

**DELANCO TOWNSHIP JOINT LAND USE BOARD
NOVEMBER 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 October 6, 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. Matulewicz, Ms. Moore, Mr. Pawline, Ms. vanGenderen.

Absent: Mr. Fenimore, Mr. Lord, Ms. Mader.

Applications:

Ryan Homes

River's Edge at Delanco

Continued from the 09/05/06 & 10/03/06 meeting.

"D" Variance and Amended Final Major Site Plan

Block 500 Lot 2, Block 500.01 Lot 1, Block 500.02 Lot 1, Burlington Avenue

(Began at 7:39:31PM and ended at 9:21:30PM)

Mr. Meiser stated that they did everything that they could to try to resolve the concerns that were expressed by various board members and have met with the board's professionals. He stated that they will go over parking, the building located at the intersection of River Drive and River Drive and the tot lot. None of the existing recreational facilities will be eliminated. A tot lot will be added and a deduction will be made from the contribution which was to fund recreational uses somewhere else in the Township. The tot lot will be done in accordance with the recommendations of the board's professionals.

Mr. Germano stated that Mr. Schweppenheiser and Mr. McGivern will be testifying and that they were previously sworn in.

Parking Comments:

Exhibit A-1-11/06/06 titled "Parking Analysis Rivers Edge at Delanco" was distributed to the board members. Mr. Schweppenheiser stated that they provided additional on-street parking which increased the total parking from 639 spaces which met the Residential Site Improvement Standards to 656 spaces exceeding the RSIS requirement by 30.5 spaces.

Mr. Meiser asked Mr. Schweppenheiser if there would be any detriment to the public good if the six additional units are approved based on the parking.

Mr. Schweppenheiser stated that there would not.

Mr. McGivern advised the Board that 30 to 33 spaces are being used by construction people and Ryan employees and that that the spaces will be available for parking once the construction is finished.

Mr. Dougherty was satisfied with the additional parking and suggested special signing in the areas where there will be parking on both sides of the road but not across from each other. The spaces will also be painted out on the cart way. Signs should also be installed requiring parking in designated spots only. He also advised the Board that there are several driveways that are larger allowing for one car in the garage and two cars in the driveway.

Ms. Jass asked if the Township will be responsible for maintaining the lines on the cart way.

Mr. Dougherty stated that the dedicated roads will be maintained by the Township.

Mr. Pawline asked what the driveway length is for the units in building "S".

Mr. Schweppenheiser stated that the driveway length is 20 feet.

Mr. Dougherty stated that there will be one parking space in the garage and one in the driveway. Parallel parking spaces are 22 feet because you need to be able to get in and out of the parking space. A driveway length of 20 feet is adequate.

Mr. Pawline stated that the setback for building "S" is 20 feet.

Mr. Matulewicz stated that snow removal will be a problem with the new parking layout.

Mr. Schweppenheiser stated that they could eliminate one space at the end of each court to accommodate snow removal.

Ms. Taylor suggested that parking be prohibited in the spaces at the ends of the courts when the road is snow covered.

Mr. Lewandowski stated that the Township will not be responsible for plowing the courts.

Mr. Meiser stated that the homeowners association will be responsible for plowing the courts.

Mr. Lewandowski stated that they will need a place to put the snow.

Mr. Schweppenheiser stated that they may have to use a backhoe to remove the snow because they will not be able to push the snow out to River Lane the public street.

Ms. vanGenderen asked Mr. Dougherty if some kind of signage would be appropriate.

Mr. Dougherty suggested that the additional spaces on Shad Ct., Teal Ct., Fawn Ct., and Fox Ct. could be subject to no parking during snow emergencies and stated that he would prefer that the spaces not be eliminated.

Mr. Meiser stated that the signage would not be a problem.

Setback Comments:

Exhibit A2-11/06/06 a rendering of building "S" was shown to the board by Mr.

Schweppenheiser. The sight triangles were overlaid on the plan. Large growth, buildings, and things like that are prohibited from being placed in the sight triangle so that the vehicular traffic has clear sight lines. The Township sight line is 90 feet in either direction along the centerline of the road. The Township sight line is more restrictive than the County sight line. The building was shifted to the north in order to get it further from the intersection. The corner of the building is 4 ½ feet from the site triangle. Two-way or four-way stop signs can be installed. He stated that based on the geometry of the intersection, the speed limit of the road, and the stop conditions he felt that the setback of 24 feet rather than 30 feet for the building is acceptable.

Mr. Meiser asked what the speed limit would be.

Mr. Schweppenheiser stated that it would not be posted but it would be 25 miles per hour. He also stated that the 8 foot variance on the curve of the road is not at an intersection.

Mr. Meiser asked if there is a need to put a protective device in front of the building.

Mr. Schweppenheiser stated that he did not believe there is. There are traffic protective devices that can be placed in and around the structure but they are not needed because of the way the intersection is designed.

Mr. Meiser asked if they would be willing to install protective devices if the board requests them.

Mr. McGivern stated that they would have to look into it.

Mr. Dougherty stated that the side yard near the intersection is 35 feet. Based on the two stop signs being placed as a traffic control measure and the sight distances being appropriate, additional protection would not be needed for the building or the tot lot. He suggested that the 25 miles per hour speed limit could be painted on the road as you come into the intersection or enter into the development as a traffic calming measure. There should be no issue regarding traffic safety with what the applicant is proposing at the intersection.

Mr. Meiser stated that they would paint the speed limit on the road if the board engineer recommends it but believes that there isn't a problem.

Mr. Matulewicz asked if speed bumps are allowed.

Mr. Dougherty stated that they are prohibited in the state of New Jersey and that speed humps and speed tables are permitted. People have been looking for something to do regarding traffic calming and the speed tables have become very popular.

The pros and cons of various traffic calming devices were discussed.

Mr. Dougherty stated that 25 miles per hour speed limit signs and stop signs would be appropriate for this development and he would look into the state regulations for additional signs that could be utilized.

Tot Lot

Exhibit A-3-11/06/06 a plan for the proposed tot lot was shown to the board by Mr. Schweppenheiser. It is located across the street from building "S". It is 35 feet by 45 feet, approximately 1600 square feet with a black powder coated aluminum fence surrounding the equipment. It has a mulched area inside the fenced area. It includes 5 sitting benches, a connecting looped walkway at the intersection and 3 red oak trees around the perimeter. The gate is 8 to 10 feet outside the site triangle and the structure is approximately 30 feet from the site triangle. The benches are also outside the site triangle. The mulch is a manufactured mix that is approved for the use. There are safety zones around each piece of equipment that will be mulched.

Ms. Jass asked if there will be anything to hold the mulch in place.

Mr. Schweppenheiser stated there will be a grass area to separate the two.

Mr. Schweppenheiser advised the board that the board's planner has come up with an alternate sketch for the tot lot.

Mr. Germano stated that the alternate plan should be marked as exhibit A-4-11/06/06.

Ms. Taylor stated that the plan shows a concrete sidewalk that will contain the mulch material and there will be lawn on the exterior.

Mr. Schweppenheiser stated that they could do a concrete walk.

Mr. Pawline asked if the location was the best location for the tot lot.

Mr. Schweppenheiser stated that it is centrally located and there is a benefit in having it in an area where people see it every day.

Ms. Taylor stated that playgrounds should be in a highly visible area and being in such an area will deter police problems.

The location and the use of barriers for safety were discussed at some length.

Mr. Schweppenheiser stated that the equipment is situated 40 feet from River Lane on one side and 48 feet from River Lane on the south side. There will also be street trees along both River Lanes.

Ms. Taylor went over the alternate plan that was prepared by her office.

Mr. Meiser stated that the approval would be for the plan that the applicant submitted as modified by exhibit 4 the board planner's plan.

Mr. Matulewicz agreed that the planner's design would be acceptable.

Mr. Denlinger asked if the height of the fence needs to be five feet.

Ms. Taylor stated that a four foot fence will keep small children from climbing the fence and that a five foot fence would be better.

Mr. Meiser stated that they will put in the tot lot and they should receive a credit towards the recreational contribution for the cost of the tot lot.

Ms. Jass asked what the amount per unit is.

The amount per unit was determined to be \$500.00 and could possibly be reduced by \$180.00 per unit because of the cost of the tot lot.

Mr. Meiser stated that the board's engineer could review the cost of the facility to verify that the cost was reasonable and it would be a condition of the resolution.

Mr. Meiser asked Mr. Schweppenheiser to clarify the special reasons for the "D" variance.

Mr. Schweppenheiser stated that they will be establishing 14 age restricted units that will be a benefit to the project and to the whole community.

Mr. Meiser stated that it is consistent with sound planning and promotes the purpose of the MLUL.

Mr. Schweppenheiser agreed.

Ms. Moore and Ms. Jass expressed their concerns that the town over towns included second story units for seniors and that they may not be marketable and that the applicant may come back to the board for some kind of relief. The senior units were to be scattered throughout the development and were to be first floor units.

Mr. McGivern stated that they found out that it is against the law to scatter senior age restricted units in a community and that they have to have them in one building and create an additional subdivision for the building. He also stated that they have a waiting list that exceeds the number of units that are to be built.

Mr. Germano stated that the resolution will say that all 14 of the units have to be occupied by income qualified seniors and if the applicant comes back and says that they cannot sell them it will be incumbent on him to find a way to provide the 14 units in another way.

Mr. Meiser stated that they do not anticipate a problem since there is a demand for this type of housing.

Public Comments:

Ms. vanGenderen opened the hearing to the public and since there was no public comment she closed the hearing to the public.

Mr. Meiser went over the issues discussed with the board in his closing statement and asked the Board to consider the increase in the number of units as a “C” variance instead of a “D” variance.

Mr. Germano suggested that the board take a vote as if it is a “D” variance. He also advised the board that the other changes that the applicant is requesting will require an amended site plan approval. The main issue that the board needs to consider is if the variance can be granted without substantial detriment to the public good.

“D” Variance:

Motion by Ms. Moore to grant a variance to allow 6 additional units in the “S” building which raises the total number of units in the development from 259 units to 265 units.

Second by Mr. Lewandowski.

Those voting in favor:

Mr. Chafin stated that there is no substantial detriment to the public good or impairment to the intent and purpose of the master plan or the zoning ordinances.

Mr. Lewandowski thanked Ryan Homes for working with the Township to make it a better development than what they inherited.

Mr. Matulewicz stated that to vote no would be inconsistent with his original vote on the site plan. The COAH enhancement of the public good overrides the engineering considerations.

There will be no additional detriment but the design in general from its conception is poor.

Ms. Moore seconded the comments made by Matulewicz that it would enhance the Mount Laurel affordable housing goals and the additional 6 units proposed isn’t a substantial detriment. The overall design is going to present a challenge for the town in the future.

Ms. vanGenderen stated that the additional units will help the Township meet its COAH obligation and also stated that she appreciates the fact that the applicant has worked with the board to try to make it a better development and that her problems are with the RSIS and COAH requirements being unrealistic. The engineering concerns of the site distance have been met and hopefully we will be able to make the snow removal process work. A tot lot was provided to address the concern that became evident as the property developed. It isn’t a substantial detriment to the public good.

Mr. Denlinger agreed with what was said and that it is good for the community.
Mr. Pawline thanked the board's professionals and Ryan Homes for the good presentation and stated that it will be a great addition to the town.

Amended Final Major Site Plan:

Motion by Mr. Chafin to approve the amended final major site plan.

Second by Mr. Lewandowski.

Those voting in favor:

Mr. Chafin, Ms. DiCarlo,

Ms. Jass stated that amending the site plan for the tot lot, increased parking, and signage is beneficial.,

Mr. Lewandowski,

Mr. Matulewicz stated that the site plan amendment would be administratively required.,

Ms. Moore, Ms. vanGenderen, Mr. Denlinger, Mr. Pawline.

Meeting opened to the Public:

Ralph McCullough – 308 Buttonwood Street – He stated that he was concerned about the fire trucks having room to get around the development.

Mr. Germano stated that the development meets the requirements of the RSIS.

Correspondence:

The secretary distributed the latest information concerning the required course that current board members need to complete and advised them that they are required to complete the course by January 17, 2008. New members have 18 months from the date of their appointment to complete an approved course.

Comments From The Board:

Ms. Moore asked about the cost of the course and if it needs to be budgeted.

The secretary advised the board that the information received did not give the cost for the course and that the course would have to be included in the budget.

A board member commented that the State should pay for it.

Adjournment:

A motion to adjourn the meeting was made by Mr. Matulewicz and seconded by Ms. Moore.

All members present voted in the affirmative.

Roseann M. Lameiras

Board Secretary

Approved: December 5, 2006