

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
March 21, 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, Suzanne Wells, and Keith Wenig.

Also Present: Secretary Ken Palmer and Solicitor Chuck Petrone.

ABSENT: Joseph Katella

MINUTES: A motion was made by Suzanne Wells and seconded by Councilman Smyth to adopt the minutes of the February 21, 2006 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **Copy of 3/6/2006 letter to mayor and Council from Robert J. Bednarek, President Historical Society of Riverton commenting on the proposed demolition of the house at Four Thomas Avenue. Copied for board and counsel.**
2. **Copy of letter to mayor, Council, and planning board chair, from Walter Croft, Chair ARC, regarding demolitions and attaching an article from the National Historic Trust for Historic Preservation. Copied for board and counsel.**
3. **Copies of letter from Office of Smart Growth providing update on progress of mandatory education training program rules and article by Stuart Mack, Rutgers University on same topic. Copied for board and counsel.**
4. **Copy of letter to Bob Smyth from T-Mobile regarding their proposal to erect a telecommunications facility at the sewer plant site. Copied for board and counsel.**
5. **Copies of adopted Council Resolutions: 2-06, Telecommunications Towers in GB District; 3-06, Adopt Stormwater Management Plan; and 4-06, Authorizing Planning Board Draft Site Specific Redevelopment Plan for the sites encompassed by: Block 1501, Lots 20, 21, 22, & 23 (Nu-Way/Riverton Motors); and Block 904, Lots 2 & 3, Block 905, Lot 6, and Block 906, Lot 1 (Sitzler). Copied for board and counsel.**
6. **Draft of Site Specific Redevelopment Plan distributed to board and counsel under separate cover.**
7. **Packet of information regarding the Burlington County River Route Regional Planning Advisory Committee. Copied for board and counsel.**
8. **Seven vouchers/invoices as presented under New Business.**

PUBLIC HEARINGS

Minor Subdivision Application by Charles and Kelly Hudak, 209 Linden Avenue, Block 500, Lot12:

Introduction and testimony: The chair introduced the topic. The secretary and Mr. Petrone reviewed that the application fulfilled jurisdictional requirements and the hearing could be held. No board members had any conflict of interest and the hearing commenced. Mr. Hudak explained why they wished to subdivide the lot. The applicants wish to subdivide the lot and construct a new home for themselves that will meet the needs for their growing family. They have made many improvements to the existing home but feel to meet their needs it is more cost efficient to build a new home. The site is in the R8 district. An existing survey was presented as well as a new survey showing the proposed subdivision. The subdivision as proposed would create two fully conforming lots each exceeding the minimum 8,000 square foot size. The new lot will meet all lot size and front footage requirements and the remaining improved lot will meet all bulk and set back requirements. The surveys were prepared by a licensed professional. The proposed location and shape of the subdivision line was explained that it was needed to provide a conforming lot due to the location of the garage. There was no further testimony and the chair entertained questions and comments from the board. There were none. The hearing was opened to public

comment and there was none. The hearing was closed to public comment. The chair asked if there were any additional comments or questions from the board and if there were none he would entertain a motion to approve or deny the application. Suzanne Wells motioned that the application be approved as presented and the motion was seconded by Keith Wenig. There was no discussion on the motion and a poll vote of the members approved the application by a vote of 6 to 0 as follows:

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

Mr. Petrone reviewed that a resolution would be prepared and he reviewed the filing requirements with the applicants.

Demolition Permit for Four Thomas Avenue – Jim Brandenburger of Brandenburger/Sheridan is requesting a demolition permit for a home located at Four Thomas Avenue. For the record it is noted that Mrs. Alls-Moffat who was absent for the Hudak hearing had arrived and was present for the rest of the meeting. Per code requirements Jim has appeared before the ARC and as required is seeking board approval. The ARC has reviewed the request and has approved the request stating that there were no significant architectural qualities to the structure. Mr. Brandenburger explained that the property had been purchased last week. The property as purchased is two fully conforming lots and no subdivision is required. The existing house and improvements are currently non-conforming as to their location on the lots. The home is on Four Thomas Avenue and an in-ground swimming pool is on the adjoining lot. Mr. Brandenburger discussed the areas where there was non-compliance. Most significant was the location of the improvements which do not come close to meeting the set back requirements. Mr. Brandenburger prefers to demolish the existing house and erect two new homes that will fully conform to all the code requirements in the R8 district. Mr. Brandenburger provided examples of renderings of the type of homes he would like to erect. The two homes will complement each other, will fit in with the neighborhood, and he plans to locate the two homes so as to provide as much of the views of the river as possible. Mr. Brandenburger feels his plans for the lots are the best use for them. He testified it is not economically feasible to bring the existing structure up to current standards architecturally or to meet building code requirements. The existing home as it exists is poorly laid out and would require significant alteration and renovation to meet today’s market. He had discussed his plans with the former owner who had no objections to the proposed plan. The former owner had requested to remove portions of the structure if demolition was approved. Mr. Brandenburger stated that realizing that there may be some historical significance and/or a desire to own such a home, he has currently re-listed the property as one lot and he will sell it if the buyer meets his price. He has also listed the proposed new homes. He stated he purchased the property with the idea of demolishing the home and constructing two homes. Mr. Brandenburger stated he would donate the structure if someone wished to relocate the structure. The Historical Society has made its feeling known regarding the structure; however, it has neither the funds available to purchase the property nor does it have the funds or a location to relocate the home. Jim stated that if the property is sold, it would be sold as one property with a deed restriction that the property cannot be subdivided. He does not wish to be perceived as someone who buys properties just to tear them down. That is another reason he has re-listed the property to ascertain if there is a genuine interest in purchasing the property as it exists. Jim is seeking some mandate from the board if it is inclined to grant the permit as to how long the board feels it is reasonable to keep the property on the market. It was discussed that under the Borough Code the board may postpone consideration on the demolition request for up to six months in order to further research the matter.

Board members discussed the details with Jim. The mayor asked if Jim thought keeping the property on the market until Memorial Day was agreeable and Jim stated yes. Asked if the property had been sold by Mrs. Ruff as two lots, Jim stated yes and he had bought the property as two lots. Chuck Petrone reviewed with the board the governing ordinance, Jim’s actions, and the options available to the board. Asked by the board what he would do if the request was denied, Mr. Brandenburger respectfully replied that he would most likely appeal the decision since he feels he has solid grounds for his proposed use of the site. Asked what he planned to do to prevent some other buyer from doing what he plans, Jim stated and that it would be deed restricted to prevent future subdivision. Asked by the board if that was possible, Chuck stated yes unless a buyer wished to take the matter to court and try to overturn the restriction. Chuck’s opinion is that as long as the restriction was clearly known prior

to the purchase, it would probably be very difficult to overturn the restriction. The board sought and received an explanation as to the rationale for the ARC's approval of the request. Muriel feels it would be hard for the board to reasonably deny the request given that past precedence in the town has permitted historically significant structures to be demolished. She also feels it is not proper to deny an owner permission to do what he has the legal right to do with his property. The logistics involved with moving a structure was discussed and the board eventually concurred that while physically possible to move it; it was probably not actually feasible that it would be moved. The mayor feels that the property should be listed until Memorial Day at the lowest price that allows Jim to come away financially whole and that if not sold by then the board would revisit the request to approve the demolition permit. Jim stated that he feels he needs some type of firm commitment that if he agrees to a delay of approval and complies with the board's suggestions, that the board will not reverse its decision when the time period has expired. Asked by the mayor if the proposal was sound, Mr. Petrone replied that he feels that if the same evidence provided tonight is still relevant in May, it is reasonable for the board to postpone an approval until May. However, Chuck feels Jim is seeking assurances that if conditions are unchanged, the board will still be willing to abide by its decision. It was discussed that the board might want some additional time to better ascertain the historically value of the property and that Jim could further assess market interest in the property. Jim stated that he only wants some guarantee that by agreeing to the list the property for a reasonable period of time and if conditions are unchanged, he can expect to receive approval of the permit. Suzanne stated she feels Jim is being more than reasonable and if there is no agreement of sale by the end of May, Jim should be allowed to demolish the house. She feels the Historical Society has not provided very relevant comment as to why the structure is of true historic importance. Suzanne stated she will follow up with the Historical Society to try and obtain more information relevant to the board's decision. The mayor proposed that perhaps the board should agree that the board wishes to continue the matter to next month so additional research could be done; and, if at the April meeting conditions warrant approval, then approval might be granted to allow demolition if there is no agreement of sale by June 1st. Asked the condition of any sale, Jim stated the listing is as a single property being sold strictly "as is," and with the property deed restricted against future subdivision. After further discussion and agreement by Jim, it was motioned by Suzanne Wells and seconded by Muriel Alls-Moffat that the matter be continued until the April 18th meeting and at that time the board will approve or deny the request. There was no further discussion and Mr. Wenig and Mr. Halt stated they would recuse themselves from voting. The motion was approved by a poll vote of 5 to 0 as follows:

Mr. Siefert	aye	Mr. Halt	recused
Mrs. Moffat	aye	Mr. Martin	aye
Mr. Smyth	aye	Mrs. Wells	aye
Mr. Wenig	recused		

OLD BUSINESS

Site Specific Redevelopment Plan – Councilman Smyth reported that since the original redevelopment plan prepared for the entire redevelopment area had not been able to be approved, a subcommittee had researched and that site specific redevelopment plans can be proposed. The subcommittee has prepared a draft site specific plan that includes two of the primary sites identified in the original redevelopment area definition process as needing redevelopment. This approach is entirely legal and upon presentation to Council has met with support that it could receive favorable consideration. Having a redevelopment plan in place is beneficial to the town and redevelopers. Plans for the other identified parcels can be considered later jointly or separately as warranted. Council has passed a motion that the board prepare a site specific plan for the two areas included in the draft plan. It is hoped the board will review the draft plan and be prepared to render a decision at the April meeting. There was discussion whether a formal public hearing notice of the board's review was required. Chuck stated he did not think there was since the plan is subject to a public hearing before Council. Chuck stated that he would review the matter and inform the secretary in time to publish any notice if it was required. He suggested the board could adopt a motion to review the plan at next month's meeting and, if required, legal notice be given. A motion was made by Councilman Smyth, seconded by the mayor, that the board review the draft for consideration in April and, as needed, hold any formal hearings on the matter. The motion passed unanimously.

Stormwater Management Plan – Councilman Smyth reviewed the progress of the draft ordinance before Council. The matter of complying with the requirement of including the plan in the master plan was discussed. No one was sure of what parts of the draft plan previously approved by the board in 2005 needed to become part of the master plan; but, since the draft ordinance are close to being forwarded to the County for review, the board needs to complete the process of amending the master plan. Chuck Petrone stated he would research the matter and advise the secretary of what is needed. The secretary also stated he would, with board approval, review the matter with Tamara. Chuck recommended the board consider holding the public hearing next month and that the secretary should publish the required notice of same. Chuck and the secretary will make sure that the required amendment is provided for public and board review prior to the April meeting. The board concurred.

Telecommunications Tower – Councilman Smyth reviewed the progress of T-Mobile’s proposal to erect a tower at the sewer plant site. Public Notice has been given by the Borough soliciting bids to erect a tower at the sewer plant site. Once the bid process is complete, any applicant will need to come before the board for a site plan hearing. This may occur as soon as the board’s May meeting. If Riverton is not chosen by T-Mobile, they still plan to pursue putting the tower in Cinnaminson Township near the site of Riverton’s sewer plant.

At the end of old business, Muriel discussed the concerns raised by the zoning board and its counsel that the revision to the code establishing towers as a conditional use within the business district did not also include revisions that define the conditions under which the conditional use is warranted. Councilman Smyth reported that Bruce Gunn has stated that he will be discussing the matter with the zoning board’s attorney and other professionals who have voiced concerns. Bob also reviewed that any request to erect a tower is subject to a thorough site plan review and that conditions are part of that review.

Smart Growth Grant – Councilman Smyth reviewed for the board the request along with recommendations from the State that the grant not be used for a traffic study but for efforts directed towards other areas that will benefit the town. The Borough’s revised plans will be discussed with Tamara Lee so the project scope can be suitably modified to meet the State’s suggested scope that will meet with State approval.

Reexamination of the Master Plan – In Joe Katella’s absence Councilman Smyth reported on activity and the plans to have a meeting with Tamara Lee on March 29th. There is interest from the town’s economic and business interests.

Environmental Commission – Chris Halt reported that the commission is working on finalizing a draft of the stream corridor protection ordinance that will then be forward to Borough’s counsel for review and revision prior to presenting to Council. Several Borough residents have volunteered to spear head an effort to clean up the river bank area and were looking for assistance. The commission will research if there is help available through the Center’s of Place Grant. There has been discussion of making sure the local Boy Scout organizations are aware that the Borough is amenable to scouts looking for Eagle Scout projects approaching the Borough to help in the clean up efforts. There was discussion as to clean up efforts being conducted on private vs. Borough property.

COAH Activity – Muriel reported on activity and contacts by agencies looking into the availability of suitable properties.

Architectural Review Committee – Chris Halt reported on activity the prior month. All involved residential properties. Joe Augustyn also met to discuss grant possibilities and their use especially regarding side walks and related pedestrian friendly uses. Joe feels that efforts be coordinated throughout the Borough.

Draft Fence Ordinance Revisions – The chair distributed copies of the proposed revisions that had been dropped off by Kerry Brandt who is chair of the fence ordinance revision subcommittee. The mayor reviewed that there may be sentiment to table the matter indefinitely. The secretary reviewed why the zoning board feels the current code should be revised. The chair requested that the members review the proposed changes and be prepared to discuss next month whether the revisions should be considered.

2006 Goals and Objectives – The topic was tabled due to Joe Katella’s absence.

Reprinting the Master Plan – The chair reviewed that a decision is still needed on whether to reprint the master plan and how many copies are needed. Chris Halt reviewed some of the details that go into reprinting the plan. The impact of the re-examination was discussed. The chair stated he would discuss the matter with Mary.

NEW BUSINESS

Vouchers and Invoices:

1. 2/24/06, Lord Worrell & Richter, \$1,795.00, for work related to the Brandenburger/Sheridan application in January (FROM ESCROW).
2. 2/24/06, Lord Worrell & Richter, \$150.00, for attending the January hearing for the Brandenburger/Sheridan application (FROM ESCROW).
3. 3/2/06, Tamara Lee, \$63.75, for work related to lighting at the Brandenburger/Sheridan application (FROM ESCROW).
4. 3/2/06, Tamara Lee, \$106.25, for work related to the Zena’s Patisserie Concept Review application (FROM ESCROW).
5. 3/3/06, Raymond and Coleman, \$665.00, for general business advice and meeting attendance at the February meeting.
6. 3/3/06, Raymond and Coleman, \$896.00, for work related to the Brandenburger/Sheridan application in February (FROM ESCROW).
7. 3/3/06, Raymond and Coleman, \$63.00, for work related to the Zena’s Patisserie Concept Review application (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.

Burlington County River Route Regional Planning Advisory Committee Meeting – Councilman Smyth reported that he is on the advisory committee of the organization that used to be called the Route 130 Corridor Committee. It comprises of twelve towns. Bob reported on the meeting and how he would keep the board informed of developments and also solicit input to his report on Borough activity at future meetings. He stated that favorable comments were received on the developments at the Nu-Way site.

PUBLIC COMMENT

The meeting was opened to public comment.

- Eric Saia, 401 Martha’s Lane, appreciates the offer to place the master plan online. He also appreciates and wishes to be kept informed on efforts to seek input to the master plan from the Economic Development Committee and Business Community Committee. Bob Smyth stated he would advise the chairs of the committees of Mr. Saia’s interest in participating in their meetings.

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

Meeting adjourned at 9:35 PM.

Next meeting is on 4/18/2006 at 7:00 pm in the Borough Hall.

Tape is on file.

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