

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
June 15, 2004**

The Public Session of the Planning Board was called to order at 7:32 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, Eric Goldstein, Christian Hochenberger, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, Jose Talavera and Donna Tyson.

ABSENT: None

MINUTES

A motion was made by Mayor Martin and seconded by Christian Hochenberger to approve the minutes of May 18, 2004, as distributed. The vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **Announcement from Sterns & Weinroth, PC of a redevelopment law seminar on June 24, hosted by Sterns & Weinroth.**
2. **Announcement from ANJEC of a workshop on June 29, on importance of having a Conservation Element in the Master Plan.**
3. **Announcement from NJLM of a League Seminar on June 22, on Transfer of Development Rights.**
4. **5/25/04, letter to chair and board from Tom Coleman regarding legality of Jose Talavera's appointment to the board following consultation with the Borough's solicitor Bruce Gunn. (Copies distributed to board.)**
5. **6/19/04, copy of letter to Tom Coleman from Borough Solicitor, Bruce Gunn regarding the status of Jose Talavera's appointment to the board. (Copies distributed to board.)**
6. **5/20/04, copy to chair of letter to Councilman Gilmore from Hank Croft, chair of the ARC regarding the ARC's comments on the plaza design for the intersection of Broad and Main Streets.**
7. **One voucher and invoice as presented under New Business.**

OLD BUSINESS

Jose Talavera's Appointment – Based on the correspondence from the solicitors for the Borough and the board, it was noted that Jose Talavera's appointment to the board was in order and he did not need to be sworn. Councilwoman Alls-Moffat wanted to know where Jose was since he had not yet arrived. (Note: Both Jose Talavera and Eric Goldstein were not present during discussion of this topic and the chair later recognized that they had arrived). Birnie wanted to know if everyone was comfortable with or how they felt about Jose's absence. The chair stated that appointments reside strictly with the mayor and it is not an issue for board discussion. The mayor stated that he and Council want to see how things progress and if needed Council would continue to address attendance issues. Muriel stated that attendance was being monitored and that Council has to decide on how it wishes to proceed regarding the issue. Birnie wanted to know how long the mayor intended to let things go. She commented that schools and businesses have attendance policies and that Moorestown Township had adopted an ordinance regarding attendance. The mayor asked that Birnie leave the issue alone for now and that it is an issue for Council to address. Birnie asked if it made sense to have an attendance policy. The mayor commented that while members of some groups may not always be able to regularly attend meetings they still contribute to the group. The chair again stated he felt that the issue is a Council concern and not appropriate for the board to dwell on it. Asked by the board, the secretary reviewed that he requests members to notify the chair if they will not be able to attend. Birnie commented that Jose's attendance history perhaps raises the need for Council to address the issue. She feels regular attendance is needed to fully participate in board matters. She further commented that since the board has a member who chooses not to attend or may be ill forces the issue of an attendance policy. The chair stated that he encourages members to e-mail or phone him directly if they have a problem making a meeting. The secretary commented to Birnie and the board, that attendance at board meetings both planning and zoning, is not a new topic, it has been raised before and that it was resolved satisfactorily between the respective chairs and members involved. The chair once more stated that attendance is a Council issue and

the board should move on to other business.

Smart Growth Grant for Site Plan/Subdivision Rewrite - Return Grant or Use for Redevelopment –

Councilwoman Alls-Moffat reported that there had been verbal discussions but nothing received in writing from the state on the Borough's request that the funds be redirected towards the Borough's redevelopment efforts. Nothing will occur until written direction or approvals are received.

Registration/Inspection of Commercial Properties/Apartments – Councilwoman Alls-Moffat reported that Council was still interested in the topic and it would probably be taken up again next year. Council intends to direct much of its efforts towards redevelopment this year and registration/inspection may be included as applicable and would probably be folded into that effort next year. Birnie O'Reilly inquired if it would be advisable to break out the registration portion of the ordinance since there is nothing on the books now and there are strong issues regarding safety, fire, and police concerns; issues regarding water and sewer charges and the concern the Borough may be not fully utilizing its ratables. Tom Coleman explained that registration is already in the codes. However, Tom later confirmed that it is limited to rooming houses of three or more units and doesn't deal with apartments or other commercial properties.

COAH Administrator – It was reported that the mayor and Council need to appoint someone to properly administer the responsibilities that go with COAH certification of the Borough. Council plans to discuss the topic of appointing an administrator at its next meeting.

Environmental Commission – Christian Hochenburger reported that the educational booklet on the Pompeston Creek has been published, is being proofed by Michael Robinson, and a copy should be available by the board's next meeting. The commission has until the end of the month to complete the project under the terms of the grant for the project. The commission continues to pursue its desire to have a new ordinance created expanding the creek setback to 100 feet and has supplied materials to Council on the issue.

Redevelopment – Councilman Ed Gilmore requested to be put on the agenda to discuss a redefinition of the redevelopment area to include 423 Lippincott Avenue. Ed discussed the historical significance of the property, the continued deterioration of the property, and how, through the concept of "scattered site" redevelopment, he hoped that the property could be included as a property in need of redevelopment. The construction official has informed Ed that he cannot do anything until the property is condemned and then the only avenue is usually demolition. Ed doesn't feel the town can afford to lose any more of its historically significant structures. Tony Dydek reviewed that he has visited the property and under what circumstances he could cite the owner(s) of the property as a means of compelling repairs and renovations needed to forestall further deterioration and possible condemnation of the property. The owner has been apprised of possible sources of funding to make repairs. Jose Talavera asked what the long term plans were. Ed stated that as he understands it, if put on the plan, the Borough could then exert greater efforts to compel the owner to maintain the property and also pursue additional avenues to rectify the problems including having needed repairs made and placing a lien on the property. Condemnation proceedings can be long and complicated. Tom Coleman reviewed that under the rehabilitation section of the Affordable Housing program, loans, etc. are available if the property owner chooses to go that route. Tom further reviewed that what is being considered is adding the property to the list of properties included in the redevelopment inventory. While he agrees with most of Ed's comments, Tom stated that what is needed, is a charge to the board by Council to amend the plan to include this or other properties. Donna Tyson commented that the property is an eyesore, but to ensure fair treatment, she feels the entire Borough should be examined and a list of suitable properties compiled. Eric Goldstein commented that he had seen an example in another town where the municipality paid to have the property fixed up and then placed a lien against the property that would be satisfied when the property was sold. Tom commented that the cooperation of the homeowner is needed for this to occur voluntarily. Tom stated to Ed that this is an example where a good residential property maintenance code ordinance would help by giving the code enforcement officer the power to cite and compel correction of the problems. Ed stated that residential property maintenance has previously proved to be too hot a topic to pursue. The chair asked if the unfit for habitation portion of Chapter 59 couldn't be brought into play. It was commented that the provisions are extreme and that usually things are too far gone to reasonably assume that rehabilitation is possible. Usually the only recourse by then is demolition. Ed agrees with Donna's proposal to review all properties in town. Before moving on, Birnie wished to point out for the record the irony of the discussion since Chapter 59 was cited as a primary reason for not pursuing the commercial property maintenance code. Yet here everyone concurs that Chapter 59 has little or no power to compel maintenance and only when the property begins to collapse does the code provide for any remedy which by then is too late to reasonably include preservation of the property.

Fence Ordinance Revision – Donna Tyson reported that Kerry Brandt was working on a draft of the

revisions. While some substantive changes will probably be included, the rewrite was attempting to change the format to make it easier to work with.

Site Plan/Subdivision Application Procedures – Council has adopted them. The item will be removed from the agenda.

Old Invoices – The secretary reported on progress of clearing the old invoices. On the Hardt invoices:

- A check for \$62.50 for a previously paid invoice will be reissued since it has never cleared.
- The Dollarland/Nu-Way escrow account contains sufficient funds to pay the three related invoices. The previously approved but held invoice of \$1831.50 will now be paid. If the board approves, the two other invoices for \$25.00 and \$564.50, never approved, can be paid. Following review of the two invoices, Councilwoman Alls-Moffat motioned, Christian Hochenberger seconded, and the board unanimously approved the payment of the two invoices against the escrow account. The secretary will make sure they are signed and submitted for payment.
- Two other invoices for general legal services are still being researched.

The secretary will also follow up with Mr. Hardt's office.

New Development in Cinnaminson Township – Donna Tyson's reported that she has the concept plan available if anyone is interested. She commented on the proposed mixed use plans and the size of the planned commercial area. Together with the other development and redevelopment efforts underway in Cinnaminson, the project can possibly have a major impact on the Borough from a traffic standpoint and on area roads.

Borough Parking Study – Birnie commented that given the Borough's concerns about parking she thought the vacant Sitzler property along Main Street would be a good choice to provide space. It was commented that a Mr. Brandenburger is scheduled to appear before the zoning board for use variances in conjunction with a site plan for developing the property in question and that any discussion on use by the Borough is premature at this time.

NEW BUSINESS

Vouchers and Invoices:

1. 6/2//04, \$400.00 voucher and invoice from Tom Coleman for attendance at the May meeting.

Following discussion that funds exist, a motion was made by Jose Talavera, seconded by Eric Goldstein and unanimously approved to pay the voucher as presented. The secretary will have it signed and submitted for payment.

Minor Site Plan, 300 Broad Street – The chair and Tony Dydek reviewed that they were reviewing a minor site plan application by Glen Smyth to operate a used furniture business on the property at 300 Broad Street in the Neighborhood Business district. To date they have not been able to contact the applicant to discuss or review the application with him and to have him appear before the board to informally discuss the application. Board members felt it was a good use but there were concerns about parking, proximity to the intersection of Lippincott and Broad Street, trash, and whether the neighbors were aware of the use since it has previously been used as an apartment house. Tom Coleman cautioned the board that it was not advisable to discuss a potential applicant or application without the applicant being present. While it is the discretion of the chair to consider the matter as a minor site plan not subject to a formal hearing, the chair wants the board to be aware of such applications and have the chance to comment on them. Eric is fine with the use, but is concerned about the appearance, lack of signage and the entire process involved since it appears the operation is already open. Other members again voiced concerns about parking near the intersection. Tom Coleman stated that the chair and/or the board could determine that the issues involved require the applicant to file a formal site plan application and go through a full formal site plan review. Concerning whether business is being transacted, Tony Dydek stated he was unable to determine this to date. He would continue to try and contact the applicant. A decision should be made by the July meeting. The feeling is that the application at present needs much more explanation. Birnie wondered if the process was at fault and if an undue burden was being placed on the applicant. The answer was no, the applicant needs to satisfy the requirements of the application, he does not appear to have done so, and he may be in violation if has opened for business prior to the application being granted. Frank and Tony stated they would revisit the site and continue to try and contact the applicant. If the applicant has already commenced operation, citations may be warranted.

MISCELLANEOUS

The secretary noted that he would not be present at next month's meeting but would work closely with the chair to ensure there were no problems.

PUBLIC COMMENT

The meeting was opened to public comment.

- Councilman Ed Gilmore, Lippincott Avenue, thinks the COAH administrative issue is covered. The mayor does not think so and it will be reviewed at the next Council meeting.
- William Harris, Cinnaminson Street, feels the issue of excessive noise from the horns sounding on the River Line trains is an environmental problem and the Environmental Commission should be looking into it as part of the Commission's job.
- Michael Heine, Carriage House Lane, commented that Collingswood has a residential property maintenance code in place that has proved effective at dealing with problems such as 423 Lippincott. The proposed commercial maintenance code would have started to address the issue. He asked Tony if he thought there were citable issues concerning the business at 300 Broad. Tony reviewed the issues as he saw them. Michael feels he is raising some potentially serious legal issues and he should request or the chair should request that the legal issues be reviewed by either or both the planning and zoning solicitors. Michael was concerned given the age of Fred Hardt's invoices presented for approval tonight that there was enough documentation to permit the current board to sufficiently review them. The secretary assured him that Mr. Hardt's invoices were always fully documented and had essentially been approved except there were no funds to pay them.

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

Meeting adjourned at 9:00 PM.

Next meeting is on 7/20/2004 at 7:30 PM in the Borough Hall

Tape is on file.

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