DELANCO TOWNSHIP
JOINT LAND USE BOARD
2016 ANNUAL REPORT OF VARIANCES

1. APPLICANT – 738 ASSOCIATES, LLC

Property Designation – Block 1104, Lot 4, C-2 Zone, 738 Burlington Avenue

The board granted use and bulk variances and minor site plan approval to permit a portion of a building to be used for storage/warehousing. A use variance was required because storage/warehousing is not a principal use that is permitted in the zone. The board found that the application met the positive criteria for the grant of the use variance and that granting the variance would not have a substantial negative impact on the neighborhood. In addition, the applicant requested a variance from the requirement that a loading area be provided and that 10 foot wide landscaped buffers with 6 foot high privacy fences be provided along the rear and side property lines. The board found that designated loading areas are not required because the structure is designed to encourage loading and unloading inside the building and that the landscaped buffers and privacy fences required by ordinance did not have to be provided because the existing building has done without them for a century. The board also considered the fact that the adjoining property owners did not appear at the hearing.

2. APPLICANT – MY FATHER'S HOUSE MINISTRIES

Property Designation – Block 2000, Lot 9.01, I-2 Zone, 989 Coopertown Road

The Board granted a use variance and site plan waiver to permit the property to be used as a house of worship. The application had been denied in 2015 and the applicant had filed suit under the Federal "Religious Land Use and Institutionalized Persons Act". The board concluded the variance could be granted without substantial detriment to the public good because (1) the church will not have a negative impact on traffic or on parking; (2) the church's activities will occur during "off hours" for the other tenants; (3) sound from services will not be disruptive to neighboring properties; and (4) that the impairment to the zone plan and zoning ordinance would not be substantial.

3. APPLICANT – NEW JERSEY BURLINGTON COUNTY MUSLIM ASSOC.

Property Designation – Block 2000, Lots 15.02 & 15.04, I-2 Zone, 1100 Creek Road

The Board granted a use variance to permit a house of worship in an industrial zone. The board found that the grant of the variance would facilitate the applicant's right to practice their religion in a facility designed for that purpose, that the grant of the variance would not have a substantial negative impact on adjoining properties or on the established character of the area and that, to the extent that the grant of the variance posed potential detriments, those detriments could be avoided with conditions of approval.

4. APPLICANT – PETER CANTON

Property Designation – Block 1208, Lot 1, R-1 Zone, 430 Delaware Avenue

The Board granted front yard and side yard setback variances to permit the applicant to add a storage/utility shed to the property. The board concluded that both variances could be granted without substantially impairing the intent or purpose of the zone plan or zoning ordinance because the proposed use is permitted in the zone and without causing a substantial negative impact on the surrounding area because the addition of the shed would provide much needed storage space thereby reducing the need for outside storage.

5. APPLICANT – DELANCO FAMILY APTS. URBAN RENEWAL, LLC

Property Designation – Block 2100, Lots 1 & 3.05, PD-AH-3 & PRD/V Zones, Rhawn Tract

The Board granted minor subdivision approval with use and bulk variances, preliminary and final major site plan approval, amended preliminary and final major site plan approval and relief pursuant to MLUL Section 36 to relocate the recreation facilities, clubhouse and maintenance garage associated with its approved affordable housing project to a newly created lot on an adjoining property because of the discovery of artifacts of cultural/historic significance on lot 1. As a result, the applicant proposed to create a ±0.8 acre lot by redesigning two of the adjacent Crossings at Delanco Station development's stormwater basins, which had originally been designed for a larger project with more impervious coverage, so the above referenced facilities could be relocated to that lot. The board found that the use variance could be granted because the applicant had met the positive criterion and the grant of the variance should

not have a negative impact on the surrounding area. The bulk variances were granted because the bulk requirements contemplate uses and structures completely different than those approved by the use variance

6. APPLICANT – KENNETH FREYNIK

Property Designation – Block 306, Lots 3 & 11.02, R-5 Zone, 2818 Colgate Avenue

The Board granted side yard and aggregate side yard setback variances to permit the construction of a one story ±1,300 sq. ft. addition with an attached one car garage on the property. The board found that the variances could and should be granted for the following reasons: (1) proposed use/structure is permitted in the zone and the finished project will comply with all but two of the bulk requirements of the zone; (2) the addition will not adversely impact adjoining properties and had the support of the neighbor who will be most affected by it; (3) the addition will allow the applicant to stay in place by adapting his home to fit the needs of a senior citizen; (4) the zoning ordinance would allow the applicant to build a detached garage in exactly the same location.

The Delanco Township Joint Land Use Board does not recommend any zoning ordinance changes based on the information contained in this report.