

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
August 16, 2005**

The Public Session of the Planning Board was called to order at 7:05 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, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Donna Tyson – arrived during old business, Christopher Halt, Mayor Martin, Councilwoman Alls-Moffat, Robert E. Smyth, and Joseph Katella.

Also Present: Secretary Ken Palmer, Solicitor Charles Petrone for Tom Coleman, and Board Engineer Mark Malinowski.

ABSENT: None.

MINUTES:

A motion was made by Councilwoman Alls-Moffat and seconded by Bob Smyth to adopt the minutes of the July 19, 2005, regular meeting as distributed. The voice vote was unanimous.

The secretary reminded the board that the minutes of the June 21, 2005 meeting were not adopted in July. He further reviewed that a correction was requested as to who made a statement concerning a half-way house. Chris Halt stated he had made the comment and was okay with the minutes being corrected to reflect this fact. A motion was made by Councilwoman Alls-Moffat and seconded by the mayor to adopt the minutes of the June 21, 2005, regular meeting as amended. The voice vote was unanimous.

REORGANIZATION

In a letter dated August 16, 2005, and hand delivered by Chris Halt, Birnie O'Reilly submitted her resignation from the board. The secretary read the letter to the board and members of the public present at the meeting.

CORRESPONDENCE/ANNOUNCEMENTS

1. 7/19/05, copy to board of letter dated 7/1/05, from Tom Coleman to Lucy Voorhoeve, Executive Director, COAH, seeking clarification regarding COAH's and the Attorney General's Office actions regarding the revised development fee ordinance and third round petition timing issues. (COPIES PROVIDED FOR BOARD)
2. 7/25/05, resolution from Council seeking board review and input on a proposed revision to Chapter 128-29 providing a further definition of lot coverage in the NB Zone. (COPIES PROVIDED FOR BOARD)
3. 8/3/05, 7/27/05, fax of letter to secretary and Tom Coleman from Richard Haws of Cureton and Caplan, regarding the Moccia application and the County Land Use Board waiver regarding the driveway onto Broad Street. (COPIES PROVIDED FOR BOARD)
4. 8/3/05, 7/1/05, copy of "Mayors Fax Advisory" bulletin from the NJLM concerning S-2133/A-3803, Education Requirements for Zoning and Planning Board Members – was signed into law July 7, 2005; and, updating activity on S-2118 which would modify the "time of decision" rule. (COPIES PROVIDED FOR BOARD)
5. 8/15/05, faxed copy of Mark Malinowski's review of the Brandenburger Concept Plan for the Nu-Way site. (COPIES PROVIDED FOR BOARD)
6. 8/16/05, notice from Mark Malinowski of Lord Worrell and Richter, concerning action on the Stormwater Management Plan and related ordinances. (COPIES PROVIDED FOR BOARD)
7. 8/3/05, copy to chair of letter to mayor from Robert Kull, Regional Planning Director, County Board of Freeholders, regarding availability of FY2006 Smart Future Planning Grants.
8. 8/3/05, copy to chair of letter to mayor from Robert Kull, Regional Planning Director, County Board of Freeholders, regarding availability of TCDI Grants (\$100,000) from DVRPC.
9. Issue 3, 2005, "New Jersey Future Newsletter" (of note is that the cross acceptance of the state plan is on hold)

10. 8/17/05, Letter of resignation from Birnie O'Reilly.
11. Three vouchers/invoices as presented under New Business.

MINOR SITE PLAN APPLICATIONS and PRESENTATIONS

Minor Site Plan Hearing, 304 Broad Street – Cynthia Brooks wishes to open a shop/studio devoted primarily to designing and assembling materials for floral and other events. Her business is more professional than retail and she envisions only limited retail business. It is not a new business since she is relocating from Cinnaminson, will be utilizing 100% of the space, and would like to begin operations in September. Most of her event work is done on the event site. A professional type sign is planned. There were no objections from the board and the chair stated he approved the application. The application needs to be signed by the Code Enforcement Officer and then it will be final.

Presentation by Jim Brandenburger on the Nu-Way Site – (Occurred after old business.) Jim Brandenburger of Brandenburger/Sheridan has presented a concept plan for the Nu-Way Center in the General Business zone. The plan calls for the construction of a 13,000+ square foot CVS pharmacy as the primary tenant on the site and an 8,000+ square foot strip of four or five stores adjacent to the main store. All existing structures will be demolished and the site brought into full compliance with current regulations. Jim reviewed that attempts to obtain a prime tenant such as a super market type of operation had not been successful. CVS has previously shown interest in the site and is still interested. They are willing to commit to a long term lease, are a highly rated business and Jim feels they will make an excellent addition to the town. Jim and his engineer Mr. Ott reviewed the concept plan in detail and commented on the review supplied by the board's engineer and comments and suggestions from the board's planner. There was discussion between the board and Jim as to why he and CVS feel the plan as presented, especially concerning store location on the site, parking in front, and the need for a drive-thru are needed. Jim feels CVS will be able to meet the needs of the Borough's design guidelines. Jim stated that the plan envisioned would generate more tax revenue with less density. CVS also is willing to foot all common area maintenance costs and regularly pays its tax obligations early rather than late. The Riverton Motors site is not part of the property and Jim stated he is actively trying to acquire that site since as it exists, it will detract from his plans. That site is the source of gasoline contamination in the site area, the tanks have been removed, and while results are not yet in, it appears that the contamination has not reached ground water. Mark Malinowski discussed his review and his primary concern that the applicant needs to carefully review the plans and receive County approval since the entrance is on a County road. The concern that a traffic study be done was agreed to as well as all requirements will be included if a formal site plan application is made. The hours of operation would be similar to the Morrestown store and have a 10:00 PM closing. A 24 hour operation is not contemplated. The proposed drive-thru would not be on the street side. The general consensus of the board was that the plan has a lot of merit, that CVS is probably at the top of the list as good businesses, and the impact on the tax situation will be positive. It was commented that apparent initial opposition to a CVS store has gone away once the store is opened.

The matter was opened to public comment.

- Jim Gross, Fulton Street, is concerned about the existing tenants. Jim stated that there has been a mix of some wanting to move to his planned development on Main Street on the old Sitzler property as well as remaining. Jim commented that he plans only 4 or maybe 5 stores in the strip area and the size of the proposed stores would dictate the businesses occupying them. Jim feels the new building and improved appearance will generate increased business at the stores. The existing businesses are used to paying a rent rate more suited to the condition of the site and those rents don't really cover the taxes. Increased business should cover the increased rents.
- Tom Ehrhardt, Thomas Avenue, asked about the Riverton Motors site and Jim stated he envisioned a standalone pad site and was not certain as to the impact on the plans if he acquired it.
- James Moffat, Fulton Street, asked and received clarification on the taxes for the site.
- Jim Gross wanted to know what would happen to Martha's Lane if the properties on the street are developed and the impact on Jim's plans. Jim stated he was not prepared to go there as he wasn't aware there were any plans to develop the area. Muriel stated she was not certain of the impact of Martha's Lane if the lots were developed.

- John Laverty, Main Street, feels a comprehensive traffic and parking study should be done to properly determine the needs for site rather than simply relying on the zoning requirement. It is possible that the study may demonstrate a need for less parking allowing for more open space.
- Nancy Siefert, Main Street, would like to see the CVS closer to Broad Street. She asked how long it might take to develop the site. Jim feels it would be around four months or so following demolition. He envisions developing the entire site as one project.
- John Laverty commented that the car lot is an old issue, is not in keeping with the best use of the site, and if the Borough had its redevelopment plan in place, the Borough would have the increased leverage needed to encourage redevelopment of the site.

The matter was closed to public comment.

Asked if he does move forward, when a site plan might be presented, Jim stated he would hope within 4 to 5 months, perhaps by December. As to clean up of contamination, it is the responsibility of the owner of the property which caused the contamination. Jim stated his period of due diligence regarding purchasing the Nu-Way site expires within a week. A question regarding the drive-thru being governed by ordinance was answered by the solicitor that the ordinance appears silent as to such use. Mr. Ott stated in his experience that the drive-thru, while being a desired feature by the business, is not heavily used. While a parking study may show that less parking than required by the ordinance is possible, the Borough's need for parking especially for special events such as parades is sorely needed. If Mr. Brandenburger doesn't object, the Borough can use all the tastefully planned parking it can get. Jim didn't see a problem with that especially if the study shows that the space needed is less than proposed. Muriel stated the town is at a crossroads and needs to actively consider all good proposals to redevelop the site. In answer to a question from Donna, Jim stated that underground utilities are planned for the site. The board thanked Jim for a well thought out presentation and wished him luck with his plans.

OLD BUSINESS

Presentation by Carol Jones on 519 Howard Street – The chair explained this item was no longer pending as it was his understanding that Carol Jones had not acquired the property.

Code Enforcement Officer/Class II Board Member – Councilwoman Alls-Moffat announced that Alan Adams will be the new Code Enforcement/Zoning Officer and Class II member of the board. Since the oath and bible were not available, Alan cannot officially join the board until next month. Alan was welcomed by the board.

Reexamination of the Master Plan – Bob Smyth reviewed progress of the subcommittee to date. Copies of “Worksheet C” were distributed to the board and discussed by Bob. Progress on other items was reviewed and the request for continued input from members of the board, the zoning board and Council was made. A draft of the constituent outreach was distributed for review and comment. The subcommittee feels they are making good progress on the project. Joe Katella thanked Donna for all her input concerning traffic materials and he stated he is taking as much responsibility as possible for the traffic impact section. The secretary commented that the requested copy of the Brandenburger traffic study for main street project had been given to Joe Katella.

Petition to COAH for Third Round Certification – Muriel reviewed the latest from the state regarding use of the smart growth grant funds. Tamara Lee plans to address the board in September on continuing COAH changes and progress on the certification petition. Charles Petrone reviewed that Tom Coleman had still not received any response to his July letter to COAH or several telephone follow up calls, regarding the chain of events and how they occurred. Donna stated she still had not received a response from Tamara regarding other towns caught in the similar situation as Riverton regarding the timing of third round submission for certification. Tamara's request to hold a special meeting regarding COAH was discussed and a decision was reached to not conduct a special meeting but to make it the principal topic of the regular September 20th meeting.

Redevelopment – Muriel reported the plan was still on Council’s agenda. She and Ed Gilmore plan to present the topic in September. Muriel also reported that there appears to be renewed interest by Tom Weber to develop his seven lots on Martha’s Lane.

Environmental Commission – Chris Halt reported that Michael Robinson was still putting together a draft proposal supporting the commission’s request that Council consider increasing the wetland setback for the Pompeston Creek. A letter from the mayor has been sent to the state DEP concerning action needed to address the groundwater contamination at Erin Cleaners.

Architectural Review Committee – Chris Halt reviewed the ARC activity for the month.

Fence Ordinance Revision – Donna reported that Kerry Brandt might be coming to the meeting if he arrived back from a business obligation in time. Kerry has informed Donna that he has not received any comments from zoning members. The chair stated the matter will be tabled until next month.

River Road Development in Cinnaminson Township – Donna Tyson reported that preliminary approval was granted for the Phase III townhouses at Cinnaminson Township’s 8/9 board meeting. A hearing on Phase II is scheduled for 8/23.

Flower Shop Operation behind New Leaf – Mrs. Rogers, owner of the New Leaf answered board questions regarding the flower shop operations in the small building behind the main store. Mrs. Rogers reviewed that the shop is part of the New Leaf business and that as far as she knows; the building has always been part of the working business since it was erected five years ago. Since she purchased the business, the building has been used.

Review Procedures/Ordinance for Informal Reviews by the Board – Charles Petrone reviewed the draft of the proposed process and ordinance prepared at the board’s request by the solicitor’s office. It is modeled after similar ordinances in other towns and the MLUL does have provisions for Informal Reviews by the planning board. The secretary reviewed that he and the Borough Clerk feel a checklist of items needed and timing are needed to make sure all things are covered. Charles also reviewed what is the intent and usual contents of an informal or concept plan hearing. Charles also stated that timing and submission issues can be included in the draft ordinance.

Downtown Street Improvement Grant – Chris Halt asked about the improvement grant and the board’s involvement. A history of the grant and the County and Borough’s involvement was discussed. Frustration over the slow progress of the Borough by the County and Palmyra was noted as well as the impact on their projects. Muriel stated that Ed Gilmore should be thanked for trying to keep the project moving. Police Chief Norcross stated that the project had to go through many levels of approval and has been going on for five years. The County has stated that they are going to proceed with their plans to repave Broad Street with or without the Borough’s changes and this could result in an additional cost to the Borough. There was discussion regarding ARC input on the project and it was stated it had been reviewed by the ARC.

NEW BUSINESS

Vouchers and Invoices:

1. 7/5/05, Tom Coleman, \$400.00, for meeting attendance at the June meeting and general business advice.
2. 8/3/05, Tom Coleman, \$442.00, for meeting attendance at the July meeting and general business advice.
3. 8/1/05, Tamara Lee, \$680.00, for third round COAH certification work.

A motion was made Councilwoman Alls-Moffat, seconded by Bob Smyth and passed unanimously to pay the items as presented.

Board Review of a Proposed Revision to Chapter 128-29 – Councilman Gilmore was unavailable to discuss the matter. The chair stated that the board should review the matter and it will be on the agenda for next month.

Stormwater Management Plan – Mark Malinowski commented that the Borough needs to be working on the Stormwater Management Plan and related Stormwater Control Ordinances. He was not aware if the Borough was acting on the matter which is due by April, 2006 and he wanted to bring the matter to the board's attention. It was commented that the board has already acted on the matter and it is currently with Council and the Borough officials and Borough Engineer. If Mark wishes, it was suggested he follow up with Councilwoman Villari. Charles Petrone commented that the plan has to be incorporated into the town's master plan.

PUBLIC COMMENT

The meeting was opened to general public comment:

- James Moffat, 202 Fulton Street, urges the board to make Tamara's COAH related presentation first due to the urgency that the Borough meets the COAH submission deadline. He asked if there was any further word on the possibly missed deadline and it was answered no.
- Frank Cioci, 408 Lippincott Avenue, asked about Erin Cleaners and it was remarked that the mayor has formally requested that the DEP move beyond the fact finding stage and consider the actual clean up of the groundwater contamination that has been identified as coming from the site.

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

Meeting adjourned at 9:30 PM.

Next regular meeting is on 9/20/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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