

TOWNSHIP COMMITTEE MEETING - OCTOBER 5, 1998
7:30pm MUNICIPAL BUILDING, 515 BURLINGTON AVE., DELANCO, NJ

ROLL CALL: Mr. Vittorino, present; Mrs. Hinkle, present; Mr. Jenkins, present

Mayor Jenkins 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 published in the December 26, 1997 edition. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

ORDINANCE 1998-11

AN ORDINANCE OF THE TOWNSHIP OF DELANCO AMENDING CHAPTER 110 OF THE CODE OF THE TOWNSHIP OF DELANCO ENTITLED "ZONING" TO CREATE A PLANNED RESIDENTIAL DEVELOPMENT ("PRD") ZONING DISTRICT AND AMENDING THE ZONING MAP TO DELINEATE LANDS WITHIN THE PRD DISTRICT

2ND READING AND PUBLIC HEARING

Mayor Jenkins opened the hearing to the public. Since there were no comments or questions from the public, Mayor Jenkins closed the hearing to the public.

Motion by Mrs. Hinkle, seconded by Mr. Vittorino to adopt Ordinance 1998-11

Roll Call: Mr. Vittorino, yes; Mrs. Hinkle, yes; Mr. Jenkins, yes

ORDINANCE NO. 1998-11

AN ORDINANCE OF THE TOWNSHIP OF DELANCO AMENDING CHAPTER 110 OF THE CODE OF THE TOWNSHIP OF DELANCO ENTITLED "ZONING" TO CREATE A PLANNED RESIDENTIAL DEVELOPMENT ("PRD") ZONING DISTRICT AND AMENDING THE ZONING MAP TO DELINEATE LANDS WITHIN THE PRD DISTRICT

BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Delanco, County of Burlington and State of New Jersey, as follows:

SECTION 1. Chapter 110 of the Code of the Township of Delanco entitled "Zoning" is hereby amended and supplemented to add a new ARTICLE XIV-A entitled "Planned Residential Development" ("PRD") District as follows:

1. Purpose.

The purpose of the "PRD" District is to provide for a variety of residential and special needs housing in a cluster format and appropriate commercial, public and quasi-public uses for the benefit of the residential development in an effort to accommodate the provision of affordable housing in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq and the mandates of the Supreme Court in Southern Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"). The standards set forth herein were negotiated and approved by the New Jersey Council

on Affordable Housing ("COAH") as a result of Mediation pursuant to N.J.A.C. 5:91:7 et seq.

2. Permitted Uses.

A. A maximum of 250 age restricted single family market rate homes that may include single family detached housing and twins (two homes per structure). All single family homes shall be encumbered by marketing and deed restrictions which shall indicate that no unit may be occupied by more than 3 persons, 1 of whom must meet the minimum age restriction for "housing for older persons" in the Federal Fair Housing Act. 42 USC § 3601 et seq ("FFHA") and none of whom may be younger than 18 years of age. Said deed restriction shall be (a) subject to the advanced review and approval of the Township Solicitor and the New Jersey Department of Community Affairs ("DCA"), (b) run with the land and be binding in perpetuity, and (c) be filed of record prior to the sale of the first unit in the development.

B. Retail use designed for the convenience of the residents which may incorporate such uses as mail services, community action center, banking, medical necessities, sundries, groceries and prepared foods or drinks. In no event shall the retail space within the PRD Zone exceed 7,500 square feet.

C. Professional office space, not to exceed 7,500 square feet.

D. Service Based Seniors Housing Buildings, including but not limited to assisted living residences and continuing care communities as defined by the New Jersey Department of Health, Congregate Care with common facilities and medically related services provided as part of the residential service, or independent living with common services provided through "home care" style contractual arrangements. Such facilities shall provide multi-family living arrangements that incorporate a full "living unit" including separate kitchen or cooking area and bathroom facilities within each unit and common areas and elements for the enjoyment for the entire community designed to service the needs of the elderly as defined by applicable Federal Law and regulation. Such facilities may provide housing for people with physical disabilities and/or services for people with alzheimer's disease or similar forms of dementia. Such facilities shall provide their own emergency services or make satisfactory arrangements for such services with the Township and Emergency Squad.

E. Agricultural operations and farms, on parcels in excess of 10 acres.

F. Community buildings and clubhouses.

G. Accessory uses:

(1) Sheds, decks and fences located in a manner that is consistent with a plan approved by the Planning Board at the time the development receives its development approvals. Only the homeowners association shall have standing to apply for amendments to the typical design and location of such structures. Sheds and decks shall be located no closer than 5 feet from the rear and side yard property lines. The maximum coverage associated with sheds and/or decks shall not exceed 5 percent. Fences shall be constructed pursuant to Section 110-55(f).

(2) Utilities (pursuant to Section 110-55(I)) and related public services such as transformers, pumping

stations, meters, etc., necessary for the proper distribution and monitoring of these services.

(3) Sales and construction offices and storage of materials and equipment associated with and necessitated by the development of the tract for the uses approved by the Planning Board in conformance with any phasing requirements set forth by the Board.

(4) Off-street parking and loading, consistent with Section 110-28 and 29. Parking for residential development shall conform with New Jersey's Residential Site Improvement Standards.

(5) Signs, consistent with Section 110-55(G).

3. Tract Requirements.

A. Minimum Tract Size - 89 acres.

B. There shall be a 50 foot buffer area along any County road. The buffer area shall incorporate a continuous year round screen, 10 feet in height. This screen may be accomplished through the use of berms and vegetation. If provided, berms shall be naturalistic in form and not contain straight sections in excess of 20 feet in length. The screen shall be 75 percent to a height of 6 feet and 50 percent between 6 and 10 feet. Vegetation shall be selected to provide a variety of materials and year-round interest. This buffer may only be traversed by curb cuts and roads providing access to the development. No parking or structures are permitted in this area. Pedestrian ways or sidewalks may be provided in this area so long as they do not interfere with the provision of appropriate screening of residential uses from the road.

C. Setbacks from the Rancocas Creek (if applicable) shall be as listed below and shall be measured from the mean high water line. Land within these setbacks shall be owned and managed as discussed in Section 4.

- | | |
|--|----------|
| (1) Setback to public street | 300 feet |
| (2) Setback to residential lot line | 250 feet |
| (3) Setback to existing structures | 115 feet |
| (4) Setback to new community buildings | 115 feet |

D. Open Space Requirements.

(1) No less than 30 percent of the tract area shall remain as open space or recreational lands. Small parks with amenities such as sitting areas, walkways, picnic facilities, bocce courts, etc. shall count as open or recreational lands.

(2) Provision for long term maintenance of all open lands and recreational uses must be provided in a manner satisfactory to the Planning Board. This shall be accomplished through dedication of lands to a homeowners association unless the Township consents to an alternative means of long term maintenance such as dedication of lands to the Township or other governmental agency if such governmental agency is willing to accept such

dedication; or dedication to a non-profit or for profit organization experienced in the management of open areas for public purposes.

(3) Open lands within the setbacks created along the Rancocas Creek if applicable must provide for adequate public access (limited to pedestrian and similar activities) to the Creek and along the Creek through the length of the parcel through trails and sidewalks.

(4) Active recreational opportunities provided within the residential community may be restricted against use by non-residents of the community and shall be accessible to residents in perpetuity.

(5) Services provided to senior citizens through the community center shall be available, at a minimum, to all residents of the Township of Delanco on a fee basis which matches any fees or costs contributed by residents of the development. Services may be made available to others at the discretion of the owner/operator if different than a homeowners association.

E. Separation between Permitted Uses.

(1) There shall be a 25 foot landscaped buffer provided on any commercial/retail property separating it from any residential lot line.

(2) No Service Based Senior Housing Structure or parking area shall be within 100 feet of any single family detached age restricted housing units or 100 feet of any retail or professional office building or parking area.

(3) No new community building or the parking for the community building may be within 100 feet of any single family detached age restricted housing unit.

F. The maximum building coverage for the entire tract shall be 15 percent.

G. The maximum impervious coverage for the entire tract shall be 30 percent.

H. Landscape Design Standards (see Section 110-55(E)(2)).

I. No merchandise, products, waste, equipment or similar materials or objects shall be displayed or stored outside.

4. Bulk Requirements.

A. Detached single family age restricted homes

- | | |
|---|----------------------|
| (1) Minimum lot size | 5,000 sq feet |
| (2) Minimum lot width at building setback | 50 feet |
| (3) Minimum lot depth | 100 feet |
| (4) Front yard setback: | |
| from ROW to garage facade | 18 feet |
| to facade of living area | 10 feet |
| (5) Rear yard setback | 25 feet |
| (6) Side yard setback | 5 feet |
| (7) Side yard setback aggregate on lot | 15 feet |
| (8) Minimum building to building distance | 10 feet |
| (9) Maximum height | 2 stories or 35 feet |

B. Twins

- | | |
|---|---------------|
| (1) Minimum lot size | 4,000 sq feet |
| (2) Minimum lot width at building setback | 40 feet |
| (3) Minimum lot depth | 100 feet |
| (4) Front yard setback: | |
| from ROW to garage facade | 18 feet |
| to facade of living area | 10 feet |
| (5) Rear yard setback | 25 feet |
| (6) Side yard setback | 5 feet |

address the 45 units with rooms in a facility providing medical assistance. The developer may also address the obligation through: substantial rehabilitation or new construction on scattered lots throughout the Township, subject to the governing body's approval of each development; sales or rental housing; and/or a regional contribution agreement. If the developer produces rental housing that qualifies for COAH's rental bonus, the rental bonus may be added to the actual number of low and moderate income units produced to determine if the developer has addressed the required 45 units of credit. Thus, for purposes of illustration, the developer may address the obligation with 45 sales units or 31 sales units and 7 rentals that qualify for a one to one bonus.

(3) The developer may file a development application for the retail and professional office section of the development and receive approval for this non-residential section without submitting a plan for addressing the 45 units of credit to the Township or COAH. The developer shall pay a 6 percent fee on the equalized assessed value of the proposed retail and professional office uses. Half of the fee shall be paid prior to receiving a building permit and the remaining fee shall be paid prior to receiving certificates of occupancy. This fee shall be paid pursuant to the agreement developed pursuant to COAH's mediation process, N.J.A.C. 5:93-8.13 and the Township's Development Fee Ordinance. There shall be no development fee on any other development within the PRD Zone.

(4) All low and moderate income units created shall comply with all COAH's rules as outlined in the Township's Fair Share Plan unless the Township and COAH agree to a waiver or variance.

(5) Unless modified by COAH, the developer shall comply with the following phasing plan:

(a) The developer may receive building permits for 63 housing units prior to completing any low and moderate income units. The 63 units may be single family detached age restricted units, medically related residential rooms, assisted living units or any combination of the above.

(b) Prior to receiving a building permit for the 64th residential unit, the developer shall implement the COAH approved plan for at least 5 units of low and moderate income credit.

(c) Prior to receiving a building permit for the 125th residential unit, the developer shall implement the COAH approved plan for at least 23 units of low and moderate income credit.

(d) Prior to receiving a building permit for the 225th residential unit, the developer shall implement the COAH approved plan for at least 45 units of low and moderate income credit.

(6) Phasing.
The Developer shall be permitted to develop in Phases or Sections and Phases or Sections may be developed at any time during the development process.

SECTION 2. Section 110-3 entitled "Zones Established" is hereby amended to increase the number of zones in the Township from 11 to 12 and add the PRD Zone.

SECTION 3. Section 110-4 entitled "Zoning Map" is hereby amended to remove Block 2100, Lot 8 from the RW-CD1 District and place same in the PRD District.

SECTION 4. Repealer. All Ordinances and parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. Severability. In the event that any portion of this Ordinance is determined to be invalid, such determination shall not affect the remaining portions of this Ordinance, which are hereby declared to be severable.

SECTION 6. Effective Date. This Ordinance shall take effect immediately up on final passage, publication according to law and filing a copy with the Burlington County Planning Board pursuant to N.J.S.A. 40:55D-16.

PAYMENT OF BILLS

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$238,959.03
PAYROLL	67,079.92
TRUST	3,698.00
DOG	929.02

Motion by Mr. Vittorino, seconded by Mrs. Hinkle to approve the bills for payment

Roll Call: Mr. Vittorino, yes; Mrs. Hinkle, yes; Mr. Jenkins, yes

GENERAL ACCOUNT - OCTOBER 5, 1998

10137-10138	Alignment Checks	.00
10139	AT&T	98.30
10140	ADVANCED PAYROLL SERVICES	156.90
10141	AETNA US HEALTHCARE	5,924.30
10142	BURLINGTON COUNTY TIMES	87.41
10143	BELL ATLANTIC - NJ	19.75
10144	B F MOLZ, INC	89.96
10145	BELL ATLANTIC	174.90
10146	COMCAST METROPHONE	71.12
10147	C. R. WARNER INC	25.00
10148	DELANCO TWP BOARD OF EDUCATION	187,731.00
10149	DELANCO FIRE COMMISSIONERS	16,333.40
10150	DELANCO PUBLIC LIBRARY ASSOC	2,083.30
10151	DELANCO SEWERAGE AUTHORITY	79.00
10152	LESTER M. DUNN III	50.00
10153	GRIFFIN SIGN CO INC	381.55
10154	GARDEN STATE SWEEPERS INC	86.54
10155	GOODYEAR TIRE DISTRIBUTION CTR	239.32
10156	GARDEN STATE ELECTRICAL INSP	1,041.00
10157	HAGAN ROSSI FLORIST	36.00
10158	HIP RUTGERS HEALTH PLAN	3,205.04
10159	INTERSTATE TRUCK SERVICES	422.65
10160	JUDITH A JAMES-SPENCER	13.60
10161	JESCO INC	24.40
10162	KONICA BUSINESS MACHINES	159.25
10163	JENNIFER KIPLE	40.00
10164	LOWTHERS SMALL ENGINE INC	131.30
10165	NJ AMERICAN WATER CO	43.35
10166	NJ STATE LEAGUE OF MUNICI	21.00
10167	PAGENET OF PHILADELPHIA	46.80
10168	PEDRONI FUEL CO	643.05
10169	PSE&G	3,623.50
10170	PARKER MCCAY & CRISCUOLO	1,289.82
10171	ROBERT P RABER	242.50
10172	RIVERSIDE STRING BAND	200.00
10173	SAFETY AUTO REPAIR	1,440.64

10174	SALARY ACCOUNT	2,848.66
10175	SHIPPS CONTRACTING CO	587.94
10176	STAR OIL CORPORATION	571.83
10177	TERMINIX INTERNATIONAL	32.00
10178	TREASURER COUNTY OF BURLINGTON	7,025.17
10179	T H P INC	973.78
10180	MCCAY CORPORATION	<u>664.00</u>
TOTAL		238,959.03

MEETING OPEN TO THE PUBLIC

Mayor Jenkins opened the meeting to the public.
John Horn of Burlington Ave. distributed information
regarding traffic concern to the Committee.

Norma Mohrmann, Fire Commissioner, invited everyone to the
Fire House this Saturday for its annual Open House.

Tom Hildenbrand of Poplar Street asked the status of possible
changes to parking regulations for Burlington Ave. in the
vicinity of the Liberty Mart.
Mayor Jenkins advised that this matter is still being
considered by the Committee.

Mayor Jenkins closed the meeting to the public.

PRESENTATION FOR PRESERVATION GOAL FOR HAWK ISLAND

Mayor Jenkins introduced Freeholder Bill Haines who oversees
the County's Open Space program and Susan Craft of the County
Land Use Office. Mayor Jenkins explained that Mr. Haines and
Ms. Craft will be discussing the County's vision to preserve
Hawk Island.

Mr. Haines discussed the County's Open Space and Farmland
Preservation programs and its desire to accelerate these
programs due to the pressures of development. Mr. Haines
discussed the County's recent land acquisitions for open
space preservation and its plans for future open space
acquisition which include the Pennington Farm and Hawk
Island. Mr. Haines stated that the County is very interested
in working with Delanco to preserve Hawk Island. Mr. Haines
noted that Hawk Island is a very unique property with unique
situations that will require much work and patience. Mr.
Haines introduced Sue Craft to speak next.

Ms. Craft explained and discussed the Freeholders' proposal
that will be on the ballot as a referendum this fall to
increase the existing County Farmland and Open Space Trust
Fund from a 2 cent level to a 4 cent level. Ms. Craft
discussed the impact of the Rancocas Creek in the Delaware
River Basin and the importance of preservation of land
adjacent to the Creek which include Hawk Island. Ms Craft
explained that reasons for asking the voters to approve a 2
cent increase include preservation of land for passive
recreation, for environmental reasons, for improvements on
the preserved lands such as walking trails, boat ramps,
picnic area, etc. and for historic reasons. Ms. Craft gave
an overview of the tax impact of residential development on
education costs versus the costs of preserving open space.
Ms. Craft explained how the County and the local municipality
would be able to work together to acquire land for open space
preservation. Ms. Craft impressed the importance of
preserving available open space now as the rate of

development is increasing in Burlington County.

The floor was opened for questions from the public.

Debbie Rietzen asked who would oversee and manage the land if there is a joint purchase between the County and the Municipality.

Mr. Haines stated that this would be structured in an agreement between the County and the municipality. Mr. Haines stated that the County encourages that the municipality have control of the property such as with Olympia Lakes. Ms. Craft noted that there are State Green Acres guidelines that would need to be followed.

Discussion regarding the County and municipality working together to preserve Hawk Island continued. Concerns regarding responsibility for law enforcement on the Island, the use of eminent domain to acquire land, increased traffic, loss of tax revenue, possible contamination on the Island, liabilities, etc. were noted by various members of the public.

Mrs. Hinkle explained CUPHI's (Citizens United to Protect Hawk Island) efforts regarding Hawk Island and expressed that having the County as a partner in this effort will be a great help.

Mayor Jenkins stated that Delanco is too small to take on this type of project by itself and that a partnership with the County for Hawk Island is a step in the right direction.

Mrs. Hinkle noted that Hawk Island currently generates only a small amount of tax revenue.

Ronald Morgan, Township Solicitor added that another benefit preservation initiatives is that the preserved land is subtracted from township's vacant land inventory for the calculation of the town's affordable housing requirements.

Mayor Jenkins thanked Mr. Haines and Ms. Craft for their presentation.

RESOLUTION 1998-116

PRESERVATION GOAL FOR HAWK ISLAND

WHEREAS, the Township of Delanco considers the lands known collectively as "Hawk Island" to be of exceptional environmental value and sensitivity; and

WHEREAS, some of the natural resources that persist on the property include wetlands, floodplains, extensive forested uplands, a lake, steep slopes and highly erodible soils; and

WHEREAS, these environmental resources provide an outstanding habitat for wildlife, particularly migratory species of birds; and

WHEREAS, Hawk Island is uniquely situated at the confluence of the Rancocas Creek and the Delaware River which provide a viewed access to both water bodies unmatched by any other piece of property in the Burlington County; and

WHEREAS, Hawk Island has the potential to provide an important, yet passive recreation resource for the residents

of Delanco Township along both water bodies; and

WHEREAS, the value of Hawk Island as an environmental and recreational resource is also reflected in the Burlington County Open Space Strategic Plan which promotes the preservation of the site as part of a larger, contiguous Rancocas Greenway; and

WHEREAS, Delanco believes that the appropriate conservation and use of Hawk Island can contribute to providing a destination within the Township which could draw visitors and economic development from the greater region;

NOW, THEREFORE, BE IT RESOLVED this 5th day of October 1998 that Delanco Township officially expresses its desire to pursue the preservation of these lands know as Hawk Island for the purposes and benefits identified above; and

BE IT FURTHER RESOLVED that the Township of Delanco actively engage the Burlington County Board of Chosen Freeholders in a "Partnership of Preservation" to achieve this preservation goal for the benefit of residents of Delanco Township and Burlington County.

Motion by Mrs. Hinkle, seconded by Mr. Vittorino to adopt Resolution 1998-116

Roll Call: Mr. Vittorino, yes; Mrs. Hinkle, yes; Mr. Jenkins, yes

MEETING OPEN TO THE PUBLIC

Mayor Jenkins reopened the meeting to the public.

Ralph McCullough of Buttonwood Street asked the status of the blinking light at Burlington Ave. and Willow Street. Mayor Jenkins stated that this will be covered in the Engineer's report later in the meeting.

Since there were no further comments or questions from the public, Mayor Jenkins closed the meeting to the public.

DISCUSSION OF 1998 CDBG PROJECT AREA

The Municipal Clerk advised that the township must submit a Scope of Services report for the 1998 CDBG project and that this report must identify specific areas.

Discussion ensued regarding the matter. The members of Committee will visit various locations.

Mrs. Lameiras noted that Mr. Taylor and Mr. Matulewicz of the Shade Tree Commission and Mr. Fenimore will also be going out again to various locations and will submit their recommendations. Mr. Arango, Township Engineer will also look at various sites.

CORRESPONDENCE

Municipal Clerk:

1. Notification that the Delaware River Greenway Partnership Inc. is having its 9th annual forum on 10/30 at Washington Crossing Visitor Center.
 2. Notification from COAH that Delanco is included on its 10/7 agenda for consideration for substantive certification.
 3. Letter from BCT advising that they are donating a tree to each municipality in Burlington County in celebration of its 40th anniversary.
- Mr. Matulewicz advised that the type (species) of the tree

be determined before it is planted.

4. Letter from Resource Control Corp. requesting right-of-way at the former Sunoco Service Station.

COMMENTS - PROFESSIONALS

Solicitor: Executive Session items only.

Engineer: Reviewed Engineer's status report dated 10/5/98.

COMMENTS - DEPARTMENT HEADS

Police: nothing to report.

Public Works: Mr. Fenimore reported that leaf season will probably start the last week in October.

COMMENTS - TOWNSHIP COMMITTEE

Mr. Vittorino: Letters should go out to the various Board members whose terms are expiring to ascertain if those members wish to be considered for reappointment. Would like to run a block ad notifying Delanco citizens that are interested in serving on a Board to reply to the Municipal Building by a certain date.

Mrs. Hinkle:

1. Reported on the Round table meeting held with the committees/departments/boards in the town.
2. Would like to have the AA field fence painted. Mr. Fenimore stated that he feels that the paint will not last. Discussion ensued regarding options for the AA field fencing matter.

Mr. Jenkins: nothing to report.

RESOLUTION 1998-117

EXECUTIVE SESSION

BE IT HEREBY RESOLVED that the Township Committee of the Township of Delanco in the County of Burlington, State of New Jersey does hereby declare itself to be executive session pursuant to Section 8 of the Open Public Meetings Act in order to discuss matters of personnel and litigation. Subject of said session will be made public when and if the personal privilege of privacy of all personnel is waived.

Motion by Mrs. Hinkle, seconded by Mr. Vittorino to adopt Resolution 1998-117

Roll Call: Mr. Vittorino, yes; Mrs. Hinkle, yes; Mr. Jenkins, yes

Motion by Mrs. Hinkle, seconded by Mr. Vittorino to return to public session

Roll Call: Mr. Vittorino, yes; Mrs. Hinkle, yes; Mr. Jenkins, yes

Motion by Mr. Vittorino, seconded by Mrs. Hinkle to adjourn the meeting

Roll Call: Mr. Vittorino, yes; Mrs. Hinkle, yes; Mr. Jenkins, yes


Janice M. Lohr, RMC
Municipal Clerk