

**DELANCO TOWNSHIP JOINT LAND USE BOARD
DECEMBER 5, 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. Jass, Mr. Lewandowski, Mr. Lord, Ms. Mader, Mr. Matulewicz, Ms. Moore, Mr. Pawline, Ms. vanGenderen.

Absent: Ms. DiCarlo, Mr. Fenimore.

Master Plan Consistency Review:

Ms. vanGenderen asked if the ordinances can be reviewed as a group.
Ms. Taylor stated that they should be done separately.

Ordinance 2006-25

Amending Chapter 110 Governing “Zoning”

Chapter 110-6 entitled “Definitions” and the section entitled “Schedule of Area and Bulk Requirements”.

Ms. Taylor stated that a memo dated December 4, 2006 was distributed to the board members and that they were retained by the Township Committee to review the R-3 and R-4 zoning districts because there were a lot of complaints from residents at committee meetings about having to go before the Board for variances. The areas that are R-3 and R-4 were identified by using the tax maps and the lot sizes were considered. The Board has to determine if ordinance 2006-25 is consistent with the Master Plan.

R-3 Zoning District:

Ms. Taylor stated that the 1999 Master Plan notes that the lot area in the R-3 zone should be 10,000 square feet and the lot widths in the zone range from 80 feet to 100 feet. It recommends a lot width of 100 feet. Ordinance 2006-25 is not consistent with the Master Plan. Ms. Taylor went over the findings for the R-3 zone in her memo. The 10,000 square foot requirement and the 100 foot depth are consistent with the lots in the R-3 zone. Very few of the lots are consistent with the 100 foot lot width requirement requiring residents to obtain variances from the Board when they want to do something to their property. Only 14% of the lots are 100 feet wide. The ordinance changes the width to 80 feet and the depth to 120 feet which is less than the 10,000 square foot area requirement. They still will have to meet the lot area requirement of 10,000 square feet. They will have to have a deeper lot or wider lot. A grandfather clause has also been added so that those lots that are not in conformance don't necessarily need to come to the Board to get a zoning permit to make a change to their dwelling.

R-4 Zoning District:

The lot widths are 75 linear feet and the lots are 7,500 square feet. Out of 548 lots 58% are over 7,500 square feet and 316 or 64% of the lots are greater than or equal to 120 feet in depth. There are 274 lots that are greater than or equal to 55 feet wide which is 50% of the total. Only 30% of the total are 75 feet wide. It was recommended that the 7,500 square foot area remain and that

the lot depth should be increased to 120 feet and the lot width should be reduced to at least 60 feet.

Ms. Taylor stated that neither one of the recommendations are consistent with the Master Plan. The Master Plan has never gone into this kind of detail to evaluate the lot areas, widths and depths. She continued her overview of her report and advised the Board that there were also some minor changes to the R-3 and R-4 for side yards and rear yards. Some of the districts had no maximum lot coverage and the ordinance was amended to include them. Building coverage is any part of the lot area taken up by buildings. It includes sheds, garages, porches and houses. Lot coverage includes all buildings, driveways, pools and decks. We have tried to generate some standards that will control the lot and building coverage requirements. There was some concern by the Board and herself that additions or infill development that occur may or may not be consistent with the character of the community if the residents don't have to come to the Board. Some architectural guidelines have been added to the ordinance to help address those concerns. The Board had a lengthy discussion about the ordinance changes with Ms. Taylor the planner. She advised the Board that the ordinance changes make within a reasonable percentage more lots conforming to the standards of the zone and that they didn't want to go so far as to encourage subdivision. One of the key components of the Master Plan is to not increase residential density. The Board was concerned that some lots in the R-4 district could be subdivided.

Mr. Matulewicz stated that he was concerned that the changes for the R-3 zone increases density in a flood zone. One of the key missions is to enhance the public welfare and safety. He agreed with the architectural standards and stated that the neo-traditional lot dimensions were perfect for Delanco but increasing density in a 100 year flood zone is not.

Ms. Moore agreed with Mr. Matulewicz and stated that they would be making a bad situation worse by increasing density in the proposed development that is in the R-3 zone and is also in a flood zone.

Ms. Taylor stated that it is outside the 100 year flood plain.

The Board members reiterated that it isn't outside by much.

Mr. Matulewicz stated that the site plan they saw had a significant amount of fill brought in to bring the sites out of the 100 year flood plain.

Ms. Moore stated that the drainage going down the back of the yards will have to be maintained by the Township.

Ms. Taylor stated that nobody has jurisdiction over Boggs Ditch or is willing to accept it. Boggs Ditch will be a mess every spring when it floods.

Mr. Matulewicz stated that we have to recognize that and rectify it.

The development has a preliminary approval for 27 lots and changing the ordinance will allow the applicant to come in with a revision to the preliminary approval to increase the number of lots to 30.

The Board discussed the R-3 zoning changes further.

Ms. Abbott the replacement for the Board's attorney advised the Board that they could recommend to the Township Committee that the proposals be effective for the R-4 zone and not the R-3 zone. She also advised them that the Township Committee can overrule the recommendation by two-thirds of their entire membership.

Motion by Mr. Matulewicz that the sections pertaining to the R-4 zone in Ordinance 2006-25 are consistent with the Master Plan and recommended that the Township Committee re-visit the R-3 zoning standards, second by Mr. Lewandowski.

Those voting in favor:

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

Ordinance 2006-26

Amending Chapter 110 Governing “Zoning”

Chapter 110-6 entitled “Definitions” and the section entitled “Schedule of Area and Bulk Requirements”, 110-12 entitled “Accessory Structures”, and the regulations governing “Accessory Uses”.

Ms. Taylor advised the Board that the Master Plan does not address accessory uses such as garages and gazebos and those types of uses. The word building in ordinances is interchangeable with the word structure. There was a requirement that no more than three accessory buildings are permitted on any given site. If you put up a fence, a shed, a pool and a garage you would be over the requirement and would have to come before the Board or you need to attach it to your house. If the garage is attached by a breezeway the accessory requirements no longer apply to the garage. The garage could be bigger than the dwelling unit. Building coverage and lot coverage were not defined in the existing ordinance. We’ve defined it and added cabana, gazebo, lot coverage, interior parking space, pergola, and private residential garage.

Ms. Mader asked for a clarification on the “interior parking space” defined in the ordinance.

Ms. Taylor stated that “interior parking space” in the ordinance defines and describes the minimum and maximum space requirements in any private residential garage for one or two vehicles. Some of the titles have been cleaned up by calling them “accessory uses, buildings, and structures” instead of “accessory structures”. We’ve made it very clear for the zoning officer and the public.

Ms. Moore asked what the maximum lot coverage is for R1 and R4.

Ms. Taylor stated that R1 is 50% and R4 is 60%.

She continued her overview of the ordinance.

She advised the Board that they took out the provision that limited the number of structures that could be placed on a lot with the understanding that you don’t want people to overwhelm their lot with accessory structures and uses. We want to make sure that the residents stay within the building coverage and lot coverage requirements. We’ve made it very clear for the zoning officer and the public. She went over the chart in the ordinance concerning attached or detached residential garages.

Mr. Pawline expressed a concern about the site line issue on riverfront properties when gazebos are constructed near the water.

Ms. Taylor stated that there is nothing in the ordinance that stops people from doing that and that standards can be put in place. She also commented that the DEP also sets standards.

Ms. Abbott asked if the lots along the riverfront are separate lots.

Mr. Pawline stated that they are separate.

Ms. Abbott stated that you can’t put anything on the lot without a use variance. If you would put a gazebo which is an accessory structure, as the principle structure on the lot you would need a use variance.

Mr. Lewandowski commented that some of the garages seem very big.

Mr. Chafin stated that you have to comply with lot coverage.

Ms. Taylor went over the garage sizes.

Ms. Moore suggested that it be capped at 650 square feet once you reach a lot area of 6000 square feet.

Mr. Lewandowski suggested that it be capped at a 3 car garage.

Ms. Jass stated that a three car garage would be reasonable if the property is big enough.

Ms. Taylor suggested the following:

Lot Area in Square Feet	Size of Garage in Square Feet
3,000 to 6,000	250

6,000 to 10,000 450
10,000 and greater either 650 or 750

Mr. Lewandowski suggested that the last one not exceed 750 square feet.

Ms. vanGenderen stated that most of the dwellings in Delanco proper don't have garages and a lot of them don't have driveways. A three car garage is not in keeping with the character of the town.

Ms. Taylor stated that that is why they put the discussion in about parking up the side yard and parking in the rear. If you have a 15 foot wide side yard you can put the building at the end of it and get the cars off the street in the areas where you don't have an alley.

Ms. Moore was concerned that residents in the R4 district could fill their backyards with giant garages.

Ms. Taylor stated that the total area of all accessory structures is currently only 700 square feet. The ordinance limits the sizes of the garages and includes all buildings into building coverage in a more clear way. They were getting around the area requirements by attaching the garage to the dwelling.

Ms. Moore asked Ms. Taylor to go over her suggestion again.

Ms. Taylor provided the following requirements for attached or detached garages:

Lot Area in Square Feet	Size of Garage in Square Feet
3,000 to 5,999	250
6,000 to 9,999	650
10,000 and greater	740

The Board continued their discussion.

Ms. vanGenderen asked the Board if they would like to recommend the ordinance as consistent and make changes to the lot area and square feet table.

Ms. Abbott went over her notes with the Board. The Board can recommend that Section 5 'B' (2) be amended to read as follows:

Lot Area in Square Feet	Size of Garage in Square Feet
3,000 to 5,999	250
6,000 to 9,999	650
10,000 and greater	740

Mr. Lewandowski asked that Section 5 'B' (8) be changed.

Ms. Taylor suggested that it could be changed to read as follows:

“The architectural style, materials, colors, and detailing of those structures shall match those of the principal building”.

Motion by Mr. Matulewicz that Ordinance 2006-26 is found consistent with the Master Plan and shall be modified to include the changes discussed in the garage area table in item (2) and Section 5. B. (8) shall read “shall match”, second by Ms. Moore.

Those voting in favor:

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

Ordinance 2006-27

Amending Chapter 110 Governing “Zoning” and the regulations governing “Accessory Uses”.

Ms. Taylor advised the Board that the ordinance adds gazebos as a permitted use and it removes fences, walls, decks, patios and other things attached to the principal residence. It makes some uses permitted and other uses not permitted in order to get around the number of structures permitted on the site.

Mr. Lewandowski stated that everybody was concerned that if a resident had a fence and a deck they would not be able to add a gazebo because they already had two of their conforming uses.

Ms. Moore asked if it was already fixed with Ordinance 2006-26.

Ms. Taylor stated that it was.

Mr. Lewandowski asked why the Board is reviewing Ordinance 2006-27.

Ms. Taylor stated that the Township Committee has read it on first reading and the Board has to review it and give a suggestion.

Mr. Lewandowski stated that the recommendation would be that we don't need Ordinance 2006-27.

Ms. Taylor agreed.

Ms. vanGenderen asked for a motion from the Board.

Mr. Denlinger made the motion.

Ms. Abbott suggested that the motion would be that Ordinance 2006-27 is unnecessary.

Ms. Moore stated that it is superfluous.

Mr. Pawline seconded the motion.

Those voting in favor:

Mr. Chafin, Ms. Jass, Mr. Lewandowski, Mr. Lord, Mr. Matulewicz, Ms. Moore,

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

Ms. Abbott asked if the Board secretary will be writing a letter to the Township Committee concerning the Board's action since the Township Committee will be meeting before the Board has its next meeting when a memorializing resolution can be adopted.

Ms. Taylor advised the Board that she will be writing the letter.

Meeting Opened to the Public:

Ms. van Genderen stated that there were no members of the public present.

Correspondence:

The secretary advised the Board that there was none.

Comments From The Board:

There were no comments from the Board.

Adjournment:

A motion to adjourn the meeting was made by Mr. Lewandowski and seconded by Mr. Lord.

All members present voted in the affirmative.

Roseann M. Lameiras

Board Secretary

Approved: February 6, 2007