

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
July 18, 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, Joseph Katella, Christopher Halt, Muriel Alls-Moffat, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, and Suzanne Wells.

Also Present: Secretary Ken Palmer, Solicitor Tom Coleman, Planner Tamara Lee, and Engineer Patrick Ennis.

ABSENT: Keith Wenig.

MINUTES: A motion was made by Suzanne Wells and seconded by Muiel Alls-Moffat to approve the minutes of the June 13, 2006 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 6/14/06, Letter from COAH regarding 6/14 hearing on failure to file COAH forms – ignored since forms had been sent.
2. 6/21/06, brochure from DVRPC concerning “Implementation Tool #9: Inclusionary Zoning.”
3. 6/28/06, e-mail from Roy Vollmer that Zena’s is requesting an additional continuation until the August meeting on the hearing of their application.
4. 6/27/06, copy of Tamara Lee’s proposal to Borough on how to handle COAH and Development Fee payments – copies made for the board.
5. 7/6/06, copy of “Environmental Resource Inventory: ERI” Resource Paper from ANJEC, from Councilman Smyth for the board’s information – copies made for the board.
6. 7/18/06 via e-mail to me and all board members, Tamara Lee’s review memo on 519 Howard Street.
7. 7/18/06, via fax, Pat Ennis’ review letter for 519 Howard Street. (copies made for board)
8. Eight 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)

Request for Continuation: The chair introduced the topic. The secretary read the e-mail from the applicant’s architect requesting a further continuation until the August meeting of the board. There was no additional discussion and a motion was made by Mayor Martin, seconded by Muriel Alls-Moffat, and unanimously approved to continue the matter at the applicant’s request.

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on July 18, 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 Zena’s Patisserie for approvals and all related variances as needed to construct an addition to the property at 308 Broad Street (Block 801, Lot 40) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on August 15, 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.

Swearing of Board Professionals – Mr. Coleman asked the board’s indulgence to at this time swear in the board’s planner and engineer. Recent court decisions warrant that this be done and once sworn the testimony of the professionals is considered sworn testimony for all matters for the calendar year of their appointment. At this time, Tamara Lee, Tamara Lee Consulting LLC and Patrick Ennis, Lord Worrell & Richter Inc. were sworn in.

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)

Introduction and Testimony: The chair introduced the topic and introduced partners Peter Sciortino and Steven M. Grello and they were sworn in. Under jurisdictional compliance, it was noted that the receipt for payment of fees and escrow deposit as well as the statement of paid up taxes were not submitted. Mr. Coleman stated that if the board so desired that did not need to hold up the matter as long as the applicants supplied the missing items. The chair reviewed that the professionals had reviewed the submitted plans and that both deemed them incomplete pending approval of the numerous waivers requested. Both Tamara and Pat in their reviews suggested that some of the items not be waived as they were essential to a proper review and recommendation to the board. The chair stated the applicants could proceed with the waiver portion of the hearing tonight but would need to re-present their matter at the time the application was deemed complete and could properly be heard. Mr. Coleman reviewed with the applicants that they would not need to re-publish or re-notice and that if they so requested the board could grant a continuance similar to that which had just been granted to Zena’s Patisserie. Among the critical items needed were detailed plans for parking and trash enclosures. Tom deferred to Tamara and Pat to elaborate. Both Tamara and Pat made sure the applicants had copies of their review letters. Tamara had concerns that there were discrepancies on the plans and the survey which need to be rectified. Both felt that topography and drainage calculations were needed to assure the changes to the site would not adversely impact the neighboring properties. The reason the waivers should be granted needs to be supplied. The number of proposed seats needs to be better defined as it directly impacts the scope of the parking variance being requested. Both of the applicants were urged to reach out to the board’s professionals on an ongoing basis if they had questions as to what they were being asked to provide. Tamara and Pat agreed to make themselves available if so needed. The applicants decided that they would rather work on completing the identified deficiencies in their application rather than continue tonight and requested that the board grant a continuance at least until the August meeting.

Request for Continuation: There was no further discussion and a motion was made by Suzanne Wells, seconded by Muriel Alls-Moffat, and unanimously approved to continue the matter at the applicant’s request until August or further if needed.

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on July 18, 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 August 15, 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.

Note: During public comment at the end of the meeting, it was discussed that the notice provided to the

adjacent property owners may have had incomplete or missing information to constitute a proper notification. Upon reviewing the notice sent to the property owners, Mr. Coleman determined the notice was clearly deficient in detail to constitute the time and place of the hearing. Mr. Coleman stated that was not the case with the notice published in the newspaper – it is okay. Mr. Coleman stated that the applicant needed to re-notice the property owners and that he would communicate this information to the applicant.

OLD BUSINESS

Adopt and Memorialize Resolution P2006-07 Concerning the Application of Brandenburger/Sheridan Properties, Inc. for Amended Preliminary Site Plan and Amended Final Site Plan Approvals – Copies were distributed to the board. Tom Coleman read the motion by title and asked if the members had received a copy. Upon assurance that the resolution accurately reflected the hearing, the chair asked if the members had reviewed the resolution and had any comments or questions. There were none. Members Siefert, Alls-Moffat, Martin, Smyth, Lodato, and Wells are eligible to vote on the resolution. A motion to adopt and memorialize the resolution by title was made by Mayor Martin, seconded by Suzanne Wells, and passed by a poll vote of 6 to 0 of the members eligible to vote as follows:

Mr. Siefert	aye	Mrs. Alls-Moffat	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye	Mrs. Wells	aye

Adopt and Memorialize Resolution P2006-08 Concerning the Application of Omnipoint Communications Enterprises, L.P for Conditional Use and Preliminary and Final Site Plan Approvals – Copies were distributed to the board. Tom Coleman read the motion by title and asked if the members had received a copy. Upon assurance that the resolution accurately reflected the hearing, the chair asked if the members had reviewed the resolution and had any comments or questions. There were none. Members Siefert, Alls-Moffat, Lodato, and Wells are eligible to vote on the resolution. A motion to adopt and memorialize the resolution by title was made by Muriel Alls-Moffat, seconded by Suzanne Wells, and passed by a poll vote of 4 to 0 of the members eligible to vote as follows:

Mr. Siefert	aye	Mrs. Alls-Moffat	aye
Mrs. Lodato	aye	Mrs. Wells	aye

Councilman Smyth asked what the process was now that the resolution was adopted. Tom Coleman and the secretary reviewed the process and timing of things.

T-Mobile – The chair took a moment to thank Councilman Smyth and the members of Council on their efforts to secure the agreement with T-Mobile and the tax revenues that will result for the town.

Site Specific Redevelopment Plan – Councilman Smyth reviewed that the plan has been sent to Mark Remsa of the County and when notified would be sent to the State DCA.

Council Matters of Importance to the Board:

- **Smart Growth Grant and other Grant Sources** – Councilman Smyth reported that the state has granted a 1-year extension pending submission of a revised scope. Bob referred to the Environmental Resource Inventory document that the state had supplied to him. It is an approved study and was recommended by the state as a suitable study for which the funds can be used. Bob requested that the board would review the material and get back to him. He stated he was to understand the town's options were limited as to a suitable use of the funds. Tamara Lee agreed with Bob that options were limited and to the possible usefulness of this type of study. The chair asked the members to review the material.
- **Drive 25 Campaign** – Councilman Smyth described the program and the related state grant programs related to traffic safety.

- **DVRPC Study** – Councilman Smyth stated he had received a study from the DVRPC related to train stations that includes the Riverton Light Rail station and details pedestrian and bike traffic impact.
- **Budget Restraints** – The mayor reviewed that the Borough is required to remain within a cap on any budget increases and that every department and board was being asked to stay within their approved budget or even reduce expenditures where possible.

Reexamination of the Master Plan – Joe Katella reported on efforts to date and stated that he and the committee needs help to finish the effort. Muriel Alls-Moffat concurred that as a committee member she feels additional input is needed to finish the matter. The chair stated he would assist where possible. It was discussed that the open items need to be concluded and that the sooner the better. A meeting was set up for the 27th. Joe Katella reviewed efforts needed to wrap up open items related to worksheet C, supplied by Tamara, and outstanding items from outreach activities. Joe also said that the committee also needs to bring Tamara into the process to assist in preparing the final report. Bob Smyth reviewed that there is money in the board’s budget for this effort.

Environmental Commission – Chris Halt reported that there was not much new. He asked if there was anything new on the draft ordinance. Councilman Smyth stated he had asked for distribution to the board, and the secretary stated that copies had been distributed to the members at a previous meeting.

COAH Activity – Muriel reported that COAH had again claimed that they did not have Riverton’s forms for 2005. New forms have been requested and received and by the end of the week Riverton will have resubmitted all forms and current forms now due. Tamara stated she has taken to hand delivering documents since the problem of missing or never received document claims by COAH is not limited to Riverton. Muriel stated that perhaps she would use the hand delivery method since it is short ride to Trenton using the River Line.

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

Draft Fence Ordinance – The secretary reported that Kerry Brandt, chair of the committee to revise the ordinance, was concerned about the board’s decision to table review the draft and would like to discuss the matter further with Frank. Frank stated he would talk to Kerry.

Possible Minor Subdivision on Homewood Drive – The secretary reported that he had talked with the attorney representing the homeowner and that he did not have a time frame on when the application would be submitted.

NEW BUSINESS

Vouchers and Invoices:

1. 7/5/06, Tamara Lee, \$302.50, for work related to the Smart Growth Grant for the period of 6/1-6/30/06.
2. 7/5/06, Tamara Lee, \$191.25, for work related to establishing the procedures for handling COAH Housing Funds for the period of 6/1-6/30/06.
3. 7/5/06, Tamara Lee, \$297.50, for work related to the Brandenburger/Sheridan “Nu-Way” site plan application in June 2006 (PAY FROM ESCROW).
4. 7/5/06, Tamara Lee, \$233.75, for work related to the T-Mobile application in June 2006 (PAY FROM ESCROW).
5. 6/6/06 (received 6/21/06), Raymond and Coleman, \$477.00, for general business advice and meeting attendance at 5/16 meeting.
6. 6/6/06 (received 6/21/06), Raymond and Coleman, \$735.00, for work related to the Brandenburger/Sheridan “Nu-Way” site plan application in May 2006 (PAY FROM ESCROW).
7. 6/6/06 (received 6/21/06), Raymond and Coleman, \$126.00, for work related to the Zena’s Patisserie site plan application in May 2006 (PAY FROM ESCROW).
8. 6/6/06 (received 6/21/06), Raymond and Coleman, \$266.00, for work related to the T-Mobile site plan application in May 2006 (PAY FROM ESCROW).

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.

Recent Board Actions – The chair wished to comment on the two resolutions adopted tonight. He feels the board and Council are to be commended in their efforts to bring positive results to the town. The adoption of the redevelopment plans, the T-Mobile contract, and the board's diligent efforts in hearing and approving the Nu-Way site redevelopment application and conditional use telecommunications tower application all prove how the Council and the board can accomplish worthwhile goals.

PUBLIC COMMENT

The meeting was opened to public comment.

- Several people, unidentified, stated they had attended the meeting to hear the 519 Howard Street matter but had arrived after it was concluded for the night. They had incorrectly read the time of the board's meetings in the Borough Directory and produced a copy of the notice to property owners that did not provide the information. Mr. Coleman reviewed the notice and noted the deficiency. He stated the applicant would need to re-notice the property owners and that he would advise the applicants of this need. It was noted this development should be included in the minutes as part of the hearing.

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

Meeting adjourned at 7:55 PM.

Next meeting is on 8/15/2006 at 7:00 pm in the Borough Hall.

Tape is on file.

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