

RIVERTON BOROUGH PLANNING BOARD
MINUTES
September 19, 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, 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, and Engineer Patrick Ennis.

ABSENT: Joseph Katella and Christopher Halt.

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. **Copies of memos and letters received 8/21, 8/24, and 8/31/06, regarding materials needed to support a Centers Status Report for the NJDCA with request to copy board. Copies provided in one packet in date order.**
2. **8/21/06, Copy of update regarding educational requirements for board members from Mary Longbottom.**
3. **8/21/06, Copy of announcements and registration forms for the sessions of the new mandatory education classes provided by NJPO that they have petitioned the state to be approved for that purpose.**
4. **9/5/06, Copy of Destination 2030, the long range plan for the Delaware Valley from the DVRPC.**
5. **8/14/06, Copy of Application for Coastal General Permit to the NJDEP Land Use Regulation Program for a Development-Single Family Home by Walter Croft for an addition to his home on 2 Woodside Lane. Filed by Secy.**
6. **One voucher/two invoices as presented under New Business.**

PUBLIC HEARINGS

Amend the Master Plan of the Borough of Riverton To Include a Revised Stormwater Management Plan as Required by Statute:

The secretary attested that all required notices were mailed and published as required. The secretary reviewed why the matter was again before the board due to revisions following county review of the plan and ordinance and that the plan must be readopted before the ordinance could be revised. Mr. Coleman explained the details of and what the board needed to do. Since the plan is being readopted in its entirety it will replace the plan that is currently an amendment to the master plan. The chair asked and received assurances from the members that they had received and reviewed the plan. Mr. Coleman suggested that the hearing be opened to public comment first so the board could take those comments into consideration during their discussion and deliberation.

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

- Eric Saia, 401 Martha's Lane, asked several questions regarding the ordinance and was informed that the plan needs to be approved before the ordinance can be adopted. The ordinance will be discussed at the October Council meetings. Councilman Smyth discussed Council action on the ordinance and explained that the revisions are minor in scope and doesn't change the impact of the ordinance adopted earlier this year. It was explained that a copy of the revised ordinance was available for public review.

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

Muriel Alls-Moffat commented that based on what she has observed along Fulton Street after the drainage improvements that the plan is not working or worth the costs. It was explained that the regulations are much more encompassing than the types of issues Mrs. Alls-Moffat was discussing. It could also be an issue that needs to be worked out between Public Works and the Borough Engineer. Councilman Smyth explained that while the drains are built to handle the runoff, debris clogging the grates is the problem. Actually the trapping of the debris is part of the plan and ordinance to prevent it getting into the river. The plan does not control the problems discussed and the board is mandated to readopt the revised plan and Council needs to reconsider the revised ordinance. The chair asked if someone from the county or from the Borough's engineer office could come and address the board. Mr. Coleman stated that while that would be possible, it would not change the things mandated by the plan. How the plan is implemented by ordinance is another matter which is under control of Council and the engineers. The chair asked if there was further discussion or if the board was prepared to adopt the revised plan. A motion was made by Keith Wenig and seconded by the mayor to adopt the revised plan and pass the information to Council. There was no further discussion and the motion passed by a poll vote of six to one as follows:

Mr. Siefert	aye	Mr. Katella	absent
Mr. Halt	absent	Mrs. Alls-Moffat	nay
Mayor Martin	aye	Councilman Smyth	aye
Mrs. Lodato	aye	Mrs. Wells	aye
Mr. Wenig	aye		

The secretary read the resolution memorializing the action by title: Borough of Riverton Planning Board Resolution Adopting the Revised Stormwater Management Plan Element which is amending the master plan and adopting the element. The secretary also read the required notice to be published and the requirement that copies be sent to the County Planning Board. A motion was so made by the Suzanne Wells and seconded by the mayor to adopt the resolution and comply with the above requirements and passed by a unanimous voice vote. The secretary will have the resolution signed and properly published and mailed as required.

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)

Introduction and Testimony: The chair introduced the topic and explained that this was the continuation of a matter introduced in July. The secretary attested and Mr. Coleman concurred that all jurisdictional requirements had been satisfied. Robert Kingsbury, attorney for the applicants was introduced and proceeded to explain the matter to the board. The partners Peter Sciortino and Steven M. Grello were introduced and they were re-sworn. The following were presented as exhibits:

- A1 Photo of front of building
- A2 Elevations and construction details
- A3 Notice of approval from ARC
- A4 Sign detail drawing
- A5 Light detail
- A6 Notice to property owners
- A7 Site Survey
- A8 Site Plan
- A9 Photo of back of building
- A10 Photo of side yard access

The tenants of the prospective business, a pizza business, Al Palait of Cinnaminson and Ray Skorny of Delran were introduced and sworn in. They formerly operated Milanese Pizza in the Nu-Way Plaza for 17 years and feel they have a firm idea on the type of business that will result in the new location. They provided details including the proposed hours of operation and what they thought would be the percentages of delivery, walk in/pick-up, and eat in business. They feel that, as before, the majority of their business will continue to be 70% delivery, 20% pick up and 10% eat-in. The busiest time is early evening and Friday is the busiest day. Hours would be 11-10 Monday-Friday, 11-11 Saturday, and 1-9 Sunday. Councilman Smyth commented that being more in the center of town may increase their walk-in traffic versus drive-up. As to how long the business might remain, the applicants

and Mr. Palait stated that they have a proposed four-year lease with a four-year option. Mr. Palait reiterated that he was in operation for 17 years at the former site and hoped to be in business for a long time. Testimony was presented on the type and times of deliveries to the business. The number of proposed seats was discussed. Twenty seats are planned. The two-level apartment was discussed. David Singer, the architect, was sworn in and testified to details of the renovated structure. Muriel commented she would like to see the plain style store-front windows rather than the proposed divided light windows. She feels the plain glass is more in character with the tradition of the buildings in the area. The ARC has reviewed and approved the design; however, the applicants will work with the town. The existing siding needs to be replaced. The siding will be a composite material with the look of wood. Because no parking in the rear is proposed, excess lighting should not be a problem. The plan proposes no on-site parking. The lot is 35½ feet wide. One side yard is only 1 to 1½ feet wide. The other side yard is less than 9½ wide and will not provide enough room for drive way access and a sidewalk access for handicapped access to the business. The narrowness of the lot would make parking and turning in the rear of the lot almost impossible. Tenant and customer parking would utilize the street or municipal lot. Additional hardscape coverage of the lot for a driveway and/or handicapped space was considered detrimental. Proper driveway access could only be obtained by seeking an easement with the neighboring property which is not recommended. Finally the only location of the driveway would be very close to the intersection of Howard and Main Streets which would make for a possibly hazardous pedestrian and vehicle situation. Access via a driveway at the rear of the site was discussed; but, it is privately owned and would again require an easement which is not recommended. Also, access to that driveway will be closed off by repaired fencing at the rear of the property. Handicapped access is proposed through the rear of the building and there was concern that access through the kitchen area is not advisable or possibly not allowed. There is insufficient space to provide handicapped access at the front entrance. There was discussion of providing an access on the side; but the ramp could not be built if a driveway access is required. Trash receptacles and removal was discussed as well as the need to provide for private cartage if the amount exceeded the municipal allowance. Landscaping will be wood fencing. With no parking in the rear, it is hoped that fencing and a grassed rear yard will be sufficient. Additional planting along the rear fence would be done if required. The Board's Engineer, Pat Ennis reviewed his report. Any changes to the plan agreed to as being needed will be made. As to the grading and details of the handicapped ramp, the applicant's professional testified the ramp, wherever it is constructed on the site will meet all ADA requirements for slope and turning access. The sign for the business will be externally lit and located in the same location as the current sign. The board concurred and applicant agreed that the sidewalk along the side of the building should be four-feet wide. Tamara's review letter was reviewed. There were no additional points that had not already been discussed or were also in Pat's review. Light levels will be provided where needed. Venting for the cooking equipment is proposed to be located at the rear of the building, rise along the rear wall and exit above the roof, similar to the equipment on the restaurant next door. The mechanicals for the apartment air conditioning will be located in the attic. The mechanicals for the business will be at the rear and will be shielded as applicable for both aesthetics and safety. The air conditioning compressors will be residential sized. While none have been observed, any site drainage issues that are noted from reconstruction will be corrected. It was agreed that if there are problems with the proposed ramp and entrance through the kitchen, they would relocate it to the side since there should be room if the variance for no onsite parking is granted. The chair asked about fire suppression and it was testified that the fire suppression system will fully comply with all codes. As to odors, it was realized there is no standard for odor measurement. Service deliveries will be through the front entrance. There was no further testimony or questions/comments from the board.

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

- Ed Gilmore, 103 Main Street, commented on the architectural style of this and other buildings in the area and encouraged that the styling be maintained as much as possible. He prefers restoration instead of replacement of materials and the signage should fit in with the style of the building. Mr. Sciortino stated they had met with Betty Hahle and she had no comments on the styling or signage. Suzanne Wells stated she thinks it would be preferable to have the windows be similar to the other buildings and be plain with no grids. The applicants agreed again they would use plain glass with no divided lights.
- James Moffat, 202 Fulton Street, is concerned about increased traffic congestion.
- John Laverty, 616 Main Street, asked why better visuals were not provided. He asked if any parking was possible since every bit helps. He is concerned that exhaust fumes and/or noise do not present problems. He asked about grease disposal, storage, and recycling. He is concerned about the timing of deliveries and

impact on school traffic. The chair commented on parking. Pat Ennis stated that with the only access along the side and the location of the buildings, sight lines will be very poor. To properly allow for handicapped access and a driveway, an easement would be needed with the adjacent property. Mr. Palait stated the grease would be stored in a sealed barrel. The applicant's architect stated the storage area location will be added to the plan. Muriel Alls-Moffat feels the lack of parking is a concern. Keith Wenig feels the applicants deserve appreciation for being willing to provide residential space with no parking available on the premises. He also feels Mr. Palait should be commended for being willing to locate his business where parking presents such a problem. Muriel also has concerns with the number of waivers and variances being requested. Suzanne Wells commented that she had also strongly wanted parking on site but had backed down since she had been shown that it does not appear feasible.

- Suzanne Vollmer, 303 Eighth Street, feels the property is not wide enough to allow for parking access. She is concerned that the downspouts and runoff impact the adjacent property. Mr. Ennis stated that any approvals can be conditioned that any drainage problems must be corrected if they arise. She asked if there would be applicable insurance for construction and business operations. The reply was yes.
- Joe Rainer, owner of 515 Main Street, is concerned about parking impact and that perhaps a form of restricted/limited time parking can be provided for much of the street. It was stated that on-street parking issues are a Borough and police matter that cannot be resolved by the board. Councilman Smyth stated that perhaps Council can look into the matter. It was stated that perhaps posted daytime parking limits at the municipal lot use can be better enforced. However, there is the issue of where the business owner and employees will park.
- Herman Schuetz, 506 Broad Street, commented that the small lots in back of the applicant's site were once a single lot but had been split off into the smaller lots to provide parking for the occupants of the residences along Broad Street. The lots are accessed by the driveway off Cinnaminson Street. He is glad to see that the fence at the back of the property will be replaced.
- John Laverty still disagrees that parking is not feasible. He is also concerned about possible ground contamination due to the vehicles and equipment that used to be stored on the site. He feels an assessment should be conducted. Mr. Coleman asked if the applicants were concerned about contamination or if they planned to test. The answer was they were not aware of any problems, were not unduly concerned and did not plan to have tests conducted.

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

Board Discussion and Deliberation – Mary Lodato asked if the print shop had complied with current requirements for printing businesses. The answer was no one knew and probably not. The chair asked if there was further comment or if a motion was in order. He asked for guidance from Tom Coleman. Tom stated that numerous waivers and variances were being requested as well as site plan approval and perhaps the board should consider the waivers, variances, and site plan approval separately. The board concurred. Tom stated that the waivers being requested were:

- topographic study
- drainage calculations and report
- grading calculations
- soil erosion and sediment control plans
- landscaping plan other than a provisions of a bumper along the rear fence
- sight triangles
- traffic report with vehicle and pedestrian impact studies
- environmental reports or studies.

The chair asked Pat Ennis for comments. Pat stated he feels at least topographic details are needed as well as construction details and drainage details. The chair felt the board should concur with Pat's recommendations. Bob Smyth asked if the building's foundation was being changed. It was replied that the building foot print is not changing and that proper foundations would be constructed where they do not exist today. Using Pat's and the board's comments, Tom Coleman revised the waivers that the board appeared to be considering granting:

- sediment control
- a landscaping plan
- sight triangles

- an environmental study
- a vehicle and pedestrian circulation analysis and plan
- traffic impact report.

The board can consider the waivers individually or all at one time. The mayor motioned and Keith Wenig seconded that only the revised list of waivers as delineated by Mr. Coleman be approved by a single vote and that the waivers for topographic details, construction details, and drainage details are specifically excluded from the approved waivers. There was no further discussion and the motion was approved by a poll vote of the members six to one as follows:

Mr. Siefert	aye	Mr. Katella	absent
Mr. Halt	absent	Mrs. Alls-Moffat	nay
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye	Mrs. Wells	aye
Mr. Wenig	aye		

Concerning the variances, Tom stated that variances were needed for:

- front yard setback (existing)
- side yard setbacks on both sides (existing)
- lot frontage
- expansion of a non-conforming structure
- on site parking variance from nine required to zero permitted.

The mayor motioned and Suzanne Wells seconded that the variances be consider all at one time and that the board should grant the variances as delineated by Mr. Coleman. There was no further discussion and the motion was approved by a poll vote of the members seven to zero as follows:

Mr. Siefert	aye	Mr. Katella	absent
Mr. Halt	absent	Mrs. Alls-Moffat	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye	Mrs. Wells	aye
Mr. Wenig	aye		

Concerning site plan approval, Mr. Coleman advised the board that granting preliminary and final site plan approval was warranted and suggested that approval be subject to:

- any outstanding comments on the review letters be addressed
- construction details be provided
- drainage details will be provided
- lighting plan satisfactory to planner and engineer
- air conditioning equipment at rear will be appropriately fenced
- fence at rear of property will be repaired and appropriately landscaped to approval of planner and engineer
- existing curb cut will be removed
- plain glass front windows without grids will be used
- details on grease storage and removal will be provided on the plans
- trash removal will comply with the municipal requirements or the tenant will have to provide for suitable private cartage
- deliveries will be limited to twice a week and occur between 9 and 11 AM to not conflict with school and daycare traffic.

Suzanne Wells motioned and the mayor seconded that the board grant preliminary and final site plan approval subject to the conditions delineated. There was no further discussion and the motion was approved by a poll vote of the members seven to zero as follows:

Mr. Siefert	aye	Mr. Katella	absent
Mr. Halt	absent	Mrs. Alls-Moffat	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye	Mrs. Wells	aye
Mr. Wenig	aye		

OLD BUSINESS

Council Matters of Importance to the Board – Councilman Smyth reported that the redevelopment of the Nu-Way/Riverton Motors site is well underway. The Centers of Place NJDOT Grant for downtown improvements is being used for side walk beautification and improvement in two areas: along Main Street from Zena's to the municipal parking lot and along Broad Street from Main Street to Fulton Street. The Broad Street Enhancement Project is underway and conflicts between the contractor, engineer, and county have been resolved. The cell tower is approved and construction should start within the next week and be operating the end of October beginning of November and there is already interest by co-locators. Council has approved the state's suggestion that the Smart Growth Grant be used for an Environmental Resource Inventory study. Council will consider the revised scope of the project at the October meetings. The Borough has completed a Centers Designation Status Report and the details have been provided to the board. Bob feels the board might share his pleasure in what the Borough has accomplished. The report is compiled by the county with other communities in the centers areas and goes to the state. Bob stated he could not have pulled the information together without Mary Longbottom's help as well as the board secretary's assistance.

Reexamination of the Master Plan – The chair reported that the subcommittee had met and Tamara's worksheets had been compiled and sent to her for review and comment. Tamara is pleased with the effort and detail gathered for the reexamination report.

Environmental Commission – The report was tabled due to Chris Halt's absence.

COAH Activity – Muriel stated there was nothing to report this month but hoped to report on the results of a COAH meeting on September 28th in Mt. Holly.

Architectural Review Committee – The report was tabled due to Chris Halt's absence.

NEW BUSINESS

Vouchers and Invoices:

1. 9/5/06, Raymond and Coleman, \$400.00, for general business advice and meeting attendance during August.
2. 9/5/06, Raymond and Coleman, \$35.00, for work related to the Oakhurst LLC site plan application in August (PAY FROM ESCROW).

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

Various Planning Related Meetings – Councilman Smyth reported that the County Economic Development and Regional Planning office had invited interested officials to the next River Route Advisory Committee Meeting on October 26th where an update on forecasting and community developments will be provided.

PUBLIC COMMENT

The meeting was opened to public comment.

- James Moffat, 202 Fulton Street, asked about the status of the Borough clock that is located within the enhancement project area. Councilman Smyth reported that the clock was damaged by the contractor and is being repaired and will be erected and running by the time the enhancement project is completed.
- Eric Saia, 401 Martha's Lane asked about the status of the "Sitzler" property project. Keith Wenig who works for Brandenburger/Sheridan provided an update. Final plans have been approved by the county and should be submitted for zoning board approval shortly. Eric had some suggestions for digital recording and website updates.

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

Meeting adjourned at 10:20 PM.

Next meeting is on 10/17/2006 at 7:00 pm in the Borough Hall.

Tape is on file.

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