

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
August 15, 2006**

The Public Session of the Planning Board was called to order at 7:00 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 23, 2006.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2006.

PRESENT: Frank Siefert, Christopher Halt, Muriel Alls-Moffat, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Suzanne Wells, and Keith Wenig.

Also Present: Secretary Ken Palmer and Solicitor Tom Coleman.

ABSENT: Joseph Katella.

MINUTES: A motion was made by Muriel Alls-Moffat and seconded by Mayor Martin to approve the minutes of the July 18, 2006 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 8/1/06, E-mail, forwarded to board, from Zena Demirceveren stating that they are withdrawing their site plan application and asking for help in dealing with the county regarding the parking situation.
2. 8/2/06, memo to board from Ed Schaefer, Borough Construction Official, regarding issuance of a demolition permit to demolish a garage facing Howard Street belonging to the property at 505 Main Street which was in imminent danger of collapse and represented a potential hazard to the public. Copies provided for the board.
3. 8/7/06, E-mail from Robert E. Smyth to the board regarding one year extension for use of the Smart Growth Grant and requesting the board review and recommend to Council that the grant be used to conduct an Environmental Resource Inventory (ERI).
4. 8/9/06, E-mail from Doug Cowen, T-Mobile, providing copy of transcript of hearing – information e-mailed to members.
5. 8/9/06, copy of Conference Proceedings from “Building From Strength II: More Strategies for Older Suburbs and Boroughs” conference hosted by the DVRPC, 5/18/06.
6. Fourteen vouchers/invoices as presented under New Business.

PUBLIC HEARINGS

Application by Zena’s Patisserie, for Preliminary and Final Site Plan Approval and All Required Variances As Needed to Construct an Addition to the Property at 308 Broad Street (Block 801, Lot 40)

Withdrawn: The chair reviewed the e-mail received from the applicant and distributed to the board from the applicant stating they were withdrawing their application and seeking help in work with the county to preserve their parking at the site.

Application by Oakhurst LLC, Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Rehabilitate 519 Howard Street (Block 903, Lot 23)

Request for Continuation: Since no updates had been supplied, the matter was deemed to be continued if the board wishes to grant the continuance. Mr. Coleman reviewed that there were significant differences in the notice published in the paper and the notice sent to the property owners. The notice to the property owners was deficient in detail and the applicant needs to re-notice the property owner list. Mr. Coleman had apprised them of this and will follow up that the new notice should be for the September meeting. There was no further discussion and a motion was made by Muriel Alls-Moffat, seconded by Suzanne Wells, and unanimously approved to continue the matter at the applicant’s request until September or further if needed.

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on August 15, 2006:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Oakhurst LLC for preliminary and final site plan approval and all related waivers, variances and other as needed to rehabilitate the property at 519 Howard Street (Block 903, Lot 23) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on September 19, 2006.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made. The secretary will have the notice posted as required.

OLD BUSINESS

Council Matters of Importance to the Board – Councilman Smyth reported on the following:

- **Nu-Way** – Councilman Smyth reported that demolition has started and should be complete within the next few weeks.
- **DOT Centers of Place Grant** – Councilman Smyth reported that the scope of the \$72,000 grant is being revisited and will be revamped to fit better with what can be done with the funds available.
- **Drive 25 Campaign** – Councilman Smyth reported that he has received the application for the pedestrian and bicycle study and how it may tie into the master plan.
- **Broad Street Enhancement (\$364,000 Federal Grant)** – Work is scheduled to commence next Tuesday. The bulletin board will be relocated from Zena’s property to Borough property. The area can again be paved and may help alleviate some of the parking concerns caused by the county traffic requirements for the construction of the improvements. It appears that the county imposed driveway opening for Zena’s may be able to be widened. The final plans for the area will provide seating that patrons of the stores can use for seating.
- **T-Mobile** – Construction is scheduled to begin the first week of September.

Reexamination of the Master Plan – Frank Siefert reported that the planned meeting had not been held and he has not received any update from Joe Katella. Muriel is concerned that the recent immigration issues in Riverside are of concern to the Borough and need to be addressed in the master plan as pertaining to property maintenance and enforcement issues of the existing codes. Chris Halt and others concurred that it is more an issue of code enforcement than need for more laws. There was discussion that perhaps the other subcommittee members could sit down and pull the remaining items together. It was reminded that the subcommittee can only have a maximum of three board members. However, the subcommittee can have members from other civic groups or the general as needed. Chris Halt raised the issue of strengthening the historic district codes. It was agreed to have a meeting on September 5, at Suzanne’s home.

Draft Stream Corridor Protection Ordinance – The chair stated that nothing has commenced on the board review or professional review of the draft supplied by the Environmental Commission. There was discussion that perhaps this work could be considered as part of the work being contemplated for the changed scope of the Smart Growth Grant.

Smart Growth Grant and other Grant Sources – Councilman Smyth reviewed that the state has granted a 1-year extension pending submission of a revised scope. Bob referenced the proposed Environmental Resource Inventory document that the state. It is an approved study and was strongly recommended by the state as a suitable study for which the funds can be used. The scope needs to be finalized and submitted to the state sooner rather than later. There was discussion of the type of study being considered. The mayor stated that the state strongly recommended that grant be used for the ERI and he feels there may not be another option as far as the state is concerned. Chris Halt commented that the Environmental Commission has reviewed the material and is fully on board with it, feels it is similar to the types of things it has helped on before and hopes that the stream

corridor protection ordinance can be included in the revised scope. The board needs to make a recommendation to Council on how it feels the revised scope should proceed. The chair asked if there was further discussion or if there was a motion on the board's recommendation. Councilman Smyth motioned and Muriel Alls-Moffat seconded that the board recommend to Council that the Office of Smart Growth Grant of be utilized to undertake an Environmental Resource/Natural Resource Inventory of the Borough as recommended by the State Office of Smart Growth and to pursue, if possible, that the scope includes the review of the draft Stream Corridor Protection Ordinance. The motion was approved by a unanimous voice vote.

Environmental Commission – Chris Halt reported that there was not much in addition to the discussion under the Smart Growth Grant above. He reported that he understands the owners of apartments on Cedar Lane were going to sell the property including the recently subdivided portions. The Commission hopes that the good dialog that exists between the current owners and potential new owners can continue.

COAH Activity – Muriel reported that she had sent via certified mail/return receipt all forms for COAH. She has received via fax acknowledgement from COAH that they have all the material requested. Copies of all forms including the narrative and the acknowledgement are on file in the Borough.

Architectural Review Committee – Chris Halt reported on recent activity and items reviewed by the committee.

NEW BUSINESS

Vouchers and Invoices:

1. 6/26/06 (7/19/06), Lord Worrell & Richter, \$150.00, meeting attendance for T-Mobile hearing at 5/16/06 meeting. (FROM ESCROW)
2. 6/26/06 (7/19/06), Lord Worrell & Richter, \$754.00, services through 6/4/06 for work on T-Mobile site plan. (FROM ESCROW).
3. 6/26/06 (7/19/06), Lord Worrell & Richter, \$642.50, services through 6/4/06 for work on Brandenburger "Nu-Way" site plan. (FROM ESCROW).
4. 6/26/06 (7/19/06), Lord Worrell & Richter, \$822.00, services through 6/4/06 for work on Zena's Patisserie site plan. (FROM ESCROW).
5. 7/3/06 (7/31/06), Raymond & Coleman, \$428.00, general services and meeting attendance during June.
6. 7/3/06 (7/31/06), Raymond & Coleman, \$168.00, services during June on Brandenburger "Nu-Way" site plan and 4 Thomas demolition permit. (\$112.00 from planning & \$56.00 from Nu-Way escrow).
7. 7/3/06 (7/31/06), Raymond & Coleman, \$42.00, services during June on Zena's Patisserie site plan. (FROM ESCROW).
8. 7/3/06 (7/31/06), Raymond & Coleman, \$35.00, services during June on T-Mobile site plan. (FROM ESCROW).
9. 7/3/06 (7/31/06), Raymond & Coleman, \$14.00, general services and legal advice to the board secretary during June regarding Hudak minor subdivision.
10. 7/31/06, Raymond & Coleman, \$440.00, general services and meeting attendance during July.
11. 7/31/06, Raymond & Coleman, \$420.00, services during July on Brandenburger "Nu-Way" site plan. (FROM ESCROW).
12. 7/31/06, Raymond & Coleman, \$385.00, services during July on T-Mobile site plan. (FROM ESCROW).
13. 7/31/06, Raymond & Coleman, \$42.00, services during July on 519 Howard St., Oakhurst LLC site plan. (FROM ESCROW).
14. 8/1/06, Tamara Lee, \$382.50, for work related to the 519 Howard St., Oakhurst LLC application in July (FROM ESCROW).

A motion was made by Muriel Alls-Moffat, seconded by Councilman Smyth, and passed unanimously to pay the items as presented. The secretary will have them signed and submitted for payment.

Site Plan Approval Process – Chris Halt raised the point if the board was following the correct process when reviewing site plans. He wondered if there was a need to make sure that the applicants were aware of the process. Mr. Coleman stated the process is correct. Mr. Coleman stated that he feels the board, its secretary, and other Borough officials have done more than is reasonably required to guide applicants. When dealing with the county when it is involved, the board and the town cannot short cut the process. It was concluded that the process is correct, the checklist is complete and that the board and town cannot help if the potential applicant cannot understand or refuses to seek professional help with the process when it is needed. Mr. Coleman stated case law is grey on the requirement that professional representation be used. He feels that the current position of strongly recommending professional assistance is correct and the board will need to deal with things on a case by case basis. While there is legal precedence for requiring that all applicants other than individuals need representation, Mr. Coleman feels that leaving things the way they are now gives the perception that the process is proactive and friendly. However, it is a fine line and there is only so much that can be done. The board concluded that while there may be differences real and perceived among the types of applications, the process has to be applicable to all to ensure the laws are followed. It is the responsibility of the applicant to be familiar with the process and to know where waivers may be applicable or portions not applicable to a particular case. If the applicant is not sure, then it is up to them to seek professional assistance.

County Report – Councilman Smyth reported on the report
River Line Committee – reported on an upcoming meeting
State Regional Planning Meeting

Howard Street Demolition – The chair asked if there was any follow up needed on the part of the board. Mr. Coleman stated that the building official was way in his right to issue the permit when there was a public danger is presented. This would apply no matter the age or historic

PUBLIC COMMENT

The meeting was opened to public comment.

- Eric Saia, 401 Martha's Lane, asked about construction notification for the Broad Street Enhancement and to whom it was sent. Councilman Smyth stated the seven-day notice was only required to be sent to those properties directly affected by the construction. He asked about the last COAH agenda where the Borough was on the agenda to appear and for which National Casein had also received a copy of the notice. It was explained that this matter had been resolved prior to the hearing and the Borough did not have to appear. Eric asked and received a reply as to when the next meeting of the Economic Development Committee would occur and that he would be kept informed of the meetings. Eric also commented that he feels it is the responsibility of applicants to be familiar with the codes of the Borough and if they cannot understand the code it is incumbent on the applicant to seek professional guidance. He feels the Borough and its officials and boards can only be expected to go so far to be helpful and are not only justified but are required to make sure that all applicants fully comply with the provisions of the codes.

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

Meeting adjourned at 8:35 PM.

Next meeting is on 9/19/2006 at 7:00 pm in the Borough Hall.

Tape is on file.

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