

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
March 16, 2004**

The Public Session of the Planning Board was called to order at 7:35 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, and Donna Tyson.

**ABSENT:** Jose Talavera.

**MINUTES**

A motion was made by Eric Goldstein and seconded by the mayor to approve the minutes of February 17, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. **2/2/04, Announcement from Burlington County Dept. of Resource Conservation of a Stormwater Management Conference, May 4, 2004, 9 AM to 4 PM, at the Burlington County Ecocomplex, Columbus, NJ.**
2. **2/13/04, ANJEC (Association of New Jersey Environmental Commissions), copy of publication *Pathways for the Garden State: A Local Government Guide to Planning Walkable, Bikeable Communities*.**
3. **3/16/04, via e-mail, letter to the chair from board solicitor, Tom Coleman providing an estimate of time and effort to research the Borough Codes.**
4. **One voucher and invoice as presented under New Business.**

**MINOR SITE PLAN APPLICATION, Michael Turley Photography, 523 Howard Street:**

The chair stated that he and the Zoning Officer had received an application by Michael Turly to open a digital photography studio in the commercial building at 523 Howard Street. In keeping with his stated desire to have all such applications reviewed in public, the chair had asked Mr. Turley and the Zoning Officer Tony Dydek to come to tonight's meeting. The chair introduced Michael Turley, 809 Morgan Avenue, Palmyra and asked him to explain the proposed business. Mr. Turley explained that it would be digital photgraphy with no chemical processing involved. His business involves predominantly shootings of products and there would be very little pedestrian traffic in and out of the business. There are no retail sales involved. He does not plan to have any signage except perhaps on the door. He responded to questions from the board on how he plans to have products delivered and that there hopefully will be little impact on parking. He hopes that materials may be able to be delivered using the rear drive, but he is not certain if that is possible. In answer to questions regarding inspections and a certificate of occupancy, Mr. Turley stated that he was certain the owner was aware of any requirements and he himself was certainly prepared to meet all Borough requirements. He had been informed since his business involves a change of permitted uses; he needed this application and hoped all was compliant. The chair introduced the Borough Code Enforcement Officer, Anthony Dydek and asked him for his review of the application. Mr. Dydek feels it is a great use for the property given the low impact on parking and traffic and he feels it should be approved. The chair stated that if there were no further questions from the board he wished to approve the application. There were none and the application was approved. The chair thanked the applicant and Mr. Dydek for coming before the board.

## OLD BUSINESS

**Registration/Inspection of Rental Properties/Apartments** – Birnie O'Reilly stated that since the draft code had been referred back to the subcommittee, she wanted to announce a planned schedule of meetings to review existing ordinances and review the draft code. She wanted anyone who was interested including board members with comments to come out to the meetings and she wanted the secretary to find a room and times and to have notice of them published. There was discussion that she was actually requesting a series of special board meetings if she expected board members to be present. Members of the board felt it was best if the subcommittee met to digest and prepare their findings and report back to the board. The chair brought up the board's request at the last meeting that Tom Coleman prepare an estimate of his time and expense needed to review the Borough's codes and Mr. Coleman's letter on the same subject. Eric Goldstein, feels that based on Mr. Coleman's estimates, Tom should be authorized to complete his review and report back to the subcommittee and the board on his recommendations. The secretary stated that since he spends every working day in Philadelphia he cannot readily avail himself to make the calls needed to secure meeting location(s) and times as well as the repeated logistical calls needed to ensure everyone was agreeable to the schedule. Donna Tyson asked if there was a procedure for handling subcommittee meetings and it was explained that there is no formal policy. It is left up to the subcommittee members to agree on their own schedule and location. Subcommittee meetings are, by nature, not expected to be wide open public affairs; but, rather work sessions where the members can gather and prepare their findings which are then presented and discussed in the public forum of regular board meetings. Birnie feels the subcommittee meetings should be public affairs and they should be published and fully attended by interested board members. Councilwoman Alls-Moffat stated she thought a plan of meetings had already been agreed to. It was explained that the only agreement was to have further public discussion of the plan at as many board meetings as needed. It was again explained to Birnie that she was in essence requesting one or more special board meetings and board members feel it is best that the subcommittee, along with Mr. Coleman's input, conduct as much review as needed including seeking input from impacted commercial property owners. Councilwoman Alls-Moffat asked questions relating to codes from other communities and also asked Mr. Dydek to explain Delanco's rental inspection code. He explained that it was \$40.00 a year for any rental unit and that it required a current accurate inventory of the units involved. He understands that the Borough's draft code is different in impact and that the Borough was also trying to address the need to compile an accurate inventory of properties to be covered by the code. As to the suggestion that perhaps the Borough might wish to redirect its efforts along the lines of the Delanco code, it was quickly agreed that the effort should remain focused on the current direction of the draft code. Donna Tyson suggested that an agreed upon timetable for Mr. Coleman's review is needed and that the board should assist the subcommittee by establishing some clear parameters on where and how they wish the subcommittee to proceed including making sure the subcommittee has all relevant board input. Establishing clear parameters helps respect the time and effort of the subcommittee members as well as give guidance to the scope of their efforts. The chair feels that the subcommittee should thoroughly review the comments provided in the transcript and be prepared to address them at a future meeting of the board. If the subcommittee feels it needs additional members, it is free to do so. The mayor and councilwoman reiterated that they feel Council thinks it would be beneficial if some of the impacted property owners participated in the process. Eric Goldstein made a motion seconded by Christian Hochenberger that the board authorize Tom Coleman to proceed with the requested review of existing codes to be completed in an agreed upon reasonable period of time; that he provide the results to the subcommittee; that the subcommittee add members as it feels necessary including commercial property owners to help arrive at a consensus that properly addresses the concerns raised at the public hearing; and that the subcommittee report back to the board on their recommendations. Donna asked if there was a list of people who had expressed interest in serving on the subcommittee. Birnie wanted to ask the public in attendance if they were interested in serving. It was explained that there was a motion before the board for its discussion only and that members of the public could be solicited later. The mayor stated he feels it was Council's intent to include all interested parties. It was agreed that since Mr. Coleman was not present that the chair should contact him as soon as possible and relay the need for due diligence on completing the review and to contact the subcommittee with same. The chair agreed to this. Eric amended his motion as such and Muriel seconded the amendment. There being no further discussion, the chair requested the secretary call a poll vote of the board with aye signifying approval of the motion and nay disapproval. The motion carried 6 - 0 with one abstention as follows:

Mr. Siefert – aye, Mr. Goldstein – aye, Mr. Hochenberger – aye, Mrs. O'Reilly – aye, Mayor Martin – aye,  
Councilwoman Alls-Moffat – aye, Donna Tyson – abstain.

**Discussion with Mr. Dydek** – The chair asked if Anthony Dydek would, as the Borough's new code officer and by way of introduction, mind addressing the board and taking a few questions from the members. Tony explained that he was the zoning officer for Delanco for 3½ years; was trying to learn the Borough's rules;

and was preparing to take formal classes. He sees his job as more than the normal two hours a week at Borough Hall with some additional time as needed to follow up on issues presented to him as well as to garner a feeling of what is going on. Donna asked at whose direction he worked. Tony explained that if a complaint is made, that kicks off a formal process to see that it is properly followed up on. Applications have their own process that is followed. Tony is not aware that the Borough has a formal complaint process, but that he would follow up on any issues forwarded to him. Tony feels that complaints should at receive an initial follow up within several days to a week given that his is a part-time position. In response to how he felt he would handle a complaint, Tony explained that he preferred a multi-step process to problem resolution beginning with a voluntary meeting of the minds and if necessary proceeding through the process to formal court proceedings. He feels that most problems can be resolved way before the last step. Asked why some conditions seem to have not been fully followed up on, Tony stated he was still trying to learn. Muriel stated that he has the full support of Council. Birnie asked if he felt that he and the Borough were best served by good ordinances. He answered with a strong yes, but that it is also how you interpret them. Donna asked whose legal opinion he would solicit if needed. Tony is not sure yet. Asked if he would inspect fences, he didn't know whose duty it was in the Borough. He considers the state's housing code the minimum and it is best reinforced by ordinances at the local level as needed.

**Smart Growth Grant for Site Plan/Subdivision/Subdivision – Return of the Grant** – Councilwoman Alls-Moffat reported that she was not sure of the status and would get back to the chair as soon as possible.

**2004 Budget** – The chair reported that he had given the proposed budget to Mary. Muriel stated that the Council subcommittee was going over all the budgets. The mayor stated he hoped it would be ready for first reading at the April workshop.

**Fence Ordinance Revision** – Donna Tyson reported that several productive meetings had been held more are scheduled. It was an interesting but complicated process with some good strong opinions on either side of the issue among the members.

**Environmental Commission** – Christian Hochenberger reported on Commission activities. A letter has been sent to Council outlining activities including:

- the booklet produced from matching grants of \$2,500.00 from the Borough and state DEP which hopefully will be done by the end of April
- the regional stormwater management plan may be funded by the state DEP as part of the \$250,000 grant application
- there is a lack of capacity at the county recycling site as far as supporting certain types of hazardous waste such as batteries, tires and computer equipment. The commission will keep looking into this with the county in line with supporting recycling roundup programs in the Borough
- it appears that access to the river from the sewer plant area has been blocked. Muriel reported that Scott Reed stated there was never a road or ramp there that he can recall in over 25 years of work at the plant. Scott will try to improve the path, but there is no room. If a ramp ever existed, it has been reclaimed by the river. Once the riverbank issue including the possible permit is settled, the issue can be looked into further.
- the commission has recommended that Council consider adopting a streamwater corridor protection ordinance. The Pompeston Creek is a Class II stream and has limited setback protection and the commission would like to see it extended to at least 100 feet. Muriel reported that under the stormwater protection act there is the possibility that it may be extended to 100 to 150 feet. However, this is not yet definite.

**Redevelopment** – Councilwoman Alls-Moffat stated that she hopes Council will be able to get back to the subject once the budget process is concluded.

**Class II Member** – Upon being informed that Mr. Dydek is not by virtue of his position automatically the Class II member, the chair reported that he would continue to follow up on this. It is the mayor's appointment. Once an appointment is made, the person will be sworn in to the remainder of the one-year term for 2004.

**Site Plan/Subdivision Application Procedures** – The secretary reported that he and Mary were still trying to find time to thoroughly review the checklist which was prepared by Mr. Coleman and recommended to Council by the board. The secretary also reported that Council has not yet begun to consider it.

**Old Invoices** – The secretary reported that Mr. Levitt has not yet come to the Borough regarding the escrow and has stated he has never received notice of the shortages. The secretary reported that in all likelihood Mr. Levitt had not been informed since they arose after the conclusion of the hearings. If Mr. Levitt comes into the Borough, an accounting will be made.

**New Development in Cinnaminson Township** – Donna Tyson reported on the extensive clearing that has already occurred at the site. She understands that the developer is still seeking several DEP approvals. She also discussed and made available for review her copy of the conceptual plan of the project.

**Board Appointments** – The mayor discussed that while he desires input as to suitable candidates, he understands that it is his appointment to make. Mary Longbottom is looking into the issue to assure the board is properly constituted. It does not appear there is any problem but the research will continue to make sure.

**Parking Studies** – Donna asked if the mayor or Muriel were aware of Council's parking committee study. Muriel stated that it is an ongoing study and no conclusions have been reached. There is a traffic study in the works, but she is not sure where the police department is on this. Donna thinks the board should have the information so that it doesn't make any situations worse by its decisions. Donna asked the mayor if he could put the issue on Council's agenda.

**Jose Talavera's Appointment** – Birnie raised the issue of Jose's absence and feels he should be replaced. It was again noted that the appointment is the mayor's. The chair stated that he would contact Jose to ascertain if he wished to continue as a member and communicate those findings to the mayor. It was discussed that the state statutes are moot on the topic of a specific attendance policy and it appears that the Borough codes do not have anything. Birnie pursued her position that Jose should be replaced. The chair stated that he would contact Jose. The issue of importance of who is first or second alternate will be discussed with Mr. Coleman.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 3/2//04, \$442.00 voucher and invoice from Tom Coleman for attending the February meeting and legal services to the board.

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

**Possible Minor Subdivision on Cinnaminson Street** – The secretary and Mr. Dydek briefly discussed the possible application for a minor subdivision of the property at Cinnaminson and 8<sup>th</sup> Streets. The property is in the R4 zone and is more than 8,000 square feet. There may be some bulk issues. An application has not yet been submitted.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

William Henry Harris, 502 Cinnaminson St. – wanted to address parking issues. He has complained for years about parking both with Council and the school board. The school board and Council have not been able to reach agreement. He thinks the present situation around the school is dangerous. He doesn't think anyone cares. Muriel stated that people have been approached but the property owners were not interested. The mayor stated parking would be on the next agenda. Donna stated that while it is a Council issue, the board is interested in what develops.

Mary Ann Shea, 205 Bank Avenue, feels the property maintenance subcommittee should be diverse to help it produce a good code. She would be glad to recommend possible members. Birnie revisited her feeling that public meetings should be held first. Donna feels agendas should be on the website prior to meetings. Mrs. Shea feels the chairman of the subcommittee or board should make sure that subcommittees are properly diverse to ensure a representation of interests. There was discussion on posting minutes before they are approved. It was deemed inappropriate to do so. The topic will be discussed with Mr. Coleman. Mrs. Shea wanted to know why no one has been taken to court over violations and hopes Mr. Dydek will pursue problems as needed.

James Moffat, 202 Fulton Street, stated that meetings used to be better covered in newspapers and the information was available as soon as it was published. He also wished to pay tribute to Michael Heine for his efforts on the draft code. The chair stated that the board had publicly thanked Mr. Heine several times for his efforts and his willingness to continue working on the project.

Michael Heine, Carriage House Lane – had two areas to address. He feels Mr. Dydek needs to have and take direction from Council. He feels the zoning ordinance clearly delineates the process of observation, notice, citation, and finally prosecution. The desire for courtesy does not relieve the need for a written notice and the zoning official is obligated to put the offender on notice so there is a public record of the issue. He went on in great detail as to how he feels the official is obligated to do his job. On the topic of the code work, he feels Birnie was right on with her comments and plans. As to the review of ordinances, he stated that he personally had already reviewed the three Borough ordinances as well as related ordinances from other municipalities. He thinks Birnie and the subcommittee were not given clear direction. He thinks Tom's review of the Borough codes should take very little time because he feels there is nothing on the books that addresses the issues covered by the proposed code. Muriel feels the process has gone on too long and needs to move forward. An energetic discussion ensued between the Councilwoman, Michael and other board members. The chair stated he feels it is the responsibility of the board to provide a code that has been fully vetted and he wants the comments that are in the transcript fully addressed. Mr. Heine requested that everyone put their specific comments in writing and get them to the subcommittee.

Mary Ann Shea – stated that, as far as she knew, anyone can call the county inspector and register a complaint as long as they are willing to identify themselves. Complaints can not be made anonymously. Michael Heine stated that complaints need to be grounded in the codes and he thinks that there is nothing currently in the Borough that would support such a complaint.

Craig Gaskill, Merchantville – stated he is a member of the Riverton Property and Business Owners Assoc. and he wished to speak to specific issues in the draft code. He also addressed Chapter 59 of the Borough's code and how he feels this and other ordinances as well as procedures at the county level if fully followed can address the kinds of problems the new code is being written to address. He discussed the process for going through the county level and that it can't be modified on the local level. The chair asked if Mr. Gaskill would be willing to submit his findings so the Board's solicitor can review them. Mr. Gaskill didn't have the material present but stated he could simply reference Chapter 59 if that was helpful. The chair replied that he would like to see his comments and that the entire board would have a chance to see them. Mr. Gaskill concluded that he feels the existing code is fairer, has teeth in it for enforcement, and that it applies to all properties.

Mary Ann Shea – spoke about a conversation with the ex-mayor of Maple Shade as to how he feels that the municipality's code enforcement officer has a way of encouraging compliance without immediately resorting to legal notices. She feels that similar means would prove helpful in the Borough.

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

**Meeting adjourned at 10:25 PM.**

**Next meeting is on 4/20/2004 at 7:30 PM at Borough Hall**

**Tape is on file.**

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