

**DELANCO TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
JUNE 11, 2008**

Ms. vanGenderen called the meeting to order and led the flag salute.

**Sunshine Statement:**

Please be advised that proper notice of this meeting has been given in compliance with the Sunshine Law in the following manner. Written notice has been mailed to the Burlington County Times and Courier-Post newspapers and published in the January 7, 2008 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

**Present:** Mr. Ouellette, Mr. Corcoran, Mr. Templeton, Mr. Martin, Mr. Matulewicz,  
Ms. vanGenderen, Ms. Jass, Mr. Taraschi

**Absent:** Mr. Lord, Ms. Mader, Ms. Moore, Mr. Denlinger

**Continued Applications:**

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

Ms. Lameiras, Planning Board secretary, reported that the applicant is finalizing the plans and will be forwarding them to Mr. Taylor, Mr. Dougherty and to her for distribution to the Board.

**New Applications:**

**Greyhound Friends of NJ, Inc.  
Block 2100 Lot 11.02  
307 Creek Rd.  
I-1 Light Industrial Zone  
Use & Bulk Variances**

Mr. Germano reported that the application has been declared incomplete so it cannot be heard tonight. The applicant had advertised the hearing. Ms. vanGenderen advised the Board and the public that the application would be continued until the July 1, 2008 meeting.

**Zurbrugg Partnership, LLC  
Block 1202 Lots 1.01, 1.02, 1.03  
531 Delaware Ave.  
Redevelopment Area  
Preliminary & Final Major Subdivision and Preliminary & Final Major Site Plan**

Henry Kent-Smith, Esq. appeared on behalf of the applicant. Mr. Kent-Smith stated that the applicant had provided the required public notice, and he had submitted the notice package to the Board. Mr. Germano stated that he had reviewed the notice package. Everything was in order and the Board had jurisdiction to proceed.

Mr. Kent-Smith stated that he had two witnesses. Bill Bodwell from Henderson & Bodwell is the professional engineer responsible for the preparation of the site plans and Jack Parry is the project architect. Mr. Parry would be making a presentation on the architecture of the proposed redevelopment of the mansion and the new townhouses. Mr. Bodwell and Mr. Parry were sworn in by Mr. Germano.

Mr. Germano stated that Mr. Bodwell had testified before the Board on numerous occasions and he has been recognized as an expert on those occasions. There was no need for him to review his credentials. Mr. Germano stated that Mr. Bodwell had presented two 8 x 11 color drawings. One was entitled "Site Layout Exhibit" which was labeled A-1. The second exhibit was a document entitled "Landscaping and Lighting Plan" which was labeled A-2. Mr. Bodwell described both exhibits. He stated that Block 1201, Lots 1.01 and 1.02 were being retained by the township so they were not part of the redevelopment application for site plan and subdivision approval. Mr. Bodwell went on to describe differences between the two exhibits. The changes described primarily concerned parking and access.

Mr. Bodwell stated that the applicant is planning to create 11 new lots where there are three existing lots within the block. Each of the new townhouses will be on its own lot. The mansion and carriage house will be on separate lots as well. There will be one overall common open space lot. There will be a total of 24 senior independent housing units within the mansion. Nineteen are reserved for COAH and five are market units. The existing carriage house located at Second Street and Union Avenue will be maintained and sold as a single family detached unit. There will be one single family detached unit, 24 senior independent housing units and eight new townhouses. The footprints are identical to what was shown on the redevelopment plan that was submitted as part of the site plan. There have been no changes except to parking and access.

Mr. Bodwell provided details in response to questions regarding the following topics: paving areas and surfaces, parking areas, water and sewer hookups, lighting, trash storage and removal, wall heights, existing driveway, tree removals, curb plantings, and driveway widths.

Mr. Martin and Mr. Taraschi asked whether the application should be deemed complete before listening to testimony. After some discussion it was decided to discuss completeness and make that decision first. Mr. Kent-Smith and Mr. Bodwell reviewed Mr. Dougherty's letter of June 6 and there was discussion pertaining to each item under Sections I and II. Once the discussion was concluded Mr. Dougherty stated that he would have no objection to the Board declaring the application complete and proceeding with the rest of the testimony.

Motion made by Mr. Martin that the Board declare the preliminary major subdivision and site plan and the final major subdivision and site plan applications complete. Mr. Taraschi seconded the motion.

Those voting in favor: Mr. Ouellette, Mr. Corcoran, Mr. Templeton, Mr. Martin, Mr. Matulewicz, Ms. vanGenderen, Ms. Jass, Mr. Taraschi

Those voting against: none

Mr. Kent-Smith then went through the reports prepared by the Board's professional staff beginning with Section III of Mr. Dougherty's letter. With regard to Section VI there was discussion regarding the reservation of a public right-of-way that would be located at the southwest corner at the intersection of Willow Street and Delaware Avenue. Mr. Bodwell explained that the applicant was proposing the right-of-way expansion of Delaware Avenue so that it would not be necessary to obtain a waterfront development permit. They have excluded from the application that area that would be under the Department of Environmental Protection waterfront development jurisdiction. Mr. Kent-Smith explained that they have written confirmation from the NJDEP that the agency is in agreement with the applicant's reading of the regulation. As long as the area that has been marked as a reservation of right-of-way for Delaware Avenue stays within the public domain they will not need a waterfront development permit. Mr. Kent-Smith will submit the letter he has from the DEP. On the other corner of the property that cuts across the Delaware Avenue and Union Avenue location there is a minor amount of the flood plain that comes onto the property. The applicant plans to fill in the front yard and move the flood plain so that it is off the proposed fee simple lots for the 3-unit building in that location. By doing this there will be no flood insurance required for the individual homeowners. The flood plain will be contained in the common open space of the site. This plan requires the approval of the Township Committee.

Mr. Kent-Smith and Mr. Bodwell then reviewed Mr. Taylor's report dated June 6, 2008. They started with Section IV and discussed a variance that relates to the setback of Unit 1 as a result of the reservation of the right-of-way at the intersection of Willow Street and Delaware Avenue. Mr. Bodwell used Exhibit A-1 to describe the setback variance that was needed. Mr. Taylor pointed out that the building location is consistent with the redevelopment plan. The addition to the Delaware Avenue right-of-way is causing the need for the variance and is consistent with the redevelopment agreement. The applicant is requesting and asking the Board to consider a technical variance in that location because it is covered under the redevelopment agreement but not under the redevelopment plan. Mr. Kent-Smith stated that the applicant also had an alternative building layout that provided a greater setback for that unit. The Alternate Building Layout Exhibit dated June 11, 2008 was marked as Exhibit A-3. Mr. Bodwell described the exhibit and pointed out two huge trees behind Building 2. The applicant is trying to minimize the impact on their root structures. Mr. Kent-Smith stated that they would defer to the Board as to whether they should go with the original proposal or whether the applicant should go with the plan revision that is shown on Exhibit A-3.

Mr. Germano asked how far away the foundation of Unit 1 would be under the alternate plan. Mr. Bodwell replied that from the corner of the building it would be 5.5 feet and from the porch it would be 2.4 feet.

Ms. Jass asked if the change was going to alter the look of the building. Mr. Parry stated that when he showed the Board the elevations of the two units together that the concept he would show would be consistent with the footprint. He did not feel that the look was going to change much. There was more discussion regarding the building dimensions.

Mr. Dougherty asked Mr. Bodwell if there would be any problems with the reconfigured garages and he noted that there might be less of a conflict because the garages were separated in the alternate plan. Mr. Bodwell responded that from the garage standpoint he liked the alternate layout better because it would be easier to get in and out.

Mr. Kent-Smith stated that Exhibit A-3 was more than acceptable to the applicant. Mr. Dougherty stated that from an engineering standpoint he did not have any problem with the alternate design. He liked the rear parking area a little bit better as shown on the alternate plan.

Mr. Kent-Smith continued his review of Mr. Taylor's report of June 6, 2008 beginning with Section IV.B. Topics discussed included wall height, trash enclosure, trash disposal, existing shed, replacement of column, replacement and repair of perimeter sidewalk, decorative crosswalk, traffic calming techniques, lighting, landscaping, foundations, responsibilities of homeowners' association, storage areas, use of grills, wall maintenance, handicapped parking, tree removal, and the filling in of manholes.

Mr. Parry identified himself and reviewed his qualifications as an architect. He has been working on the Zurbrugg project since 2006 with the original redevelopers. Mr. Parry referred to Mr. Bodwell's site plan as he described the project. Mr. Parry has worked to make the new buildings consistent with the Frank Furness architectural design of the original mansion. The plan is to put 24 units for senior citizens in the existing mansion plus in the addition in the back, and in order to do that they had to expand the back area. The Board was given a set of six architectural exhibits that were marked Exhibits A-4 to A-9. There was also a series of photographs that were marked as Exhibit A-10. Mr. Parry went over details regarding the addition on the back of the mansion that was pictured in Exhibits A-4 and A-5. Mr. Parry went over details pertaining to Exhibit A-6 which showed floor plans for both the garden level (basement level) and the first floor. He discussed the back area expansion, the relocation of the existing windows, and the new exit stairs. Mr. Parry went over details pertaining to Exhibit A-7 which showed the second and third floors. He discussed details regarding the apartments such as the addition of kitchenettes and bathrooms.

There was discussion about the fact that there are more than 24 units shown on the plan. It may be possible to have additional COAH units, however at this time the applicant is asking for approval for 16 units in the back area of the mansion. There would be four units on the garden level, six on the first floor, and six on the second floor. The eight remaining units would be in the mansion itself. Mr. Germano summarized that the testimony was intended to prove that 24 units can be accommodated in the space but it is not an indication of where any of them are going to be. The Board would not be approving the exact locations of the units. Mr. Taylor stated any modification to the number of units would require an amendment to the redevelopment agreement and to the redevelopment plan. The final architectural plans are subject to the approval of the Township's redevelopment architect and the Township Committee.

Mr. Corcoran asked when the plans for the 12 foot expansion of the old addition would become final. Mr. Taylor answered that it had to be final when the redeveloper pulled permits. Mr. Taylor stated that this presentation to the Board was more for informational purposes because the final determination of the building design is subject to the approval of the Township Committee. Mr. Corcoran stated that permits would not be pulled until such time as the Township's architect and the governing body have approved the plan. Mr. Taylor confirmed that this was correct. Mr. Taylor thought it would benefit everyone if some of the parameters were set forth on the plans with a signature block so that it was evident that everyone had signed off on the plan and permits could be issued. Mr. Germano asked if the applicant would have a problem if that was in the resolution. Mr. Kent-Smith replied that was what the redevelopment agreement said.

Mr. Corcoran asked if the applicant expected the Township to render an approval prior to closing. Mr. Kent-Smith replied that he would like that to happen. Mr. Corcoran asked if that was a condition of closing. Mr. Kent-Smith replied that the condition was that they have all of the permits and approvals necessary for them to secure the development of the project. Mr. Corcoran stated that he did not think that anyone on the Township Committee knew anything about this. Mr. Kent-Smith replied that it needed to be resolved promptly. He guaranteed that they would present the information immediately and at that point it needed to be resolved. Mr. Taylor summarized that for purposes of this Board the final design is subject to approval by the Township Committee and redevelopment architect.

Mr. Kent-Smith asked Mr. Parry to discuss the architectural design for the various townhouse units. Mr. Parry referenced Exhibit A-8 which showed the front elevation design and the floor plans of the building that contained units 3, 4, and 5 on the corner of Delaware Avenue and Union Avenue. Mr. Parry went on to give details about the units including number of bedrooms, garages, and architectural details. Mr. Martin asked about discrepancies between the engineering plan and the architectural plan. Mr. Parry stated that there may be discrepancies because Mr. Bodwell's plan changed a little bit after they put the architectural plan together. Mr. Parry said they were trying to show the overall feeling and design concept for the exteriors. Mr. Martin questioned discrepancies regarding the location of sidewalks. Mr. Taylor responded that the architectural and engineering plans would be revised by the applicant so that they are consistent with one another in a manner subject to approval by the Board's professionals. Any contradictions between the architectural and engineering site plans would be resolved on the final plans.

Mr. Parry then described architectural details regarding the twin unit (Units 1 and 2). The building changed from being flush to being set back. Mr. Parry referenced Exhibit A-9. He described the building materials that would be used and the width of the building. Mr. Kent-Smith confirmed that the final architectural plan for all units would be reviewed and approved by the Township's historic architect and ultimately by the Township Committee.

Mr. Germano asked if every lot had frontage on a street. Mr. Dougherty replied that the lots shown on the subdivision plats as new lots 9 and 10 as well as new lots 4 and 5 (in reference to Exhibit A-1 those are units 6 and 7 and units 3 and 4), do not touch any public right-of-way. They are contained within the footprint of those units with a small area appurtenant to it but they do not go out to Delaware Avenue or Second Street. The lots are similar to a townhouse development or a condominium development where the lots don't have frontage on a public street but they are part of an overall project that does. Mr. Germano stated that therefore the Board can find that the lots in question don't have to be related to a public street. Mr. Dougherty replied that was correct.

Mr. Matulewicz asked if a project manager had been selected. Mr. Kent-Smith stated that they were still in negotiations. Mr. Matulewicz asked if the applicant had project financing. Mr. Kent-Smith answered that they have a financing commitment from Beneficial Bank. He added that project financing would likely be through the same lender.

Mr. Germano brought up a question regarding the setback of units 1 and 2. He stated that a "c" variance would be required and discussed the reasons why. The Board has to determine that what the applicant is proposing is consistent with the plan and that it has the effect of promoting

the plan even if there is a deviation. Mr. Dougherty added that with respect to the negative criteria the deviation requested does not subvert or otherwise impair the intent of the redevelopment plan. He explained that Exhibit A-3 is a lesser deviation and therefore is more in accord with the redevelopment plan. Therefore Mr. Dougherty felt that the Board should consider Exhibit A-3 as the final resolution of the ultimate setback of units 1 and 2. Mr. Taylor wanted it noted for the record that Exhibit A-3 which is the alternate plan is consistent with Exhibit J from the redevelopment agreement. Exhibit J is a townhouse setback schedule.

Ms. vanGenderen opened the hearing to the public and since there were no public comments the hearing was closed to the public.

Mr. Martin asked that it be confirmed that the Board was not voting on the architectural plans just on the engineering plans. The architectural plans were for edification only and they will be under the purview of the Township Committee. Mr. Germano confirmed that was correct. Mr. Taylor stated that he thought the Board's resolution should reflect that the architectural plans were for information only and as provided for in the redevelopment plan that the final approval of the plans would be subject to review by the Township Committee and the redevelopment professionals. Mr. Germano reminded the Board that if the site plan and subdivision meet the standards of the redevelopment plan then the only judgment calls are for the setback variance and the relief from the requirement that all lots front on a public street. Mr. Taylor added that there were design waivers as well. Mr. Dougherty stated that the only thing he would add is "subject to de minimus acceptance from RSIS should there be any".

Mr. Ouellette asked if there were any feelings from the Board pertaining to the alternate plan. Ms. vanGenderen said she would defer to Mr. Dougherty on that question. Mr. Dougherty replied that it sounded like the second plan had more functionality. Ms. vanGenderen said she respected Ms. Jass's concern about the architecture but it sounded like that could be worked out so if the alternate plan was more functional she felt it was acceptable. Mr. Germano asked if the alternate plan was closer to what the redevelopment plan envisioned. Mr. Taylor replied that the original plan was identical to the redevelopment plan and to the agreement but the Township Committee has gone to great lengths, as has the applicant, to strike that balance between maximizing setbacks and preserving trees. He felt the alternate plan improved the project and did not think it would have any impact negatively on the architecture or the trees. Mr. Matulewicz commented that the street trees should be worked out with Mr. Taylor and perhaps with input from the Board's CTE as well.

Motion made by Mr. Corcoran for preliminary and final subdivision and preliminary and final site plan approval with all of the waivers and variances discussed. Ms. Jass seconded the motion. Those voting in favor:

Mr. Ouelette voted yes utilizing the alternate plan and with the additional provisions.

Mr. Corcoran, Mr. Martin, Mr. Matulewicz

Ms. vanGenderen said she believed the site plan that the Board had seen was in keeping with the redevelopment plan goals and objectives. She felt there had been a lot of work and thought and effort put into this site as far as saving the trees, having it positively impact the neighborhood and being compatible with the existing neighborhood. She gave the developer a lot of credit and she looks forward to the project.

Ms. Jass voted yes since it is consistent with the redevelopment plan.

Mr. Taraschi

Abstentions/recusals: Mr. Templeton abstained. He never agreed with the redevelopment plan or with this project. He expressed concern that the Board seemed to be seeing the beginnings of a slippery slope with the increase in the number of apartments in the building and he was very concerned about the lack of a financial commitment for the entire project.

Those voting against: none

Kate Fitzpatrick of the Township Committee stated that she would like to thank the Board for approving this project. She thought it was going to be a great improvement to the riverfront and it would put the mansion back on the tax roles and add some additional nice properties in town. She added that the developer did a nice job in working with everyone.

### **Meeting Opened to the Public:**

Ms. vanGenderen opened the meeting to the public.

Ed Devinney from the Township Committee stated that he wanted to underscore what Ms. Fitzpatrick said and Ms. vanGenderen's comments. He wanted to thank the Board members for all their time on this project.

Ms. vanGenderen stated that at this point there was no need to come back on June 17 for this application so it was up to the Board as to how they wanted to proceed on the Master Plan. She added that there was still time to notice between now and then if the Board wanted to continue to discuss the plan as Mr. Taylor presented it tonight or if the Board would feel more comfortable with carving out that piece of the plan that seems to be still undecided. Ms. Jass asked Mr. Taylor to discuss the pros and cons to carving out the undecided piece of the plan.

Before proceeding further Ms. van Genderen closed the meeting to the public.

Mr. Taylor stated that the advantage to resolving the undecided portion of the plan now is that the Board is going through the process of having public hearings and adopting, printing, publishing, etc. a Master Plan so there is economy in the Board's time, the professionals' time, printing, etc. to get it as one document. Mr. Taylor felt that it would be cleaner for the Board to resolve all of the outstanding issues in this Master Plan and address them even if they need to ask for some additional time. He expressed concern that the Master Plan often takes a back seat to Board agenda items and he doesn't know what is on the July agenda. Mr. Martin asked if the agenda could be limited for July so the Master Plan could be discussed. Ms. van Genderen stated that the Board could start with the Master Plan in the July work session. Mr. Taylor did not feel there would be a problem getting an extension from DCA. Ms. vanGenderen announced that the Board would not meet on June 17. Instead they will discuss the issue on July 1 and limit the rest of the agenda.

### **Correspondence:**

Ms. Lameiras reported that Mr. Taylor had supplied a clean copy of the redevelopment plan dated May 5. She could provide a copy to anyone who wanted it.

**Comments from the Board:**

There were no comments from the Board.

**Adjournment:**

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

Katherine Martin

Approved: November 12, 2008