

TOWNSHIP COMMITTEE MEETING - MARCH 1, 2010, 7:30 PM  
MUNICIPAL BUILDING, 770 COOPERTOWN ROAD., DELANCO, NJ 08075

ROLL CALL: Hinkle\_\_\_Jass\_\_\_Lord\_\_\_Templeton\_\_\_Fitzpatrick\_\_\_ Also Present: Mr. Schwab, Acting Twp. Administrator\_\_\_ Mr. Denton, Twp. Engineer\_\_\_ Mr. Heinold, Twp. Solicitor\_\_\_ Mrs. Lohr, Municipal Clerk\_\_\_ Ms. Zimmermann, Deputy Municipal Clerk\_\_\_ Mr. Sacalis, Police Chief. \_\_\_

Fitzpatrick read a letter from Burlington County Times written by a resident to compliment Public Works for their work clearing snow and to ask residents to support them by keeping the roads as clear as possible.

ORDINANCE 2010-1 AN ORDINANCE AMENDING AND SUPPLEMENTING ZONING CHAPTER 110 IN VARIOUS NAMED SECTIONS OF THE ORDINANCES ENTITLED PART II LAND USE PROCEDURES OF THE TOWNSHIP OF DELANCO TO IMPLEMENT 2009 MASTER PLAN RECOMMENDATIONS 2ND READING AND PUBLIC HEARING

REPORT ON CONSISTENCY FINDINGS BY PLANNING BOARD - Lohr: Board considered the ordinance and found it to be consistent with the Master Plan Heinold: Terms are clear - notice was sent to residents within and 200 ft from the zone. C-1 uses would be removed from the zone.

HEARING OPEN TO THE PUBLIC

Resident of Ash Street: I don't understand the ordinance.

Heinold: Commercial uses were permitted in this zone. In 2009, the Planning Board wanted to restrict to just residential in the R-6 zone. This ordinance implements this change as per the Master Plan recommendation. We are required to notice everyone within or within 200 ft. of the zone so we did that. That's why everyone who did get notice.

Resident of Ash Street (2): How will this affect my property?

Fitzpatrick: Are you Fisher Canvassing?

Resident: Yes - how will it affect it when I sell it?

Jass: Your property and the one next to you will stay commercial. I'm under the impression that we're going back to the original.

Lohr: I believe it's currently zoned R-6

Heinold: It will stay R-6. I don't know when your use came into effect, but I think it was before the original ordinance. You should consult, but will be grandfathered.

Resident: When I sell it?

Heinold: I don't have enough information to answer that.

Fitzpatrick: I think that would be a selling point.

Resident: We've been there since 1972.

Resident of Buttonwood: I don't want to see condominiums. I was commercial and have been there 30 some years. I got up with him since I am a nervous wreck. I would like my property to stay commercial though I don't have a business. He's a great neighbor and is very considerate of his neighbors.

Fisher: My concern is that when I sell the property I am limited on how I can sell it.

Fitzpatrick: I can't answer that.

Resident: If I wanted to sell it to a developer, it wouldn't be a problem.

Fitzpatrick: It would depend on the uses in R-6. There are limitations to the lot sizes. I live in an R-6 on an undersized lot, but they did away with that in the last master plan.

Heinold: R-6 is a single family home zone. Because of your commercial use in a residential zone, your attorney should look at what uses were in place when you started.

Resident: I'm concerned about the value on sale.

Heinold: This amendment doesn't affect that. Your issue is a specific property issue. C-1 uses were permitted in the R-6 zone. That is being removed from the master plan.

Resident of Rancocas Ave: Is this being done because my son is trying to put an ice cream parlor in his house? He complied with everything, and now all of a sudden...

Fitzpatrick: Doug can speak to that.

Resident: You would think the town would want small businesses.

Heinold: Master Plan process took a year starting in '07-'08.

Resident: There are a lot of issues that the board can't speak to. I have a problem with that. My son spent a lot of money and changed engineering plans to give that board everything it wanted.

Heinold: It's not the issue before the board here.

Resident: Could I put a small business in my home?

Heinold: You would have to ask for a use variance. The planning board process incorporated professionals and public opinion. The result was that commercial use was not appropriate there.

Fitzpatrick: This is one of some ordinances we are implementing as a result of our Master Plan. Anyone can go in for a use variance; it doesn't mean that they will get it. Our job is to implement ordinances that will make our Master Plan work.

Resident: So I won't see condos there.

Fitzpatrick: I hope not. Not under my watch.

Resident of Buttonwood (2): My current property on Burlington Ave is C-1. How does that implement my property?

Heinold: It doesn't.

Resident: It doesn't affect my C-1?

Heinold: No. The C-1 is being encouraged.

Resident: So you are guaranteeing that that won't change.

Resident of Rancocas (3): I don't know what to ask. What good will this do and what harm? I have a boat yard. It's a big investment. Everyone who retired out of here spent their money somewhere else.

Fitzpatrick: Your parents' property was grandfathered in. It hasn't been a boatyard for how many years? You still have boats there? You still use the ramp?

Resident: We have boats there. We haven't used the ramp.

Heinold: A boat yard isn't a C-1 use.

Resident: Boats there for years back to World War II when parts were made there.

Heinold: There is nothing in the C-1 pertaining to boat yards.  
Fitzpatrick: It's been residential since our last Master Plan like the properties on Rancocas that have boat docks. A C-1 isn't a marina. It must be considered something else. It's grandfathered in. If you are using it for the same use, I don't know how the township could stop you from using it. At one time, there was a question of docks on the Rancocas.  
Resident: They have riparian rights.  
Fitzpatrick: You still need permits.  
Resident (from public): You don't need township approval.  
Fitzpatrick: You need DEP approval.  
Resident (from public): I didn't get approval.  
Resident: I bet no one on the board has property on the water.  
Fitzpatrick: I do. Fern Ouellette is here. He can testify that I fought for them to keep their docks. This is a residential zone for homes.  
Heinold: This is an overall implementation of a plan to change R-6 by removing C-1 provision.  
Resident: So I can't sell to the next guy to keep the dock. Your dock isn't there because it's a C-1. It's there because it has been there. The previous provision and this ordinance doesn't hurt or help you.  
Fitzpatrick: Your property was always R-6. We looked at it. If you wanted to sell it, you could talk to the zoning officer. Fishers, the building next to him, and the deli were zoned differently, but the deli is in C-1.  
Lord: I have ten years experience on Land Use. If you were to sell it to someone who wanted to keep it as a dock as it is. If all remained the same, you could sell it that way. If they wanted to change it, they would have to come in for a change or increase in use. They would have to show just cause. If you want to sell to someone who wants a residential use, that's fine. If Mr. Fisher wants to sell it as it is being used, that's fine. Keeping it the same, everything is OK. Changing it, you would have to come in.  
Resident: You hear so many rumors...  
Templeton: It allows Township to exercise a review process on uses outside of R-6 rather than something that would be automatic.

Resident of (missed): Grandfather clause only travels within the family. Why aren't the ones behind him being changed?

Fitzpatrick: They are R-6.

Resident: No, they aren't

Lohr: They are C-1.

Fitzpatrick: Address is Burlington Ave.

Resident: No, it's Rancocas.

Fitzpatrick: I have the new map.

(Templeton went for the other map.)

Fitzpatrick: I don't think your property is commercial.

Resident: It was when I bought it.

Heinold: It's currently R-6.

Resident: Use is transferred with the property or the owner.

Fitzpatrick: It's always the property.

Heinold: It runs with the property.

Resident: New owner, new business.

Lord: It goes to the Land Use Board to be sure it's the same.

Resident: If you pass the ordinance and someone files a lawsuit.

Hinkle: Are you threatening us?

Resident: The money from the last time I sued you, you could have used that money to hire police.

Heinold: Jan. 6, 2009 – master plan was adopted.

Jass: Every five years, Land Use Board has to do a Master Plan – review where they want the town to go. They review, vote and pass a resolution. At Township Committee level, we review and decide on what we would like to try to implement. Meetings are open to public and published in the paper. Everyone has the opportunity to comment. Public is always welcome to look at the document.

Resident: It just happens to coincide with my application.

Heinold: Plan was done Jan. 2009

Resident: My property is the only one that adjoins Burlington Ave. that has changed.

Fitzpatrick: You filed your plan after the plan was adopted. We have to send our ordinance back to Joint Land Use Board for consistency. The Master Plan is already on record.

Resident (from public): Without this ordinance.

Fitzpatrick: Yes. You can go back to the Joint Land Use Board for a variance.

Resident of Burlington: Why was the C-1 on Burlington Ave not removed?

Heinold: Burlington Ave is C-1 – not R-6 with C-1. From the bridge to the curve.

Fitzpatrick: Part of it is C-1 and part is C-2.

Resident: I don't know the McFaddens, but I was here when he came in. There was no discussion that night that there might be a change. Lawyers spoke and architect was here. It wasn't until the second meeting that it was announced that there was a change in place and it was his suggestion not to hear the case. There was money spent. I don't know why they couldn't have been told. The next time there are changes, it would be nice if council was prepared for specific questions from people like Mr. Fisher.

Fitzpatrick: It's not our jurisdiction to make that decision.

Heinold: There can be abandonment issues and appeals. We can't speak to each specific property.

Resident: The first time those people know there might be issues is when they get a notice.

Heinold: It's the zoning officer and board who makes that determination.

Fitzpatrick: Anyone can go to Mr. Goffredo right now. They don't need an attorney.

Heinold:

Fitzpatrick: He's the zoning officer.

Resident (from public): He

Resident : I'm against putting a business there. I hate to see a business go into a little dinky spot. I'm against the ice cream parlor. There will be parking all down our street. You have an awful job. It's a mess.

Resident of Buttonwood: Against the ice cream parlor. Overflow parking. Trash. We have people there at 11 and 12:00 now. He built that as a house.

Now he's changing his mind. We like it quiet and it's been that way lately. It's a nice neighborhood. That's why he built his house there and brought his family.

Resident of Rancocas: I didn't know it was R-6 until I went to build... I fought my zoning.

Lord: We're under no obligation by Land Use law. The Board would like to notice better.

Resident (from public): Board is supposed to work for the people.

Heinold: Law assumes that the master plan process is a notice and notices are a cost to the town.

Lord: We try, but we aren't required to on the Land Use side.

Passed unanimously.

ORDINANCE 2010-2 CALENDAR YEAR 2010 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) 2ND READING AND PUBLIC HEARING - no comment

Passed unanimously

ORDINANCE 2010-3 AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN DELANCO 2ND READING AND PUBLIC HEARING

Templeton: pg. 4 Section 14 - Company shall provide for school and library within 165 ft. (not sure if I got the number right)

Fitzpatrick: We got a list from them

Templeton: But it says within so many feet of a junction box.

(noise in room. I missed the rest of this)

Passed unanimously

COMMENTS - PROFESSIONALS COMMENTS

Heinold: none

TOWNSHIP ADMINISTRATOR COMMENTS - Budget workshop Monday at 7:00

Denton:

(still noise. Couldn't hear him. - proposals for light rail parking )

- DEPARTMENT HEADS

1. Police - report submitted for January

2. Lord- Census forms will be mailed out. We need people to complete them. Affects our funding. Information will be on the website.

-Snow of Dec. 20 declared an emergency so we can apply to FEMA for money.

COMMENTS - TOWNSHIP COMMITTEE

Lord:

-School Board - New member installed

-told by state to use \$650,000 of their surplus- state aid was cut. Gone through \$1 million. They are going into their budget process.

Fitzpatrick: We will get a notice of their budget meeting so we can attend.

Lord: School board was looking for PO for generator.

Schwab: John spoke to Public Service – it was ordered, but hasn't come in.  
Lord: DYSA – March 21st Certification class for coaches. Request for John.

Hinkle: Attended Fire and EMS dinner. – 100 volunteers.  
-Shade Tree – grant of \$6000 stimulus money. Bill Matulewicz should be commended.

Templeton:

-Joint Insurance requirements – working with Schwab, Zimmerman, and Lohr to be sure we are in compliance. Affects our premiums. Early May deadline.

-Letter from PSE&G – induction fixtures through stimulus program- lowers wattage, but not the light output. Attempted to call and emailed two reps – no reply as to actual cost.

-Emailed Ann Moore – Recycle Bank suspended reward for non-profits. They are trying to fulfill that program they talked about when they approached the township to start the program.

-Waiting for response from Matt Johnson regarding trails – Could bond release be postponed?

Fitzpatrick: That's fine.

Heinold: Attorney here for Pulte.

Templeton: Two connector trails in the original plan – subsequent agreement were deleted with public dock. Original vision was for public access. As plans have become reality access is limited. Township paid \$42, 000, but what was in the plan isn't what we got.

Heinold: Amended through interaction with residents at Newtons Landing and (I missed the name here.)

Attorney from Stark and Stark for Pulte: Release of bonds for farmhouse and activity center. Birdsall inspected in January. Asking for bond to be released today. If committee needs time to discuss trails, that's fine. Does the activity center include open space and trails?

Lohr: Not sure- can pull file.

Fitzpatrick: Changes were made a long time ago. We didn't get an updated plan. Matt Johnson has been away. I did a letter endorsing funds for park. Trails were removed some time ago. I don't think they will be done. I'm still waiting for alternate plan for Rancocas.

Jass: It's considered a field plan.

Heinold: Part of tri-party agreement.

Fitzpatrick: T

Heinold: not what was approved at the board level that was  
I don't think the plans exist

Jass:

-Fire and EMS dinner – volunteers and teamwork

-Riverroute reorganization meeting – 10 year master plan – required to have historical board and we do

-Rec. – Flower Show and skating party – April 17<sup>th</sup> for another skating party. Delancorecreation.org for events.

-Sustainable Energy – Wooddruff energy – bid for a dollar less was accepted. Will be going out to bid for electric as well.

Fitzpatrick:

- Fire Commissioners meeting - Generator - we will get fined if that isn't up and running. We've been working on that since Fern was mayor.
- Attended fire house banquet - new group - Explorer Unit - youth group training to be fire or EMS volunteers.
- Thanks to Mr. Denton's office for the three proposals to Adler's office - Riverfront Stabilization, Pennington Park, and Parking for Light Rail.
- Read a thank you from Mr. and Mrs. Sacalis for photos she sent

*I left at this point. Maureen*

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PAYMENT OF BILLS

ACCOUNT AMOUNT

GENERAL \$555,267.33 PAYROLL 108,453.86 PUBLIC DEFENDER FUND  
150.00 TRUST 10,361.50 CAPITAL 15,800.00

APPROVAL OF MINUTES

11/9/2009, 12/29/2009 (Eligible to approve: Jass, Templeton & Fitzpatrick)

11/23/2009, 12/7/2009 (Eligible to approve: Hinkle, Jass, Templeton & Fitzpatrick) Motion by \_\_\_ seconded by \_\_\_ to approve the minutes for

11/9/2009 & 12/7/2009 ROLL CALL:

Hinkle \_\_\_ Jass \_\_\_ Lord \_\_\_ Templeton \_\_\_ Fitzpatrick \_\_\_

1/4/2010 (Eligible to approve: Jass, Lord, Templeton & Fitzpatrick) Motion by \_\_\_ seconded by \_\_\_ to approve the minutes for 1/4/2010 ROLL CALL:

Hinkle \_\_\_ Jass \_\_\_ Lord \_\_\_ Templeton \_\_\_ Fitzpatrick \_\_\_

**\*\*PROCLAMATION - READ ACROSS AMERICA & READ ACROSS AMERICA-NJ\*\***

OLD BUSINESS:

RESOLUTION 2010-44 RELEASE PERFORMANCE GUARANTEE FOR NEWTONS LANDING ACTIVITY CENTER AND FARMHOUSE

MEETING OPEN TO THE PUBLIC FOR COMMENTS AND QUESTIONS

MEETING CLOSED TO THE PUBLIC CORRESPONDENCE

ADJOURNMENT