

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
October17, 2006**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Joseph Katella.

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: Joseph Katella, Christopher Halt, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, and Suzanne Wells (arrived after roll call but before hearing began).

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

ABSENT: Frank Siefert, Muriel Alls-Moffat, and Keith Wenig.

MINUTES: A motion was made by the mayor and seconded by Councilman Smyth to approve the minutes of the September 19, 2006 regular meeting as amended (minor change concerning percentage of eat-in business on page 2). The voice vote was unanimous and the minutes will be corrected.

CORRESPONDENCE/ANNOUNCEMENTS

1. **Announcement/Registration for ANJEC 33rd Annual Environmental Congress, 10/28/2006, West Windsor, NJ.**
2. **Announcement/Registration for DVRPC Growing Greener – Conservation By Design Workshop, 11/9/2006, Rowan University.**
3. **Invitation to Calvary Presbyterian Church “Calvary’s Focus on Preservation,” 10/26/2006.**
4. **Announcement/Registration for ANJEC Environmental Leadership Training Course, 11/10-11/2006, Hillsborough, NJ.**
5. **9/21/2006, copy of Cinnaminson Ordinance 2006-27, overriding buffer requirements in BD zones for the “Cinnaminson Mall” redevelopment area, because neighboring residential properties will not vacate illegally occupied area.**
6. **8 vouchers/invoices as presented under New Business.**

PUBLIC HEARINGS

Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9)

Introduction and Testimony – The vice chair introduced the topic and asked if any members needed to recuse themselves and there were none. It was noted for the record that Mrs. Wells was present. The secretary attested and Mr. Petrone concurred that all jurisdictional requirements had been satisfied except formal notice to the Borough had not been mailed. Mr. Petrone stated that if all materials have been available as required and the party not notified was aware of the matter and in attendance, case law supported a board permitting the matter to be heard. The vice chair asked if there was objection from the board and there was none. The applicant Joseph Rainer was sworn in and presented his testimony. Mr. Rainer introduced three exhibits:

- A-1 Photo of building before he made the existing renovations
- A-2&3 Preliminary architectural renderings of the proposed addition.

Mr. Rainer is proposing to construct a two-story addition on the Main Street side of the building to provide additional space for the existing business as well as for the existing apartment over the business. The addition will occupy area currently fenced off and formerly used for storage of business equipment. The vice chair suggested that board engineer Mr. Ennis discuss his review letter have questions and comment from the board.

Mr. Ennis went over the 27 points in his review letter point by point and stated what items he thought the board would be justified in waiving if the board chooses to do so as well as the items that he feels should be provided and not waived. Critical items needed to properly identify the location of the property, its relation to neighboring properties, the existing bulk set backs, and impacts on neighboring properties were discussed. There was discussion of the proper address of the property. Mr. Rainer stated that the property is 515 on the tax map; but since the entrance to the apartment was on the Howard Street side, the post office address for the apartment was 518 Howard Street. Mr. Petrone asked the board if it felt it had enough information to continue and render any type of decision or if it wished to treat this session as a working session to help them and the applicant determine the steps needed. The consensus of the board was that there were sufficient technical changes needed in the site plan that it would prefer to discuss things further and try and reach a point where the applicant could properly revise the plan as well as address the concerns raised tonight. The applicant concurred that this would be beneficial to him also. Concerning any increase in impervious coverage which already exceeds the percent allowed, the applicant testified the area to be covered although currently unpaved contained previous construction materials and was so compacted already as to be considered impervious. Thus there will be no increase in impervious coverage. Site drainage, runoff, and parking were discussed in greater detail. The proximity of the proposed addition to the sidewalk was discussed. The law provides that runoff onto neighboring properties can not be increased and must be suitably redirected as needed. The applicant testified that he did not feel drainage would be impacted by the addition. The need for ADA parking and whether it had to be on-site was discussed. Board planner Tamara Lee discussed how the board can consider the hardships, impact on the community, treatment of pre-existing nonconforming conditions, and the impact of the proposed changes. Tamara commented that the board needs to consider if the conditions changed by the plan are still acceptable, that stormwater is properly managed, and that creative, permitted solutions are explored and implemented as needed.

Public Comment – The vice chair opened the hearing to public comment.

- Josh Cooper, 513 Main Street, owns the property whose side yard abuts the rear of the applicant's property. The applicant's building is on the property line an existing nonconformity decided by court decision. Mr. Cooper is concerned about existing runoff from the rear of the building and any increase from the addition. There is no gutter to direct the roof runoff and it is draining into his foundation. He feels the building code required proper drainage control and wonders why it was not installed when the previous addition was added. He wants the problem rectified. Mr. Rainer testified that as a result of a prior court decision he could not have any thing that would overhang the property line and therefore could not hang a gutter on the property. Tamara commented that perhaps the board needed to review the terms of the court decision and that perhaps an easement is needed to allow for erection of a gutter and maintenance of it. Mr. Cooper feels if that is the case, there is already encroachment caused by electrical service and venting for the high efficiency heating that is on the back wall of the building. Mr. Katella commented that it appeared there were potential solutions that could rectify the problem that may not have to come before the board at this time. Mr. Cooper stated he would be glad to work with the applicant.
- Dave Campbell, 510 Main Street, feels that if the ADA parking in the municipal lot across Main Street from the property was to be used that a cross walk be constructed to better control traffic. Councilman Smyth stated that was a good idea and that the grant the town was applying for to study bicycle and pedestrian safety could address that issue. Mr. Smyth concurred the concern should be considered.

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

Board Discussion and Continuance – Mr. Katella asked if a continuance was the next step. Mr. Petrone stated that unless there was additional comment from the board, a motion to continue was in order. He further instructed the applicant that all new submissions needed to be provided at least 15 days in advance of the meeting. Mr. Rainer stated that he felt he would need more than a month to properly address the concerns and changes required and asked for a continuance until at least the December meeting. Suzanne Wells motioned, Councilman Smyth seconded and the board unanimously approved to grant applicant a continuance at his request to the December meeting of the board. The secretary read the following:

The Planning Board of the Borough of Riverton approves the following resolution at its regular meeting on October 17, 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 Joseph Rainer for preliminary and final site plan approval and all related waivers, variances and other as needed to erect an addition on the property at 515 Howard Street (Block 803, Lot 9) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on December 19, 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.

GENERAL PUBLIC COMMENT – At this point since there appeared to be several members of the public present to learn of what they thought was a matter before the board, the vice chair stated he would hear general public comment at this time. The meeting was opened to public comment.

- Zena Demircivren, Zena's Patisserie, asked what was entailed for her to expand by moving into space currently occupied by Mr. Moccia in his building at 304 Broad Street. Mr. Moccia's building adjoins Zena's building and she plans to purchase the building from Mr. Moccia and open an access between the two areas. She would use the area for counter space and more efficient operation of the business. Mr. Petrone stated that a site plan was needed and if there were variance issues such as parking, a full site plan may be required. Since the buildings and their uses already exist there may not be any variances involved. The criteria for using a Minor Site Plan Application were discussed. If variances are needed, a full site plan is required. Mr. Moccia current owner of the property under consideration stated he was going to grant access to his parking lot adjacent to the property. The building under discussion currently has two commercial uses on the first floor and two residential apartments over the businesses. Christopher Halt stated that he hated to see the "900 hundred pound gorilla of parking" becoming the central issue of what appears to be a plan for improvements beneficial to both the applicant and the town. Councilman Smyth stated that parking issues are a recognized continuing concern and it was agreed the matter needed to be reviewed further and the type of application determined. The secretary reviewed the submission and legal requirements for a full site plan application if it is to be submitted. The need to resolve the existing escrow shortage from the withdrawn application was discussed with Zena.
- Frank Ciocci, a member of the Riverton Economic Development Committee, feels that Zena's plans are minor in nature and shouldn't require a full site plan. Mr. Petrone stated that insufficient information exists at this time to make that determination. Mr. Ciocci feels the entire parking ordinance should be done away with except for new construction and not be made to apply to existing businesses. Mrs. Wells commented that the ordinance was needed and provided a starting point for determination of impact on the community; but waivers are certainly warranted. Revisions to the ordinance can always be considered. Mr. Smyth and Mrs. Wells feel the board has tried to be more than fair when considering the parking issue. Tamara commented to the board that the reexamination report on the master plan would be an appropriate place to identify the problems with parking and the need to consider changes in current policy. Mr. Ciocci emphasized that he was only addressing parking within the Neighborhood Business zone and not the rest of the town.
- Eric Saia, 401 Martha's Lane asked about runoff from 3rd Street onto National Casein's property and has it ever been addressed by the town or the board. National Casein has attempted to address the issue on its own; but, he feels it is an issue that needs to be addressed by the town. It was explained that this is a Borough issue and should be brought up with the Public works Department. Eric was asked if Public Works was aware of the problem. Eric was encouraged to bring the issue before Council if needed and was given the date of the next Public Works meeting and Council meetings.

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

OLD BUSINESS

Smart Growth Grant/Environmental Resource Inventory study – Project Scope and Timetable –

Councilman Smyth reviewed the background on the topic and introduced Tamara Lee to explain the proposal, work effort, and time line of the project. Tamara explained in the scope of work involved, the assistance available from the county and other public and provided sources. Tamara explained how the information and material collected would be organized and submitted. The need for public workshops and how the project impacts elements of the master plan was discussed. The clock has already started on the project and Tamara reviewed the proposed timetable and the necessary ambitious nature of the timetable needed to conclude the process within the one-year timeframe approved by the state. There is a “matching” requirement to the grant which can be satisfied with properly documented “in kind” time and service. Tamara reviewed her proposed timesheet that can be used to document the services provided. While the community may handle its part through committee(s), Tamara would prefer to deal with one designated contact since the budget is limited and prefers to concentrate on her objective to pull the study together and any need for her to help facilitate things. This is directly pertinent to the collection and tracking of timesheets for in kind work. She will work directly with groups such as the Shade Tree and Environmental Commissions; but for the other diverse sources of help she wishes to have it coordinated through a single source. Her proposed scope attempts to hold her costs to a minimum. It was agreed that the coordinator may be best served by a planning board member. Mr. Smyth agreed to be the Council point person. Suzanne Wells volunteered to handle things for the board. Initial copies of the timesheet were distributed to people requesting them. They can be copied or additional copies can be obtained from the secretary.

Adopt and Memorialize Resolution P2006-09 Concerning the Application by Oakhurst LLC, for 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) – Copies were distributed to the board. Charles Petrone read the resolution by title and asked if the members had received a copy. Upon assurance that the resolution accurately reflected the hearing, the vice chair asked if the members had reviewed the resolution and had any comments or questions. There were none. Of the members present, members 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 unanimous voice vote of the four members eligible to vote on the resolution.

Council Matters of Importance to the Board – Councilman Smyth and the mayor reported that the Smart Growth Approval was the primary issue and is now on track. In addition, all projects such as Brandenburger’s and the telecommunications tower were well underway and progressing. The work on the Broad Street Enhancement project is on schedule.

Reexamination of the Master Plan – Tamara Lee had previously reported that she is working on a draft of the report and that she hopes to have it to the board prior to the December meeting.

Environmental Commission – Chris Halt reported the commission is very much in favor of the ERI study and looks forward to assisting in the project. The commission is pleased that the professional review of the draft stream encroachment ordinance may be included as part of the project.

COAH Activity – The report on activity was tabled due to Mrs. Alls-Moffat’s absence.

Architectural Review Committee – Chris Halt reported on recent matters brought before the ARC. The commission was especially pleased that Mr. Rainer wished to continue the style of the original addition into the proposed addition.

NEW BUSINESS

Vouchers and Invoices:

1. 9/12/06, Lord Worrell & Richter, Inc. \$165.00, for Site Plan Review work 6/10/06, for Brandenburger “Nu-Way” Site Plan. (PAY FROM ESCROW).

2. 9/12/06, Lord Worrell & Richter, Inc. \$150.00, for Hearing Attendance 6/13/06, for Brandenburger “Nu-Way” Site Plan. (PAY FROM ESCROW).
3. 9/12/06, Lord Worrell & Richter, Inc. \$349.00, for Site Plan Review work 6/12/06 – 7/24/06, for T-Mobile Site Plan. (PAY FROM ESCROW).
4. 9/12/06, Lord Worrell & Richter, Inc. \$572.50, for Site Plan Review work and hearing attendance July 2006, for Oakhurst LLC, 519 Howard, Site Plan. (PAY FROM ESCROW).
5. 10/1/06, Tamara Lee, \$212.50, for Site Plan Review work and hearing attendance September 2006, for Oakhurst LLC, 519 Howard, Site Plan. (PAY FROM ESCROW).
6. 10/3/06, Raymond & Coleman, \$449.00, general services and meeting attendance during September.
7. 10/3/06, Raymond & Coleman, \$168.00, services during September on 519 Howard St., Oakhurst LLC site plan. (FROM ESCROW).
8. 10/3/06, Raymond & Coleman, \$42.00, services during September on 515 Main St., Joe Rainer site plan. (FROM ESCROW).

A motion was made by Suzanne Wells, seconded by the mayor, and passed unanimously to pay the items as presented and to waive the less than \$10.00 escrow shortage on the T-Mobile account and have that shortage paid from the board’s budget. The board secretary will have them signed and submitted for payment.

NJLM Conference – Councilman Smyth reported on the upcoming annual conference November 14-17 and what he hoped to get out of the sessions he attends. He hopes to get the latest information on the State’s mandatory education requirements for board members.

MISCELLANEOUS

- Suzanne Wells inquired about the time frame for site plan submission requirements. The secretary reviewed the requirements in the submission requirements and in the ordinance. Suzanne stated she felt that the board receives the application and plans in sufficient time; but, was concerned the engineers review often is never available until the night of the meeting. The secretary replied that while the report is often faxed up to a day or two ahead of the meeting, he could not even if he had it, get it to the board aside from hand delivering it. Suzanne asked if perhaps the engineer could e-mail his report as Tamara does with her reviews. The secretary stated he would prefer such a request come from the board rather than him. Joe Katella stated he favored the professionals be required to get their comments to the board prior to the meeting. The secretary stated that the engineer and planner receive an advance copy of the minutes when matters involving them are before part of a meeting and he is sure they will be aware of the board’s concerns.

Meeting adjourned at 9:15 PM.

Next meeting is on 11/21/2006 at 7:00 pm in the Borough Hall.

Tape is on file.

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