

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
June 13, 2006**

The Public Session of the Planning Board was called to order at 7:03 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 May 18, 2006.
2. Required Service of notice and publication in the Burlington County Times on May 20, 2006.

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

**Also Present:** Secretary Ken Palmer, Solicitor Chuck Petrone, Planner Tamara Lee, and Engineer Patrick Ennis.

**ABSENT:** Joseph Katella, Christopher Halt, and, Keith Wenig.

**MINUTES:** A motion was made by Suzanne Wells and seconded by Muiel Alls-Moffat to approve the minutes of the May 16, 2006 regular meeting as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 6/1/06, Letter from Roy Vollmer that applicant is requesting additional continuation to July 18, 2006, of the hearing on their application.
2. 6/12/06, via e-mail attachment to me and all board members, Tamara Lee's review memo on Brandenburger/Sheridan.
3. 6/12/06, via e-mail attachment to me and all board members, Tamara Lee's review letter for T-Mobile application.
4. 6/12/06, Patrick Ennis' review letter for Brandenburger/Sheridan application. (copies made for board)
5. 6/12/06, Patrick Ennis' review letter for T-Mobile application. (copies made for board)
6. Three 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 letter from the applicant's architect requesting a further continuation until the July meeting of the board. Tamara Lee and Councilman Smyth reported that the applicant had cancelled out on the meeting set up with the county. Tamara also reported she had informed Mr. Vollmer that the triangle area was being released back to the Borough. Comments were made that it was hoped that the applicant still wished to pursue the application if things could be resolved with the county issues. A motion was made by Suzanne Wells, 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 June 13, 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 July 18, 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.

**Application by Brandenburger/Sheridan, Inc. for Amended 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) – Continued from May 16, 2006**

**Introduction and Testimony:** The chair introduced the topic and introduced David Oberlander attorney for the applicant Jim Brandenburger. Dave reviewed the progress of the amended application and the approvals granted so far. Tonight, they hope to conclude the discussion and obtain approval of the revised strip stores building. Chuck Petrone reminded Jim Brandenburger that he was still under oath. Jim reviewed the changes and the impact on the original approved plans. He handed out a marketing brochure which was marked as Exhibit A1. Jim provided detail on the revised floor plans for the revised stores. He explained the bad points of the original design that necessitated the revised size of the proposed stores. Color renderings of the new design were handed out and marked as exhibit A2. Jim defined in detail the new design and how it complements the architecture of the town and complements the design of the CVS store. The reduced signage was discussed. The design and lighting of the signs were discussed. The possible tenants were discussed including the possibility that a possible tenant for the proposed stand alone bank site had been obtained. The chair asked how the stores at this site compared with the proposed Main Street building. Jim provided a marketing brochure for the Main Street site and it was marked as exhibit A3. The review comments of the board’s professionals were discussed. Tamara’s review did not necessitate any changes. The minor changes based on Patrick Ennis’ review have been made and three sets of the revised plans have been delivered to Lord Worrell & Richter for review and sign off. Councilman Smyth asked about the positive aspects of the approved redevelopment plan for both areas and possible low interest loans being made available to the applicant and/or primarily existing tenants. Jim stated that he had reached out to the existing tenants and has also offered to work with the tenants to help them return. The chair asked about timing and Jim explained that the final plans are almost complete for both sites; approvals have been obtained; and, he hopes to be underway with both areas by mid-summer. Tamara Lee stated she is working with the Borough to set up the proper COAH related accounts. The chair asked Chuck what the process was for tonight and Chuck replied that it would be proper if the board concurs to be granting amended preliminary and final site plan approval.

**Public Comment:** The hearing was opened to public comment.

- Ed Gilmore, 103 Main Street, asked about the lighting of the sites and Jim explained the lights that have been previously approved.
- Richard Wagner, 802 Cedar Street, asked about the existing water and sewer impacts. Jim explained the plans and improvements that have already been reviewed by the municipality’s officials.

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

**Deliberation and Voting:** The chair asked if the board had any further comment. There was none and a motion was made by the mayor to grant amended preliminary and final site plan approval to the plans as presented. The motion was seconded by Muriel Alls-Moffat. Chuck Petrone suggested the board may wish to consider a few conditions such as that approval is subject to: the approvals granted by the previous resolutions except as modified by the amended plans, and that the brick of the strip store building will match that of the CVS store as presented in the photographic exhibits. The mayor amended his motion as suggested and Muriel seconded the amended motion. There being no further discussion a poll vote was called and the motion passed by a unanimous vote of 6 to 0 as follows:

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

## Application by Brandenburger/Sheridan Inc. For a Demolition Permit For Four Thomas Avenue

**Introduction, Housekeeping, and Testimony:** The chair asked the applicants for T-Mobile if there was any objection to hearing this matter ahead of them instead as listed on the agenda. There was none and this matter was heard. Councilman Smyth and the mayor announced that they felt it was best if they recuse themselves from the matter and they stepped down. The chair asked and received a positive response from the applicant that he wished to proceed even though there were only four members of the board participating. Dave Oberlander reviewed the progress on the request to date and that it was hoped the board would render a decision tonight. Jim Brandenburger was sworn in. Jim reviewed the history of the request, his work with the Historical Society and the results of placing the property on the market for the time between the original hearing in March and now. The Historical Society does not feel it is possible to move the structure. Dolores DeFreitas, 415 Thomas Avenue, the realtor for the property was sworn in and testified to the attempts to sell the property. She testified that while there was interest, the economics of renovating and refurbishing the structure were not feasible and to date there had not been a firm offer to purchase the property. Other realtors after looking at the property did not feel they could sell the property. Jim testified that the only interest was if the property could be purchased as two buildable lots and the existing home demolished. Jim had listed the property as two sites but it would be deed restricted to remaining as a single building site. Mary Lodato asked about Jim's intentions and he reviewed them for her. He still intends to erect two single family homes that complement the town. He would have liked to save the existing house but its location on the site and the renovations needed did not make that possible. Suzanne Wells commented that given the sensitive nature of the issue and the feelings aroused over it, she felt Jim had handled the issue very diplomatically. Suzanne also reviewed that the Historical Society had not been able to document any truly historic qualities of the house. There was agreement that renovation was needed and renovation would destroy the character of the house. Muriel seconded Suzanne's comments. Asked by the chair, Jim testified that the former owner had been aware of his intentions and she had agreed to the sale as two buildable lots that would have new homes erected on them.

**Public Comment:** The chair opened the matter to public comment.

- Michael Robinson, Six Second Street, asked and received from the chair clarification on the board's duties as provided in the Borough Code. Chuck Petrone quoted the applicable sections for Michael and the public. Michael asked and received a response as to the board's preference to preserve properties wherever feasible and he encouraged the board to work with the town to strengthen preservation efforts. Jim was asked and explained that while he had offered the possibility of re-locating the structure somewhere on the Nu-Way site, he thought with the status and pending sign off of the plans for the Nu-Way site, that it was not possible, warranted, or fair to his prospective tenants to revisit the entire process again at this time. Mike asked if Jim might donate part of the site in the future and Jim stated he didn't think that it would be possible given the major revisions need to the site plan and possible major variances needed. Dave asked that since the discussion was digressing if the board wished to move on.
- Ed Gilmore, 103 Main Street, feels there is no historic architectural significance to the structure and that two well designed homes would look nice.

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

**Board Decision:** The chair asked if there were additional questions or discussion by the board or if a motion was forthcoming. Muriel All-Moffat motioned that the issuance of a demolition permit be approved and the Construction Official be properly notified. The motion was seconded by Suzanne Wells and without further discussion was approved by a poll vote of 4 to 0 as follows:

Mr. Seifert	aye	Mrs. Alls-Moffat	aye
Mary Lodato	aye	Mrs. Wells	aye

Chuck Petrone concurred that a written notice to the Construction Official was sufficient to inform him that it was okay to issue the permit. The secretary stated he would prepare and deliver that notice.

**Application by T-Mobile Northeast, LLC (a successor in interest to Omnipoint Communications Enterprises, L.P.) for Conditional Use Approval to Erect a Telecommunications Tower and Related Base Station Equipment on Borough Property at the Public Works Facility at Third Street (Block 1500, Lots 1 and 4)**

**Introduction and Housekeeping:** The chair introduced the topic. It was noted that the applicant has provided a professional transcription service and will submit a professional transcript of the matter. The secretary requested that if the board, board counsel, and applicant concurred, the tape would be run but no additional minutes of the proceedings would be prepared and that the official transcript of the matter would be appended to the minutes as the official public record of the hearing. The latter was agreed to by all parties.

**Summary of the hearing:** Following verification that all jurisdictional requirements had been satisfied the hearing commenced. The mayor and Councilman Smyth recused themselves from the matter. The applicants and their professionals presented their testimony, public comment was allowed, and the board deliberated and voted 4 to 0 by poll vote to approve the application. A copy of the transcript, when received, will become part of the official minutes of the meeting.

**OLD BUSINESS**

**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.

**Stormwater Management Plan** – The secretary stated he placed this item on the agenda based on correspondence received from the county. Copies had been forwarded to Tom Coleman and Tamara Lee for review. Chuck Petrone stated that as far as he knew, everything was proceeding according to process.

**Site Specific Redevelopment Plan** – Councilman Smyth reported that Council gave final approval to the plan at the last meeting and it was being forwarded to the County and State agencies. The Redevelopment Authority is now fully authorized and can move forward on redevelopment activity.

**Smart Growth Grant and other Grant Sources** – Councilman Smyth reported that he, the mayor and Tamara had met today with the State Office of Smart Growth. The purpose of the meeting was to see how to save the grant. Council has to request an extension which should be granted. Options for proposing a revised scope have been suggested and are being researched. Bob is involved with the County and Bridge Commission advisory boards. He has been informed that the town can go before the Bridge Commission's Improvement Authority and utilize the services of their grant writer Dave Gerkins. The Commission's Improvement authority is tasked with seeking out and helping local communities to seek grants and loans which go to improve the community. This service is provided to the town at no cost.

**Reexamination of the Master Plan** – Councilman Smyth reported in Joe Katella's absence that the committee plans to meet next week. Eric Saia of National Casein has provided several review comments that he would like the committee to consider primarily based on a review of the economic plan element.

**Environmental Commission** – Councilman Smyth reported in Joe Katella's absence that the commission wishes to move forward on the draft Stream Corridor Protection Ordinance and hopes the board will review and provide the expert review and revision needed to put it in a condition to hopefully recommend to Council for consideration. Michael Robinson as a member of the commission was recognized and commented that the commission feels the proposed ordinance is strongly needed and he hopes the board will utilize its professionals such as Tamara to review and revise the ordinance. Councilman Smyth stated that he has hopes that the revised scope of the Smart Growth Grant may provide funds for just that type of work. Michael Robinson stated the commission wishes to be involved in the review of the master plan especially the environmental element. Councilman Smyth stated the committee welcomes the help and input.

**COAH Activity** – Muriel reported that the missing materials had been found and submitted to COAH. She also reported on the Governor’s proposal that a set number of COAH units will be created in the next five years. The figure of 100,000 units was mentioned.

**Architectural Review Committee** – The report on activity was tabled due to the absence of Chris Halt.

**Draft Fence Ordinance** – The board reviewed that they wished to table discussion of this item indefinitely. The secretary stated that since the board does not currently have a member on the fence ordinance review committee, that he would report this decision to the committee chair Kerry Brandt.

**2006 Goals and Objectives** – An official update was tabled due to Joe Katella’s absence. Councilman Smyth stated that with the items currently on the board’s plate he feels it is doing a good job and has a full agenda.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 5/12/06, Lord Worrell & Richter, \$150.00, for attendance at the April meeting.
2. 6/1/06, Tamara Lee, \$340.00, for work related to the T-Mobile application in May (FROM ESCROW).
3. 6/1/06, Tamara Lee, \$510.00, for work related to the Zena’s Patisserie application in May (FROM ESCROW).

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

**Possible Upcoming Applications** – The secretary reported that a homeowner on Homewood Drive is preparing to submit a minor subdivision application. Mr. Rainer, owner of the property at the point of Main and Howard Streets has inquired about an addition to the building.

**Regional Planning Meeting** – Councilman Smyth reported that he and the mayor have been invited to meet with the Freeholders and the River Route Advisory Group which is about economic development and regional planning among the communities in the river front corridor area.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

- Courtney Ellrich, 800 Cedar Street, wanted to know what the board’s duties were concerning the possible subdivision on Homewood Drive. The chair and Chuck Petrone reviewed the process and assured Mr. Ellrich that public comment is part of the process. The mayor asked a question regarding the board’s ability to deny a minor subdivision and it was answered that when the subdivision completely conforms to the codes, it is very difficult for the board to reasonably deny the application without almost certain appeal.
- Richard Wagner, 802 Cedar Street, asked what happens when a subdivision is approved and the owner then plans to build on the lot. The process was explained including the need for a Zoning Variance Application if the code requirements cannot be met.

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

**Meeting adjourned at 9:45 PM.**

**Next meeting is on 7/18/2006 at 7:00 pm in the Borough Hall.**

**Tape is on file.**

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