

The following are notes, not official minutes. For an official transcript, go to the Delanco Municipal Building at 770 Coopertown Rd.

Township Committee February 25, 2008

Devinney, Hinkle, Templeton, Ouellette Fitzpatrick

Also Present: Steven Corcoran, Twp. Administrator, Mr, Kearns, Twp. Solicitor; Janice Lohr, Municipal Clerk; Phil Goffredo, Code Enforcement

**\*\*SPECIAL PRESENTATION\*\* RESOLUTION 2008-40 HONORING COBY FRIER OF SURF & TURF POWER SPORTS - tabled since Mr. Frier was not present**

Ouellette: Started our meeting late due to litigation

Meeting open to the public:

Resident of Russ Farm Way: Question regarding budget – timeline on website?

Available to the public?

Ouellette: Over the next three Saturdays at 9:30am we have published work sessions here at Town Hall.

Lohr: Posted on bulletin board and will be in *Burlington County Times*

Templeton: We still have Monday, March 10<sup>th</sup> as well.

Ouellette: Would be a work session. Open to public at 7:30pm

Meeting closed to the public

PRESENTATION – RYAN HOMES COAH Obligation – Rivers Edge Development)  
(A note on names – it is extremely hard to hear in the building and the presenters don't really speak into the microphone. I did my best.)

Tracy Siebold(?): Attorney representing Ryan Homes – Rivers Edge was approved for 236 market rate at 20-something (missed exact number) of COAH and money into a fund. 14 units would be separated and in one building – they would be age-restricted so they could have a separate homeowners association as per Fair Housing Act. Ryan Homes has had difficulties getting interest in those units. 14 affordable units are holding us up.

John Frye and Rob Walsh are both familiar and will present.

Frye: Difficulty with active adult portion. We intend to fulfill our obligation to build the 14 COAH units. The separate subdivisions – 15 are already occupied. The 14 active adult units have been marketed at the same time with no success.

Ouellette: Have they been built?

Frye: Not our business model to build prior to order.

Siebold: Ryan has been working with your agent. We provided copies of a letter detailing difficulty marketing age-restricted. Only one qualified buyer in 16 months.

Ouellette: The other 15 units are interspersed?

Frye: Yes, but these others have to be in a separate subdivision. Another difficulty with phasing plan requiring milestones to be met regarding building COAH units. Difficulty obtaining CO's at this time. Over under townhouse has stairs involved – very little amenities other than tot lot. Not conducive to adult community. We will elaborate on some solutions.

Walsh: We want to convert active adult to family units. We don't want an empty building. We need your help to move the project along.

Templeton: If this was to be age-restricted and approved that way, why would you plan for stairs?

Walsh: Originally they weren't to be active adult

Fitzpatrick: Court-ordered some years ago. Kevin (Sheehan, township solicitor for COAH) requested seniors. We had another developer who wanted to transfer units there, but your developer wouldn't release them.

Sheehan: Part of Mt. Laurel round 1. Ordinance was amended – settlement was to maximize number of age-restricted units the town could get credit for. Town filed with COAH. (missed part of this). Prior to Ryan Homes ownership, previous developer wouldn't agree. It wasn't Ryan Homes. History was that age-restricted would be part of this community and interspersed as COAH required. To meet Fair Housing Act requirement, they needed to make a separate building. At that point, there was a limited amount of space for the 14 units. Stacked plan was the only thing that worked to get the 14 units in there. It was Ryan's effort to stick to the original agreement.

Fitzpatrick: If this change were made, you would continue with that subdivision as family COAH unit, or disperse them out?

Walsh: We'd love to do that, but we don't have the option of dispersement, we've sold almost all of the buildings out there.

Ouellette: On Burlington Ave, those buildings are only 2 storeys. Couldn't that be adapted?

Walsh: We don't have a two storey option out there now. We don't have anything that would accommodate 14 units.

Attorney: 177 market rate units are occupied - 15 affordable, 29 under construction, 9 completed units and waiting CO's. Can't settle because we can't get the CO's based on the phasing. Options: Unrestrict for age or make bottom level of building X as age-targeted. Units might be more apt to be purchased by someone with a smaller family or age-restricted age group.

Walsh: We need your help. We have people who can't move in until we find people to move into that building.

Fitzpatrick: Letter from Piazio ... 3 bedroom and 3 ½ bedroom units...concerned about the number of children that would be in this area. I'm not exactly sure of where this is in there though I've been there.

Walsh: The bottom floor is a lower-level living unit. Upper person would have upper floor and upper bedrooms.

Fitzpatrick: There are specific requirements for COAH on how many people can live in the units relative to the area and your whole development.

Frye: Downsstairs are two bedroom units only – upstairs are 3 bedrooms only.

Fitzpatrick: In the letter, he doesn't mention bedrooms.

Frye: We've had a lot of success getting our other units like this occupied.

Fitzpatrick: Since this came through resolution of Joint Land Use Board, it will need to go back to them.

Sheehan: We come to you, but they would have to go back to JLUB.

Fitzpatrick: Would we need an amendment from the court?

Sheehan: Yes

Fitzpatrick: So we would have to go to court  
Sheehan: We could do a joint amendment.  
Corcoran: Would change mean additional units for town?  
Sheehan: No. Limit is on age-restricted – can only be 25%. You may be able to juggle some things to take credit on the third round.  
Devinney: Are these rentals?  
Walsh: No, they are sale units. Do you see this as a potential solution?  
Fitzpatrick: Since we could have age-restricted in another area of town and you are limiting the bedrooms and they are for sale, which is appealing to me.  
Walsh: We are confident that we will be able to get 14 homeowners in there.  
Templeton: I don't understand the hold-up on the building.  
Walsh: Our feeling is that the product is what is preventing it from selling.  
Templeton: The area you have to work with doesn't permit 14 units on two level configuration?  
Hinkle: What's the limit on occupancy for two bedrooms?  
Siebold: Not sure.  
Sheehan: It may be four. I can find out.  
Fitzpatrick: What guarantee do we have that you will build and sell and not take off? You are asking for your CO's to be released. What can you give us as a town to guarantee? Your bond doesn't cover it.  
Walsh: I have 29 units sold. If you release the 9 and hold the 29 I haven't built, but sold... I can put together a time line...  
Kearns: And you won't come back asking for three more to be released ...  
Walsh: No  
Fitzpatrick: We need to see some construction.  
Frye: We could do a developer's agreement. We know we can do in what time frame. We can commit to having a shovel in the ground in 5 days after an agreement.  
Ouellette: Due to the current housing market, some developers have left some construction half done. I am uncomfortable giving CO's prior to having the COAH units built. I'm comfortable sending you to JLUB to have the age-restricted changed to family.  
Fitzpatrick: Are you going to be the developer for Creekside?  
Walsh: Yes  
Fitzpatrick: So it's not like you are leaving town.  
Siebold: Let me go over some options.  
Walsh: What would it take to get an agreement tonight?  
Kearns: You have to go to JLUB. It's their approval.  
Devinney: Strongest comment we could make is that we have no objection.  
Sheehan: We have to go back to court. There are 15 units tied up and additional requirement is for 7 units. There are 7 units that they are supposed to provide that they haven't provided.  
Siebold: Options – building as planned that we can't occupy. Obligation can be moved off-site. Could contribute for RCA to go outside. Easiest was to just modify approval to make these units affordable, but not age-restricted. The seven on the bottom would be more age-targeted.  
Sheehan: Guarantee .. (couldn't hear him, He stepped away from the mike.)  
Templeton: Is the age-restricted market weak now?

Sheehan: Number of bedrooms and affordability of those units is affecting sale.

Templeton: Product built for an age-restricted consumer would be different?

Siebold: There is a lot for the amenity for an age-restricted development.

Ouellette: Folks who qualify for COAH – doesn't that restrict them for fees?

Attorney: Don't know what your ordinance is – you deduct them from the price on the COAH website.

Fitzpatrick: I still ask what protection you are offering us. You are responsible to these residents. I don't want to see people out on the street. You should post a separate bond. You need to notice the people you are putting under contract need to know that they can't settle until those units are built.

Sheehan: I would agree for the seven.

Walsh: Our corporate model doesn't allow me to post a bond.

Kearns: It sounds like you want it all your way.

Fitzpatrick: It is a necessity to protect the town.

John Pelusi: It is a hurdle for Ryan to get the seniors and even the affordable housing – took two years. It's a very long process. Ryan Homes owns that building. If it gets constructed as is, it would meet its COAH.

Sheehan: Of the 14, 7 are required to meet the 177 market rate.

Fitzpatrick: I think Ryan Homes can afford to do that

Vice-President of Ryan Homes: We need 9 CO's. We're having trouble getting the 14 built. If you allow the 9 CO's, we can move up the completion.

Fitzpatrick: Not without a bond. I have no objections if the COAH changes from senior to family. We'll be releasing 9 CO's. If we're going to do something for you, you should do something for us.

Pelusi: Bond has to be for the whole building.

Fitzpatrick: Fine.

Corcoran: There is an obligation for 7. If it were to cease now..

Pelusi: No, it's a building.

Corcoran: All we are asking for is the 7. You don't have to build 14. That's your call.

Fitzpatrick: If we release the 9 and you protect us with the 7 COAH units and decide not to complete anything...

Pelusi: Ryan only has to purchase 3 more buildings for us. We can't build ½ a building.

Corcoran: That's your call.

Pelusi: Would that provide relief for the board?

Kearns: You are going to have to come up with something. You just said you were going to build them fast.

VP for Ryan: CO's would be in 120 days.

Corcoran: Are you willing to post a bond tonight?

VP: Can't do that tonight.

Corcoran: Ball is in your court. We're not holding you up.

Pelusi: If Ryan decides to go with senior and has to come back here, it could do that. If board feels comfortable with a bond to move forward.

Kearns: 29 units already under construction – timeline.

VP: Yes

Kearns: You won't meet that

VP: We're asking for the 9 tonight.

Kearns: You have to give notice to the people under contract until you get these done.  
 VP: I need 9 . I will get the rest worked out and won't ask for any other CO.  
 Corcoran: Our attorney is requesting notice to the homeowners.  
 VP: That's my responsibility  
 Fitzpatrick: I feel strongly it needs to be a separate bond.  
 Lohr: I would request that you be more forthcoming with your customers and not have them call the township. They've been told that the township has held them up. You need to deal with your customers in a forthcoming manner.  
 Ouellette: You need to get on the agenda on the JLUB  
 VP: Are you recommending that the COAH be changed to family?  
 Fitzpatrick: Not recommending. Not objecting.  
 Sheehan: Pending JLUB, I'm going to go to court.  
 Siebold: First would be age-restriction, 2<sup>nd</sup> to phasing.  
 Templeton: Units surrounding the age-restricted that have been sold – were they told they were going to have a nice quiet age-restricted building across from them.  
 VP: We can't say what kind of family is moving in.  
 Templeton: I'm not in favor of changing it from an age-restricted community.  
 Fitzpatrick: Go to a vote.  
 Ouellette: Bond amount?  
 Corcoran: Worked out by township engineer.  
 Kearns: No objection to JLUB changing age-restriction to family, allow release of 9 CO's, bond should be posted.  
 Templeton: Can it be rephrased? It sounds like we are recommending.  
 Fitzpatrick: No, it doesn't. You sit on JLUB and so does Fern.  
 Kearns: Rephrasing to say that Township Committee refers Ryan Homes request to the Joint Land Use Board.  
 Passed with Templeton voting no.

Resident: Question regarding upstairs apartments' outlets for fire.  
 Fitzpatrick: Part of original plan.

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CONSENT AGENDA ITEMS:  
 ORDINANCE 2008-1 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) \*1ST READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR MARCH 17, 2008

PAYMENT OF BILLS  
 ACCOUNT AMOUNT  
 GENERAL \$ 445,326.83  
 APPROVAL OF TERMS OF TOWNSHIP SOLICITOR'S CONTRACT  
 Passed unanimously

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MEETING OPEN TO THE PUBLIC  
MEETING CLOSED TO THE PUBLIC

CORRESPONDENCE – none

DISCUSSION ITEMS:

1. MANSION UPDATE

-Remediation in basement to be complete within a week. Engineer will be keeping an eye on it.

-Will meet with engineers regarding tanks.

Fitzpatrick: Valley's (not sure if this is the right name) presentation?

Corcoran: Within next month an update.

Hinkle: What about the other party?

Corcoran: Haven't heard anything back from them.

Hinkle: I would like a revisit.

Fitzpatrick: I thought we were going to re meet with them.

Fitzpatrick: John ...I thought he was here. (seeing Mr. Rahenkamp reenter) Steven, can you announce it again.

Templeton: You said you had two other inquiries?

Corcoran: Firm from Wilmington, De

Templeton: Anything from the fourth party?

Corcoran: No response whatsoever.

Templeton: As we move into spring time, we could get volunteers to help maintain the grounds and take some of the work off of John.

Corcoran: Trimming and cutting is very labor-intensive. Mixing up the beds and doing flowers.

Templeton: Open-letter from committee to community.

Fitzpatrick: Put it on the website

2. CONTINUED DISCUSSION OF PROPOSED ORDINANCE TO LIMIT  
"TEMPORARY PORTABLE HOME STORAGE CONTAINERS"

Devinney: Read Mr. Denton's comments.

Hinkle: Instead of \$25, you were going to make it \$50.

Ouellette: How much do the units cost?

Devinney: Home Depot \$59.99

Templeton: I don't think there should be a fee. If someone is putting a pile of money to improve their home, why saddle them with another fee? Put it in with the construction permit. Give it 45 days either side of settlement with no fee.

Hinkle: We have to have some kind of restriction.

Devinney: We do have some in town.

Templeton: If it's not associated with moving or improving their home, impose a fee.

Fitzpatrick: The ones I see don't have anything to do with construction.

Templeton: Then cut the ordinance that way.

Kearns: Write it to be without a fee if there is a construction permit.  
Hinkle: That's good.  
Templeton: Can anyone think of a situation that would wiggle through the cracks?  
Lohr: Painting your house.  
Corcoran: Could allow one 30 day and one extension with approval of zoning officer.  
Devinney: The only issue is how we know when the time starts.  
Kearns: From the permit.  
Fitzpatrick: I would just charge them \$50 for the permit and \$25 for an extension.  
Corcoran: You would want to make exception for hardship case like a flood or emergency – fees would be waived.  
Devinney: Construction could be tied to permit. I don't have an objection of a fee of \$25.00  
Corcoran: Would you want one extension?  
Templeton: What you want specific language for someone using one as a shed. That's what the language should avoid.  
Kearns: Consensus?  
Fitzpatrick: \$50 and \$25. No fee with construction.  
Kearns: You could reverse it. \$25 for initial and \$50 for extension.  
Templeton: Does the township still have the storage facility out back?  
Corcoran: No, it's public works  
Ouellette: Is the \$59.00 for a month? That makes it cheaper than a storage unit.  
Kearns: I'll revise and you can take a look at it.  
Ouellette: With someone moving in or out, is there a way to waive that fee by tying it to CO?  
Corcoran: What you're really allowing us to do is to take some action on ones that are parked and never leave.

### 3. CONTINUED DISCUSSION OF PROPOSED ORDINANCE TO ESTABLISH STANDARDS FOR DRIVEWAY AND ACCESS POINTS

Fitzpatrick: Talked with Keith Mohrman – he thought town decided not to do anything with it. He and Randy Johnson are going to review it. I suggest we wait to hear from him.  
Fitzpatrick: Steve, send a note to him saying we have tabled until we hear from him.  
Templeton: There was a prior effort to get some trucks off the streets and now the bottom paragraph reads (missed this). Person can't extend driveway and now the truck is hanging out in the street again.  
Fitzpatrick: That's why I think it's important that they can give a recommendation.  
Templeton: Do you want a work truck in the street or in the driveway?  
Hinkle: We're saying you can't cover half of your yard with cement and park cars there.  
Templeton: Doesn't zoning cover that?  
Goffredo: No, they cover it with stone and stone doesn't need approval.  
Fitzpatrick: Send Keith Dave Denton's recommendations  
Corcoran: And Barbara's  
Ouellette: Please share with JLUB as well. Go for first meeting in April.

COMMENTS – PROFESSIONALS - none

## COMMENTS – TOWNSHIP ADMINISTRATOR

1. Fire alarm work to be done.
2. Security glass for municipal building's lobby – quotes and options to be explored.
3. Additional security items being explored.

Fitzpatrick: Do you talk to Fitzgerald regarding library link?

Corcoran: We can do that. Will contact Katrina

Fitzpatrick: Survey from Rec through schools through Fitzgerald.

Corcoran: Marie and I will be setting that up.

## COMMENTS - DEPARTMENT HEADS

Zoning and Code Enforcement: Goffredo:

Report: 22 complaints – 1 sign confiscated – posted 6 warnings and mailed 12 certified letters – issued 3 summons

13 cases pending this year – 9 complied

1 zoning application approved and one sent to JLUB

320 Washington – owner failed to appeal and two warrants were issued.

Hickory Street – outside storage – they have until this week.

200 Burlington has dumpster

Fitzpatrick: You will take pictures to court

Goffredo: Yes

## COMMENTS - TOWNSHIP COMMITTEE

Templeton:

-Dredging - submitted request for public records to Bridge Commission and DEP.

Bridge Commission only gave me half of what I asked for. I wanted the amendment that seemed to trigger the Corps to look for other dredge sites. It limits Palmyra Cove to 20 acres for next 30 years. Conaway said meeting will be called by DEP for members of river communities to discuss dredging.

-Train Noise SR 117 sponsored by Allen and 97 sponsored by Conaway and Connor State Resolution #13 provide funding for communities to establish quiet zones. It will be a long process. It's had hearing in the transportation committee and they forwarded to the legislature. Submit complaints to Code Enforcement and Mr. Goffredo will keep a record of the complains. Public encouraged to write to legislature.

-Letter from Matt Johnson – tri-party agreement and mechanism for making land swap. It is up to Delanco Township.

Hinkle: I think we should put that up for discussion.

Fitzpatrick:

-Senior meeting – police program on safety- March meeting with director of consumer affairs.

-DYSA meeting Feb. 27<sup>th</sup> – new officers – coaches will be aware of what is expected – bylaws and requirements. One of the coaches did a power point.

-Jackie DiCarlo – recognized March 3. I will invite members of all the committees she worked with. Joan and I would like to see she has flowers and a resolution. I would like to read that resolution since she was my deputy mayor.



- Egg Hunt – March 18<sup>th</sup>.
- Tickets for March 7 Flower Show
- Library security and website

Devinney:

-Attended Firemen's Ball – EMS and Firefighters – thanks to all the volunteers in our community who serve us selflessly.

Ouellette:

- Attended Firemen's Ball
- Safe Routes to Schools Programs presentation – grant info for Kate to take to school board
- Attended Community Block Grant program – our turn comes up next year.
- Saturday budget meeting – this week will encompass department heads and Bob Stewart.

*Submitted by Maureen Barrett*