

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
February 21, 2006**

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 23, 2006.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2006.

PRESENT: Frank Siefert, Christopher Halt, Joseph Katella, Mayor Robert Martin, Councilman Robert E. Smyth, Suzanne Wells and Keith Wenig.

Also Present: Secretary Ken Palmer and Solicitor Tom Coleman.

ABSENT: Muriel Alls-Moffat.

MINUTES: A motion was made by the mayor and seconded by Councilman Smyth to adopt the minutes of the January 17, 2006 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **2/8/06, Copy of letter to mayor from COAH advising that no comments had been received on the Borough's 3rd Round COAH submission and that it is now under review.**
2. **2/6/06, Announcement from Burlington County Chamber of Commerce, of Brownfields Redevelopment Forum on 2/23/06.**
3. **2/9/06, copy of Borough Ordinance 2-06 introduced by Council to amend Borough Code to permit conditional use of telecommunications towers in the GB District.**
4. **2/7/06, Copy of Draft Stormwater Management Ordinance introduced by Council and letter from Terry Vogt, PE; Director, Environmental Division; Remington Vernick & Arango Engineers.**
5. **Four vouchers/invoices as presented under New Business.**

PUBLIC HEARING

Application by Zena G. Demircviren and Grace Scheffler for Concept Review of Proposed Expansion to Zena's Patisserie & Café Inc., 308 Broad Street, Block 801, Lot 40

Introduction: The chair introduced the topic. Board solicitor Tom Coleman explained that since this is an informal concept review and that no rulings will be rendered from this proceeding, no one is required to be sworn and the stricter rules of testimony do not apply. Mr. Vollmer, EAIA, the applicant's architect was introduced and reviewed the proposed addition and referred to the existing survey and the proposed plan which also includes elements of the Borough's proposed streetscape improvement plans for the area. Mr. Vollmer discussed the exterior architectural plans. They plan to preserve the five existing parking spaces and hopefully provide a more suitable outside seating area. It is proposed to add 12 additional inside seats and additional ADA compliant restroom facilities. The exterior façade will be maintained or improved. There is no room or plans to increase the number of parking spaces. The applicant would like to see the existing town bulletin board relocated to Borough property to facilitate the parking once the Broad and Main Street improvements are made. The bulletin board is currently on the applicant's property and they are not aware that permission to locate it there was ever obtained. The applicant feels that, like other businesses in the area, the existing lack of parking should not be held against them and is a recognized hardship on businesses in the area. There are also various bulk and setback variances that will be needed since the site is already non-conforming and will remain so and be extended under the proposed improvements. The informal comments provided by the board's planner and engineer were referred to and the board agreed to provide copies to the applicant. Board members are also concerned with impact on the traffic flow since the location is proximate to the intersection. There is also concern as to the County's opinion. The general consensus of the board is that while the proposed addition may be beneficial; there are real concerns about the parking and impact on traffic circulation. The location of the planned new entrance and the details of

the façade were discussed. The chair asked Mr. Vollmer and the applicant if they had additional comments or questions and what they were hoping to come away with from the meeting. Mr. Vollmer stated hoped to know if the plan was deemed to have sufficient merits upon which they might proceed to a full site plan review. The chair asked about timing and the applicant stated they were looking at within two years if possible. There is no firm knowledge yet of the timing on the street improvements since the Borough is still seeking acceptable bids.

Public Comment: The hearing was opened to public comment:

- Gene Bandine, 522B Main Street, is familiar with the area and feels the business can and should be allowed to use the Borough lot and street parking as do other businesses in the area. Other businesses have been giving a variance for having no off street parking and feels similar treatment should be extended to this applicant. He favors expansion of what appears to be a very successful business.
- James Moffat, 202 Fulton Street, discussed the ongoing efforts of getting an acceptable bid for the streetscape improvement project.
- Charles Carusso, 500 Fulton Street, feels the board needs to support successful businesses in the area, since it will only help the entire downtown business area.
- Anne Matlack, feels more on-site parking is needed to encourage pedestrian friendly conditions in the area; however, she also supports the expansion.
- Joe Augustyn, 634 Elm Terrace, would like to see provisions for a bike rack.
- Don Deitz, 304 Seventh Street supports the plan. He wanted to know if the streetscape plan to eliminate the existing “acceleration” lane was a done deal. It was explained that this was a County request as part of the traffic calming initiatives and the lane was very non-standard in such an area. He feels all efforts to help the business to continue to prosper should be made where possible.
- Gerry Meiner, 636 Linden Avenue, supports the business and the application.
- Sue (last name not clear on tape), represents Moccia Properties and stated Mr. Moccia is very much in favor of the proposed plan.
- Dolores DeFreitas, 415 Thomas Avenue, supports the plan; but, she also understands the need for a thorough examination of the proposal. She likes the plan and feels that proposals which help preserve the character of the town and facilitate growth should be supported whenever possible.

There being no further comment, the hearing was closed to public comment.

Board Comments: Joe Katella thinks the biggest issues are parking and impact/coordination with the streetscape project. The applicant stated they would be glad to work with the Borough. The chair stated he is concerned as an architect how the proposed structure will look and its impact on the impression visitors get when arriving in the center of town. He would like to see proposed elevations as part of any site plan application. The secretary reviewed with Mr. Vollmer that only a site plan application which includes the variances being requested is needed. A separate variance application is not needed. The checklist on the application provides guidance. The board’s solicitor provided some guidance as to what it appears the board’s planner and engineer feel is needed.

OLD BUSINESS

Resolutions:

Application by Brandenburger/Sheridan, Inc. for Preliminary and Final Site Plan Approval and All Required Variances As Needed to Redevelop the “Nu-Way” and “Riverton Motors” Properties on Broad Street (Block 1501, Lots 20, 21, 22, & 23): The chair asked if the members had received and read the resolutions. All present stated they had. Tom Coleman reviewed that the resolutions had also been forwarded to the applicant and applicant’s attorney. Mr. Brandenburger stated that changes have occurred since the hearings concerning the tax situation. He concurred the resolutions represented the conditions at the time of the hearings, the proceedings themselves, and the approvals granted. There are two resolutions to be adopted: Resolution P2006-03A memorializes the approvals and preliminary site plan approval granted at the December 2005 hearing; and, Resolution P2006-03B memorializes the amended preliminary approval, additional approvals, and final site plan approval granted at the January 2006 hearing. Tom advised that each resolution requires separate adoption.

The chair asked if there were any comments or questions on Resolution P2006-03A and there were none.

Suzanne Wells motioned and the mayor seconded that Resolution P2006-03A as referenced by title be adopted and memorialized. A poll vote of the members eligible to vote unanimously adopted the resolution by a vote of 5 to 0 as follows, (Mr. Halt and Mr. Wenig did not vote):

Mr. Siefert	aye	Mr. Katella	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Wells	aye		

The chair asked if there were any comments or questions on Resolution P2006-03B and there were none. Suzanne Wells motioned and the mayor seconded that Resolution P2006-03B as referenced by title be adopted and memorialized. A poll vote of the members eligible to vote unanimously adopted the resolution by a vote of 6 to 0 as follows, (Mr. Wenig did not vote):

Mr. Siefert	aye	Mr. Halt	aye
Mr. Katella	aye	Mr. Martin	aye
Mr. Smyth	aye	Mrs. Wells	aye

The secretary stated the resolutions will be signed, proper notice published and copies distributed as required. Members of the board congratulated Mr. Brandenburger and wished him luck. Asked about timing, Mr. Brandenburger stated he would like to begin demolition in June if possible. He stated that they are working with the County to obtain their approvals on site access and they may need to make revisions including use of Martha's Lane. Tom Coleman stated that he hopes it would not require another perhaps minor amendment to the site plan approvals.

Stormwater Management Plan: Councilman Smyth reviewed the progress of the draft ordinance of the plan introduced before Council and how it related to the draft approval the board has previously provided. The first reading occurred in February and the second reading and hearing will occur at Council's meetings in March. There is a need that the Borough's site plan codes need to comply with the provisions. The board needs to endorse the ordinance and then revise the code(s) as needed. There is an additional issue that the stormwater management plans need to be part of a community's master plan. Review of the board's previous meetings shows that while the original draft was endorsed by the board, the master plan has not been amended. There is a question of what and in which order things need to be done to amend the master plan. This action has nothing to do with the current ongoing reexamination of the master plan. It is the need to comply with the requirement that the stormwater management be a part of the master plan. There is a process that must be followed to amend the master plan. Tom Coleman reviewed that the Borough needs to meet the deadline for adopting the plan and submitting it by the April deadline. Tom stated that procedurally Council cannot adopt the plan unless the board endorses the plan and recommends that Council adopt it. What is needed tonight is for the board, if it is prepared to do so, to endorse the plan. The mayor stated he feels that Council is prepared to adopt the plan at it the March meeting. Chris Halt reported that the Environmental Commission has endorsed the plan based on input from the County's Board of Chosen Freeholders and its efforts to review and adopt a regional plan. Tom Coleman stated that he feels the board should have amended the master plan to incorporate the plan by the submission date for plan. Tom is not certain what exactly the board must include in its amendment to the master plan but will research the matter and assist and direct the board. The chair entertained a motion to endorse the plan and recommend Council adopt it. The mayor motioned and Councilman Smyth seconded that the board endorse the Stormwater Management Plan and recommend that Council adopt the plan. There being no further discussion, a poll vote was taken and the motion was unanimously approved by a vote of 7 to 0 as follows:

Mr. Siefert	aye	Mr. Halt	aye
Mr. Katella	aye	Mr. Martin	aye
Mr. Smyth	aye	Mrs. Wells	aye
Mr. Wenig	aye		

Telecommunications Tower: Councilman Smyth reviewed the progress of Borough Ordinance 2-06 which amends the Borough's zoning code to permit the conditional use of telecommunications towers within the General Business District. Bob again provided an overview of T-Mobile's proposal and his meeting with Medford Lakes on the possibility of the Borough erecting its own tower. Bob is meeting with T-Mobile on the 22nd. Tom Coleman discussed his concerns with the proposed ordinance. He thinks the ordinance needs to be tightened up to eliminate possible spot zoning criticism. Tom stated that he would be glad to work with the Borough solicitor and the mayor requested he please address his concerns with Mr. Gunn.

Redevelopment: Councilman Smyth reported on the two efforts to move redevelopment plans forward. There are grants available if a redevelopment plan is in place. Since there has not been any agreement on the current draft plan, the possibility of creating a "site specific" redevelopment plan, which is permitted, was discussed. Since the properties for which Mr. Brandenburger has recently received site plan approval are among the identified properties in the redevelopment zone, Bob feels that a site specific plan could be drawn up which essentially defines that the proposed redevelopment use is the same as the site plans already approved for Mr. Brandenburger. Having an adopted plan makes funds available to the Borough and to the developer which can be used for needed improvements by the Borough and to possibly ensure that Mr. Brandenburger's plans meet the Borough's highest expectations. Council needs to agree to proceed in this direction and the developer who is already on board needs to be willing to work with the Borough. The board also needs to endorse the concept. Tom Coleman explained that this is a unique situation. Council has been unable to reach agreement the current draft plan before it since it is very encompassing in its scope. It so happens that two major parcels have already received approval for redevelopment. If Council sees fit to proceed with the site specific approach and can agree that the already approved applications represent what is best for the sites, a site specific redevelopment plan can be crafted that incorporates the approved site plans. If adopted, the Borough and the developer can then pursue funds and benefits available under the law. Mr. Brandenburger stated that while he would certainly welcome any possible benefits it does not immediately impact his current plans. With or without any possible benefits, he intends to continue forward with the approvals he has been granted. Suzanne Wells asked if this means that such a plan has to be done for every parcel in the redevelopment zone. The answer is no. Tom also reminded the board that it does not do anything without direction from Council. Endorsing the site specific approach presented tonight does not limit any future direction nor does it impose any burden on the board at this time. Joe Katella asked if there is a risk in pursuing this new direction. Tom stated that there is no risk except missing out on the benefits available when towns have an approved redevelopment plan. Council needs board endorsement to pursue the site specific approach presented tonight.

Public Comment: The discussion was opened to public comment:

- Joe Augustyn stated that the site specific approach has been done in other communities. It permits the Borough to develop a plan hopefully Council can agree on. It benefits the Borough and the developer. In this case crafting the plan is very straight forward since the essential criteria for an approvable plan already exist. The state lends money and assists communities and developers in redevelopment areas. The state is very interested in assisting towns within state designated areas. Sam Leone, Assistant Director State Economic Development Authority will come down and talk to town officials. The mayor feels this is the best way to go. Joe also reviewed other pros and cons.
- Garry Ford, stated that the Riverton Business and Civic Association had voted to recommend to Council that it adopt a site specific redevelopment plan and pursue smart growth grants that might assist in the process..
- Jim Brandenburger, commented that he had been at a seminar on redevelopment along the River Line. He is concerned about timing. He is proceeding with his plans to bring his plans to fruition and hopes the plans being discussed will not delay or hinder his efforts. He supports the proposal as long as it does not jeopardize his negotiations. He is confident he can accomplish everything in his plans; but he agrees that possible benefits from the proposal could allow him to do more for the community. He would be glad to meet with Sam Leone and other town officials. It was discussed that meetings with Sam Leone can be on a subcommittee level.
- Frank Ciocci, from the Economic Development Committee, wished to know if the benefits available to the properties being considered in the site specific proposal would be available to other properties in the redevelopment area. Tom Coleman replied that there would need to be site specific plans for those properties as well. Joe Katella commented that right now there is no plan in place and it is not moving forward as

currently before Council. The site specific approach being discussed may allow the Borough to adopt a plan and start the process.

- James Moffat, asked for clarification on Sam Leone and it was provided.

There being no further comment, the hearing was closed to public comment.

The chair entertained a motion on the matter, and Suzanne Wells motioned and the mayor seconded that the planning board endorse the concept of a site specific redevelopment plan. There was no further discussion and a unanimous voice vote approved the motion.

The second item was the recent communication from Joe Donald, Deputy Executive Director Office of Smart Growth Planning on use of the Smart Growth Grant awarded the Borough. He feels the funds should not be used for a traffic study as proposed since funds for that are available through the Transportation Enhancement Grant. Mr. Donald proposes that the Smart Growth Grant funds be used for work that, in short, facilitates a feasibility study in how to coordinate the redevelopment plans with the overall planning goals of the town as well as the County and State goals for the Route 130 Strategic Revitalization Plan endorsed by the state in 1999. He feels the concepts presented by Mr. Donald are worthy of consideration. Mr. Smyth would like Mr. Donald's e-mail distributed to the board for consideration. Tom Coleman reviewed the status of the grant.

Reexamination of the Master Plan – Bob Smyth and Joe Katella reported on the status of the subcommittee's efforts. Joe Katella is assuming chair of the subcommittee. Copies of the Palmyra and Cinnaminson master plans have been received and are being reviewed. The subcommittee feels it is on target to present at least preliminary drafts hopefully in April. Other town associations have been invited to participate. The subcommittee feels it is about ready to meet with Tamara to review their progress and the work needed to be done to complete the project.

Environmental Commission – Chris halt reported that Mike Robinson continues work on a draft of the wetland setback ordinance. The commission wants to be involved with the work on master plan reexamination and redevelopment since it feels it may have meaningful input. The commission has concerns about the location of the telecommunication tower which may be moot given the proposed location at the sewer plant. Bob Smyth stated that he had talked to Mike Robinson on the matter.

COAH Activity – Discussion was tabled due to Muriel's absence.

Architectural Review Committee – Chris halt reported on reviews of the plans for Zena's, Cindy Vee's plans for a hanging sign at her bed and breakfast, and Mr. Brandenburger's seeking a demolition permit for 4 Thomas Avenue. The ARC has concerns about the demolition and the steps needed to proceed. The secretary commented on what the code appears to say on the process. The ARC has concerns regarding the historical nature of the property.

Draft Fence Ordinance Revisions – The chair commented that he would make sure that the members had copies of the draft revisions and hopes discussion can begin next month. The mayor asked if the ARC was involved with the revisions and it was stated that both zoning and ARC members of the subcommittee were the principal guiding elements in the revisions. There are concerns about the proposal for front yard fences.

2006 Budget – The chair asked if there was any input and Councilman Smyth asked if a budget had been submitted. The chair stated he thought he had submitted a budget. The matter will be looked into. The secretary commented that the planning and zoning boards should make sure that funding for mandatory education is included.

Reprinting the Master Plan – The secretary reviewed the need to have copies available and that Chris Halt had prepared an estimate as requested by Mary Longbottom. Chris reviewed his estimate. The contents of the book were discussed. The chair stated he would discuss the matter with Mary.

NEW BUSINESS

Vouchers and Invoices:

1. 1/20/06, Lord Worrell & Richter, \$1,963.50, for work related to the Brandenburger/Sheridan application in December (FROM ESCROW).
2. 2/1/06, Tamara Lee, \$765.00, for work related to the Brandenburger/Sheridan application in January (FROM ESCROW).
3. 2/2/06, Raymond and Coleman, \$1,351.00, for work related to the Brandenburger/Sheridan application in January (FROM ESCROW).
4. 2/2/06, Raymond and Coleman, \$428.00, for general business advice and meeting attendance at January meeting.

A motion was made by Suzanne Wells, seconded by the mayor, and passed unanimously to pay the items as presented. The secretary will have them signed and submitted for payment.

2006 Goals and Objectives – The consensus of the board was it may have a full plate already. It was suggested that last year's goals and objectives be reviewed and that recent developments be included. Joe Katella and Bob Smyth agreed to review items and come back with a recommendation for the board.

Demolition at Four Thomas Avenue – It was reviewed that the site encompasses two separate lots that contain nonconforming structures. Mr. Brandenburger wants to or has purchased the site and wishes to demolish the structures and erect two homes. The mayor has concerns about the proposed demolition and feels that the input of the Historical Society should be sought. It was agreed that the board would seek input from the Historical Society.

Minor Subdivision by the Hudaks – The secretary briefed the board on a possible minor subdivision application request.

PUBLIC COMMENT

The meeting was opened to public comment. There was none and the meeting was closed to public comment.

Meeting adjourned at 9:25 PM.

Next meeting:

- **Regular Meeting 3/21/2006 at 7:00 pm in the Borough Hall.**

Tape is on file.

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