

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

The Public Session of the Planning Board was called to order at 7:30 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 26, 2004.

PRESENT: Frank Siefert, Eric Goldstein, Christian Hochenberger, Mayor Martin, Councilwoman Alls-Moffat, and Donna Tyson.

ABSENT: Birnie O'Reilly and Jose Talavera.

REORGANIZATION - 2004

At the January meeting, the appointment of the board member to the Environmental Commission was inadvertently omitted. The chair requested nominations. Christian Hochenberger was nominated by Eric Goldstein and seconded by Councilwoman Alls-Moffat to serve as the board member of the Environmental Commission for 2004. A voice vote was taken and the vote was unanimous.

MINUTES

A motion was made by Eric Goldstein and seconded by Christian Hochenberger to approve the minutes of January 20, 2004, as distributed. The vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. December 2003, Vol. 64, No 6, issue of "The New Jersey Planner," the NJPO newsletter enclosing materials regarding upcoming planning and zoning education programs.
2. 1/9/04, Letter from NJ State Planning Commission, regarding the Cross-acceptance process and explaining an enclosed CD with PDF files of USGS registered quadrangle maps – two sets for each quadrangle: one the existing planning areas on the existing State Plan Policy Map; and, two the combined data from the Office of Smart Growth and other state agencies.
3. 1/21/04, Copy of letter from New Jersey Future enclosing "Impact Fees" which is Issue 4 – January 2004, of the Smart Growth Recommendations from New Jersey Future.
4. 1/27/04, Copy of letter from The Allegheny Society of American Foresters, New Jersey Division with an attached Position Statement on Land Use Planning and Stewardship.
5. 1/30/04, Letter from Bradley M. Campbell, Commissioner NJDEP, regarding the new stormwater management regulations which became effective 2/2/04.
6. Invitation from K. Hovnanian Companies to a Smart Growth Conference "New Visions in Redevelopment," at the Mansion in Voorhees, 2/24/04, reservations are due 2/19.
7. Contracts from Tamara Lee, Planner and Lord Worrell & Richter, Consulting Engineer.
8. Two vouchers and invoices as presented under New Business.

INTRODUCTIONS:

The chair recognized Tom Coleman, Board Solicitor as being present.

OLD BUSINESS

Light Rail Issues – The chair introduced Gerry Savidge, Community Relations Director, NJ Transit Southern New Jersey Light Rail Transit System who had been invited to address several concerns the board had concerning the project. Mr. Savidge in turn introduced Joyce Gallagher, Assistant General Manager Light Rail Contract Services and Mike Sullivan, Bombardier Corporation, general contractor for the project.

They explained the background, progress, and future of the traffic signals at the grade crossings. The new, yellow signal heads that were installed are temporary until the Hunter Green heads which are backordered are available. When the new traffic signals were first activated, all nine in Riverton and Palmyra were set to

full three-color synchronized operation. This quickly proved unworkable to best balance rail, vehicle and pedestrian traffic. The six new signals in the two towns were set to flashing and current plans call for the flashing signals to remain as such and only the crossings currently on full operating cycle will remain as such. At the crossings with blinking signals, the additional signal heads were installed to replace the pedestrian walk/don't walk signals.

Cameras have been installed at the fully operational signals such as at Main Street to provide additional timing for cross traffic instead of having to wait for the normal cycle even when there is no approaching traffic on Broad Street. To coordinate with the rail traffic and to clear the crossings when a train is approaching, the blinking signals will become green for the vehicles inside the crossing area, stopping all other traffic on Broad Street for a period prior to the crossing gates descending. Before resuming normal operation, all lights will briefly go red before returning to flashing yellow on Broad Street.

The board shared its concerns over the lack of full signals at Cedar Street specifically and the others as not having the desired traffic calming impact and pedestrian safety improvement. It was explained that the bump outs and limiting flow to one lane in each direction were made for traffic calming. The signals came later as part of the light rail project. There is concern by board members about the tight turning radius onto Broad Street. Specific issues concerning the street configuration are county issues and not related to the rail crossings and NJ Transit.

The illumination of the crossings is subject to standards. Concerning the brightness of the station lighting, it was reviewed that the Borough had requested the metal halide instead of the standard yellow high pressure sodium lamps. The possibility of extinguishing the promenade lights when the line is not operating as well as reducing the brightness of them can be looked into. The design of the promenade lights was also a special consideration to the Borough to honor the request for a more period style of lamp.

Concerning the possibility of "partnering" arrangements, NJ Transit does not or is not permitted to be involved in individual economic development activities. NJ Transit is however very involved with supporting "transit village" planning and bringing programs to interested communities concerning funding and grants related to transportation oriented initiatives.

There will be advertising in the rail cars as well as the wrapping of selected vehicles. There are standards that must be adhered to and they are enforced. There will be **no** advertising on the platforms.

Regarding right-of-way issues, maps defining the rail road right-of-way have been provided. More definitive maps are forthcoming to help clearly delineate adjoining property lines. The board asked and it was accepted that the board will act as a conduit for communication between NJ Transit and the town concerning ongoing issues. There being no further questions, the chair thanked everyone for taking the time to address the board's concerns. If there are additional issues that come up, they will be forwarded to Mr. Savidge.

Ongoing Major Activities and Goals for 2004:

1. **Registration/Inspection of Rental Properties/Apartments** – Since Birnie O'Reilly was absent, the chair asked if there were additional comments from the board. Councilwoman Alls-Moffat reported on a phone conversation with a Peter Carlyle who was very unhappy with the proposed code and had spoken with Eric Goldstein concerning the need for maintenance regulations on all properties commercial and private. If the commercial units are up to code with the state why duplicate the effort? The chair feels that many good comments were received and that they deserve more consideration. The overlap of state versus local code deserves to be examined. Councilwoman Alls-Moffat stated that commercial properties are currently inspected by the Fire Marshal but is not sure as to the relation between that inspection and the state. Solicitor Coleman confirmed that there are two inspections, but the state inspection is beyond the scope of the fire inspection. It was noted that the Borough is not normally informed of the occurrence or results of the state inspections. It was reviewed that the original purpose of the project was to provide the Borough with an accurate accounting of multi-unit properties through the registration requirement and the inspection provision was to ensure that problems were brought to light and hopefully addressed before serious deterioration occurs. The mayor feels more research is needed and feels that efforts in neighboring communities such as Moorestown be examined. The chair stated that he had contacted Haddonfield and Moorestown to obtain their ordinances. The chair distributed copies of Moorestown's ordinance. The chair stated that he had been told that thorough, even handed and on-going enforcement is the key to success. Eric Goldstein stated that he doesn't feel comfortable putting the ordinance forward and more research and work is needed. He feels that there are existing codes and regulations that would probably do the job and he urged the mayor to work with the code enforcement

officials to ensure proper enforcement of the codes currently on the books. Eric made a motion, seconded by Councilwoman Alls-Moffat, that the board not put the proposed code forward until further research is completed and further work is done with Council and the mayor. The vote was unanimous. Tom Coleman asked if the draft was to be returned to the established sub-committee. The chair stated that was what he thought was intended and that the concerns voiced at the meeting will be addressed. He felt, in reading the transcript of the hearing that many valid concerns were made by the public that need to be addressed.

- 2. Smart Growth Grant for Site Plan/Subdivision/Subdivision** – The chair stated that despite repeated requests by the former mayor and the board’s planner for a formal acknowledgement of the approval of the changed scope of the project covered by the grant, there still has not been any reply except a verbal approval received by the chair. The chair feels the issue should be removed from the agenda since despite good intentions he does not feel the Board can proceed especially given the short period left until the extended deadline of the end of the year. Eric Goldstein feels that absent any formal reply from the State the Borough should prepare a letter stating it does not intend to pursue the project and returning all grant funds received to date. Eric Goldstein made a motion, seconded by Christian Hochenberger and unanimously approved, that the board cease work on the project and request that Council or mayor prepare a letter to the State stating that the project has been rescinded and that all grant monies previously received, none of which have been expended, are being returned to the State.

2004 Budget – The chair reported that he had discussed questions with Mary Longbottom and would be dropping the proposed budget off tomorrow.

Fence Ordinance Revision – Donna Tyson reported that the committee is scheduled to meet on 2/18/04 following the zoning board meeting.

Environmental Commission – Christian Hochenberger reported there has not been a meeting since the last board meeting and that a meeting is scheduled for 2/19.

Redevelopment – The chair and Eric reported that aside from ongoing engineering work, there is nothing new to report.

Class II Member – Councilwoman Alls-Moffat reported that Anthony Dydek had accepted the position as the new Zoning and Code Enforcement Officer and that his first day was tomorrow the 18th. He was the former part-time code officer for Delanco until they made it a full-time position. He was selected from among nine applicants. There has been no action on appointing a Class II member to the board.

Site Plan/Subdivision Application Procedures – Solicitor Coleman distributed copies of the revised checklist. He quickly reviewed the changes and stated that as long as the board agrees, he feels it should be recommended to Council for consideration. He also requested that the secretary and Mary Longbottom continue to review it so that it meets their stated needs to be able to properly work with applicants so they understand the requirements of properly submitting an application. Donna Tyson wanted to know, given the reports of soil contamination areas within the Borough, if it properly addressed soil contamination issues where relevant. She suggested something along the lines of Mt. Laurel’s requirements. Tom feels the checklist and ordinances address her concerns in that the Board can make specific requests. A requirement for formal environmental reporting would require a revision to the governing ordinance(s) which the board can research and recommend that Council consider. A motion was made by Eric Goldstein, seconded by Christian Hochenberger and unanimously approved to forward the checklist to Council for its consideration.

Old Invoices – The solicitor reported that he had not received anything in writing, but there had been several phone calls. Recognizing that Mr. Levitt was present at the meeting, he was asked if he would like to comment. Mr. Levitt replied that Mr. Coleman’s letter was the first he had heard anything in over two years since the hearings concluded. He remarked that the other applicant has since gone out of business. He further stated that he had always complied with requests for additional escrow funds and that he thought he was current. The secretary reviewed that at the conclusion of the hearings there were outstanding invoices from the board’s engineer and solicitor for which there were insufficient funds in escrow, but he was not aware if Mr. Levitt had been advised of this. The Borough would be able to give him an accounting of the funds deposited and disbursements. The unpaid invoices were left to ride and the parties did not pursue them for payment. Late last year the secretary received inquiries from the two parties and he referred them to the board for action. Mr. Levitt stated no one had contacted him before this about the outstanding bills and all anyone had to do was contact him. He stated he would contact the Borough to follow up.

New Development in Cinnaminson Township – Donna Tyson reviewed the large scale of the mixed use

development. James Moffat and Michael Heine have also been attending the Cinnaminson board meetings. The developer has been before Cinnaminson's planning board several times, has received preliminary approval for phase one and for clearing of the site. Donna has major concerns regarding the impact a project of that scale is going to have on the Borough given its close proximity to it. She feels that there will be extra strain/drain on the Borough's police and fire services since the development is closer to the Borough than to Cinnaminson's services. She is also concerned about impacts on the Pompeston watershed and about monitoring efforts by the DEP and EPA since it is close to the 400 acre superfund site across River Road. Donna stated that Cinnaminson's board meets twice a month and urged all interested parties to attend. She stated that she had also heard that the developer may be required to scale back the plans and has no idea how the actual development will go along with the concept plan. COAH needs are to be phased in. The chair thanked her as well as Mr. Moffat for their efforts on keeping the board appraised.

NEW BUSINESS

Vouchers and Invoices:

1. 1/27/04, \$735.95 voucher and invoice from Campise Reporting, Inc. for attending, transcribing and preparing the transcript of the public hearing portion of January's meeting.
2. 2/4/04, \$588.00 voucher and invoice from Tom Coleman for attending the January meeting and legal services to the board.

Following discussion that funds exist, a motion was made by Eric Goldstein, seconded by Christian Hochenberger and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

PUBLIC COMMENT

The meeting was opened to public comment. The chair prefaced the opening with a statement requesting that comments are to be civil in nature and personal attacks directed to board members or other members of the public will not be tolerated and if necessary the offender will be removed from the meeting. He wants comments to be open and freely given without the risk of public disparagement.

Gene Bandine, Main St. – feels the problems with the light rail were not addressed. He feels the traffic lights at Broad and Main in the Borough as well as the signals at Reed and Taylors Lane in Cinnaminson are too short for traffic entering/crossing Broad Street/River Road at those locations. He wants to know why the Gates remain down after the train has passed and is stopped at the station. He feels there should be designated no parking times to allow for street sweeping. He is concerned about hazardous materials such as Freon being put out for bulk pick up. He was informed that these were Council issues and that the Environmental Commission had been looking into a hazardous clean up days or at least education efforts.

George Williams, Moorestown – commented as a multi unit owner in the Borough and as a former mayor of Maple Shade that he could sympathize with the Borough's efforts to resolve the multi unit issue. He thinks the state inspections are intense and reports are filed and violations/repairs must be corrected. He could possibly live with inspections every three years but thinks annually is too much of a burden. He realizes the difficulty of trying to enforce a town wide property maintenance code. He doesn't feel commercial property owners should be singled out and that all properties should be included. He explained Maple Shade's efforts through the creation of a Community Development/Redevelopment Commission (CDRC) to address the problem. It was comprised of volunteers and had various committees for specific issues and he feels it has been very successful. The annual inspection was done by the code officer and was, albeit subjective, a drive-by visual inspection. He feels that the Code Enforcement official needs to be diligent in enforcing the codes. The code official also quickly followed up on resident complaints. He believes the state inspection results could be made available by the owners to the Borough. Donna and Frank questioned him further and again expressed the concerns that if the inspections are so thorough, why are there properties that look like they are in serious states of disrepair. Mr. Williams explained Maple Shade's process to address such conditions. Donna and Frank stated they would try to look into Maple Shades efforts.

Bernadette Wilmott, Linden Avenue – remarked that the fire marshal asks to see the state certificate when he makes his fire inspection. Thus, the fire marshal knows whether a property is currently certified by the state.

Mary Ann Shea, Bank Avenue – appreciates the property maintenance issue going back to committee. She feels there are existing codes on the books such as 59-13 that if properly enforced can address the maintenance issue. She asked about the subcommittee and if it was open to talking to affected property owners. The chair told her to call Birnie. She feels that after the former maintenance code issue was

dropped, the whole issue was forgotten rather than an effort being made to address what was even then perceived as an issue that needed addressing. The chair and other board members commented that other towns have addressed the issue successfully and that if nothing else, the proposed code has finally opened a much needed dialog on the issue.

Gene Bandine – asked Councilwoman Alls-Moffatt about crosswalks on the streets. She replied that it was a county issue and could be pursued.

Michael Heine, Carriage House Lane – feels a dialog has been started and thinks a lot of good may come out of it. He proceeded to address a list of items that he felt the board's solicitor should follow up on including: legal orientation, a survey of existing codes, which laws are applicable for maintenance and habitation issues, what are the standards of the town's housing code, who is responsible for enforcing, are there registration codes on the books, what are the duties of the code enforcement officer, and can all this be consolidated. The solicitor needs to provide this information and guidance to the board.

Mary Ann Shea – asked if the subcommittee might be enlarged and perhaps it could gather much of the information mentioned by Mr. Heine with incurring the costs of the solicitor. The chair feels that a parallel approach may be needed and he stated that he feels the issue of rooming houses needs to be addressed also. It was discussed that there may be many types of multi unit properties that the Borough is not aware of and that the lists the town has are not considered accurate.

Bernadette Wilmott – feels the information is out there and you just need to know the right people to talk to.

Harvey Sklar, Lippincott Avenue – stated he used to have rental properties and feels the chair's frustration with some owners subverting the system and misusing their properties and making for a negative impact on other law abiding and dedicated property owners. He is concerned about conditions along the river bank. He also feels that, at times, frivolous issues receive more attention while the more serious problems are ignored because they may require a more concerted effort to rectify.

William Henry Harris – spoke about laws on the books and that there is too much government intrusion on private enterprise. He feels people should be left alone and that what's already on the books should be properly enforced. He feels there is selective enforcement that is wrong and made some strong comments as to his opinion of that. The chair once again pleaded for civility in the conversations and feels that a good dialog has been started and wants to see it continue.

Jodi Leslie-Eichfeld – thinks it is wonderful that there is an open dialog going on and that she feels it is an example of democracy at work.

Michael Heine – again stated the solicitor needs to provide a review. Donna Tyson agrees that there appears to be a lot of confusion and she would be grateful for a comprehensive starting point. The chair suggested that perhaps Tom could provide an estimate of the cost for the effort. Tom said it was certainly possible and that he thinks it should be coordinated with the subcommittee's efforts which may be directed along the same line.

Judy Goldstein, Lippincott Avenue – feels the state inspection requirements should be read to see if things are already covered. She feels the new code may amount to overkill and that the town needs to utilize, coordinate and enforce what may already be on the books.

Hank Croft, Woodside Lane – wanted to know if the issue of impact fees are part of the site plan. Tom Coleman stated that this was a good question and he feels Council needs to review the new regulations on them and ensure they are properly included in the salient ordinance(s).

Barbara Horner, Bank Avenue – feels the subcommittee needs more people. The chair asked her to contact Birnie. She also commented on the conditions along the river bank and discussed the involvement of the DEP and Army Corps of Engineers and the availability of a National Permit that she believes is free and would cover everyone. As she recalled, it was the property owner's stance that since the town caused the stoppage and refused to seek avenues to resolve the problem he would let it sit. Councilwoman Alls-Moffatt queried her on the National Permit. Ms. Horner understands that it is free and any town can apply. This is not a planning issue and should be looked into by Council.

George Williams – stated that if he was provided the contact on the board, he would be glad to assist in gathering information on Maple Shade's efforts.

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

Meeting adjourned at 10:22 PM.

Next meeting is on 3/16/2004 at 7:30 PM. (Note Changed Location – In the Media Room of the Riverton School.)

Tape is on file.

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