

**DELANCO TOWNSHIP  
JOINT LAND USE BOARD  
REGULAR MEETING  
AUGUST 3, 2010**

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

**Absent:** none

**Board Professionals:** Robert Kingsbury, Esq. filled in for Denis Germano; Hugh Dougherty, Engineer; Scott Taylor, Planner

**Approval of Minutes**

**Approval of July 6, 2010 regular meeting minutes**

The July 6, 2010 minutes were approved by those Board members eligible to approve them. There were no corrections.

**Announcement**

Ms. vanGenderen announced that there was a defect in the notice for the Braga Construction application, and they would not be appearing. Members of the public were advised that the application would be carried to the Board's next regularly scheduled meeting which will take place on Tuesday, September 7, 2010 at 7 PM in the Municipal Building. Members of the public will not receive further notice.

**New Application**

**#2010-04 Zurbrugg Partnership, LLC**

**Zurbrugg Mansion**

B 1202, Lots 1-11

531 Delaware Avenue

ZRD Zone

Amendment to Major Site Plan—Final

**Completeness Determination**

Henry Kent-Smith, Esq. appeared on behalf of the applicant. He stated that the application before the Board was an amendment of their final approval. Mr. Martin stepped down from the

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dais and recused himself from the hearing. Mr. Dougherty referred to his review letter dated July 28, 2010 entitled Amended Final Major Site Plan. He summarized that there were four items of completeness that would require a waiver from the Board and recommended that three items be waived and one be deferred. With the waivers and deferral the application could be declared complete. Ms. vanGenderen asked for testimony regarding the deferred item which dealt with performance guarantees and inspection escrows. Randy Cherkas, Zurbrugg Partnership Managing Partner, was sworn in by Mr. Kingsbury. Mr. Cherkas provided testimony that the necessary bond had been posted.

Motion by Mr. Taraschi, seconded by Ms. Moore that the application be deemed complete.

Those voting in favor: Mr. Lord, Ms. Lohr, Ms. Jass, Ms. Mader, Mr. Matulewicz, Ms. Moore, Mr. Taraschi, Ms. vanGenderen, Mr. Schmitt

Those voting against: none

Those recusing/abstaining: Mr. Martin

**Hearing**

Mr. Kent-Smith stated that they were changing the plan for Lot 6 which is the Mansion lot and for Lot 10 which includes all of the common areas on the site. During the course of construction some decisions were made to modify the internal layout of the Mansion which allowed the creation of three additional units. The original approved Redevelopment Plan included 1,200 square feet of office space which was going to be used by Mr. Cherkas. Mr. Cherkas has determined that he will not need the office space so it can be converted into additional units. Mr. Cherkas gave a brief description of where things stand with construction. He testified that there were no modifications being made to the exterior of the site, all modifications are interior. The space that was going to be for offices has been converted into an apartment unit and space on the third floor was reconfigured because of architectural limitations to create two more apartments, one of which is undersized. Mr. Cherkas testified that they had received permission from the State to build the undersized unit. Mr. Kent-Smith summarized that the applicant is requesting amended site plan approval to permit the number of units to be increased from 24 to 27. The Redevelopment Plan has already been amended.

There was discussion regarding flood damage prevention and parking. The phasing plan did not change. Office space for a building manager was discussed. Mr. Taylor asked if the Board professionals could be provided with a floor plan. Mr. Cherkas stated that he could provide an "as built" set of plans at the end of the project. There was discussion pertaining to the undersized unit on the third floor, that the common areas are to be owned by a Homeowners Association and the HOA documents were reviewed by Mr. Germano and Mr. Heinold, whether or not there was a need to assign parking spaces, use of bollards to define parking spaces, minimum age of residents, and whether the Township would receive credit for all COAH units.

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Ms. vanGenderen opened the hearing to the public. All members of the public were sworn in by Mr. Kingsbury before giving testimony.

Keith Letizio, 203 Union Avenue—Mr. Letizio asked about the lighting on the property. He felt that the lighting was very bright and very offensive and didn't conform with the Master Plan. Mr. Taylor responded that the lighting has not been signed off on by the Township nor by the Board so revisions will be made. His office is working with the redeveloper on lighting. The Master Plan has recommendations but they don't apply to specifically to this project. Some changes to the lighting have already been made and the lights will be modified again in the near future. Mr. Letizio asked if the lighting could be changed back to the amber lighting that was previously on the site. Mr. Taylor said that would be evaluated. The overall goal is to minimize the offsite glare. Mr. Letizio asked if the lighting could be reassessed in the fall when there are no leaves on the trees. Mr. Cherkas stated that they had received complaints about the previous lighting as well and did not feel it was appropriate lighting for a senior facility. He has responded to Mr. Letizio and to other neighbors who have complained. Mr. Cherkas agreed that the lighting is too bright and they will continue to work on it.

Steve Scholfield, 400 Burlington Avenue—Mr. Schofield asked about the parking for the townhouses. Mr. Cherkas provided information.

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

Motion by Mr. Taraschi, seconded by Ms. Moore that the application be approved after receiving the DCA approval for the undersized unit.

Those voting in favor: Mr. Lord, Ms. Lohr, Ms. Jass, Ms. Mader, Mr. Matulewicz, Ms. Moore, Mr. Taraschi, Ms. vanGenderen, Mr. Schmitt

Those voting against: none

Those recusing/abstaining: Mr. Martin

Mr. Martin rejoined the Board at the dais.

**Base Recycling Ordinance**

Mr. Taraschi will e-mail comments to Ms. Moore, and she will copy the Board on her response.

**Master Plan Ordinances Subcommittee**

Ms. vanGenderen recommended that the subcommittee meet with Mr. Taylor. He has provided the subcommittee with draft ordinances and they have recommended changes. The subcommittee will bring anything to the full Board that they need to be aware of.

**Creek Road Realignment Zoning Study**

This item was continued pending State action regarding the Council on Affordable Housing.

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**New Member Interviews Subcommittee**

Ms. vanGenderen stated that there is a vacancy on the Board and she has been asked by the Township Committee to review several applicants. She asked Mr. Lord and Mr. Matulewicz to join her on the subcommittee. Ms. vanGenderen will be in touch to schedule interviews.

**Open Meeting to the Public**

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

**Comments from the Board**

Ms. Lohr asked if it would be appropriate for the Master Plan Ordinances Subcommittee to review a problem that came up today with a property that is for sale. The property is on the corner of Richard & Burlington Avenues and consists of two lots. The problem is that according to the zoning map the house is zoned C-1 while the business on the adjacent lot is zoned R-3. The subcommittee was asked to add that property to their list.

**Adjournment**

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

Katherine Martin  
Board Secretary

Approved: September 7, 2010