

**DELANCO TOWNSHIP
JOINT LAND USE BOARD
REGULAR MEETING
OCTOBER 6, 2009**

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

Sunshine Statement

Please be advised that proper notice of this meeting has been given in compliance with the Sunshine Law in the following manner: written notice has been mailed to the Burlington County Times and Courier-Post newspapers and published in the January 3, 2009 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

Present: Mr. Taraschi, Ms. Lohr, Ms. Jass, Mr. Lord, Mr. Martin, Mr. Matulewicz, Ms. Moore, Ms. vanGenderen, Mr. Schmitt

Absent: Ms. Mader, Mr. Anastasi

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

Resolutions

Resolution 2009-14

Cecilia Campolucci

Granting Rearyard Setback Variance for an Attached Raised Deck

Ms. Martin was asked to correct the spelling of Ms. Campolucci's name on the 1st page and the description of the deck was changed to read "treated wood or simulated wood".

Motion by Ms. Moore, seconded by Mr. Matulewicz to adopt and memorialize Resolution 2009-14 with those corrections.

Those voting in favor: Ms. Lohr, Mr. Lord, Mr. Martin, Mr. Matulewicz, Ms. Moore, Ms. vanGenderen, Mr. Schmitt

Those voting against: none

Approval of Minutes

The September 1, 2009 minutes were approved by those Board members eligible to approve them. There were no corrections.

Newton's Landing Homeowners Association—Landscaping of Median

Mr. Taylor reported that the Newton's Landing Homeowners Association had approached him regarding the landscaping within the medians leading into the development. The landscaping was originally designed and approved as part of the major subdivision plan for the project. The ornamental trees and grasses in the medians are now overgrown and there are concerns about sight distance. The HOA would like to make modifications. Normally this would not be governed by a municipal body but it does involve trees within the municipal right-of-way. In addition the trees are currently bonded by Pulte. There was discussion regarding the proposed changes. Mr. Taylor recommended to the HOA that Pulte could not be held responsible for the relocation or the health of any newly planted trees. The HOA would assume the responsibility for the health and maintenance of the new trees. Mr. Taylor felt it was appropriate to discuss this with the Board because of the scope of the proposed changes. Either Mr. Dougherty or Mr. Denton should review the plan to confirm that the proposed plantings are far enough outside of the

**DELANCO TOWNSHIP
JOINT LAND USE BOARD
REGULAR MEETING
OCTOBER 6, 2009**

required sight triangles. There was further discussion regarding the proposed species, the spacing of the trees, clearance under the branches, and who would maintain the trees. Mr. Taraschi suggested that the Board pass a resolution stating that the Joint Land Use Board has continuing jurisdiction over the plan and that the Board Engineer has the right to negotiate with the HOA to approve this change. He did not think that would violate the Shade Tree Commission's jurisdiction or the Town's technical ownership of trees in public rights-of-way. Ms. vanGenderen suggested that the authority be given to the Planner, not the Engineer.

Mr. Germano advised the Board that a resolution indicating continuing jurisdiction, that the HOA has proposed a revised plan, that the Planner has reviewed it from a landscape architecture point of view, and that the Township Engineer needs to review it to see that it satisfies the sight triangle makes sense. The HOA will continue to be responsible for maintaining the median landscaping.

Motion by Ms. Moore, seconded by Mr. Matulewicz to adopt a resolution allowing the Newton's Landing Homeowners Association to remove the kwanzan cherry trees that are currently in place and replace them with aristocrat pear trees together with other changes in plantings as shown on the plan entitled "median plantings" provided by Mr. Taylor.

Those voting in favor: Ms. Lohr, Mr. Lord, Mr. Martin, Mr. Matulewicz, Ms. Moore, Ms. vanGenderen, Mr. Schmitt

Those voting against:

Those abstaining/recusing: Mr. Taraschi, Ms. Jass

Continued Applications

Antonio Santos

Block 2000, Lot 3.01

210 Creek Road

I-2 Zone

Bulk and Use Variances for new garage

Mr. Taraschi and Ms. Jass recused themselves from the hearing because it involved a use variance. Mr. Germano stated that this matter was continued from the September meeting and reminded Mr. Santos that he was still under oath. Mr. Daniel Baker, Esq. again represented Mr. Santos. He stated that the applicant had submitted revised plans which show the location of the items discussed at the last Board meeting and had submitted copies of the permits that had been obtained for some of the structures. Mr. Baker stated that in addition to the plans they had also submitted different elevations of the proposed garage shown from different angles. A new survey, last revised 9/16/09, was marked as Exhibit A-4. The new survey shows all structures on the property, setbacks, and building coverage calculations. Mr. Taylor discussed building coverage requirements and comparisons between the old R1-A zone and the current R-3 zone. There was discussion regarding sight lines, the existing fence, the height of the proposed garage, landscape screening, building coverage, sideyard setbacks, the existing deck on the side of the house, missing permits, use of R1-A bulk standards, and the original application for subdivision. There was

**DELANCO TOWNSHIP
JOINT LAND USE BOARD
REGULAR MEETING
OCTOBER 6, 2009**

continued discussion regarding the time that elapsed between the subdivision approval and the building of the house, when the existing deck was built, what is lawfully existing on the property, and the 12' x 4' accessory structure over the barbeque area. Mr. Santos will provide a revised plan showing dimensions from the right sideyard to the principal structure and to the deck.

At 8:40 PM the Board took a five minute recess.

The hearing resumed at 9:01 PM. Mr. Germano informed Mr. Baker and Mr. Santos that Ms. Lohr, who is also the Township Clerk, had gone to the archives to look for the records on Mr. Santos' property. There was nothing in those records to substantiate Mr. Santos' statement about the deck being part of the original structure. Mr. Germano stated that there was no sense in delaying to ask Mr. Santos to produce something he can't produce. Mr. Germano also stated that he had asked Mr. Taraschi and Ms. Jass to step down from the dais because Mr. Santos' application was for a "d" variance. Mr. Germano realized during the recess that this was not an expansion of a prior non-conforming use because Mr. Santos had received a variance. So this is an application for a simple "c" variance. Mr. Germano suggested that since there are no records regarding the deck and because the R1-A zone does not have a standard for an aggregate side yard that the Board completely ignore the question of the deck. Mr. Santos came in for a "c" variance to put on a garage and that is what the Board should consider. The only other item that needs a variance is the 12' x 4' structure. The Board also needed to determine whether or not to keep the old R1-A standards for Mr. Santos' property. Mr. Taylor suggested that language be put in the resolution to cover the possibility of the property being re-zoned in the future. Mr. Germano said that if the Board wants to carry the old R1-A forward he will say that in the resolution and enumerate the standards. Mr. Taylor said that he thought it would make sense to direct the applicant to obtain zoning and construction permits for the existing gazebo, the 12' x 4' roof structure, and the pool shed.

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

Ms. Lohr confirmed that the Board was leaving the other issues to the jurisdiction of the Construction Official. Mr. Germano agreed.

Motion by Ms. Moore, seconded by Ms. Lohr that the Board grant the sideyard setback of 5' $\frac{3}{4}$ " on the left side of the property and a 2' setback for the 12' x 4' roof structure on the right side of the property and require the applicant to obtain permits for any structures previously unpermitted.

Those voting in favor: Ms. Lohr, Mr. Lord,

Mr. Martin because he thought that the proposed activity will still continue finding number 10 (page 3 of resolution from 1989 subdivision) of not substantially impairing the intended purpose of the zoning that was found by the prior Zoning Board of Adjustment,

Ms. Moore didn't believe there was significant harm, there has been no testimony from any other property owners, and given that the area where the garage is going to be constructed is currently paved and will enclose existing vehicles that are parked there it will enhance the appearance of the property,
Mr. Schmitt

**DELANCO TOWNSHIP
JOINT LAND USE BOARD
REGULAR MEETING
OCTOBER 6, 2009**

Those voting against: Mr. Matulewicz thought the further encroachment of the garage into the sideyard setback did not enhance the public good or the intent of the Master Plan, Ms. vanGenderen echoed Mr. Matulewicz's comments

Those abstaining/recusing: Mr. Taraschi, Ms. Jass

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

Mr. Lord reported that the subcommittee had met again to discuss the zoning along Creek Road. Mr. Taylor had prepared an initial draft report identifying properties to be reviewed for potential zoning changes. The subcommittee will meet again on October 29. They should then be ready to submit a draft report at the October 29 regular meeting for the full Board's review and comment.

Mr. Matulewicz asked Mr. Taylor if any action had been taken regarding the clear cutting of trees at River's Edge. Mr. Taylor had not been asked to evaluate that site. Ms. Moore suggested that the Board ask the Township Committee to have Mr. Taylor do a review. Mr. Taylor told the Board that the only place in Delanco where Taylor Design Group was doing landscape inspections was at Newton's Landing because there were problems. In other towns where they are the township landscape architect/planner, they actually do the site inspections of the trees and the site clearing to make sure the work is consistent with the approvals. They work in conjunction with the township engineer's office. If the Board would like them to conduct site inspections, that could be adopted as a policy. Ms. Martin was asked to send correspondence to the Township Committee on the Board's behalf. Ms. Lohr recommended that Mr. Taylor check with Mr. Goffredo, the Zoning Official, and Mr. Schwab, the Acting Township Administrator, so that he can find out where things stand at River's Edge.

Ms. Jass reported that the Township Committee had appointed Mr. Templeton and herself to a committee to review the ordinances proposed in the Master Plan. They would like to have some Joint Land Use Board members on that committee as well to help determine which ordinances should be worked on first. Mr. Taraschi, Mr. Martin, and Mr. Lord volunteered to participate on the committee.

Adjournment

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

Katherine Martin
Board Secretary

Approved: October 29, 2009