vehicles.

Mr. Malinowski stated that they will be coming in from Rancocas Avenue and will turn around on site and exit on to Orchard Street.

Mr. Berger stated that there is adequate room on site for a tanker truck to turn around.

Mr. Taraschi asked if they are looking into vacating Delaware Avenue.

Mr. Ettenson stated that they will have to take it up with the Township in the future. The fueling line has been moved so that they wouldn't have to vacate for the application.

Mr. Taylor asked if the extra triangular piece of property has a block and lot assigned to it.

Mr. Malinowski stated that there are discrepancies between the tax map and the deeds for the lots.

Mr. Ettenson stated that the plan is based on the title search.

Mr. Taylor went over his report dated March 31, 2008 and stated that there are various zoning discrepancies. The tract is located in several zones. Two of the zones do not permit marinas and are only conditionally permitted in the R6 Zone. The area needs to be cleaned up. The application advances a number of goals in the Master Plan with respect to access to the waterfront areas of the Township. He asked if there will be any lighting in conjunction with the tank.

Mr. Berger stated that there is a light in the middle of the marina which will supply electric for the tank and new lighting will be put up.

Mr. Taylor stated that glare to the surrounding areas should be minimized by making it motion detection activated and the details should be provided on the plans. He asked about the concrete patio area which shows steps and a seating wall.

Mr. Berger stated that it will be one level all the way around to eliminate the steps and there will be no wall.

Mr. Taylor stated that the plans should be revised to eliminate them.

Mr. Lord opened the hearing to the public. Since there were no public comments he closed the hearing to the public.

Mr. Martin asked what months the marina is open for fueling.

Mr. Berger stated that they are open in the spring, summer, and mid fall.

Mr. Taraschi suggested that the Board act on the use variance and preliminary site plan and defer final approval subject to revising it to show any street vacation.

Mr. Malinowski stated that they have no plans to change anything that has been presented.

Mr. Dougherty asked what would be the purpose of the street vacation.

Mr. Malinowski stated that the purpose would be to clean up the discrepancies between the title report and the tax map.

Mr. Corcoran stated that the Township Committee has nothing before them and there has been no discussion about vacation of any streets. It would be unfair to the applicant to make this conditioned on something that the Committee may address at some future time since it is not an integral part of what is before the Board.

Mr. Ettenson stated they moved the line because getting streets vacated could be very time consuming.

Mr. Taylor stated that it can be addressed during the Master Plan process but it will take time to complete the process of addressing the zoning and vacation issues. It would be onerous to try to hold up this process.

Mr. Germano advised the Board that the application includes a use variance to expand an existing non-conforming use. Because the tank is located on land that doesn't permit marinas and this is a part of the marina use the applicant needs a pure use variance. The applicant is asking for both preliminary and final site plan approval. The applicant has to show that the property is well suited for the proposed use. It has to be determined if it will be detrimental to the surrounding areas and if what he is proposing is contrary to our Master Plan or Zoning Ordinance. The current Master Plan talks about access to the river and enhancing that access. The recreational opportunities of the river are one of the main goals of the Master Plan.

Motion by Ms. Mader to grant the owner the right to operate the marina and install a tank in these zones, second by Mr. Denlinger.

Mr. Corcoran, yes; Mr. Lord, yes;

Ms. Mader voted yes and stated that this is one of the few parcels fronting our waterfront that appears to be suited to a marina. It has been appropriate because it is in use. The myriad of zones that it is in appear to have happened years ago and have never been cleaned up. The marina has been addressed in the older Master Plan and is viewed favorably. It is not against our Master Plan. The State is interested in encouraging marinas. It gives us access to the water. The additional truck traffic that will be caused by deliveries to the marina is a small detriment.

Mr. Martin voted yes and stated that the site for the tank is well suited since it is away from the water. It is neither detrimental nor contrary to the Master Plan.

Mr. Matulewicz voted yes and stated that the site is well suited for the use and the continuance and enhancement of marina provides a historic connection for Delanco to its water heritage.

Ms. Moore voted yes and stated that there was no negative testimony from the public regarding any negative impacts associated with the past of current operations.

Mr. Denlinger, yes.

Recused: Mr. Ouellette, Mr. Templeton and Ms. Jass.

Mr. Germano went over the following conditions with the Board:

The approval is subject to review of the plan by the Fire Chief.

There has to be a note added to the plan and also be part of the resolution that the second home on the property is storage only. There is only one residence approved on the property.

Truck deliveries and boat fueling will occur only in the daytime.

The applicant will make the plan modifications that he testified to which includes removal of the steps and wall from the plan and more detail about the lights.

Mr. Matulewicz stated that there should be a motion sensor on the light rather than twenty-four seven lighting.

Mr. Germano advised the Board that the question with site plan is whether you grant preliminary or preliminary and final and that there are minor plan modifications to be done.

Mr. Ettenson stated that they are minor and requested that the Board act on both the preliminary and final site plan.

Mr. Dougherty stated that it will be conditioned upon addressing the minor plan revisions in his letter dated March 25th.

Mr. Taylor also stated that he had suggested some minor revisions.

Mr. Germano stated that it should include the plan modifications in the professional's letters and also what was testified to during the hearing.

The Board took action on the preliminary and final site plan with conditions.

Motion by Mr. Corcoran, second by Ms. Moore.

Mr. Corcoran, yes; Mr. Lord, yes; Ms. Mader, yes; Mr. Martin, yes; Mr. Matulewicz, yes;

Ms. Moore, yes; Mr. Denlinger, yes.

Recused: Mr. Ouellette and Mr. Templeton.

The Board took a break at 9:18:31PM and reconvened the meeting 9:30:36PM.

**HOVBROS Delanco, LLC
Savannah Mews
Block 2100, Lots 3.01, 3.02, 3.05, 6, 7, 8.01 & 8.02
Coopertown Road
PRD/V Planned Residential Development/Village Zone
Preliminary Major Subdivision & Preliminary Major Site Plan
(Began at 9:30:36PM and ended at 12:23:09AM)**

Patrick McAndrew represented the applicant.

He introduced Bill Bodwell the engineer, Tim O'neill the architect and Peter Hovnanian.

Mr. Germano swore them in.

Mr. Lord stated that the applicant will present testimony until 11PM and then it will be opened to the public for comments on the applicant's testimony.

Mr. McAndrew stated that they are in the third step of a four step process. The first steps were for two different applications with variances and occurred during a two and one half year period.

In step three we are asking for preliminary approval of a subdivision to create the lots and preliminary site plan approval for the COAH site and the commercial site. We will also be discussing how the new COAH regulations will affect the application. If this is approved during the month of May we will be grandfathered and the Township will be grandfathered from the regulations. Any approval would be conditioned on reserving the commercial site so that if there is a COAH excess it will be addressed through the reservation on the commercial site. We are also requesting that the condition that the 30 foot height of the buildings that abut the Newton's Landing Development be changed to 35 foot because circumstances have changed. We thought the grade would be 4 to 5 feet higher but have determined that we would be approximately the same grade. The number of houses will be reduced from 15 to 12. The combined side yards will be increased from 10 feet to 16 feet.

Mr. Bodwell distributed and went over the following exhibits with the Board:

Exhibit A-1: Is an updated colored rendering of the Alternate Layout Exhibit A-32 which is the current approved layout for the project.

He stated that the unit mix for the COAH buildings has been changed from 6 three bedroom, 14 two bedroom, and 4 one bedroom units. It is now 8 three bedroom, 12 two bedroom and 4 one bedroom units. The footprints have been changed so that all the units have a rear access. All the COAH units on the first floor will be handicapped accessible.

The parking lot for the commercial building has been revised so that the dumpster could be relocated because of a comment from the planner.

There has been a change to the single family units that back up against the creek. The driveway to the out parcel has been separated from the access to the open space so that the walking pedestrians will not interfere with the driveway.

The tot lot that was by Newton's Landing has been moved to the middle of the village green.

The 25 foot buffer by Newton's Landing has been maintained, but the landscaping has been changed. There is a mixture of deciduous trees, evergreen trees and evergreen shrubs. The two retaining walls that were in the buffer were removed.

There are two open space lots that encompass the 500 foot buffer between the Rancocas Creek and the applicant's property instead of one large lot

There have been no changes made to the road pattern, the number of units, the location of the units, the number and location of the detention basins, the access to Coopertown Road and Rhawn Street and the size of the commercial space and the number of parking spaces for it.

Mr. McAndrew stated that they have talked about using the commercial site for up to 8 units if there is an increase in the number of required COAH units. He asked Mr. Bodwell if the site will be able to accommodate them.

Mr. Bodwell stated that the footprint for an eight unit two bedroom complex will fit in the existing footprint with adequate parking.

Mr. McAndrew asked if any new zoning variances will be required.

Mr. Bodwell stated that there are no new zoning variances proposed.

Mr. McAndrew asked if the plan is consistent with the Township's 2005 round 3 COAH ordinance.

Mr. Bodwell stated that it is consistent with the requirement for the 24 units if they are rentals.

Mr. Taylor advised the Board that COAH has proposed some rule changes that are scheduled to go into affect on June 2nd that may require an additional growth share obligation for the project. The applicant is requesting an approval prior to the adoption and is also requesting that all or part of the commercial building be reserved to accommodate any additional growth share.

Ms. Moore asked for additional clarification from Mr. Taylor.

Mr. Taylor stated that there are two scenarios. If the town approved the plan as proposed there is a possibility that COAH could require the town to be obligated for eight or nine additional COAH units to be built somewhere else in town and it would be a tremendous expense to the town and taxpayers. If the project is not granted an approval prior to June 2nd the project could potentially need to be designed under COAH's third round rules and it is possible that the project could need nine additional COAH units and nine additional market rate units to compensate the applicant for the additional COAH units that they would have to construct. We would end up with an even greater number of residential units in the project. Based on the developable area it would impact the unit mix. COAH also published a second set of changes that they will be receiving public comment on that could also affect the project.

Mr. McAndrew stated that they like the plan and don't want to change it or add more units to it. We also felt that it would be grandfathered if it is approved this month. The Township is concerned that if it is not grandfathered there is a potential of up to eight additional units. The what if answer would be to reserve the commercial site if needed.

Mr. Taraschi stated that he thought the whole concept of the transit villages was to develop commercial and office areas within walking distance of the train stop.

Mr. McAndrew stated that it was supposed to be a mixed use village but there is a very limited market for the commercial.

Mr. O'Neill was next to testify.

He went over architectural exhibits with the Board.

A-2 – A-7

He stated that the COAH units have been changed to make them accessible from the parking area. The access for the second floor units comes off the parking court and there is now a back door from the ground floor units to the parking court. The outside storage areas are now within the interior. The size of the porches and the number of doors facing the streetscape have been reduced. They appear to be individual townhouses. He went over his exhibits for the three COAH buildings. He went over his exhibit for the commercial building. He stated that it will be in keeping with the same architecture as the rest of the development. He also went over the exhibits for the different housing types.

Mr. McAndrew asked Mr. O'Neill to put up Exhibit A-23 and explain how the single family houses are designed.

Mr. O'Neill stated that the ordinance required a minimum roof pitch of 6 and 12. The roofs go front to back.

Mr. McAndrew asked what the back of the homes will look like.

Mr. O'Neill stated that they will have vinyl siding in a neutral color with fiberglass shingles with variations because some of them will have family rooms and some will have sun rooms in the back with fireplaces. Nothing will be higher than the ridge.

Mr. McAndrew stated that the peak of the houses will run widthwise with the house not lengthwise.

Mr. O'Neill agreed.

Mr. McAndrew stated that the low end will face both the street and the rear lot line.

Ms. Mader asked if there will be any dormers in the rear.

Mr. O'Neill stated that there will be none in the rear.

Ms. Jass expressed concerns about the architecture of the COAH buildings not being in keeping with the rest of the community.

Mr. Martin asked if the commercial building fronts Coopertown Road and stated that the site plan doesn't show sidewalks there.

Mr. Bodwell stated that they can add sidewalks to the other side depending on the use of the building.

Mr. Bodwell went over exhibit A-1 and advised the Board that backing up to Newton's Landing there was going to be a string of single family houses. There were concerns previously brought up that this site becomes higher than the Newton's Landing by four to five feet. Zoning would permit us to build a 35 foot building and the houses in Newton's Landing are approximately 30 feet. Since there was a concern about shadowing the Newton's Landing houses we agreed that our buildings would be a maximum height of 30 feet. A 25 foot buffer was also added. He went over exhibit A8 which is a Building Height Exhibit that shows how the Newton's Landing homes will be affected by the height of both a 30' high and a 35' high home that could be built in the new development.

Mr. McAndrew stated that if the 35' high homes are permitted the ridge line would be run width wise. He also stated that the grade is not 4 to 5 feet higher on the property and that there will be 12 buildings instead of 15. The combined side yards will be 16 feet instead of 10 feet.

Mr. Bodwell stated that he has lowered the site for the new development so that it is equal with and will not be over towering Newton's Landing.

Mr. McAndrew asked Mr. Bodwell if there were be a negative impact from the mass of the building and to air and light.

Mr. Bodwell stated that he did not because of how the ridge line works and the shape of the building.

Mr. McAndrew stated that they will comply with the applicable zoning which is 35 feet or less.

Ms. Moore asked if the buffer will be bermed or level plantings at the same grade.

Mr. Bodwell stated that there will be no berm and that in order to prevent drainage from the property going onto the Newton's Landing property a ridge line will be created along the property line that will keep the water on the property for the new development.

Mr. Taraschi commented that the November 15, 2006 grading plans do not show the grade on Newton's Landing and asked the professionals if they were satisfied that water doesn't flow onto the Newton's Landing site.

Mr. Dougherty stated that they are creating swales along the rear yards so that the water comes back onto the new development.

Mr. Taraschi asked if the new landscaping will affect the water run off.

Mr. Bodwell stated that it will not.

Mr. Taylor stated that in Exhibit A-8 on the lower section it appears that the building is not pushed back all the way to the rear set back line.

Mr. Bodwell stated the Exhibit A-9 the single family house exhibit shows the footprints of the "A" and "B" units with the "A" unit having a downstairs bedroom in the back and the "B" unit having a family room with an expanded upstairs area in the back. The backs of the units do not reach the back set back line. The fronts are close to the front set back.

Mr. Taylor suggested that the rear set back line could be increased from 25 feet to 27.5 or 28 feet to make sure that the units are not shifted back inadvertently.

Mr. McAndrew stated that they would have to check into it further.

COAH Site:

57,724 square feet in size or about 1.33 acres.

24 COAH units 48 parking spaces – 2 per unit

first floor units will have rear access that is handicapped accessible second floor units are all walk up stairs

8 – 3 bedroom

12 – 2 bedroom

4 – 1 bedroom

Ms. Moore asked why the mix changed.

Mr. Bodwell stated that it changed because of the architecture.

Mr. Taylor stated that it complies with the Township's Housing Plan.

Ms. Moore asked how many additional bedrooms.

Mr. Bodwell stated there are two.

Mr. Bodwell stated that there is a dumpster/recycling location and two mailbox locations.

Mr. Bodwell went over Exhibit A-10 an enlarged version of A-1 showed the exact location of the mailboxes, the location of the shoe box type lights two along the back and one at the intersection of the parking lot area. Landscaping will be concentrated along the fronts of the buildings at this time. The renters will be part of the HOA and have access to the open space on site and the village green amenities.

25 foot set back to Coopertown Road with a 7 foot front porch encroaching into it.

There is a 10 foot set back to the front porches on the buildings on the interior roads.

Commercial Site:

45,340 square feet or slightly over 1 acre.

1 single 5,000 square foot mixed use building which can be reserved to fit the footprint of an 8 unit COAH building

25 feet from Coopertown Road

28 feet to the interior road

37 foot side yard

100 foot rear yard due to location of parking area

Height – less than 35 feet – height may change if 4 additional COAH units are constructed above a commercial lower floor.

Lot Coverage – 33%

Building Coverage – 11%

Parking Set Back – 29 feet

Lighting – 2 shoe box lights on the back end of the parking lot. Lighting use will be further determined when the type of use is determined. The remaining lighting for the COAH site and the site itself will be normal street light operation from dusk to dawn.

Ms. Jass asked about the lights and the height of the lights that are indicated on the lighting plan on sheet 24 of the site plan.

Mr. Bodwell stated that they are set at 16 feet and the street lights are 12 foot standard fixtures. The private areas will have shoe box type lights. The lighting will be further discussed with Mr. Taylor.

Mr. Dougherty stated that the light fixtures for the COAH site and commercial site will be of a different style.

Mr. Taylor asked if the fixtures will be fitted with house side shields to minimize the glare.

Mr. Bodwell stated that they could anything that they want.

Mr. Corcoran suggested that the lamp source and wattage be energy efficient and kept to the minimum that is necessary for normal safety due to the increasing cost of street lighting.

Mr. Bodwell agreed to work with Mr. Taylor and stated that they are proposing less street lights than what the ordinance requires and are trying to meet the minimum intent of the commercial area and the COAH area.

Ms. Moore asked if there is adequate room for delivery trucks and trash trucks to maneuver on the COAH site.

Mr. Bodwell stated that they would have to back out. He also commented that the parking requirement of two for each unit is slightly high.

Ms. Moore asked about the width of the trash enclosure.

Mr. Bodwell stated that it is a 20 foot enclosure that is adequate for two dumpsters and a series of recycling bins.

Mr. Denlinger asked if the same kind of street lights can be used on the COAH site instead of the shoe box type lights.

Mr. Bodwell stated that they would have to put in more lights and it would be more costly.

Ms. Jass stated that you want to keep the look of the whole community.

Mr. Bodwell stated that the lights in the front will be the standard street lights.

Ms. Jass stated that it would be advantageous to use the same kind of lighting.

Mr. Bodwell stated that he will work with Mr. Taylor.

Ms. Jass about the type of enclosure that will be used for the dumpsters.

Mr. Bodwell stated that it will be a board on board wooden fence.

Ms. Jass asked if it is open or if it will have closures on it.

Mr. Bodwell stated that it has two gates and there is also a three foot walkway so that if someone walking into it carrying garbage doesn't have to open a gate. The garbage truck has to open the gates to get the dumpsters out.

Ms. Jass stated that she is concerned that the gates will not be sturdy and will break.

Mr. Taylor suggested that the fence should be solid and go all the way to the ground so that trash will not blow into the surrounding areas. Masonry posts or tubular steel posts could be used to bolt the frames to.

Mr. McAndrew suggested that they work on the issue before the next meeting.

Ms. Jass suggested that they should include more landscaping around it.

Mr. McAndrew stated that if it isn't worked out it could be deferred to final.

Mr. Corcoran stated that he assumes that the streets and alleys will be dedicated to the Township.

Mr. Bodwell stated that they are proposed to be dedicated to the Township.

Mr. Corcoran asked how they expect garbage removal and snow removal will be done on the alleys.

Mr. Bodwell stated that garbage collection will be done on the public streets in the front and the garbage for the interior townhouse units would be picked up in the alley.

Mr. Corcoran stated that they should plan that the trucks will not access the alleys.

Mr. Taraschi stated that the plans should be consistent in the use of alley and lane and that in some places Dobbins is an alley and in some places it is a lane. It could be an issue with trash collection.

Mr. Bodwell stated that they will work that out with Mr. Taylor.

Mr. Corcoran asked how mail will be handled.

Mr. Bodwell stated that it still needs to be worked out.

Mr. Taylor asked if there will be an HOA for the project.

Mr. McAndrew stated that there will be one.

Mr. Taylor suggested that the public offering statement should note that trash pickup for residents will be on roads only and not on alleys for circulation purposes.

Ms. Moore stated that it will be difficult for the homeowners in the townhouses to bring their trash to the front.

Mr. Bodwell stated that the townhouses can bring their trash to the ends of the alleys.

Ms. Moore stated that it would be difficult.

Ms. Jass asked if the ceilings in the homes are lowered one foot can the roof ridge be lowered.

Mr. O'Neill stated that it would lower the roof ridge by one foot but nine foot ceilings in homes are the acceptable and that it would be tough to lower.

Mr. Bodwell distributed a copy of Mr. Dougherty's report dated May 5, 2008.

Ms. Jass asked Mr. Bodwell if he will be discussing the depth of the dry well.

MR. Bodwell stated that there are no more dry wells on the site. They were eliminated by adding infiltration in basin "A & D".

Ms. Jass stated that she is concerned about the location of the gutters for the single family homes and where they will discharge.

Mr. O'Neill stated that the gutters will be along the front and rear elevations.

Mr. Bodwell stated that they will be on the four corners of the house.

Mr. Dougherty asked for information on the HOA.

Mr. McAndrew stated that the documents will be referred until final and that common areas of drainage, buffering, landscaping and the tot lot will be managed by the HOA.

Mr. Bodwell commented on Mr. Dougherty's report.

He stated that they will provide for public access. There are access points to the common open space. There are two frontage lots to the creek which they are in discussions with the County as to whether they want to take them over for part of the trail system. If they become part of the HOA public access will also be provided. The County isn't interested in the basins. They will be under the HOA.

Mr. Germano stated that we have to ensure that the HOA cannot cut off access to the County land.

Mr. McAndrew stated that there will be restricted covenants that only be changed with permission of the Township and the Planning Board.

Ms. Jass stated that the HOA documents should be reviewed before they are in place. The drainage behind the houses should be maintained by the HOA.

Mr. Dougherty asked if the drainage is on the lots or in the open space area.

Mr. Bodwell stated that the inlets and pipe are along the lot line. There is a ten foot easement coming on to the private property and the easement for the buffer is to the HOA. There are easements in some of the rear yards of some of the lots that are totally private within the project where there is additional drainage. There is no issue with drainage in the backs of the lots. There are pipes and inlets.

Ms. Jass stated that she is concerned about the water that comes from the downspouts.

Mr. Bodwell stated that there are 2% swales along the side yards and 2% swales in the rear yards so that there is plenty of drainage pitch so that there should be no ponding of water.

Mr. Denlinger asked if there are any sewer grates in the back yards for drainage.

Mr. Bodwell stated that there are storm drainage inlets in the rear yards of the properties that back up to Newton's Landing.

Mr. McAndrew stated that there will be easements so that the HOA can maintain them.

Mr. Dougherty stated that they are not infiltration devices and that they are hard pipes. The water goes into an inlet and is directed to a basin.

Mr. Bodwell stated that there is a three foot walkway across the out parcels that they need design waivers from the County standard that requires a sidewalk to be eight feet off of an edge of pavement.

Mr. Bodwell commented that there is a bald eagle foraging area that is within the 300 foot buffer to the Rancocas Creek.

Mr. Bodwell advised the Board that most of the structures in the frontage area will be coming down.

Mr. Bodwell stated that there will be no impact on the project from the commercial activity at the Rhawn pipe factory.

Ms. Jass asked where basin "E" empties. Mr. Bodwell stated that it goes through the New Jersey Transit basin down the railroad and into the Rancocas Creek through a pipe that was put in for the train station.

Mr. Bodwell will continue his comments at the top of page 6 at the next meeting.

Public Comments:

John Ciancio – 7 Russ Farm Way – He asked why it is important for the homes to be 35 feet high rather than 30 feet high.

Mr. O'Neill stated that the Township's ordinance requires that the roofs be kept at a certain pitch and bringing the roofs down will affect the curb appeal.

Mike DePadova – 69 Shipps Way – He stated that he didn't see the justification for changing the height of the homes to 35 feet. He stated that in 2006 and 2007 the residents on Shipps Way complained that the 35 foot height is too high and that in the late afternoon they would not see the sun for the rest of the day. He recommended that Resolution 2006-06 remain as recorded or not be rescinded or changed. He had several questions concerning Exhibit A8 the Building Height Exhibit.

Mr. Bodwell explained the exhibit.

Mr. Taylor asked Mr. Bodwell if regardless of the time of year changing from a standard gable end to where the low part is closer to Newton's Landing and sloping away is a better situation from a sun and shading standpoint.

Mr. Bodwell stated that you will get better sun in the rear yard with the 35 foot building height by having the 35 foot farther away than what would be permitted with a 30 foot building height closer to the property line.

Mr. DePadova had several questions about the proposed excavation on the site.

Mr. Bodwell stated that they are excavating the site so that they are roughly equal to the grades on Newton's Landing.

Mr. DePadova asked how many feet it will be to the edge of the basin.

Mr. Bodwell stated that it will be 25 feet.

Mr. Taylor stated that there is a planted area between the basin and between the Newton's Landing homes. There was no buffer required between the detention basin and the homes. Enhanced buffering has been requested between the basin and the homes.

Mr. DePadova presented photographs of the backs of houses in Newton's Landing where the low energy windows are reflecting across on the adjoining back of the buildings and causing the siding to become twisted and warped. He was concerned that the windows and the homes in the new development will affect the siding on the homes on Shipps Way. He asked that the glass be such that it won't reflect back on the homes.

Mr. O'Neill stated that they are bound by the New Jersey energy code as to what kind of glass that has to be put into the homes.

Ms. Jass suggested that there should be no additional coating on the glass so that there is no mirror effect.

Mr. Hovnanian stated that it was great that it was brought to their attention. They have built thousands of homes and have never had one incident like this.

Ms. Jass asked Mr. Taylor to look at the vegetation and the height of the trees for the buffer to see if the issues can be addressed with vegetation.

Mr. Taylor stated that there has been a concern about not creating any unnecessary shading and that it would be something that they will have to come back to. He also stated that he has never seen anything like this.

Dennis Wargo – He stated you can use a computer to figure out how long a shadow will be and that he calculated that on January 1, 2008 the shadow from a 35 foot house would be 91.6 feet at 3:00 PM. He commented that the number of bedrooms in a home will increase the number of children. He also stated that an approval shouldn't be made until you know all the facts. The project looks nice but the people on Shipp's Way have a reason to be concerned.

Mr. Germano stated that the photographs that were submitted by Mr. DePadova were marked DP 1-6.

Jean Mastalesz – 97 Shipp's Way – Ms. Mastalesz presented some pictures to the Board. They were marked JM 1-8. The photographs are of the rippling and melting of the siding on the side of the houses, the windows on the houses and photographs of the buffer for the Laurel Creek development on Hartford Road. She stated that what they had in mind for a buffer are photographs JM 6 and 7. JM 8 shows deciduous trees with deciduous shrubs which shows no dense vegetation so that there is a direct line of sight between the homes and the main street. She suggested that changes be made to the landscape plan. She recommended that the maple trees behind people's yards be replaced with lower level shrubs that are not deciduous. Where there are lower level shrubs that are deciduous in nature but no trees behind them she recommended that some trees be put in so that people have a dense vegetation fence.

Mr. Matulewicz stated that they heard testimony that the houses should be lowered so that they won't cast a shadow. If trees are put in the buffer they will cast a shadow.

Ms. Mastalesz stated that they could put in shrubs so that the buffer is dense enough so that they won't have traffic between the two communities.

Mr. Matulewicz asked if they want a visual buffer or a barrier to pedestrian traffic.

Ms. Mastalesz stated that she wants both.

Ms. Moore stated that she thought that they wanted a visual buffer so that when you are looking out your back yard you are not looking into their back yard.

Ms. Mastalesz stated that she would like that four months out of the year.

She stated that they are asking for a buffer that conforms to the definition of a buffer in the Township's Site Plan Approval-Chapter 91-4 because they do not have children and they are an adult community. She asked that lots 15, 16 and 17 also receive a 25 foot buffer even though they no longer have houses behind them and now have a detention basin.

Mr. Taylor stated that they didn't change the plan and that we suggested that the plan be changed to reduce the number of lots in the area from 15 to 12.

Ms. Mastalesz stated that having the number of lots reduced pleased them. Lots 15, 16 and 17 will now have a detention basin, 24 COAH units with a parking lot and lighting.

Mr. Martin asked if she represents anyone besides herself.

Ms. Mastalesz stated that she represents some of the homeowners on Shipp's Way.

A lengthy discussion went on concerning the buffer, privacy and the height of the houses.

Most of the people that testified were upset that the agenda was changed and that the application was not heard sooner in the meeting.

Mr. Germano announced that because of the changes in the COAH regulations the developer has suggested that he would like to take his chances on being grandfathered which would also benefit the Township because the size of the development would not be increased. The Board would have to meet before COAH's rules become effective on June 2nd. The hearing will be continued

at a special meeting scheduled for Wednesday May 28, 2008 at 7:00PM and the meeting will be opened to the public for additional comments concerning the application.

Ms. Mastalesz asked when the phasing and other elements of construction will be addressed and where the applicant would have to be for COAH.

Mr. Germano stated that they would have to have preliminary approval.

Mr. McAndrew stated that phasing and construction will be discussed at final approval.

Ms. Mastalesz asked if the developer's agreement will be at final and if it will be public knowledge.

Mr. McAndrew answered yes.

Mr. Taraschi asked that exhibit A-8 be put up again. He stated that testimony wasn't made clear that the peak on the 35 foot house has been moved further away from the lot lines at Newton's Landing and because of the distance it will cast less of a shadow.

Mr. Bodwell stated that the shape of the house allows the peak of the roof to be keeping it farther forward and allows the shadow to be less of an impact until you get to the hour of the day when the sun is starting to set.

Joe Holland – He stated that Newton's Landing is an age restricted community and that age restricted communities in other towns are separate.

Edward Ovalle – 56 Shipp's Way – He stated that there are no plans for sewer.

Mr. Germano stated that the Board has no power to approve the plans for sewer.

Mr. Ovalle stated that the pumping station at Newton's Landing will not be able to carry the load for the new development.

Phillip Lamb – He stated that he moved into the community about a year ago and came to the meeting because of the issue concerning the height of the homes. He agreed that it should be 30 feet and that he didn't hear a reason to give a variance and the Board should get answers to all of its questions before granting a variance or waiver.

Jerry Resnick – 83 Pennington Court – He stated that if the houses are rotated in the new development you can reduce half of the blockage. Offsetting the houses so that they are opposite one of the breezeways between the Newton's Landing houses could possibly help.

Mr. Lord closed the hearing to the public.

Mr. Germano stated that the public hearing will be carried until May 28th at 7PM and there will be an advertisement in the paper but the applicant will not be required to send out individualized notices.

Meeting opened to the Public:

Mr. Lord opened the meeting to the public and since there were no public comments he closed the meeting to the public.

Correspondence:

Previously distributed.

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: November 12, 2008