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June 21, 2019

VIA EMAIL AND HAND DELIVERY

Kitty Martin, RMC
Deputy Municipal Clerk
Joint Land Use Board Secretary
Delanco Township
770 Coopertown Road
Delanco, NJ 08075

Re: River's Edge at Delanco Condominium Association, Inc.

Dear Members of the Board:

This firm represents the River's Edge at Delanco Condominium Association, Inc. (the "Association"). The Association is requesting the Board's review and approval of a modification to a design element of River's Edge that was part of the original site plan application. As approved, the building façades contain elements of siding interspersed with areas of stone. Due to construction defects, which were the subject of protracted litigation, the Association will be removing and replacing the existing façades at certain buildings, and the Association is seeking authorization to replace some areas of the stone facades with siding and shingles rather than a full stone façade, for the reasons set forth in further detail below. The Board's review of this issue is requested on an expedited basis so that the work can proceed immediately and further water damage can be prevented. The Association can demonstrate that the work is both necessary for the enumerated purposes and will also be aesthetically appealing.

On June 19, 2019, the Association's community manager, Jackie Bartilucci, my partner, Robert Baranowski and I met with Mayor Kate Fitzpatrick, Janice Lohr, Richard Schwab, Michelle Taylor and Doug Heinold, Esquire to discuss this project. At that time, it was suggested that any proposed changes to the façade be brought to the attention of the Board. While we do not necessarily agree that Board approval is required under the circumstances, we all wish to cooperate to have this project completed as soon as possible for the betterment of the community and its residents.

The work has been determined to require the Board's approval of a slight modification in the approved façade material of certain buildings and the Association requests such approval, without prejudice. In that regard, we respectfully seek to have this request placed on the Board's agenda for Tuesday, June 25 2019. The slight modification includes a reduction in the amount of stone on the front façade of certain buildings. It is important to note that the façade of the buildings is considered part of the common elements which the Association maintains. It is not considered part of the units owned by the homeowners.

By way of background, the Association was involved in litigation against the builders of the community and various layers of subcontractors. After years of contentious litigation, the Association was able to settle the lawsuit (and obtain a judgment against one of the builders). Litigation included claims by the Association that the façade was improperly installed and caused water infiltration. Now, the Association is prepared to move forward to solicit bids to have this project completed.

The community consists of 34 buildings with 265 units. Generally speaking, the buildings are broken down into two types – "A" style buildings and "B" style buildings. For purposes of this façade project, there are 20 "A" style buildings and 14 "B" style buildings.

Below is a description of the proposed work the Association seeks to perform broken down by the style of building.

"A" style

Attached as Exhibit "1" is a picture of an "A" style building. The façade consists of vinyl siding and a stone veneer. The stone veneer runs from the ground up to the roof line. The Association intends to remove the existing siding and replace it with new siding. The color of the new siding will be a very attractive blue. A picture of what the blue siding looks like is contained in Exhibit "2". This was a "test" building where the vinyl siding was removed and replaced with new vinyl siding in order to determine a scope of work to prepare specifications to solicit bids. Certain shutters attached to the siding may need to be eliminated for two reasons. First, the Association's contractor strongly urges it to limit the number of penetrations in the siding to help avoid water infiltration. Second, birds build nests behind the shutters which pushes them out of place. Shutters attached to the stone will not be eliminated because they are attached with brackets imbedded in the stone.

The stone on these buildings will not be removed. Therefore, there will be no change for the portion of the façade consisting of stone and no request for approval is being made.

"B" style

Attached as Exhibit "3" is the front of a "B" style building with a portion of the front façade consisting of stone from the ground up to slightly above the first-floor entry door and the

first-floor window. This picture also shows an approximate 2 1/2 to 3 feet stone façade on the side of the building.

Attached as Exhibit "4" is a picture of the rear of a "B" style building. As you can see, there is very little stone in between the garage doors – only approximately 2 ½ to 3 feet high.

The Association intends to remove and replace all of the vinyl siding. Attached as Exhibit "2" is a picture of the "test" building with the new cream and blue colored siding to be used. This refreshed look is much more appealing and has given the community a vibrant appearance.

The Association also seeks to remove the existing stone and replace it with new stone in all areas with one minor exception. With respect to the front of these buildings, the Association seeks to reduce the amount of stone approximately 7 feet such that the stone will be approximately 2 ½ to 3 feet in height to match the height on the sides and rear of the buildings. The Association's contractor suggested this change for at least two reasons. First, the removal and preparation work to replace the stone as well as the replacement itself is very expensive. The Association has a limited budget to perform this project to help eliminate water infiltration issues. Therefore, this will help to reduce the expense. Second, maintaining and performing repairs in connection with stone can be challenging, especially where it interfaces with the bay windows and roofs that extend over the entry doors.

There are no shutters on these buildings. There are faux balconies on the back and front of these buildings that will be eliminated. The faux balconies at the back of these buildings can be seen in Exhibit "4". The faux balconies at the front of these buildings are located over the entry door and can be seen in Exhibit "3". It is important to note that the faux balconies are flat, have been a source of water infiltration and are merely decorative. The Association's contractor and its litigation expert strongly urge the elimination of the faux balconies due to the fact that they are flat, accumulate water and create areas for water infiltration. Additionally, the faux balconies create problems with birds which build nests on them. The front balconies will be replaced with sloped roofs to allow water to easily runoff. The elimination of these faux balconies was previously approved by the Township's Construction Department in connection with the "test" building and 17 Heron. Attached as Exhibit "5" is a drawing of the new sloped roof to be installed.

There are some notable points to be made with the slight reduction in stone. First, the amount of stone being reduced is only approximately 7 feet and only involves the front of these buildings. This is a very small portion of the entire perimeter surface of the buildings. Second, the existing stone façade on the front of these buildings can barely be noticed as a result of obstructing landscaping. Attached as Exhibit "6" is a picture of one of the buildings showing the landscaping. As you can see, the landscaping obstructs the majority of the stone façade. Third, the reduction of the stone to match the height around the sides and rear of these buildings will match the height of the stone at the front of the buildings located on Burlington Avenue, at the

visible edge of the community. Attached as Exhibit "7" is a picture of a building on Burlington Avenue.

The Association anticipates that this project is going to have a tremendous positive impact on the appearance and attractiveness of the community. All of the siding and stone that is going to be replaced is going to be replaced with new materials. Additionally, the building envelope underneath the siding and stone will, as applicable, be replaced with:

- new building wrap
- new tape around all seams
- installation of J channels where needed
- new post corners
- new inside corners
- new flashing

This is going to help eliminate water infiltration and provide a fresh new look that should be very much welcomed.

For all the foregoing reasons, the Association respectfully requests the Board's approval of this slight modification. Without this modification it may be necessary to impose a special assessment on the homeowners which they will not be pleased with and the Association wishes to avoid. The Association looks forward to proceeding with this project as soon as possible while the weather is still nice. I understand notice of this project has previously been given to the unit owners and notice of this request to the Board is being given to the unit owners.

We greatly appreciate the Board's attention to this matter and will be pleased to answer any questions at the meeting. In the meantime, if there any questions, please feel free to let us know.

Respectfully yours,



David R. Dahan

DRD/mgc
Enclosures

cc: The Board of Trustees c/o Jackie Bartilucci, Community Manager (via email w/encls.)
Robert S. Baranowski, Jr., Esquire (via email w/encls.)
Doug Heinold, Esquire (via email w/encls.)
Lou Garty, Esquire (via email with enclosures)