

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
May 16, 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, Muriel Alls-Moffat, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Suzanne Wells, and Keith Wenig.

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

ABSENT: Christopher Halt.

MINUTES: A motion was made by Suzanne Wells and seconded by Mayor Martin to adopt the minutes of the April 18, 2006 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **Announcement from DVRPC of Audio Conference on “The Housing Plan” to be held May 24, 4:00 pm – 5:30 pm in Philadelphia.**
2. **Announcement from DVRPC of the Draft FY 2007 Transportation Improvement Program (TIP) along with the Transportation Conformity Finding and a related open house and information session on May 23, 4:00 pm -7:00 pm in Philadelphia.**
3. **4/18/06, letter to secretary from Tom Jaggard, County Engineer’s office, Chairman of the County Stormwater Management Committee regarding County Planning Board Review of Municipal Stormwater Management Plan Ordinances and procedures for adopting plans and ordinances. Item previously faxed to chair, Tom and Tamara.**
4. **4/21/06, copy of application by James J. and Rita O’Brien, 2 Linden Avenue, to the State DEP for a State Construction Permit to erect a bulkhead on the riverbank. State law requires they file a copy of the application and permit with the planning board, environmental commission, and Borough Construction Official.**
5. **5/5/06, copy of e-mail to mayor from Mary Lodato, Code Enforcement Official, suggesting a possible amendment may be needed to the zoning code to include provisions regarding gazebos since there have been permit requests for them and there are no standards or provisions for them in the code.**
6. **4/20/06, copies for the chair and board of the draft Stream Corridor Protection Ordinance and accompanying notes prepared by the Environmental Commission with request that: the board consider have legally reviewed and revised; the board review the ordinance; and the board hopefully forward to Council with recommendation to consider adopting. Copies for members provided.**
7. **Copies provided by Keith Wenig of the renderings for the strip center at the Brandenburger Broad Street project. Copies for board members provided for use during continued hearing.**
8. **Copies provided by Mary Longbottom of agreements between former owners of Zena’s regarding the bulletin board placement and the Broad Street Enhancement. Copies for board members for inclusion in Zena’s materials were provided.**
9. **Copy provided by Mary Longbottom of the adopted ordinance establishing conditional uses for telecommunication towers. Copies for board members provided for use in conjunction with T-Mobile hearing.**
10. **Seven vouchers/invoices as presented under New Business.**

PUBLIC HEARINGS

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 April 18, 2006

Introduction and Housekeeping: The chair introduced the topic and introduced Jim Brandenburger. Keith Wenig stated that he needed to recuse himself from voting on the matter and stepped down during the hearing.

Testimony and Board Questions: Mr. Coleman reminded Jim that he was still under oath having been previously sworn in. Jim reviewed that he understood the renderings for the floor plan and elevations of the strip store had been sent as well as revised site plans to reflect the changed strip store building. He understands that he is seeking approval that the revised building does not exceed the previously granted approvals. The board's engineer and planner stated that they had not received the renderings until tonight and that no revised site plans had been received. The chair asked if the board could act on the matter tonight. The professionals stated they could not render an opinion on the plans since they had not received them. Mr. Coleman stated that last month testimony was provided that the building was smaller. Jim reviewed that the foot print of the building is smaller and that the area between the building and the curb is larger. The net result is that the impervious coverage is unchanged. The new area of the building is smaller than previously approved. Jim also reviewed the changed design of the building. Tom Coleman asked Jim that since he is scheduled to appear next month on another matter if Jim had any objection to the matter being continued until a review could be completed. Jim asked and received assurances that this delay would not hold up his other matter or the resolution up for adoption tonight. In a related matter, Jim handed out a table showing rent rates for comparable sites. He provided this information to present his research since there had been discussion that the rates for the new stores would probably preclude some of the existing tenants returning. Councilman Smyth asked if the recently introduced redevelopment plans might aid in the rent decisions. Jim replied that he couldn't make a definitive statement on that since he had no idea what might result from adoption of the plans and/or because of the time frames needed to apply for any possible forthcoming benefits. If there are other programs available that would help in this situation, Jim stated he would be glad to pass along any savings to the small businesses involved. Councilman Smyth stated he would look into the matter.

Continuance: The applicant agreed to and requested a continuance for the proper review of the revised foot print and architectural changes to the strip store building. A motion was made by Muriel Alls-Moffat, seconded by Councilman Smyth, 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 May 16, 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 Brandenburger/Sheridan, Inc. for approvals and all related variances as needed to redevelop the "Nu-Way" and "Riverton Motors" Properties on Broad Street (Block 1501, Lots 20, 21, 22, &23) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on June 13, 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. Mr. Wenig rejoined the board.

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)

Introduction and Housekeeping: The chair introduced the topic. The secretary attested that the applicant had properly noticed and that all jurisdictional requirements had been met except for proof of current taxes paid. The applicant stated the taxes have been paid she had not been able to obtain that yet and was trying to do so. The board solicitor stated that the hearing could proceed as long as the board was okay that the outstanding item would be provided. The board concurred. The applicant, Zena Demirciviren, and Mr. Roy Vollmer, architect for the applicant were sworn in.

Testimony and Board Questions: Mr. Vollmer reviewed that the applicant has been seeking at least preliminary county approvals for the project and was still meeting with significant objections. The county will not approve a new building entrance from Broad Street. The applicant proposes to retain the existing location of the entrance but moving it outward to accommodate the addition. The applicant is proposing that a temporary entrance off Broad Street be in place during construction and that it would become an emergency exit after completion to meet fire code requirements for exits. It appears this may meet approval. The county also does not want to see any backing out from the parking lot onto Main Street, a county road, and they want the applicant to adhere to the previously agreed to revised curb cut proposed in the Broad and Main Enhancement project. Mr. Coleman asked Roy to present the application. The applicant proposes to erect a 672 square foot addition and an outdoor seating terrace which will reduce the depth of the current parking area. The proposed outdoor seating area has been revised from the concept review and the submitted plans to be entirely on the applicant's property and not extend into the new plaza area proposed in the street enhancement project. Applicant proposes a 50 foot driveway entrance to allow access and egress from the five existing and proposed spaces. There are approximately 24 or 25 existing seats and 12 additional are proposed. Applicant is seeking a variance from the number of parking spaces required as well as variances for all other bulk requirements and setbacks that otherwise currently exist and will be extended/revised by the proposed addition. The applicant feels the benefits to the town from the success of the business and additional services provided outweigh the possible additional impact of the current insufficient parking and that sufficient municipal parking exists to accommodate the business. The applicant feels the conditions surrounding the existing entrance and exit from the parking area will not be sufficiently worsened as long as the proposed width of the entrance can receive approval from the county. The previously proposed and approved redesign of the parking lot by the previous owner of the property is not possible with the proposed addition. The applicant feels they should not be made to suffer because the current acceleration lane that allows an additional egress from the parking lot is being removed as part of the street enhancement project. Applicant feels pedestrian safety will be improved since the current five spaces will be clearly defined and the removal of the acceleration lane will lessen traffic flow near the entrance of the building and surrounding pedestrian walkways. The planner's and engineer's review letters were discussed. Several technical deficiencies were noted and it was agreed to make them as needed. Missing items concerning drainage were considered important enough that they need to be provided to properly review impact on neighboring properties. Mr. Vollmer testified that the existing 100% coverage was not changing and the addition would not change the grading. It was discussed that there should be calculations provided so as to allow proper review. While a formal traffic study or report may not be needed, testimony needs to be provided concerning the impact of the changes. Signage provisions should also be provided. Mr. Vollmer feels that the requirements of the process are onerous for small projects and should not be applicable to a project such as this one. There was both agreement and disagreement among the board as to the applicability of the application requirements to projects such as this one and perhaps the ordinances should be changed. It was concluded that the regulations need to exist so that all legitimate impacts are recognized, considered, and addressed. In addition the process permits an applicant to request waivers or variances and upon presentation of proper evidence, waivers and/or variances can be granted. Finally, Tom reminded the board that discussion about changing the ordinances is a Council matter and outside the scope of the board's duties concerning this application. Mr. Vollmer commented that he was unsure of how to comply with some of the requirements or what they meant. He received informal guidance and answers. Tamara reviewed that she understood the street enhancement project was a done deal and about to commence and that to change things now would only further delay the process. Former Councilman Ed Gilmore was recognized by the chair and provided some background as to the progress of the enhancement project. There was discussion as to who owned the new proposed plaza area. It was discussed as to how the applicant might adhere to the agreed to parking changes under the enhancement project which provided means to eliminate backing out into Main Street. It was reviewed that the proposed redesign of the existing parking area was part of the street enhancement project. There was discussion around who approves things first, the county or town. Mr. Vollmer stated that the proposed 18-foot wide entrance shown on the street enhancement project is not workable if the addition is approved. There was continued discussion as to the applicability of the current parking regulations and it was concluded that the process of granting variances is the proper means of addressing this issue on a case by case basis. Mr. Vollmer referred to the list of variances that was included with the application. The board discussed them and for the most part concluded that the lot is already non-conforming and that the proposed project does not appear to significantly change the impact of the existing non-conformities. It was discussed that waivers need to be considered first. If waivers are granted, then variances can be considered. The impact of the county approval was also discussed. Since the project abuts two county roads, any approvals granted by the board are subject to

county approval and non-approval by the county may render any board approvals moot. Mr. Coleman reminded Mr. Vollmer that many of the requirements made by the board will also be required by the county and the board would be remiss if it didn't make sure they were addressed prior to the project going to the county. Mr. Vollmer again voiced his opinion that the process appears designed to thwart the small business owner. Asked if the applicant had already sought county approval, Mr. Vollmer stated he was informed he had to receive local approval first. The board feels that it would be worthwhile if the town and county can reach some form of understanding as to what is needed to facilitate approval for the project. Tamara stated she would be glad to facilitate meetings with the county and to try and move the process forward. Councilman Smyth stated that as a Council member on the board and also on the related Council committees that he would like to participate in any meetings. He was informed that was okay and would be helpful. The board thanked Tamara for offering her assistance. Mr. Coleman reviewed with Mr. Vollmer that the applicant was not being asked to go back to square one. They are being asked to provide additional information needed to reach a valid conclusion. The matter will be continued and will take up from where things are left now. All existing testimony and presentations remain and do not have to be re-presented. The board requested if a continuance was amenable to the applicant.

Continuance: The applicant agreed to and requested a continuance until the next meeting. 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 May 16, 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 June 13, 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. Mr. Gilmore provide the board some additional history on the enhancement project.

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.

Suspension of hearing: During the initial testimony and following a review of the jurisdictional requirements for filing a complete application, it was noted by Board counsel that noticing for the matter was incomplete. Since the site is within 200 feet of property in Cinnaminson Township, state law requires that property owners in the township as well as the township need to be noticed. Proof of such notices were not submitted. The attorney for the applicant confirmed that those notices were not sent, that this was an oversight by the applicant's professionals, and that proper noticing needed to occur. The attorney for the applicant stated that if the board concurred, the matter would be properly re-noticed and published as required by statute for the board's next regular meeting on June 13, 2006. The board concurred and the hearing was adjourned.

OLD BUSINESS

Adopt and Memorialize Resolution P2006-05 Granting Variance and Amended Preliminary and Final Site Plan Approval for the Redevelopment by Brandenburger/Sheridan Properties, Inc. of Property Located at the Intersection of Broad and Fulton Streets, Block 1501, Lots 20, 21, 22, & 23 – 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 Suzanne Wells, seconded by the mayor, 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

Site Specific Redevelopment Plan – Councilman Smyth provided a status report of the actions by Council and the board and actions still to be taken. First reading has occurred and second reading and public hearing will occur at Council’s June meeting. If approved, the plan will be submitted to the county and others as required by statute.

Smart Growth Grant – Councilman Smyth reported that Tamara has contacted the state and is attempting to set up a meeting with Mr. Donnelly and COAH to discuss the matter. Tamara will keep Councilman Smyth and Muriel advised. Bob reported on a meeting with the Bridge Commission on June 1st regarding grant assistance.

Broad Street Enhancement Project – Councilman Smyth updated the board that the state has awarded an increase in funding for the project. A successful bid for the project has been received and the project should finally be moving forward.

Reexamination of the Master Plan – Joe Katella reported that while behind in the timetable, the process is progressing and may be nearing conclusion. Joe reviewed the next steps the committee intends to pursue with Tamara. Tamara provided some guidance and the process of presenting the reexamination at a public hearing.

Environmental Commission – The report on activity was tabled due to the absence of Chris Halt.

NOTE: At approximately this point in the meeting it was noticed that the tape recorder was malfunctioning (it was smoking). There is no tape of the balance of the meeting and the following portions of the meeting are based on the notes of the secretary only. The secretary attests that he feels the following is an accurate representation of the proceedings reported on below.

COAH Activity – Muriel reported on providing the materials previously provided to the state and now apparently missing. Muriel reported that the state had also sent incorrect forms to her and will send the correct forms. Muriel discussed a new program similar to the Farmland Preservation program whereby funding is provided to permit purchasing property to be used for CAOH development. The funds are subject to zero percent interest for five years and seven percent thereafter. She also reported that she had been approached by a gentleman interested in acquiring old large homes and placing CAOH qualified people in them in a condominium like arrangement. Muriel shared a letter from a manufacturer of modular homes that would be suitable for erecting COAH housing. Finally she reported that perhaps the condominium situation warranted further review.

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

2006 Goals and Objectives – Joe Katella reported that he had reviewed last year’s goals and objectives and feels that several are still valid and are being pursued as reported elsewhere. He feels that the current board provides a much improved environment for working together. He feels in addition to matters mandated for board, that efforts be made to increase focus on economic development/redevelopment and that the board should make it an objective to make it easier for businesses to grow and thrive in the town while still assuring the town’s interests are preserved and protected. He will commit these thoughts to writing and present them to the board.

Councilman Smyth stated that the reexamination of the Master Plan and other ongoing matters should also be included. Joe agreed.

Budget Issues and Reprinting the Master Plan – The chair commented that he has requested three additional copies of the plan be printed and that efforts to place the plan on the Borough's website be pursued. The latter will be pursued with Chris Halt and his wife since they are the company that maintains the website for the Borough.

NEW BUSINESS

Vouchers and Invoices:

1. 4/4/06, Raymond and Coleman, \$428.00, for general business advice and attendance at March meeting.
2. 4/4/06, Raymond and Coleman, \$21.00, for work related to the Brandenburger/Sheridan application in March (FROM ESCROW).
3. 4/26/06, Raymond and Coleman, \$84.00, for general business advice during March and early April.
4. 5/2/06, Raymond and Coleman, \$876.00, for general business advice and attendance at April meeting.
5. 5/2/06, Raymond and Coleman, \$56.00, for work related to the Brandenburger/Sheridan application in April (FROM ESCROW).
6. 5/1/06, Tamara Lee, \$255.00, for work related to the stormwater management plan and ordinance and master plan amendment.
7. 5/1/06, Tamara Lee, \$510.00, for work related to the Brandenburger/Sheridan application in April (FROM ESCROW).

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

Change June Meeting Date – (This item was discussed during the public hearings portion of the meeting and is on the tape – secretary note.) The chair brought up the fact that he and at least one other member and the secretary had a conflict with the regularly scheduled June 20th date of the next meeting. Following discussion it was decided it was best to change the date of the June meeting to Tuesday, June 13, 2006. A motion was made by Suzanne Wells, seconded by Muriel Alls-Moffat, and unanimously passed by voice vote to change the date of the June meeting to Tuesday, June 13, 2006, at 7:00 PM and to have the secretary publish the required notice and post same on the bulletin board. The secretary stated he would also advise any potential new applicants of the changed date.

PUBLIC COMMENT

The meeting was opened to public comment.

- Eric Saia, 401 Martha's Lane, asked if the portion of Martha's Lane being constructed by Jim Brandenburger would be a named street. No one knew the answer for certain. Mr. Saia strongly recommended that it not be named until such time it actually connects to National Casein's plant, otherwise the center will have large trucks turning into the site attempting to get to the plant. He stated that they often receive calls from people trying to locate Martha's Lane and he felt having the partial street entrance so named would only cause more inconvenience than good to the center. The board thanked Eric and will keep his advice in mind as well as making sure that Council is aware of his concern.

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

Meeting adjourned at 10:15 PM.

**Next meeting is on 6/13/2006 at 7:00 pm in the Borough Hall.
REMEMBER THE CHANGED DATE!**

Tape is on file.

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