

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
July 19, 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, Birnist O'Reilly, Donna Tyson, Christopher Halt, Mayor Martin, Councilwoman Alls-Moffat, Robert E. Smyth, and Joseph Katella (arrived after minutes were adopted).

**Also Present:** Solicitor Tom Coleman.

**ABSENT:** Secretary Kenny Palmer.

**MINUTES:** Bob Smyth asked that the statement concerning a halfway house on Elm Avenue be corrected to show he did not make the statement. While it was remembered the statement was made, no one could recall who made it. It was agreed to amend the minutes to reflect only that the statement was made.

Birnie O'Reilly made a motion to strike from the record the entire section dealing with "Reexamination of the Master Plan" pending a review of the tape as she contends it is filled with inaccuracies and innuendo and a new report should be substituted in its place. Birnie also said she would like to formally request a copy of the tape from the last meeting. Bob Smyth stated he had read the section and feels it was fine to him. The chair asked if there was a second and Donna Tyson seconded the motion. Under discussion Bob Smyth stated that since most of the report was made by him it seems accurate to him. Birnie stated the previous correction requested by Bob Smyth shows that inaccuracies get into the minutes and she contends the body of the text in question is riddled with inaccuracies and innuendo and needs to be reviewed and redone. Donna asked if the section can be carved out. The chair stated a motion had been made and seconded and should be voted on. A poll vote was taken of the regular members present and the motion did not carry because of a tie vote as follows:

Mrs. O'Reilly	aye	Mr. Martin	nay
Mrs. Tyson	aye	Mrs. Alls-Moffat	nay
Mr. Halt	aye	Mr. Siefert	nay

A motion was made by Councilwoman Alls-Moffat and seconded by Mayor Martin to adopt the minutes of the June 21, 2005, regular meeting. The motion did not carry because there was a tie voice vote of 3 to 3. The minutes were not adopted. Birnie stated she wanted it shown on the record that she was asking for a copy of the tapes of the last meeting.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. **7/7/05, letter to chair from Lucy Voorhoeve, Executive Director of COAH, regarding Frank's designation as the municipal liaison/housing officer for the Borough and materials related to that position.**
2. **7/13/05, letter to the board from Tamara Lee regarding allegations that she has missed deadlines for COAH and a timeline of what transpired. The chair reviewed the contents of the letter with the board. He read statements from the letter for the record. The letter is attached to the minutes as part of the record.**

The chair reviewed the correspondence:

- Regarding the COAH liaison letter, the chair stated the letter is in error since the minutes and records reflect that Muriel is the designated liaison. COAH will be contacted to correct this.

- Regarding Tamara's letter, the chair reviewed the salient points of the letter with the board. Frank stated he supported her actions and further stated the letter should be part of the record. It is attached as such. In a related matter, Donna stated she had not yet received a response from Tamara regarding the towns in a similar situation as Riverton. Tom Coleman stated he had written COAH seeking clarification of the issue; but, he had not yet received a response. The board reserves comment until further information is received. Asked his opinion of Tamara's explanation, Tom Coleman stated, on the face of it, it seems reasonable; however, he wished to wait for a response from COAH.

## **PRESENTATIONS**

**Presentation by Carol Jones on 519 Howard Street** – The chair explained that Carol Jones had requested to make a presentation to the board at the last meeting but had asked to postpone it until this month. Ms. Jones was not present and the chair stated the item will be tabled for this month. Donna asked if it was procedure that the person should advise the board if they were not going to appear. The chair responded that he had attempted to contact her but had lost her number.

A discussion regarding informal presentations followed. In the Borough, there are no procedural guidelines and nothing in the codes for informal presentations, only applications. After some discussion, a motion was made by Donna Tyson, seconded by Chris Halt to have Ken Palmer work with Tom Coleman to create specific requirements for the type of information and timing prior to presenting to the Board and to inform Ms. Jones of the board's action. The motion was seconded and passed unanimously. The chair will call Ms. Jones to inform her that we are generating guidelines that will be forwarded to her prior to any presentation.

## **OLD BUSINESS**

**Petition to COAH for Third Round Certification** – The mayor reported that Council had approved Tamara to move forward and as far as he knew she was proceeding. Council will realign funds in November, with any balance to be carried forward to 2006 budget.

**Reexamination of the Master Plan** – Bob Smyth distributed to the members copies of the revised Goals and Objectives which reflect comments from Planning Board and Counsel for further review and comment. Birnie O'Reilly opened discussion regarding revised goals and objectives, alleging that she was not informed of meeting. Meeting was disrupted by Birnie O'Reilly, who refused to recognize Chair's request for order and to continue with the substantive issues of the report. A motion was made and seconded to proceed with report presentation and Bob completed his report by asking for input from the board.

**Redevelopment** – There was nothing new to report.

**Environmental Commission** – Chris Halt reported that Bruce Gunn has asked the commission to generate an outline for setback coordinates. Donna Tyson reported that a person has been assigned to the Erin Cleaners site, but a caseworker has not yet been assigned. Donna stated that her contact suggested that Council write to the DEP. A sample letter was prepared approximately a year ago by the environmental commission to be sent by Council to Bradley Campbell, Commissioner of the DEP asking that the DEP move up priority of the issue. Chris Halt stated that the State is now reimbursing 70% of cost of solar panels and offered to provide information to anyone interested.

**Architectural Review Committee** – Chris Halt reported that there had been no applications this month.

**Fence Ordinance Revision** – Donna introduced Kerry Brandt who chaired the subcommittee. Kerry reported on the progress of looking at revising the fence ordinance. Kerry reviewed the highlights of the subcommittee's work. He distributed copies of the draft ordinance prepared by the subcommittee. There was discussion regarding the revision to allow front yard fences which currently are not permitted unless they are grandfathered. Teeth have been put into any required/binding review by the ARC by providing an appeal process which does not currently exist. There was additional discussion on what has been changed and not been changed in the draft.

Kerry stated that the sub committee was officially turning over the draft to the planning board for its review and consideration. Tom Coleman advised the board that it is now the board's obligation to consider the draft revisions and if and/or when it so determines, pass the revisions on to Council with a recommendation that Council consider them. Kerry offered to prepare revisions if the board desires them. Board members should review the draft and be ready to get their comments to Kerry. Kerry stated that he would appreciate the members providing a rewrite of the changes they want. If changes can be sent to Kerry a week before the next meeting, he will attempt to have them prepared for the meeting.

**River Road Development in Cinnaminson Township** – Donna Tyson reported that the application was not on the July 12 agenda of Cinnaminson's Planning Board, but is scheduled for the July 26 meeting. Donna reported that Phase II will have 345 apartments, containing some COAH units. Phase III will be 65 luxury town homes. Bob Smyth suggested that any information regarding traffic that can be obtained would be helpful in preparing the master plan revision. Donna referred to updated traffic information she had obtained from the county.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 7/1/05, Tamara Lee, \$340.00, for Master Plan Reexamination Report work in June.
2. 7/1/05, Tamara Lee, \$233.75, General Planning – COAH Coordination work.

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

**Money Magazine Study** – It was mentioned that Riverton was identified as a contender in the top 1,321 towns out of 40,000 considered.

## **PUBLIC COMMENT**

The meeting was opened to general public comment:

- Michael Heine, 206 Carriage House Lane, feels that comment on the content of Tamara's letter before legal opinion has been obtained is premature and discussed his reasons for feeling that things may have been ignored or missed and that the Borough now being put in a financial burden to meet COAH's deadlines. Muriel discussed the matter with Tom Coleman and she doesn't feel a deadline was missed. Tom stated he feels there are a number of issues involved and he has asked COAH for an explanation and hopes he will have some clarification on the issues by the next meeting.
- Kerry Brandt, 719 Main Street, feels it is important that the town stays on top of the COAH issue so it doesn't run the risk of either a builder's remedy suit or the Borough is left holding the burden of meeting any obligations generated by pending or future development. He also feels that any extra burden placed on Tamara concerning defense of her actions that detracts from her efforts to guide the town through the petition and reexamination process not only slows the process, it costs the town money.

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

## **MISCELLANEOUS**

- Donna stated she has turned over the traffic information to Joe Katella because he feels he is able to look at it and has more experience with it. Donna asked if the traffic study done for the Brandenburger application on the Sitzler property was available. Ken Palmer will be asked about it.
- Birnie O'Reilly requested that she be provided notice at least 24 hours prior to any meeting of the Master plan committee. She also requested the Chair identify who is on the Master plan committee. The Chair explained that Muriel, Bob Smyth, Birnie and Joe Katella were on the committee for the Planning Board and Councilwoman Laurie Villari is the Borough Counsel liaison. No more than three persons from the Planning Board will meet at any time, without complying with the Sunshine provisions of the Open Public Meetings Act.

**Meeting adjourned around 9:00 PM (not mentioned on tape or notes – based on length of the tape recording).**

**Next regular meeting is on 8/16/2005 at 7:00 PM in the Borough Hall**

**Tape is on file.**

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

**TAMARA LEE CONSULTING, LLC**

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July 14, 2005

Riverton Borough Planning Board  
505A Howard Street  
Riverton, New Jersey 08055

RE: Recent Allegation of a Missed Deadline

Dear Planning Board Members,

At a recent Borough Council meeting allegations were made against me, suggesting that I missed a deadline and therefore I am responsible for the Borough's current COAH situation. Unfortunately, the allegations were made in my absence, forcing me to clarify the situation with this letter after the fact. I did not miss any deadline that would have applied to Riverton. These are the facts:

In January of this year COAH announced that the State would require any towns that were pursuing Second Round Certification, but had not yet received it, to submit a petition for Third Round Certification by December 20, 2005 because the new growth share regulations became effective this year. Those same towns were required to notify COAH of their intention to make the Third Round Submission by February 20, 2005. Since Riverton's Second Round Certification was fully approved in 2000, this notice did not apply to Riverton. Indeed, had I suggested that Riverton submit for Third Round Certification by December 20<sup>th</sup>, the Borough might have correctly asked why it should submit four months early; the Borough's Third Round Certification is due in April of 2006.

On the other hand, at the same time, the Zoning Board of Adjustment was engaged in the review of two significant development applications, both of which would generate an affordable housing obligation for the Borough under the State's new growth share regulations. Unprotected at the time by its limited development fee ordinance, I proactively advised the Borough to revise its development fee ordinance so that Zoning Board would be in a position to require development fees from the prospective developers, if their applications were approved. Eventually, the Borough was successful in amending its development fee ordinance when Riverton secured an approval of that ordinance from COAH.

Unfortunately, after that approval was granted by the State, the Attorney General's office reversed its own opinion, to the surprise of both the Borough and at least one COAH staffer. The AG further advised COAH that the agency had to revoke the State's recent

approval of our new ordinance. There was no way that anyone could have anticipated this reversal by the Attorney General's office.

Having reversed their approval of our development fee ordinance, the State then offered Riverton an option that would allow the Borough to maintain its new development fee ordinance rather than revert to the old one. If Riverton submits a Third Round Petition for Re-Certification before December 20<sup>th</sup> of this year, the Borough may continue to utilize the new ordinance. By submitting a resolution from the Governing Body, assuring the State of the Borough's intention to submit by December 20<sup>th</sup>, the State has said that the Borough may continue to utilize the revised development fee ordinance. This is important since the Zoning Board continues to review two sizable applications.

This option, offered by the State in response to our development fee ordinance situation, while identical to the requirements made by the State of towns lacking Second Round Certification, is not related to the February deadline imposed on uncertified towns. Therefore, any suggestion that I missed a deadline is inaccurate.

Unfortunately, this is not the first time false allegations or inaccurate representations have been made about my work or advice to the Borough. Such incidents are becoming cumbersome to manage, particularly since I discount my billing rates for Riverton.

My customary billing rate is \$125/hour. Out of respect for the Borough, the residents have I come to know and admire and the long history we have shared, I continue to accept \$85/hour from Riverton and Riverton is the only client to whom I extend this courtesy.

However, my billing rates cannot support distractions like this one. Therefore, from this time forward I will charge the Borough for letters of explanation such as this and the innumerable phone conversations that incidents like this precipitate. Of course, it is my sincere hope that future incidents will be minimal. I suspect many misunderstandings can be avoided if statements such as the ones made in this case were expressed while I am in Riverton attending a meeting. When I am present, I am always happy to answer questions and address concerns as they arise. Your support would be greatly appreciated.

Sincerely,

Tamara L. Lee, PP, AICP, CLA, ASLA

Cc: Mayor and Council  
Riverton Zoning Board  
Bruce Gunn, Esq.  
Tom Coleman, Esq.  
Janet Zoltanski Smith, Esq.

COAH deadline issue.7-1305