

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
July 20, 2004**

The Public Session of the Planning Board was called to order at 7:37 PM. by Vice Chairman Eric Goldstein.

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: Eric Goldstein, Christian Hochenberger, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, Jose Talavera and Donna Tyson.

Also Present: Tom Coleman, solicitor.

ABSENT: Frank Siefert and Anthony Dydek.

Also Absent: Secretary Ken Palmer

MINUTES

A motion was made by Christian Hochenberger and seconded by Mayor Martin to approve the minutes of June 15, 2004, as distributed. The vote was six in favor and one abstention.

CORRESPONDENCE/ANNOUNCEMENTS

1. **6/18/2004, copy of letter and related resolution sent by mayor to office of Smart Growth regarding grant funds.**
2. **6/28/2004, announcement from DVRPC of brochure on parking management strategies, Municipal Implementation Tool #6: Parking Management Strategies.**
3. **7/8/2004, copy of e-mail from Tamara Lee briefing parties on COAH work and her concerns.**
4. **7/8/2004, copy of COAH Monitoring report sent to the State by Tamara Lee.**
5. **7/8/2004, copy of letter sent to COAH Director by Tamara Lee outlining her role and also explaining the status of development fees in the Borough.**
6. **One voucher and invoice as presented under New Business.**

OLD BUSINESS

COAH Administrator – Councilwoman Alls-Moffat reported that there had been discussion on whose responsibility it was. She stated that she would make sure that it was discussed in Council's next workshop. Birnie asked that it be on the record that COAH administration is important and that whoever takes on the responsibility should receive proper guidance. Tom Coleman stated that he believed Tamara Lee, the board's planner hoped be able to come and discuss the latest COAH developments with the Board as well as Council. Birnie asked Tom if Tamara was qualified to advise on the legal aspects of COAH and Tom replied that the latest changes are new to everyone and will need to be studied. Birnie wanted it on the record that Tamara's efforts and opinions should be supported by legal council. Tom stated that it is the Borough's obligation and that it should be discussed with Borough's council Bruce Gunn. Mayor Martin stated that COAH related action would be reviewed with Bruce.

Environmental Commission –Christian Hochenburger reported that the educational booklet on the Pompeston Creek is being printed and should be completed and available in the next several weeks. Councilwoman Alls-Moffat stated she was under the impression that it was already completed and available at the library. Christian replied that there may have been a misunderstanding of his last report where he intended to convey that the booklet was complete and ready to be printed following a final proof by Michael Robinson. Donna Tyson asked what the commission's recommendation or thoughts were on the setbacks from the creek that Council is or intends to consider. Christian stated the commission feels the setback should be 100 feet and that information including legal support and sample legislation had been given to Council for its consideration. Birnie asked what the EPA and other bodies stated should be the setback. Christian replied that it varies by stream and that it is currently 50 feet for the Pompeston.

Redevelopment – Councilwoman Alls-Moffat reported that the committee had met to discuss the revised plan. Eric asked who was on the committee and Muriel replied it was Frank Siefert, herself, the mayor, Ed Gilmore, Tom Coleman and Dave Gherkins.

Fence Ordinance Revision – Donna Tyson reported that the committee has not met since last reported and that they were trying to meet in the next week or so. Hopefully a draft of the recommendations/changes would be completed shortly.

New Development in Cinnaminson Township – Donna Tyson reported that a lot of site work was going on. She understands that children are enrolling in the Cinnaminson schools for September. She also understands that building is behind schedule.

Site Plan/Subdivision Application Procedures – It was reported that Council has adopted them and the item should be removed from the agenda.

Old Invoices – Eric read the secretary's report on the progress of clearing Mr. Hardt's invoices: A letter has been sent to Mr. Hardt noting the "Dollarland" related invoices were either approved for payment by the board or a check would be re-issued for a previously paid but never cashed item. Follow up was requested by Mr. Hardt on the other invoices which had not been previously presented to the board at the time the services were provided and the possibility that they had been combined and paid under a later invoice. To date there had been no reply from Mr. Hardt's office.

NEW BUSINESS

Vouchers and Invoices: There were none. Tom will have his submitted next month.

Minor Site Plan, 300 Broad Street – Mr. Glenn Smyth was present to discuss his Minor Site Plan Application for an antique shop at 300 Broad Street. Mr. Coleman reviewed the process of approval of such applications by the chair and Tony Dydek. With the absence of Frank and Tony, Tom suggested that they carefully review the minutes in reaching their decision on the matter. Mr. Smyth of 201 Howard Street presented a review of the plans. He hopes to sell used furniture, antiques, home crafts, architectural artifacts and such that he takes possession of in the course of his foreclosure business instead of just disposing of them. The planned hours of operation are tentatively set to be Monday through Friday from 10:00 or 11:00 AM until 6:00 or 7:00 PM and Saturdays from 9:00 until 1:00 or 2:00. It will be essentially a "hobby" type of business to start. It will not be a "junk" store. The items are of good quality and may have collectible value. The parking area is existing and has recently been paved by the owner. Glenn envisions the clientele to be mostly local and not predominantly out of town patrons. There will be no changes to the outside of the building other than cosmetic. A sign is planned but a design has not yet been finalized. Tom reviewed that as long as the sign met with Borough codes it would not have to come before the board. Otherwise a variance would be needed. In reply to questions about the parking, Glen replied that he thought that there were 18 spots to which he was allowed to use 2 of them. Donna Tyson voiced concerns about the use of hard paving versus stone which she thinks is more consistent with the character of the town. Mr. Coleman stated he thought approval of paving required an application for approval. No one is aware of such a plan being submitted or a permit being issued. Birnie is concerned that proper procedures have not been followed. It was discussed that parking does exist but it appears to have been expanded. The applicant is not aware of the owner's plans for striping, etc. Mr. Coleman reviewed the kinds of concerns the board has such as ADA access, etc. Councilwoman Alls-Moffat stated her concerns that the owner, Mr. Moscia, may have performed the paving work improperly. Mr. Coleman stated that these concerns are really outside of the application but perhaps can be noted as it may concern the operation of the store. Asked how long he had been open, Mr. Smyth stated they aren't officially open for business yet, but people had come up in the afternoons when someone was present. He has an office in back from which he conducts his foreclosure business. The shop is not part of his main business. Members of the board reiterated their general support for the type of business but also stated concerns about the parking, traffic and whether the items are to be stored inside or what. There is concern that about the items being left permanently on the porch or lawn. Realizing that the homes along Broad Street do not have the strictly residential appeal of other areas in the town, Donna Tyson sated her support for the mixed use concept rather than having the site deteriorate. She does not like the paving or the location of the parking lot. Asked if there was something the board can do about the parking situation, Tom stated that it is not up to the board to police or enforce the Borough's regulations but that their concerns can be noted and he trusts the proper officials will look into them and they will be properly addressed. Birnie discussed that given the concerns about the condition of the property next door on Lippincott, it was incumbent on the applicant to go the extra mile to maintain good appearance and the collection of material on the porch. Birnie pointed out for the record that she feels the appropriate channels or procedures either do not exist or are not being properly enforced. The town needs a stronger

administration arm. Approvals of the operation should have been sought before things were set up. Mr. Smyth stated that he originally had been informed that he only needed to obtain a mercantile license and only later was informed about the need of the application for minor site plan approval. Birnie feels that everyone should be clear on what the procedures are and hopes confusing situations like this can be avoided. Glenn stated that he had spoken with Mr. Moscia last year and it wasn't until he came to the Borough to obtain his license that he was informed by Borough employees of the proper process that needed to be followed. Tom Coleman reviewed the process and what triggered the application and what was proper to consider with the application at hand. Tom suggested that, if the Board so desired, it was proper for it to grant its conditional approval for the chair and code officer to approve the application as long as they feel that all is proper. The issues surrounding the parking and other items that concern the owner are not part of the application of Mr. Smyth although they could possibly have some bearing on their decision. Mr. Smyth was reminded that he should contact Borough officials on Borough matters and not rely on someone else's opinion. Tom reviewed that perhaps the board had heard enough to address their concerns regarding the use applied for. Councilwoman Alls-Moffat feels that the issue should be tabled until more information is available. Jose Talavera motioned and Councilwoman Alls-Moffat seconded that the issue be tabled until next month when the chair and Mr. Dydek will hopefully be present and that the owner should also be present to answer the Board's concerns. Under discussion, the vice chair reviewed that the board is concerned that it doesn't have sufficient information needed to render a decision on approving the operation of such a business at this particular location and/or if additional requirements need to be met before properly rendering a decision. Perhaps if the issues can be satisfactorily resolved, the application can be approved before next month. Tom Coleman further stated that perhaps there may be sufficient issues that preclude the use of a minor site plan application. Again these concern the owner more than the applicant. Eric stated he would follow up with the chair. While the board does not wish to penalize the applicant, he has been placed in a difficult position by the actions or inactions of the property owner. There being no further discussion, the motion was passed by a unanimous voice vote. Donna Tyson asked if this application pointed up short comings with the process. Tom reviewed the process and as far as the applicant was concerned he was warranted in making the application. However there could be other issues regarding the owner and the previous use of the building that could impact the current application and warrant further research and consideration. Birnie commented that she would like to see the landscaping that was removed from the property restored since it provided character to the site that is now missing.

Borough Parking Study – After public comment, Donna discussed that she still believed it was important that the parking committee should review its plans with the board. Perhaps the chair can invite the committee to present its proposals to the board.

PUBLIC COMMENT

The meeting was opened to public comment. The vice chair reminded the public that there was a five minute time limit on comments and to please include name and address.

- Maureen Miller, 608 Thomas Avenue stated that she and her husband want to make sure they follow the proper channels and they are interested in opening an authentic Victorian ice cream parlor at 529 Main Street. She has already been informed by Mr. Dydek that it is an approved use. She was advised to come into Borough Hall and speak with the clerk. Eric stated that listening to the comments concerning the previous application should provide a good idea of the kinds of concerns that she may be asked to address. Birnie was interested in how the process had worked so far and what steps Mrs. Miller had taken. She spoke with the leasing agent and was referred to Mr. Dydek. She stated she had dropped off a rough sketch of her plans. Tom Coleman advised her of the approved checklist that covers many of her concerns.
- Ed Gilmore, 103 Main Street, spoke of his concerns about the board should be familiar with the portions of the zoning code as it concerns the neighborhood business district and the use and impact on older buildings as businesses. He spoke of issues being considered by the parking committee such as time limits and the impact on businesses.
- William Henry Harris, 502 Cinnaminson Street, wants to know if the County was approached on the proposed parking changes since Main Street is a county road. He was reminded that his concerns are an issue for Council and Mr. Harris stated he just wanted to be sure the board wasn't misinformed.
- Frank Cioci, 408 Lippincott Avenue, informed the board that the building mentioned by the Mrs. Miller for the ice cream store was actually on Howard Street not Main Street.

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

Meeting adjourned at 9:00 PM.

Next meeting is on 8/17/2004 at 7:30 PM in the Borough Hall

Tape is on file.

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