

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
January 17, 2006**

The Public Session of the Planning Board was called to order at 7:05 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 21, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

REORGANIZATION - 2006

Solicitor Coleman swore in new full members Joseph Katella and Muriel Alls-Moffat, Class III member Councilman Robert E. Smyth, and Keith Wenig as a new alternate member.

The roll was called

PRESENT: Frank Siefert, Christopher Halt, Joseph Katella, Muriel Alls-Moffat, Mayor Robert Martin, Councilman Robert E. Smyth, Suzanne Wells and Keith Wenig.

Also Present: Secretary Ken Palmer, Solicitors Tom Coleman and Charles Petrone, Board Planner Tamara Lee, and Board Engineer Mark Malinowski.

ABSENT: None – The chair announced that Alan Adams had resigned from the board effective January 1, 2006.

The secretary conducted the annual reorganization of the board.

Chairman: Frank Siefert was nominated by the mayor and seconded by Councilman Smyth. The nominations were closed. A voice vote was taken and the vote was unanimous.

Vice Chairman: Joseph Katella was nominated by the mayor and seconded by Councilman Smyth. The nominations were closed. A voice vote was taken and was unanimous.

Secretary: Kenny Palmer was nominated by Muriel Alls-Moffat and seconded by Suzanne Wells to serve as the Board Secretary for 2006. The nominations were closed. A voice vote was taken and the vote was unanimous.

Solicitor: Thomas Coleman, Esq. was nominated by Muriel Alls-Moffat and seconded by the mayor to serve as the Planning Board Solicitor for 2006. The nominations were closed. A voice vote was taken and the vote was unanimous.

Planner: Tamara Lee, of Tamara Lee Consulting LLC was nominated by Muriel Alls-Moffat and seconded by Suzanne Wells to serve as the board's Planner for 2006. The nominations were closed. A voice vote was taken and the vote was unanimous.

Engineer: Mark Malinowski of Lord, Worrell & Richter, Inc. was nominated by Suzanne Wells and seconded by Muriel Alls-Moffat to serve as the board's primary engineer for subdivision, site plan and referrals, and general planning issues for 2006. The nominations were closed. A voice vote was taken and the vote was unanimous.

Administrative Officer: Mary Longbottom was nominated by Suzanne Wells and seconded by Muriel Alls-Moffat to serve as the Administrative Officer pursuant to N.J.S.A. 40:55D-3 for the Planning Board for 2006. The secretary reviewed that the position dovetails with Mary's position as Borough Clerk, is normally considered part of her duties, is required by the Municipal Land Use Law, and that Mary is the only qualified person in the Borough. The nominations were closed. A voice vote was taken and the vote was unanimous.

Environmental Commission Representative: It is the mayor's appointment and the mayor announced that Chris Halt would continue as the board's representative.

Borough COAH Official: It was announced that Muriel Alls-Moffat would continue as the Borough's COAH Official for 2006.

Board Meetings for 2006 – Resolution P2006-01, the calendar of meetings for February 2006 through January 2007 was reviewed. A motion was made by Suzanne Wells and seconded by Joseph Katella to adopt the resolution that meetings will be held on the third Tuesday of the month at 7:00 PM. The board unanimously approved that the resolution: be adopted, published in the Burlington County Times and posted in the Borough Hall.

Appointment of Solicitor, Planner and Engineer – Resolution P2006-02 announcing the appointment of a solicitor, planner and engineer was reviewed. A motion was made by Muriel Alls-Moffat and seconded by the mayor to adopt the resolution. The board unanimously approved that the resolution: be adopted, published in the Burlington County Times and the appointed parties formally notified and requested to submit contracts.

Frank Siefert resumed chairing the meeting.

Councilman Smyth reviewed the Council committee appointments with the board.

MINUTES: A motion was made by Suzanne Wells and seconded by the mayor to adopt the minutes of the December 20, 2005 regular meeting as distributed. The voice vote was unanimous. A motion was made by Suzanne Wells and seconded by Muriel Alls-Moffat to adopt the minutes of the December 20, 2005 closed session as distributed. The voice vote was unanimous.

PUBLIC HEARING

Continued from 12/20/2005: Application by Brandenburger/Sheridan, Inc. for 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)

Introduction and Housekeeping: The chair introduced the topic and introduced David Oberlander, counsel for the applicant. The secretary attested that the applicant had properly re-noticed and that all jurisdictional requirements had been met and the board solicitor concurred that the hearing could proceed. Board counsel reviewed that Keith Wenig has recused himself because he has a business relationship with the applicant. Since Chris Halt was not present during prior testimony, he can comment on the entire matter but may be restricted on voting. Counsel will advise if and when voting is appropriate.

The secretary with counsel's approval listed the following new exhibits:

- C1 – revised site plans
- C2 – revised survey and topography plan
- C3 – impervious area calculations
- C4 – exterior elevations of the CVS store
- C5 – revised hydrological report and drawings
- C6 – 1/6/06, Affidavit of Service and Publication with proofs of publication and mailing from applicants attorney

Testimony and Board Questions: Mr. Oberlander reviewed the application and plans and progress to date. He explained that it was hoped the minor amendment to the previously granted preliminary approvals could be approved and that they planned to seek approval on the outstanding signage variances and to hopefully obtain final site plan approval. Returning witnesses are Andrew Ott, the applicant's engineer; Robert Oelenschlager, National Sign Services; and Jim Brandenburger, the applicant.

Mr. Brandenburger used an enlarged colorized rendition of the landscape plan marked as exhibit C7 to explain the changes to the plan. Jim explained the purpose of adding ten additional parking spaces at the side of the site abutting Martha's Lane. This allows for relocation of spaces to improve traffic flow and also to add some additional parking capacity for the Borough. Jim reviewed other changes made in conjunction with recommendations of the board's professionals to improve traffic flow, pedestrian access and safety, and to comply with agreed to changes from the review letters. Andy Ott, reviewed changes specifically in conjunction to Mark's and Tamara's review letters. The applicant fully concurs with all points made except as discussed below.

Item 6 under Site Plan in Mark's letter concerning the location and utilization of the loading pad at the CVS store and traffic impact was discussed and the reasons the applicant feels it is not necessary to make the drive aisle in the area one-way as recommended in Mark's letter. Items 9 and 13 in the same section regarding the trash enclosures were discussed with consensus reached with agreement that the Fire Marshal's approval will dictate final placement. Under Grading in Mark's letter the need for a split rail fence around the basin perimeter was discussed. The applicant concurs it is not needed and would like it clarified that it is not required. Muriel Alls-Moffat wanted it on the record that she feels the fence is needed for safety reasons. Jim stated that the basin area will be landscaped, maintained and should not present a possible play area. Further he feels it is more desirable to have the area clearly visible from the site to discourage children using it as a secluded area to gather. The back of the property adjoining the residential properties will have a board-on-board fence along the entire property line. The other board members understand Muriel's concerns but the consensus was to not require additional fencing within the site unless it is later determined it is necessary. The applicant had no problem with such an agreement. The issue under Drainage in Mark's letter concerning the elevation of the basin spillway was clarified and the applicant has no problem lowering it further towards the calculated 100 year storm level.

Under the topic of site lighting fixtures, Jim discussed the rationale for using the proposed light fixture. He had a sample of the proposed fixture at the meeting. There was discussion that the fixtures along Fulton Street would be shielded to prevent spillage. The rationale for having some up-lighting was discussed. Jim also provided copies of the lighting manufacture's brochure marked as exhibit C8 that provided details on the light fixture. Tamara stated she would continue to address any concerns the board might have concerning lighting.

Mr. Robert Oelenschlager was introduced to present the continued discussion regarding the CVS and free standing site signage. There are no outstanding issues regarding the retail strip signage. All needed variances were granted as part of the preliminary approval. A large board presenting colorized building elevations was entered as C9 and a large board presenting colorized examples of the proposed signage was entered as C10. The size and number of the signs represent revisions discussed and approved at the December hearing. The placement of each sign was fully discussed. There is only one sign facing Fulton Street. Mr. Petrone reviewed what sign issues were resolved and variances granted in December. It was noted that only six of the approved seven façade signs were now proposed. Of the building mounted signs, only the two "CVS" building signs will be externally lit and that lighting will be extinguished after the store closes for the night. A complete discussion of the placement and details of the other building mounted and window signage occurred. The five ground directional signs were discussed. Exhibit C11 which provided greater detail of the free standing center sign was distributed to the members. The details for the main free standing center sign were reviewed and thoroughly discussed. The revised design retains much of the styling features of the original proposal yet is much reduced in scale and mass. It is less than 12feet high and under five feet in width. The board appreciated the revisions. Final colors can be resolved as needed to the satisfaction of the board and town.

Jim introduced exhibits C12, C13, and C14 as possible exterior design renderings for the CVS building. Jim reviewed the various proposals and stated that he, as well as CVS, were amenable to some additional tweaking if needed. Jim discussed how the design had also been modified to incorporate the comments given at the December meeting. The window awnings had been extended and were standing seam metal. As to the suggestion that there be a single roof line, Jim and the CVS architect feel that makes the store look too much like a warehouse. The brick would be of the darker weathered style with white grout. There will be wall washer lights along the walls instead of the row of florescent lights more common on the other CVS stores. While not required, Jim stated he would appreciate coming away from the meeting with some preference from the board for the styles presented. After discussion, the board concurred that it prefers the all-brick design of C13 but with red metal for the awnings and roofing. Jim also introduced exhibit C15 which presented photos of a building similar in style to

the proposed retail strip stores which showed the side and rear elevation. This had been requested at the last meeting.

Public Comment: The hearing was opened to public comment:

- Joe Augustyn, 634 Elm Terrace, complimented everyone on the board and the applicant for working together to resolve issues and move the process forward. He thinks the site lights are top notch and the specification sheets show that the emphasis is on down-lighting with up-lighting minimized. He thinks the applicant should consider dimming the pole lights after operating hours at the site. He also suggested where some of the State Center's of Place Grant monies could be spent in conjunction with the site. The secretary reviewed that the applicant had already previously agreed to work with the town over any streetscape related initiatives undertaken by the town.
- Eric Saia, 401 Martha's Lane, asked about possible stormwater runoff from the site onto the National Casein site. Andy Ott discussed the calculations used and stated the entire report was included in their submissions. Mr. Saia was informed that the survey was on file in the Borough office as part of the submissions for the application. Mr. Saia also asked if the impact of snow plowing operations had been taken into consideration when calculating the area needed for traffic flow at the rear of the site.
- Roy Vollmer, 303 8th Street, complemented the effort shown in the design considerations. He inquired about the parapet height and the ability to screen the mechanicals on the roofs. Jim stated he was not certain but he understood that one had to be quite some distance from the store before they might be able to see "over" the parapets. Jim volunteered to provide Roy or anyone with directions to a CVS store which is representative of the proposed store size and proposed terrain contour so they can observe for themselves. Roy asked about the material of the rain water conductors, their location and whether they will be surface discharge or connected to the site drainage. Jim is not certain of the material, and he thinks there is probably too much drainage or other issues that place restrictions on locating all the drains to the rear of the building. Andy Ott stated he believed the drains would directly connect to the site drainage lines. Mr. Vollmer feels the free standing sign as proposed is too small, too low, and that the stucco base will require excessive maintenance compared to using brick as a base. Roy also wanted to know if the existing bus stop would be impacted and Jim stated he did not plan any impact.

There being no further comment, the hearing was closed to public comment.

Board Deliberation and Voting: Prior to beginning its deliberation, Tamara asked to comment on the proposed site lights. She is concerned that the lighting decisions made here tonight could also impact Jim's Main Street site. Tamara remarked that the minutes reflect that testimony was given last month that all lighting would be down lighting whereas tonight's testimony states there will be some up lighting. Jim replied that there is full cutoff and cutoff lights and that the lights he is proposing would be cutoff. The resulting up lighting that occurs, helps to meet the site lighting requirements and if not used would require additional light fixtures. Tamara feels that there is already too much light pollution in the area and she feels up lighting is definitely not recommended at the Main Street site. Jim discussed the types of shielding that can be used and the effects of each. Jim stated that having to use lower height lights also increases the impact of cutoffs on the effective lighting produced per fixture. If using full cutoffs means he has to install additional lighting, Jim feels he may not be able to remain with this upscale selection but would have to decide on a more economical fixture. He would rather use the fixture presented. Board members are also concerned about spillage and effect on the area. Jim does not feel there will be a "stadium" glow effect from the lights. Jim stated he would continue to work with Tamara to resolve the lighting issue to everyone's satisfaction at both sites. Jim also stated that he was agreeable to turning the lights off or dimming them after hours as long as there were no reasons presented why he could or should not.

There being no further questions from the board the chair asked for direction on how to properly act on the changes to the preliminary approval and tonight's testimony. Chuck stated that the board does not have to keep them separate since the changes to the preliminary approval granted in December are not substantive. If they were substantive, a new preliminary approval would be needed. Regarding Chris' voting eligibility, there is no problem with him voting on the amended preliminary and the final approval. The board can, if it chooses, handle the matter as one resolution combining the amended preliminary approval with final approval as well as action on all new variances requested this evening. The chair stated he would like to handle things as one vote. It was

noted that all approvals and variances were acted on in a single motion last month.

Chuck Petrone guided the board in crafting the motion. He reviewed that the applicant is seeking a resolution granting amended preliminary approval and final site plan approval.

Additional variances are being requested:

- variance for the number of permitted façade signs and the square footage of the CVS building signage – the ground directional signage was approved in December and the free standing sign is a separate variance
- variance for a free standing sign as presented in exhibit C11 to include the sizes of the CVS and tenant signs
- variance to permit the impervious coverage to increase to 67.6% from the 66.3% granted in December;

There are several conditions that the board may consider and can be made part of any resolution:

- that fencing of the basin is not currently required but may be required if future conditions warrant
- trash pickup times may be mandated if needed
- delivery times may be further restricted from general Borough requirements if noise or traffic issues warrant
- all points in the review letters will be satisfied as agreed to and/or as amended in December or tonight
- appearance of the future bank or free standing retail site must comply with Borough design guidelines
- site lighting if left on after all operations in the center cease should be dimmed to security levels
- the applicant will continue to work informally with Tamara Lee to resolve outstanding lighting issues
- the exterior elevations of the CVS building will be substantially similar to the example presented in exhibit C13 except the metal roofing and awnings will be red
- the landscaped area at the CVS loading area will be added to the plan

The mayor so moved that the board approve the motion as delineated by Mr. Petrone and the members. The motion was seconded by Joseph Katella. Muriel Alls-Moffat wanted it noted that she feels that it may be a mistake for the board to act on everything with one vote. There being no further discussion, a roll call vote was conducted with aye signifying approval and nay denial. The board approved the motion granting the approvals and variances sought subject to the conditions in the motion by a unanimous vote of 7 to 0 as follows:

Mr. Siefert	aye	Mr. Halt	aye
Mr. Katella	aye	Mrs. Alls-Moffat	aye
Mayor Martin	aye	Councilman Smyth	aye
Mrs. Wells	aye		

CORRESPONDENCE/ANNOUNCEMENTS

1. **December 2005 January 2006 edition of “The New Jersey Planner,” NJPO newsletter which includes first agenda of 2006 training programs that will qualify for mandatory training.**
2. **1/6/06, revised submissions for Brandenburger/Sheridan Site Plan Application distributed to all board members and others as required.**
3. **1/6/06, Affidavit of Service and Publication with proofs of publication and mailing from Flaster Greenberg for Brandenburger Site Plan Application.**
4. **1/10/06, copy of Tamara Lee’s review of new/revised materials which was distributed directly to the board.**
5. **1/17/06, copy of Mark Malinowski’s review of new/revised materials which was distributed to the board.**
6. **1/15/06, copy of letter from the Shade Tree Commission to board and professionals and applicant regarding tree selections for the Nu-Way site. Tamara stated much has already been done and she will work with the applicant and commission.**
7. **1/16/06, copy of “Mayor’s Fax Advisory” newsletter from NJLM urging a resolution (sample attached) from communities opposing S-457 which seeks to revise the “Time of Decision” rule restricting the ability to technically correct ordinances.**
8. **1/13/06, copy of letter to Muriel from COAH regarding annual monitoring requirements.**
9. **1/17/06, brochure from NJPO with registration form for their Winter/Spring course offerings for planning and zoning officials which can be used to satisfy the new state requirements.**
10. **1/16/06, letter and application from ANJEC for 2006 Smart Growth Planning Grants for Municipalities.**
11. **1/17/06, letter from Fred Hardt’s office concerning old invoices claimed to be outstanding.**
12. **Six vouchers/invoices as presented under New Business.**

OLD BUSINESS

Table Old Business – Due to the late hour (after 10:00 PM), the chair stated that unless there was anything critical to discuss under old business he would entertain a motion to table old business until the next meeting. There was no objection and a motion was made by Suzanne Wells, seconded by the mayor and passed unanimously to table all old business.

NEW BUSINESS

Vouchers and Invoices:

1. 12/22/05, Lord Worrell & Richter, \$2,238.00, for work related to the Brandenburger/Sheridan application in November (PAY FROM ESCROW)
2. 12/22/05, Lord Worrell & Richter, \$150.00, for November meeting attendance for Brandenburger/Sheridan application (PAY FROM ESCROW)
3. 1/3/06, Tamara Lee, \$850.00, for work on the Brandenburger/Sheridan application in December (PAY FROM ESCROW).
4. 1/3/06, Tamara Lee, \$388.75, for third round COAH certification petition work in December.
5. 1/17/06, Raymond and Coleman, \$400.00, for general business advice, COAH matters, and meeting attendance at the December meeting.
6. 1/17/06, Raymond and Coleman, \$1,274.00, for work on the Brandenburger/Sheridan application in December (PAY 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.

T-Mobile Presentation – Councilman Smyth reviewed a proposal from T-Mobile to erect a telecommunications tower on Borough property. Bob is chair of the committee appointed by Council to look into the matter. T-Mobile has determined that the location should be along the Delaware River and near the mouth of the Pompeston Creek in Riverton or Cinnaminson Township. In Riverton, that would be on Borough property occupied by the sewer plant. In Cinnaminson Township, it would be on private property. There will be only one tower and T-Mobile wants it at one of the locations. Bob reviewed the two contract proposals where T-Mobile erects the tower and initially controls access to the tower. Bob also discussed a third alternative where a community undertakes to erect a facility on its own and controls all leases. Bob used Medford Lakes as an example and stated he was meeting with them later in the week to gather all the pertinent information on this alternative. It was discussed that the Master Plan suggests that such facilities be permitted as a conditional use. Currently there is no provision in the Borough Code providing for the use of such a facility anywhere in the town. Without the provision in the code, currently any application submitted would require a use variance. If an alternate location did not require this kind of variance, an applicant would probably pursue an application where the use is already provided for in a town's code. There was extensive general discussion among the board and the consensus was that while the need exists, the members don't want to leave it that an applicant be permitted to place a tower any place it wants in the town. The board as well as Council feel it is preferable to limit any approval to the General Business district of the town. It was noted that it is the telecommunications company that usually determines the best actual location and it so happens in this instance that T-Mobile's selection falls in the General Business district. What is being discussed and asked of the board tonight does not involve any form of endorsement or approval of T-Mobile's proposal. Council is asking that the board consider crafting an ordinance allowing the erection of a telecommunications tower in the Borough. The board's planner and counsel had discussed the matter prior to the meeting and their recommendation to the board is that such facilities be allowed as a conditional use in areas the town feels appropriate. This allows the maximum reasonable control by the Borough over possible placement. With the advancements and changes in the industry, it is also recommended that the town not restrict the ordinance to just cellular communications but to telecommunications in general to permit maximum future utilization as industry changes allow. Given the consensus of the board's feelings as presented as well as the seeming consensus from other Borough officials, the planner and counsel recommended that the board might wish to consider amending the zoning code, specifically Chapter 128, Article VIII, General Business GB District, Section 128-27 Conditional Uses, to add telecommunications towers to the list of permitted conditional uses in the

district. A motion was made by Chris Halt and seconded by Muriel Alls-Moffat that the board have its solicitor craft an ordinance that would amend the stated section of the code to allow telecommunications towers as a permitted conditional use in the GB District. There was discussion of the timing and procedural steps that need to be followed to get the ordinance to Council. Chuck Petrone stated they would make sure all such issues were resolved and that such a draft ordinance would be available no later than the board's next meeting if not sooner. There being no further discussion the motion was approved by a unanimous voice vote.

PUBLIC COMMENT

The meeting was opened to public comment.

- Eric Saia, 401 Martha's Lane, asked if the Reexamination of the Master Plan was still ongoing and that he still wished to offer his assistance. Bob Smyth answered that work was resuming and that Eric's assistance would be welcome and the committee will contact him. Eric asked if all proper procedures would be followed surrounding any actual plans to construct a tower. He was assured that this will be done.

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

Meeting adjourned at 10:45 PM.

Next meeting:

- **Regular Meeting is on 2/21/2006 at 7:00 pm in the Borough Hall.**

Tape is on file.

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