

**TOWNSHIP OF EDGEWATER PARK
MINUTES - APRIL 20, 2010**

Mayor Johnson called the meeting to order at 7:10 PM

FLAG SALUTE

Open Public Meetings Act Statement

IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231,
P.L. 1975 THE CLERK READ THE STATEMENT:

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Township Committee in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building 400 Delanco Road Edgewater Park, New Jersey on January 6, 2010.
- B. By e-mailing written notice to the Burlington County Times and Courier Post on January 6, 2010.
- C. By filing written notice with the Clerk of the Township of Edgewater Park on January 6, 2010.

Present: Mrs. Aimee Belgard, Mr. Darrell Booker, Mr. John McElwee, Mayor Kevin Johnson (Committee Members)

Absent: Mr. Joseph Pullion

Also present: Mr. Robert Brian, Chief of Police (Public), Mr. Aubrey Painter, Superintendent of Public Works (Public), Mrs. Linda Dougherty, Clerk/Administrator (Closed and Public), Mr. William Kearns, Solicitor (Closed and Public) and Mr. Tom Coleman, Special Counsel (Closed)

DISCUSSION(S)/PRESENTATION(S):

Upon discussion consensus of Committee was to table the discussion of an On-Site Sewerage Management Program (SMP) until the May 4, 2010 meeting for clarification of Block 501, lots 1, 6, 7, 8, and 9.

REPORTS

Report from Municipal Clerk/Administrator

Any Other Reports

REPORT ACCEPTANCE

Moved by: Mr. Johnson

Second: Mrs. Belgard

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

AUTHORIZATIONS: NONE

APPOINTMENTS/RESIGNATIONS: NONE

FUNCTION APPLICATIONS:

PUBLIC FUNCTIONS:

2010-9-Charles Jaxel on behalf of the Boy Scouts of America requesting use of the

Edgewater Park Municipal Building; May 13, 2010 7:00 PM – 9:00 PM Request a waiver of all fees. Certificate of Insurance on file. Background checks pending.
Moved by: Mr. McElwee Second: Mr. Johnson
Hearing no discussion:
Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

SOLICITOR’S PERMIT:

Motion to Approve Solicitor’s Permits No. 2010-9 through 2010-9 by consent agenda; if any items on the consent agenda require discussion, it shall be removed from the consent agenda to the regular agenda
Moved by: Mr. Booker Second: Mr. McElwee
Hearing no discussion:
Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

2010- 9 Marvin Vann, Jr; Marvelous Water Ice & Pretzels Vendor, April 1– September 30, 2010 All appropriate documentations have been filed, Application fee has been collected Paid. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

2010-10 Edwin Guadalupe for Mr. Softee for Ice-cream Sales, April 1– October 31, 2010; Required fees have been paid A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

APPROVAL OF BILLS

Approval of Bills from April 2, 2010 through April 16, 2010
Moved by: Mr. Booker Second: Mr. Johnson
Discussion: Mrs. Belgard questioned payment of a few items which were addressed by Mrs. Dougherty.
Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

APPROVAL OF MINUTES

Approval of Minutes from February 16, 2010 (Open and Closed)
Moved by: Mr. Booker Second: Mr. Johnson
Hearing no discussion:
Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

REPORT OF OFFICIALS

Committeeman McElwee:

Liaison to the EPAA: Mr. McElwee reported that EPAA opening day for baseball/softball was held on April 17th; there was a very nice turnout for the event. Spring flag football season opens up this weekend with games on April 24th. Mr. McElwee further reported that on Mat 16th the Elks and EPAA will sponsor a free program” Batter’s Up” competition at Memorial Filed starting at 9:00AM.

Liaison to the Environmental Advisory Committee: Mr. McElwee discussed that there was a scheduled meeting last night; meeting was not held due to lack of quorum. Any interested in serving on the Committee to please let me know; meetings are the 3rd Monday each month.

Committeewoman Belgard:

Liaison to Senior Advisory: Mrs. Belgard reported Senior Advisory will meet tomorrow, April 21st at 3:00PM and anyone interested please come out to the meeting.

Liaison to Planning Board: Planning Board met last week; it was a short meeting with a shed application discussed.

Committeeman Booker:

Liaison to the School Board: Mr. Booker reported tonight is the School Board elections; polls close at 9:00PM.

Mayor Johnson:

Liaison to Neighborhood Watch: Mayor Johnson reported Neighborhood Watch is fundraising for the Memorial Day Parade. A parade committee has been established with Beverly and Edgewater Park residents and a meeting will be held tomorrow night at 6PM in Beverly City; anyone interested in helping to please come to the meeting or contact him.

Liaison to Neighborhood Watch: April 22nd is the next meeting which will be held at the Silver Park West Recreation Center. The discussion will be on Gang Awareness

RESOLUTIONS

Motion to table Resolution No. 2010 -46: Police Association Patrol Officers Contract and Resolution No. 2010-47: Police Association Superior Officers Contract by consent agenda until the May 4, 2010 meeting; if any items on the consent agenda require discussion it shall be removed from the consent agenda. Resolutions are tabled due to the Township's budgetary constraints and inability to execute the contracts.

Moved by: Mayor Johnson Second: Mr. Booker

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

Motion to Approve Resolution No. 2010-49 through 2010-56 by consent agenda; if any items on the consent agenda require discussion, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mr. Johnson Second: Mr. McElwee

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

RESOLUTION NO. 2010-49

Resolution Terminating the Contract between the Township of Edgewater Park and The Miller Group, 1996 Route 27, Suite 6, Edison, NJ 08817 and/or their assigns as "Buyers" or "Developer" for the purchase of Lot 4.01 Block 1202

WHEREAS, by Resolution No. 2009-88 and Ordinance No. 2009-6, the Township of Edgewater Park authorized the execution of an Agreement of Sale between the Township of Edgewater Park and the Miller Group in which the Miller Group would acquire all that certain real property known and designated on the official tax map of the Township as Block 1202, Lot 4.01;

WHEREAS, by Resolution No. 31-98 dated May 14,1998, the Township previously designated the Property as an "area in need of redevelopment" and under the laws applicable to such areas the sale of property can be authorized by Resolution, and

WHEREAS, the Township Committee of the Township of Edgewater Park entered into an Agreement of Sale dated June 5, 2009, between the Township of Edgewater Park as “Seller” and The Miller Group, 1996 Route 27, Suite 6, Edison, NJ 08817 and/or their assigns as “Buyers” or “Developer” for the purchase of Lot 4.01 Block 1202; and

WHEREAS, the Buyer/Developer has not executed, delivered or performed according to contract provisions; and

WHEREAS, the Township Committee of the Township of Edgewater Park hereby declares the said Agreement of Sale and Development Agreement to be in default.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Edgewater Park that the above mentioned contract is terminated effective immediately as of April 20, 2010.

Resolution No. 2010-50
Resolution Adopting Personnel Policies and Procedures

WHEREAS, it is the policy of the Township of Edgewater Park to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Edgewater Park Township Committee has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

WHEREAS, the Township of Edgewater Park, by Resolution No. 72-2002, adopted a Personnel and Policies Procedures Manual and amended said manual on August 15, 2006 by way of Resolution No. 89-2006 and May 6, 2008 by way of Resolution No. 2008-87.

NOW, THEREBY, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township of Edgewater Park officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township of Edgewater Park employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Edgewater Park Township Committee.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township of Edgewater Park shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Township Administrator and all managerial/supervisory personnel are responsible for these employment practices. The General Counsel shall assist the Township Administrator in the implementation of the policies and procedures in this manual.

RESOLUTION # 2010-51
Resolution Authorizing Refund Of Overpayment

WHEREAS, the Tax Collector certifies to the Mayor and the Township Committee of the Township of Edgewater Park, that the tax records reflect an overpayment for the following accounts due to an overpayment:

Block 1801 Lot 17
Cynthia Hayes
5 Jamestown Court
Make Check payable to
BAC Tax Servicing Corporation
CAO 911 01 03
PO Box 10211
Van Nuys, CA 91410
Reference # 006132661
\$1033.33

Block 619 Lot 3
William And Clare Daly
19 W Franklin Ave.
Make Check payable to
Beneficial Bank
Mortgage Service Department
530 Walnut Street
Philadelphia, PA 19106
Attn: Christie Casey
1358.47

BE IT RESOLVED that copies of said resolution be forwarded to the Tax Collector, Township Auditor, and the Treasurer for their information and any appropriate action.

RESOLUTION NO. 2010-52
RESOLUTION TO CREATE TEMPORARY EMERGENCY APPROPRIATIONS

WHEREAS, NJSA 40A:4-20 provides for Emergency Temporary Appropriations during the period January 1, 2010 to the date of adoption of the 2010 Budget,

WHEREAS, the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, is desirous of making such Emergency Temporary Appropriations, and

WHEREAS, said Temporary Appropriations shall be included in the 2010 Budget as finally adopted under the correct appropriation titles in said 2010 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Edgewater Park hereby authorizes the Temporary Appropriations as follows:

GENERAL GOVERNMENT

Interest On Bonds	10-01-45-930-101	\$ 60,718.13
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RESOLUTION NO. 2010-53

*Resolution of the Township Committee of the Township of Edgewater Park
Authorizing the Execution of a Contract with Gower's Inc.*

WHEREAS, the Township of Edgewater Park solicited bids for installation of an Irrigation Distribution System and Electrical Service at the Weimann Field Sports Complex; and

WHEREAS, Gower's Inc located at 384 Eayrestown Road, Southampton, NJ 08088 has been determined to be the lowest responsible bidder at a bid base price \$40,770.00; and

WHEREAS, alternate bids were also solicited and bids were submitted by Gower's Inc, as follows:

Alternate #1: Irrigation Distribution System A1	\$ 11,900.00
Alternate #2: Irrigation Distribution System A2	\$ 11,900.00

WHEREAS, the Township of Edgewater Park is desirous of awarding the base bid and alternative #1 and #2 in the amount of Sixty-Four Thousand, Five Hundred, Seventy Dollars and Zero Cents (\$64,570.00); and

WHEREAS, by letter dated March 15, 2010 Environmental Resolutions, Inc submitted a recommendation to award said contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, that approval of contract is subject to legal review of the bid documents, and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Committee of the Township of Edgewater Park, that the Mayor and Clerk are hereby authorized to execute a contract with Gower's Inc located at 384 Eayrestown Road, Southampton, NJ 08088 in the

sum of \$64,570.00 for installation of an Irrigation Distribution System and Electrical Service at the Weimann Field Sports Complex; and

RESOLUTION NO. 2010-54

*Resolution of the Township of Edgewater Park, County of Burlington, and State of New Jersey
Authorizing the Submission of the 2009 Tonnage Grant Application to the New Jersey
Department of Environmental Protection*

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund for which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of Edgewater Park Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Edgewater Park that the Township of Edgewater Park hereby endorses the submission of the 2009 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Aubrey Painter, Edgewater Park Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the 2009 recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

RESOLUTION NO. 2010-55

*Authorizing Township Of Edgewater Park To Foreclose
On Tax Sale Certificate On Real Property*

BE IT RESOLVED, by Township Council of the TOWNSHIP OF EDGEWATER PARK, in the County of Burlington, State of New Jersey, that the TOWNSHIP OF EDGEWATER PARK, is hereby authorized to foreclose the tax sale certificate in the list annexed to the Certification of the Township's Tax Collector, TANYIKA L. JOHNS, which is incorporated herein by reference;

NICHOLAS M. BRUNETTI, Tax Sale Certificate No. 199825, recorded on April 21, 1999, RECORDED NO. 164557, which Certificate is dated October 29, 1998, with regard to BLOCK 402, LOT 5, which was sold for unpaid municipal liens on October 29, 1998, by THOMAS A. GIORGI, Collector of Taxes of the taxing district of the TOWNSHIP OF EDGEWATER PARK, to the TOWNSHIP OF EDGEWATER PARK, in the manner prescribed by the laws of the State of New Jersey;

The Tax Collector, and other municipal officials of the TOWNSHIP OF EDGEWATER PARK, hereby authorized and directed to produce the said Certificate of Tax Sale, and to render and supply such assistance as may be required.

RESOLUTION NO. 2010-56

Resolution Authorizing The Tax Reimbursement Certification for Recycling Taxes Paid in 2009

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for, its recycling program.

NOW THEREFORE BE IT RESOLVED by the Township of Edgewater Park that Edgewater Park Township hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2009 in the amount of (\$12,200.91). Documentation supporting this submission is available at 400 Delanco Road, Edgewater Park, NJ 08010 and shall be maintained for no less than five years from this date.

ORDINANCES:

Motion to Bring Ordinance No. 2010-4 back to the table for consideration; Ordinance was tabled at the March 16, 2010 meeting.

Moved by: Mr. Johnson Second: Mrs. Belgard

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

Ordinance No. 2010-04

(Continuation of Public Hearing and Second Reading)

AN ORDINANCE TO AMEND SECTIONS OF CHAPTER XVI,
LAND DEVELOPMENT ORDINANCE, TOWNSHIP OF
EDGEWATER PARK, BURLINGTON COUNTY, NEW JERSEY

WHEREAS, the Township of Edgewater Park has been engaged in litigation in the New Jersey Superior Court regarding zoning standards calling for a 6-acre minimum lot size, and it

is evident that the 6-acre minimum is not appropriate and that revised zoning standards must be established, and;

WHEREAS, it is the intent of this ordinance that the R-8 tract satisfy the affordable housing obligations of both tracts through an inclusionary development on-site,

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey as follows:

SECTION 1: § 16-82.9 R-LD Residential, Low-Density District is hereby modified as follows:

§ 16-82.9.1 R-7 RESIDENTIAL, LOW-DENSITY DISTRICT.

- (a) Permitted Principal Uses. In an R-7 Residential, Low Density District, land shall be used only for the following permitted uses:
- (1) Single-family detached dwellings.
 - (2) Public parks and recreational facilities.
 - (3) Governmental buildings and facilities.
- (b) Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
 - (2) Utility sheds.
 - (3) Private swimming pools, including above and below ground.
 - (4) Fences and walls.
 - (5) Decks and patios.
 - (6) Home occupations.
 - (7) Signs pursuant to §16-90.
- (c) Area and Bulk Regulations.
- (1) The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.
 - (2) A minimum 50' wide conservation easement shall be provided along any abutting R-2 Zoning District. The easement shall prohibit the location of any structures therein other than fencing.
 - (3) A minimum 25' wide conservation easement shall be provided along all tract boundaries that abut zoning districts other than an R-2 District. The easement shall prohibit the location of any structures therein other than fencing and public roadways.
 - (4) A minimum 20 percent of a tract shall be open space not including the required conservation easements indicated in (2) and (3), above. The 20 percent required open space may include stormwater management facilities and passive or active recreation space to be maintained by a homeowner's association or other approved entity.
 - (5) New residential lots shall be setback at least 200' from existing public roadways.
 - (6) Existing lots fronting on Bridgeboro Road and Mount Holly Road shall not be subject to the conservation easement requirements herein.
- (d) Affordable Housing. Any developer shall be obligated to provide the affordable housing units on the subject lots, or at such other location within the Township of Edgewater Park

acceptable to the Township.

- (e) A minimum of 20 percent of all residential units approved on Block 404.06, Lot 1 and Block 203, Lots 3Q Farm and 3.02 shall be low and moderate income housing pursuant to the Council on Affordable Housing (“COAH” regulations at N.J.A.C. 5:97 *et seq.* and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 *et seq.*

SECTION 2: A new zoning district shall be created as follows:

§ 16-82.21 R-8 SINGLE-FAMILY RESIDENTIAL DISTRICT.

- A. Permitted Principal Uses. In an R-8 Single-Family Residential District, land shall be used only for the following permitted uses:
- (1) Single-family detached dwellings.
 - (2) Single-family attached dwellings.
 - (3) Public parks and recreational facilities.
 - (4) Governmental buildings and facilities.
- B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
 - (2) Utility sheds.
 - (3) Private swimming pools, including above and below ground.
 - (4) Fences and walls.
 - (5) Decks and patios.
 - (6) Home occupations.
 - (7) Signs pursuant to §16-90.
- C. Area and Bulk Regulations.
- (1) All uses other than residential shall comply with the requirements of the R-3 Zone or their applicable conditional use requirements.
 - (2) The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.
 - (3) A continuous, low maintenance uniform perimeter privacy fence shall be provided along the sides and rear property lines of the tract at a height not less than 5'. Property owners shall be bound to maintain the fence and replace when necessary with a compatible fence.
 - (4) Single-family attached units (townhouses) developed to comply with the applicable affordable housing regulations of the State of New Jersey may be provided as part of a larger development of single-family detached units for the purpose of providing additional housing types at varying levels of affordability. Single-family attached units shall be located on individual lots, however all such lots shall be governed by a Homeowner's Association that will regulate uniformity of unit appearance and maintenance.
 - (5) Single-family attached units (townhouses) shall be set back at least 25' from interior site roadways, 60' from existing municipal public roadways, 40' from county public roadways.
 - (6) Where sides of units, both single-family detached and attached, face existing public streets, an evergreen plant buffer shall be provided to shield views to the sides and rears of units from the public right-of-way. The width of the buffer shall be designed such that the intended screening can be effectuated.
 - (7) Recreation areas for the tract are required and subject to Planning Board

approval.

(D) Council on Affordable Housing

- (1) A minimum of 20 percent of all residential units approved on Block 404.06, Lot 1 and Block 203, Lots 3Q Farm and 3.02 shall be low and moderate income housing pursuant to the Council on Affordable Housing (“COAH” regulations at N.J.A.C. 5:97 *et seq.* and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 *et seq.*

SECTION 3: The Zoning Schedule of Area and Bulk Requirements shall be modified to add new standards for both the R-7 and R-8 Zones as follows:

**ZONING
SCHEDULE OF AREA AND BULK REQUIREMENTS**

Zoning District	Minimum Lot Requirements			Minimum Yard Requirements				Maximum Principal Building & Structure Height (feet/stories)	Max. Impervious Coverage (%)	Minimum Habitable Floor Area (sq. ft.)
				Principal Structures	Buildings	&				
	Lot Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front (ft.)	One Side (ft.)	Two Sides (ft.)	Rear (ft.) ⁽¹⁾			
R-7	32,000	150	200	30	20	50	35	35 / 2½	20	--
R-8 SF	8,125	60	125*	25	10	20	25	35 / 2½	40	
R-8 TH	2,500	24	100	25	**	**	25	35 / 2½	65***	

* Perimeter lots Include a 25’ conservation easement that prohibits the location of structures therein, excluding fences.

** 10’ Side yard for end units. 20’ between two rows of units. No more than 6 units in a row.

*** In the R-8 zoning district, maximum impervious coverage shall allow an additional 250 square feet for rear patios for single family attached (townhouse) units.

SECTION 4: Block 404.06, Lot 1 is hereby rezoned from R-3 to R-8 and permits 19 single family detached units and 24 single family attached (townhouse) units. Single family attached (townhouse) units shall be constructed on interior roadways surrounded by single family detached units or open space.

SECTION 5: Block 203, Lots 3Q Farm and 3.02 are hereby rezoned to R-7 and permits 44 single family detached units.

Upon discussion Mr. Johnson moved to adopt Ordinance No. 2010-04 as amended to include Affordable Housing compliance language as recommended by Ms. Lonergan, COAH Planner Clark Caton Hintz as reported by Mr. Kearns. Second: Mr. McElwee

OPEN TO THE PUBLIC: The Mayor opened this portion of the meeting to public comment on Ordinance No. 2010-4 only.

Mr. Michael Raymond, 802 Perkins Lane, discussed that he would prefer the property to go back to industrial zoning vs residential with solar farm as a potential use.

Mr. Gerald Gares, 30 Quail Drive, requested clarification on the Affordable Housing regulations.

Mr. Kearns discussed that under current affordable housing requirements that township has 3rd round requirements and any new development generates an obligation. Presently all new residential development has a minimum 20% unit obligation. The intent of the ordinance is for the development of the two identified parcels to occur simultaneously. Currently there are legal challenges to the residential and non-residential 3rd round obligations.

Mr. Gares further discussed that the surrounding area is an "R-2" zone which is approximately 1 acre lots. He further questioned if the consent order was something that the township and family had to agree upon.

Mr. Kearns discussed that the reason for the lot size for the parcels located within block 203 is to incorporate more open space. Mr. Kearns further discussed that the Judge ordered the township and the family to try to reach an agreement; if an agreement could not be reached than a trial would commence. There is no developer for the property; the plan was prepared for visual only.

Mr. Nick Caruso, 32 Quail Drive, discussed that he would prefer an R-2 zone; he is concerned that when a developer presents plans that the lots would be even smaller.

Mrs. Linda Raymond, 802 Perkins Lane, questioned that under the ordinance is the amount of open space guaranteed? Quality of life is an issue. Mrs. Raymond further discussed solar farms and if that would be an option?

Mr. Kearns discussed that open space is provided but that nothing is guaranteed; if and when the property is developed residents should attend the planning board meeting to discuss any concerns. Mr. Kearns further discussed that solar farms are permitted by State regulation in every zone.

Mr. Stewart Freeman, 211 Peach Road, discussed that he was not notified about the zone change.

Mrs. Dougherty explained that the 200' notification list is generated by the tax assessor and that she would check on the matter.

Mr. Steve Bruneau, 12 Quail Drive, discussed that township committee has to make a decision that is reasonable for everyone. Committee also has to as much as possible control taxes. He feels that the proposal and restrictions are reasonable.

Mr. Darren Atzert, 803 Green Street, discussed that he has concerns that a developer will request a reduction in lot size.

Mr. Kearns discussed that any developer requesting a smaller lot size modification would have to request a variance through the planning board process.

Mr. Ed O'Donnell, 22 Quail Drive questioned the affordable housing obligation.

Mr. Kearns discussed that presently there is a 20% unit set aside obligation for any new residential development; this is a state mandate that obligates that Township to address.

Mr. Cal Stevenson, 950 Mt. Holly Road expressed concerns about the 25 foot buffer abutting the industrial area and expressed that the buffer should be increased.

Mr. William Farmer, 1503 Mt. Holly Road expressed concern that developers request variances to make more money; if permitted it would mean a lot more houses which would devalue his property.

Mr. Noel Rainey, 7 Spring Lane expressed that the township has discussed this property for the past six years and the litigation is still ongoing. Township Committee has to make decisions that benefit all residents.

Mrs. Renee Westcott, 25 Quail Drive asked if the proposed ordinance is final.

Mr. Kearns discussed that the copy provided this evening is the final version. Committee can vote to adopt, redraft or commence with a trial.

CLOSE: Hearing no one else wishing to speak the Mayor closed this portion of the meeting to public comment on Ordinance No. 2010-4 only.

Township Committee further discussed options, cost of litigation and potential impact.

Hearing no further discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

OPEN TO THE PUBLIC: The Mayor opened this portion of the meeting to public comment.

Linda Raymond, 802 Perkins Lane questioned why the parcel owned by the Varsaci family on Mt. Holly Road was part of the litigation.

Mr. Kearns discussed that the Mt. Holly Road parcel was included to address that affordable housing obligation.

Dennis Robbins, 9 Crystal Drive expressed that if the school budget passes by the voters and the combination of municipal and county tax increases senior residents in the community will not survive. The Governor's proposed cut backs on senior freezes and potential loss in homestead rebates the average senior may lose \$2,500 annually. He asked Committee for a conservative approach to the school budget if it fails.

Mr. Robbins further discussed that on May 6th, the Sheriff's Department is assisting with a senior ID program which will be held at the Silver Park West recreation center from 10AM to 1PM.

Noel Rainey, 7 Spring Lane, discussed that Resolution No. 2010-49 terminated that contract with the developer does Committee has an alternative plan. Committee should appoint additional people to the economic development committee so that the committee assists with the development of the property. He further expressed that Committee should consider the property next door for solar energy.

Township Committee discussed that the developer was unresponsive and that is why they moved forward to terminate the contract.

Steve Bruneau, 12 Quail Drive, President EPAA; reviewed status of the EPAA status report (appended).

David Morris, 811 Perkins Lane discussed drainage and flooding problems with Bogg's Run; the stream is backing up again and flooding his and his neighbor's properties. Mr. Painter and Mr. Fenimore (Delanco Township Public Works) have done a great job in trying to assist but the problem entails a lot more work and research.

Mrs. Dougherty discussed that the situation was brought to her attention on or about April 6th. Two residents on Perkins Lane came in the office and expressed concerns about the storm

water backing up on their respective properties and in their basements. She was in touch with Delanco Township regarding the matter and was advised that their engineer is preparing a report to Delanco Township Committee on the situation

A similar situation occurred approximately four years ago. Long range plan will have to be addressed with all parties including the property owners, Delanco, Edgewater Park, Veteran's Administration, NJ Transit and DEP.

Linda Raymond, 802 Perkins Lane discussed that the water is backing up on her side of Perkins Lane as well. Mosquito's are a problem. She further expressed that since Delanco developed the industrial site this problem has escalated.

Mr. Painter advised that he would contact the County for mosquito control.

CLOSE: Hearing no one else wishing to speak the Mayor closed this portion of the meeting to public comment.

ANY OTHER BUSINESS - None

Closed Session Resolution No. 2010-57: Where it is necessary to ascertain legal advice and discuss matters concerning personnel and contractual obligations. Where it is necessary to ascertain legal advice concerning Township of Edgewater Park vs Silver Park West, LLC et seq. Where it is necessary to discuss matters regarding Township of Edgewater Park to Miller Group. Where it is necessary to discuss matters regarding Carena vs Township of Edgewater Park. Where it is necessary to discuss items falling under litigation and or attorney client privilege. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentially, then the matter will be made public.

Moved by: Mr. Booker Second: Mr. McElwee Time: 9:05 PM

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee – yes, Mayor Johnson-yes

RE-ENTER PUBLIC SESSION

Moved by: Mr. Johnson Second: Mr. Booker Time: 10:32 PM

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mayor Johnson-yes

RE-ROLL CALL: Mrs. Belgard Mr. Booker Mr. McElwee Mayor Johnson

THERE WAS NO OTHER BUSINESS

ADJOURN

Moved by: Mrs. Belgard Second: Mr. McElwee Time: 10:32 PM

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mayor Johnson-yes

Kevin Johnson

Kevin Johnson, Mayor

Linda M. Dougherty

Linda M. Dougherty, RMC/Administrator