

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
August 17, 2004**

The Public Session of the Planning Board was called to order at 7:40 PM. by Chairman Frank Siefert.

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

1. Posting notice on the official bulletin board in the Borough Office on January 21, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

PRESENT: Frank Siefert, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, and Donna Tyson.

Also Present: Solicitor Tom Coleman and Secretary Ken Palmer

ABSENT: Eric Goldstein, Christian Hochenberger, and Jose Talavera.

MINUTES:

A motion was made by Birnie O'Reilly and seconded by Councilwoman Alls-Moffat to approve the minutes of July 20, 2004, as distributed. The vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **7/29/2004, copy of e-mail from Tamara Lee regarding using the Smart Growth Grant funds for Redevelopment project work.**
2. **7/28/2004, copy of "Mayors Advisory" bulletin from NJLM regarding Cross Acceptance and the State Plan and the need for municipalities to ensure accurate data is in the plan especially as regards possible impact on COAH's proposed "3rd round regulations."**
3. **7/20/2004, announcement from DVRPC of brochure on historic preservation, Municipal Implementation Tool #7: Historic Preservation.**
4. **8/1/04, NJLM Announcement for early registration for annual league conference in November at Atlantic City.**
5. **8/11/04, NJLM memo and Q&A sheets regarding the Smart Growth – Fast Track Law.**
6. **Five copies of the new Environmental Commission booklet.**
7. **Three vouchers/invoices as presented under New Business.**

OLD BUSINESS

Minor Site Plan, 300 Broad Street – The chair reviewed that the issue was discussed last month. Mr. Coleman reviewed the discussion and the major issues concerning grading and permits regarding the parking lot, conversion from a residential apartment house to a business use, site lighting and ADA concerns. Tom feels that there are enough issues involved that in order to not set a precedent for doing things without official review that a full hearing is warranted. The hearing does not need to be a long drawn out affair, but the issues involved should be presented and reviewed in a public hearing for a site plan application. Code Official, Tony Dydek stated that a letter had been sent to the owner Mr. Moscia on 8/11/04 concerning the parking lot. He has received a phone message but has not yet spoken to Mr. Moscia. The chair stated that he concurred that while the original minor site plan may have been in order, the parking lot, change of use, etc. by the owner have precluded the original submission and that a full site plan was needed to address these issues. At a minimum, the increase in the parking lot size, change to hard paving, and size of stalls and handicapped access/spots should be reviewed. Donna wanted to know if the owner has been fined and if the paving performed wouldn't set a precedent. Tony stated he was not aware if fines were involved. Tom stated that fines are a Council issue and while not aware of specifics, feels Tony would be within his rights to at a minimum issue a violation notice with whatever penalties that may be involved stated in the notice. Tony stated that his primary goal at this time was to get the owner to submit and appear before the Board for site plan hearing. Birnie O'Reilly stated that she feels there is a process issue involved. She wants to know if all rights have been cut off, or is there some way of resolving the issues short of forcing things to be undone or levying excessive fines. She feels an investigation is needed. Tom stated that he does not know if an investigation will solve the problem. No one has said Mr. Moscia will or will not get the approvals needed. He needs to come in and do what is right by applying for and having a hearing on the issues. Birnie wants to know what the procedure is. Can people do whatever they want and then come in afterwards? There needs to be a clear process involved. Discussion ensued that Mr. Moscia is or should be aware of the issues

or processes involved as business man of long standing in the Borough. It is felt that the process is being followed in that it is being discussed in open forum and he is being asked to make the proper submissions and to appear before the Board. Muriel wanted to know if there was a time limit. Tony stated that Moscia has called and he returned the call but they have not spoken with each other. While there is agreement that time limits should be stated in any communication, it is realized some latitude is warranted in order to prepare the plan. Tony feels the dialog is open and that things are or will move forward. As to the hardships on the Smyths, while it is not the desire of the Board to worsen them, the Board must follow the proper procedures spelled out by law and the codes of the Borough. The Smyths have concurred that once they approached the Borough, procedures were clearly explained. They submitted the application, but the owner's actions have confused and complicated the whole issue. Birnie feels there needs to be a Certificate of Occupancy (CO) piece involved that will clearly define all these issues. While it is felt such a CO process may not currently exist, Councilwoman Alls-Moffat stated there is legislation currently before Council that will put some more teeth in the Borough's enforcement abilities. Birnie reminded the Board that such issues were among those that the proposed Commercial Property Maintenance and Registration ordinance addressed. The chair wanted to know if not paying required taxes on an apartment constituted abandonment. Tom stated this is not the same issue. It was concluded that the chair and Tony would continue to pursue the matter and see what develops by next month. While not present during the above portion of the meeting, Mr. Smyth did come into the meeting later. The above issues were reviewed for him and that there could be no approval until Mr. Moscia complied with the submission of a formal site plan application.

Environmental Commission – There was no report – the chair Christian Hochenberger was absent.

COAH Administrator – The mayor reported that Christian Hochenberger had been appointed to serve as the Borough's COAH Liaison for the remainder of 2004.

Redevelopment – Councilwoman Alls-Moffat reported that the committee had met at 6:30 tonight and was continued until next month. There has been no response from the state on the request to use the Smart Growth Grant funds. Donna wanted to know if the plan would address the large development in Cinnaminson on River Road. Tom stated the issue can be addressed. Donna feels the Borough does not reside on an island and that the potential impact of the Cinnaminson development should be addressed.

Fence Ordinance Revision – Donna Tyson reported that the committee has not met since last reported due to Kerry Brandt and Hank Croft being on vacation.

New Development in Cinnaminson Township – Donna Tyson stated that the sheer size and scope of this development means the town needs to be kept abreast of developments. Also, directions for the site take people through Riverton, which while of potential benefit to local business also presents an impact on traffic. Donna has several obtained various PR materials, sales brochures and floor plans. She reported that the Cinnaminson School system was now not accepting registrations from future development residents since the project is behind schedule and occupancy would not be before late spring at the earliest.

NEW BUSINESS

Minor Site Plan Reviews:

Charles Caruso, at 531 Broad Street – Mr. Caruso of 412 Lippincott, wishes to open a store in the area next to the Christian Science Reading Room. He would be selling antiques, photos he shoots and scarves made by his mother. He stated that his current hours would be at lunchtime and Saturday mornings. Birnie feels that regular hours should be encouraged at businesses and not just at the business owner's convenience. The applicant agrees and hope business will allow that to occur. Asked about parking, the applicant stated he believed there was parking in the rear of the building in a lot entered off of Cinnaminson Street. Donna asked if there were any changes to the store front and the applicant stated no just decorative. There being no further discussion, the chair stated he and Tony would approve the application and the applicant can come into the Borough office on Wednesdays, between 4-6 PM to pick up his approvals.

Steven Skuder, at 525 Cinnaminson Street – Mr. Skuder of 2168 Harbor Drive, Palmyra, desires to operate a storefront business that prepares, places, and handles items on internet sales sites. Customers drop off the items and, for a percentage of the sales proceeds; they will handle entire process of placing the listings on the web site through shipping the items when sold. The location is in the existing commercial building at the corner of Cinnaminson and Broad Streets. He wishes to erect a sign and will comply with all regulations. The types of items stored at the shop will not present a hazard in that they have to capable of being shipped using normal mail or shipping services. Parking will be in the existing lot. There being no further

discussion, the chair stated he and Tony would approve the application and the applicant can come into the Borough office on Wednesdays, between 4-6 PM to pick up his approvals. As a point of curiosity, Donna asked if there were ADA concerns with these types of applications. It was stated that that is a concern for the building inspector. And normally if there are no building renovations involved, it is not a concern.

Vouchers and Invoices:

1. 7/12/2004, Tom Coleman, \$400.00 for attendance at the June meeting.
2. 8/3/2004, Tom Coleman, \$400.00 for attendance at the July meeting.
3. 8/2/2004, Tamara Lee, LLC, \$212.50, for COAH Monitoring issues.

A motion was made by Mayor Martin, seconded by Councilwoman Alls-Moffat, and unanimously approved to pay the items as presented. The secretary will have them signed and submitted for payment.

Miscellaneous:

- Councilwoman Alls-Moffat stated she had approached Christian Hochenberger, about the Environmental Commission addressing the proposed cell tower on Lippincott. Christian was not aware of the issue. There was a question if the two new sheds on the property were part of this and it was stated the sheds are on another property, are unrelated to the issue and proper permits had been issued. The secretary reported that the potential site plan application by Omnipoint Communications to erect a tower on 601 Lippincott would come before the Zoning Board since use variances were involved and that currently the application had been placed on indefinite hold by the applicant. Ken further reported that he had received related materials regarding the filing of required impact analysis with the state for construction in or near registered historic areas.
- Birnie asked the chair if he knew of the absence of the three board members prior to the meeting and the chair replied he did not.

PUBLIC COMMENT

The meeting was opened to public comment.

- Ed Gilmore, 103 Main Street, asked Donna if she had more information on the development in Cinnaminson. He also called for it to be a Borough Redevelopment Plan issue. Donna reviewed details she had including projections submitted by the developer.

There was no further comment and the meeting was closed to public comment.

Meeting adjourned at 8:45 PM.

Next meeting is on 9/21/2004 at 7:30 PM in the Borough Hall

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**