

**DELANCO TOWNSHIP JOINT LAND USE BOARD
REGULAR MEETING
JUNE 6, 2006**

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 16, 2006 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. Chafin, Mr. Denlinger, Ms. DiCarlo, Ms. Jass, Mr. Lewandowski,
Mr. Lord, Ms. Mader, Mr. Matulewicz, Ms. Moore, Mr. Pawline,
Ms. vanGenderen.

Absent: Mr. Fenimore.

“Need For Redevelopment”

Block 1201, Lots 1.01 and 1.02-Block 1202, Lots 1.01, 1.02, and 1.03
Zurbrugg Mansion

(Began at 7:40:21PM and ended at 8:25:10PM)

Written notice of the hearing has been mailed to the Burlington County Times and published in the May 16th and 22nd, 2006 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the hearing.

Mr. Germano swore in the Board’s Planner, Michelle Taylor.

Ms. Taylor went over the May 18, 2006 “Determination of Need Report”. She stated that the interior lay out of the structure, the configuration of the bedrooms; the parking and those sorts of things pose some practical difficulties for the municipal government to utilize the parcel. She stated that the building was no longer used for an aged facility. The interior of the building is not in disrepair but the exterior of the building requires a great deal of maintenance. The location of the property in the midst of a residential area creates a marketing issue. The property lacks access and the Delaware River poses a very large obstruction to development or redevelopment. The building will start to deteriorate without the proper care and use.

Mr. Germano stated that the building was originally designed as a home and then turned into an institutional use. It’s not configured like a home any more and it’s not built to the standards of a modern institutional use.

Ms. Taylor stated that the only market that has shown up was an institutional use that was probably not appropriate for the site, but would have likely been able to prove the criteria for a use variance and get it. The governing body will market the site with the assistance of a professional if it is determined that it is an area that needs rehabilitation or redevelopment.

Mr. Germano asked if the building has historic significance.

Ms. Taylor stated that when the township put out an RFQ/RFP they received a high degree of interest from historic architects because the building is a fine architectural piece.

Mr. Germano stated that if the building isn't used and maintained the public will lose a building with historic and architectural significance.

Ms. Mader asked what the Board's role is regarding the property.

Ms. Taylor stated that the governing body has asked the Board to evaluate the property per the local redevelopment housing law. If the Board determines it as an area in need of redevelopment the governing body then puts together a redevelopment plan. Once the redevelopment plan is put together it comes back to the Board within 45 days of it being developed and the Board looks at it again to determine if it conforms to the vision of the site and the character of the neighborhood from a planning perspective. The Board only has to determine at this time if it meets the criteria for redevelopment based on the report. It will then be referred back to the governing body.

Mr. Germano stated that the municipality owns the property and municipal property must be sold to the highest bidder when it is sold, except under this statute. The town isn't limited to selling it to the highest bidder for whatever they want to do with it. The municipality can develop a plan for what they want done with the property and has control over the development of the property.

Ms. Taylor stated that the redevelopment plan will set up parameters with bulk restrictions and architectural restrictions and a framework to retain the character and historic nature of the building. There will be a redevelopment agreement between the township and the developer that is chosen that will ensure that the property is developed in accordance with the redevelopment plan.

Mr. Lewandowski asked what will happen if the developer goes out of business or sells it to another developer and if the new developer is bound by the agreement.

Ms. Taylor stated that the agreement will dictate what is going to happen with the parcel. The Township can retain the right to take it back if the developer fails to maintain the building and develop the property in accordance with the agreement.

Mr. Lewandowski stated that they could sell it to another developer.

Mr. Germano stated that the municipality will also have control over the sale of the property and if it is sold it would be sold subject to the plan.

Ms. Jass asked if there is a negative side to designating the property for redevelopment.

Mr. Germano stated that since the property is owned by the Township there will be no negative side to the designation.

Mr. Pawline asked if the property has to meet more than one of the criteria.

Mr. Germano stated that it only has to meet one of the criteria.

Hearing Open To The Public:

Ms. vanGenderen opened the hearing to the public.

Public Comments:

John Horn – Asked if the mansion is sitting on a sink hole and if it will be sold if it is.

No one on the Board or Board's professionals was aware of any sink hole at the site.
Ms. Taylor stated that if there is a sink hole on the site it would meet another of the criteria of the need for redevelopment and when a developer does an investigation to determine how much money they are going to spend on the parcel they are going to have to do a process called due diligence and will do surveys with engineers and architects to determine if it is a reality.
Mr. Horn asked if the Township went through the same procedure when they purchased the property.
Ms. Taylor stated that she did not know.

Jean Mastalesz – 97 Shipp's Way – Asked if the property is on any historical register and if the Township has made any efforts to put it on a historical register.
Ms. Taylor stated that she did not know if it is on a register and that she didn't believe that the Township has made an effort to put it on a historical register.
Ms. Mastalesz asked how she determined that it has historical significance.
Ms. Taylor stated that there is a historical record for the property. Mr. Zurburgg built the mansion and hired prominent architects to build it. You wouldn't have the interest of architectural consultants if the building was not significant.
Ms. Mastalesz asked if the Township should make an effort to put it on a historical register.
Ms. Taylor stated that if you put something on a register you can severely limit its availability to be adapted and reused and increase significantly the cost of changes to the building. There is also no gap between the original building and the addition. It would likely suffer as far as historic significance of being registered. There would typically be a glass enclosure separating the original building from the addition.
Ms. Mastalesz stated that she now understands that it can be historically significant and not validated.
Ms. Taylor stated that it is validated by its history.
Ms. Mastalesz asked if the site is blighted now.
Ms. Taylor stated that she has not done an assessment of the building and she understands that the exterior of the building requires maintenance.
Ms. Mastalesz asked if an assessment of the condition of the property should have been done before the hearing.
Mr. Germano stated that this is a public hearing to talk about the findings of the Board's staff.
Ms. DiCarlo stated that the Township Committee and the Administration has investigated the building and it is deteriorating on the outside and the Township cannot afford to do the repairs and maintain the exterior of the building .
Ms. Mastalesz asked if the Township can afford to sell it.
Ms. DiCarlo stated that it can.
Ms. Mastalesz asked if it has to be designated as a redevelopment area to sell it.
Ms. DiCarlo stated that they have to so that they can get something in the neighborhood that the Township Committee and whole town wants.
Ms. Taylor stated that the board will refer it to the governing body as an area determined to be in need of redevelopment and a redevelopment plan will be prepared. It will contain zoning requirements that will be in keeping with the architectural integrity of the site.
Ms. Mastalesz was concerned that it will not meet the criteria requirements for a public property.
Mr. Germano stated that it does not have to meet the criteria requirements for a municipal property it only has to meet one of the conditions necessary for redevelopment.
Ms. Mastalesz stated that she was concerned that the criteria for the property will not hold up in court.

Ms. Taylor stated that she is very confident that it will hold up in court and that it will stand on its own merits. The Township will look for a use that is appropriate for the property and will control it.

Peter Fritz – 303 Union Avenue – Stated that he is a member of the Delanco Historic Preservation Advisory Board and that the property is historically significant on a lot of levels. It was the last commission of Frank Furness before he passed away and that they want to ensure that it retains its sense of being the most important building in town.

Ms. vanGenderen closed the public portion of the hearing.

Mr. Chafin asked if we can seek state grants if it is declared in need of redevelopment.

Ms. Taylor stated that grants can be applied for.

Mr. Germano advised the Board that no written objections were received by the secretary.

Motion by Mr. Chafin to approve the redevelopment investigative report for the Zurbrugg mansion, second by Ms. Jass.

Those voting in favor:

Mr. Chafin stated that it meets the criteria set in B, C, and E,

Ms. DiCarlo,

Ms. Jass stated that it meets all the criteria listed in the report by Ms. Taylor,

Mr. Lewandowski,

Mr. Lord stated that he also believes that the property meets the conditions for redevelopment enumerated by the planner,

Mr. Matulewicz stated that the property meets the criteria of B, C, and D of the redevelopment statute,

Ms. Moore stated that the river and the fact that Delanco is a narrow peninsula has made it difficult to market and the fact that it is neither a home or a true assisted living facility has also compromised its marketability,

Ms. vanGenderen agreed with everyone's comments,

Mr. Denlinger, Mr. Pawline,

Ms. Mader stated that it protects our interest as a township.

Approved 11-0.

Kevin Meara & Thomas Garofola

Extension for filing Minor Subdivision

Block 1803, Lot 1.03, 600 Perkins Lane

(Began at 8:25:12PM and ended at 8:33:18PM)

Ms. vanGenderen stated that a letter was received from Mr. Hardt the applicant's attorney and that he was unable to attend the meeting. She asked Mr. Germano to explain to the Board what was being requested by the applicant.

Mr. Germano advised the Board that a three lot subdivision was approved by the Board in 2005 and the Land Use Law gives developers 190 days after approval to perfect the subdivision by filing deeds or a plat in the County Clerk's office. The law also permits the applicant to come back to the Board and request an extension if they are unable to obtain outside agency approvals. A certification was filed by the applicant's attorney indicating that the applicant was unable to

obtain all of the approvals. He advised the Board that a minimum extension of four months could be granted.

Mr. Chafin stated that the applicant has been maintaining the property and that he would agree to a six month extension.

Ms. vanGenderen stated for the record that the deeds were brought to the office for signature by the appropriate officials on the last possible day that they could be signed and that she was away on vacation. The Board wasn't given much time to respond to Mr. Hardt's request for signatures. The Board members are not fulltime employees of the Township and serve on a volunteer basis. The applicant shouldn't be made to pay for Mr. Hardt's office's lack of responsiveness and diligence on the matter. She also stated that she had no problem with granting the extension and asked for a motion on the request.

Mr. Chafin recused himself because he is friends with the applicant's brother.

Motion by Mr. Lewandowski to grant a six month extension for the minor subdivision and bulk variance, second by Mr. Pawline.

Those voting in favor:

Ms. DiCarlo, Ms. Jass, Mr. Lewandowski, Mr. Lord, Mr. Matulewicz, Ms. Moore, Ms. vanGenderen, Mr. Denlinger, Mr. Pawline.

Recused:

Mr. Chafin.

Approved: 9-0.

JVS Property Management, LLC

Minor Subdivision & Bulk Variance

Block 402 Lot 1 & 1.02 – 400 Kansas Avenue

C-1 – Neighborhood Commercial Zone

(Began at 8:33:19PM and ended at 9:41:50PM)

David Skand represented the applicant.

The following witnesses were sworn in by Mr. Germano:

Scott Williams – Engineer

Joseph Ventresca – Applicant

Mr. Williams went over the plans for the two lot subdivision. The applicant had already been granted a use variance for the property. The previous use was commercial and the property is predominately surrounded by the R5 residential zone. The site consists of two existing lots and the subdivision is to move the lot line in order to form two residential lots that are more in keeping with the area and more readily meet the bulk requirements of the R5 residential zone.

Mr. Germano advised the Board that a new case decided by the Appellate Division impacts the application. The new case says that this application doesn't need any bulk variances since a use variance was granted by the Board. The Board needs to ensure that the proposed subdivision fits in with the neighborhood and does not react negatively with the zoning ordinance. C1 zoning does permit single family homes provided that they meet the R-3 zoning standards. The lot does not live up to the R-3 zoning standards. The main test is how it will fit in with the neighborhood.

Mr. Williams continued his overview of the plans and stated that the majority of the R-5 requirements have been met. He went over the planner's letter dated April 28, 2006 and the

engineer's letter dated April 25, 2006. The applicant agreed to an easement for the shade trees that are to be planted on the property behind the sidewalk since there isn't adequate space between the curb and sidewalk to plant any trees. The issue concerning the location of the neighbor's sewer was discussed.

Mr. Ventresca stated that they haven't checked to see if the neighbor's sewer line is on his property and agreed to create an easement or build a new sewer line on her property if it is more than five feet on his property and pay all the expenses.

Mr. Germano advised the Board that there is an error concerning the lot number of the neighbor's property.

Mr. Williams agreed to verify the neighbor's lot number and to verify the applicant's lot numbers with the assessor and make the necessary corrections.

The Board went over the architectural drawings with the applicant.

Mr. Williams stated that the applicant agrees to replace the entire sidewalk along Burlington Avenue.

Ms. Elliott asked that the applicant provide an electronic copy of the subdivision at the time the final subdivision plan is finalized for the revisions to the tax maps.

Mr. Williams stated that he can e-mail the plan or burn it to a compact disk.

Public Comments:

Christopher Slaughter – 403 Iowa Avenue – He asked how many stories the homes will have.

Mr. Ventresca stated that they will be two story homes.

Mr. Slaughter was concerned that most of the houses on Kansas Avenue are single story homes and that the two story homes will not fit in with the existing homes.

Ms. vanGenderen stated that two story homes are permitted in the zone and that the issue was addressed at the hearing for the use variance.

Mr. Germano asked that Ms. Klapproth of 408 Kansas Avenue come forward and be sworn in so that she can provide testimony concerning her sewer line. He advised her that if the applicant has to install a sewer line on her property that he would need her permission to do so. He also stated that if it is left on his property he would give her something in writing that would allow her to make repairs to her sewer line.

Ms. Klapproth stated that she would give him permission but would like to know ahead of time when they plan to do anything. She also stated that she has already been contacted by them to check for the location of the line.

Ms. vanGenderen closed the hearing to the public.

Mr. Germano went over the proposed conditions of approval with the Board.

Motion by Ms. Moore to grant the minor subdivision with the conditions articulated by the Board's attorney and contained in the professionals reports, second by Ms. DiCarlo.

Those voting in favor:

Mr. Chafin stated that by approving the application there will be no substantial impairment to the Master Plan or zoning ordinances for the area,

Ms. DiCarlo, Ms. Jass, Mr. Lewandowski, Mr. Lord,

Mr. Matulewicz stated that the removal of the dilapidated structure and replacement with two code worthy houses that are attractive meets and enhances the intent of the zone plan,

Ms. Moore stated that the existing commercial property had been vacant for a long time and was bringing down values in the neighborhood and the residential properties will be conforming with the existing properties,

Ms. vanGenderen stated that the residential structures will not be a substantial detriment to the neighborhood and that they will advance the intent of the zone plan,

Mr. Denlinger stated that it will improve this area of Delanco.

Mr. Ventresca asked if he can get a conditional approval to start the project prior to getting the plans finalized.

Mr. Germano stated that he would have to obtain all of his approvals from the other agencies and since he is adjusting lot lines the building inspector will not issue a building permit for lots that don't exist yet in the new configuration.

Meeting opened to the Public:

Alan Nicola – 313 Princeton Avenue – Mr. Nicola suggested to the Board that they look at getting a new engineer for the Board and that the present firm is not getting the job done for the Sewerage Authority and Township.

Since there were no further public comments, Ms. vanGenderen closed the public portion of the meeting.

Resolution 2006-18 NVR Building Products, Inc.

Amended Final Major Site Plan

Block 1900 Lot 6, 7 Enterprise Drive

I-2 – General Industrial Zone

Ms. vanGenderen went over proposed revisions to the resolution.

Motion by Mr. Matulewicz to approve the revised resolution, second by Ms. DiCarlo.

Those voting in favor:

Mr. Chafin, Ms. DiCarlo, Ms. Jass, Mr. Matulewicz, Ms. vanGenderen, Mr. Denlinger, Mr. Pawline.

Abstained:

Ms. Mader.

Request to go into executive session to discuss Board professionals:

Ms. vanGenderen asked for a motion for a resolution (Resolution 2006-19) to go into executive session to discuss the personnel matter.

Motion by Ms. Mader to go into executive session, second by Ms. Moore.

Those voting in favor:

Mr. Chafin, Ms. DiCarlo, Ms. Jass, Mr. Lewandowski, Mr. Lord, Mr. Matulewicz, Ms. Moore, Ms. vanGenderen, Mr. Denlinger, Mr. Pawline, Ms. Mader.

Approved: 11-0.

After a brief executive session the Board returned to open session.

Appointment of Professionals:

Ms. vanGenderen asked for a motion for a resolution (Resolution 2006-20) to appoint an engineer for the remainder of 2006.

Motion by Ms. Mader to take the recommendation of the sub-committee to appoint Hugh J. Dougherty, P. E. of Pennoni Associates Inc. as the Board Engineer for the rest of the year, second Ms. DiCarlo.

Those voting in favor:

Mr. Chafin, Ms. DiCarlo, Ms. Jass, Mr. Lewandowski, Mr. Lord, Mr. Matulewicz, Ms. Moore, Ms. vanGenderen, Mr. Denlinger, Mr. Pawline, Ms. Mader.

Approved: 11-0.

Correspondence:

Copies of correspondence were distributed to the members prior to the meeting.

Comments From The Board:

This was Mr. Germano's first meeting as the Board's new attorney. Members of the Board commented that Mr. Germano was well prepared for the hearing on the need for redevelopment of the Zurbrugg mansion property and handled the questions from the public well.

Adjournment:

A motion to adjourn the meeting was made by Mr. Pawline and seconded by Mr. Matulewicz. All members present voted in the affirmative.

Roseann M. Lameiras

Board Secretary

Approved: August 1, 2006