

RIVERTON BOROUGH PLANNING BOARD
MINUTES
April 17, 2007

The Public Session of the Planning Board was called to order at 7:02 PM by Vice Chairwoman Suzanne Wells.

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 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

REORGANIZATION: New Alternate Member Jeffrey Myers was sworn in to replace Patricia Brunner who had resigned.

PRESENT: Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Joseph Creighton, and Jeffrey Myers.
Also Present: Solicitor Tom Coleman, Engineer Mark Malinowski, and Secretary Ken Palmer.

ABSENT: Joseph Katella.

PUBLIC HEARING

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 – Mr. Rainer reviewed the photographs of the site he had submitted. He discussed the survey concerns offering the new survey which shows the revised addition size which has been reduced by one foot to ensure it remains inside the property lines. Mr. Rainer offered that the builder he would be using always hires a surveyor to set the site marks to ensure compliance with the plans. He has received assurances that the amount of runoff from the proposed addition is almost insignificant. However he has made sure that the final design will direct all runoff from the addition to the front of the site and towards the street. The position of the gate at the back of the addition has been added. The mayor asked about maintaining the setback of the addition the same as the addition along Howard Street. It was remarked the steps to the second floor apartment along Howard Street are out to the property line.

Suzanne asked Mark Malinowski to go over his review. Mark stated that he retained the list of missing submission requirements for the board's information and consideration if they should be waived. Mark reviewed the comments section of his report.

- The site plan should be prepared, signed and sealed by a licensed engineer. Suzanne asked if a surveyor was satisfactory in this case. Mark explained that a surveyor identifies the existing conditions on the site while an engineer designs the improvements and a surveyor is not licensed to do that in NJ. In addition Mark stated that discrepancies between the survey and the site plan still exist and need to be rectified as well as the actual setbacks on Howard Street need to be shown on the survey and site plan. The site plan needs to reflect that the existing dimensions were taken from the survey. Mark is still concerned the addition may encroach on the property line. Suzanne inquired that the side and/or front yard setbacks required a variance and Tom Coleman stated very definitely. So does impervious coverage and most likely parking.
- Schedule requirements on the plan need to accurately reflect the NB District. The site plan needs to accurately reflect the square footage of the existing and proposed building as well as provide use details to assist in determining the parking requirements. Muriel asked about the use of the addition to the apartment. Mr. Rainer stated it could be any thing the tenant wished; however, it cannot be designated or used as a bedroom since by code a bedroom cannot be accessed through another room. It must have direct access to a common hallway.
- Details of the proposed roof drainage down pipe including construction need to be added to the plan.
- The location of the existing plastic shed needs to be defined. Mr. Rainer stated the shed will be removed.

- The site plan should clearly show the pavement markings including the signage and markings for the handicapped space. Mr. Rainer stated the proposed number of spaces had been revised to only include those spaces that fully comply with the code thus reducing the total number down to six total, including the two required for the apartment. Spaces removed included those that accommodated a vehicle but the vehicle might encroach slightly on the sidewalk because it was not quite long enough. Mark's comments included that the site itself needs to be re-stripped to properly locate the parking spaces. Muriel stated her concerns about traffic and parking on Howard Street. Muriel asked if the plan was professionally prepared and Mr. Rainer stated no since the cost to retain a professional engineer still resulted in estimates that far exceeded the value to be gained from the changes. The plan was based on the old plan and survey and prepared by Mrs. Rainer. The renderings of the addition were prepared by an architect. Muriel asked about the fire official's concerns regarding too much glass and Mr. Rainer replied he already planned to reduce the amount as needed. Such reduction was not only cost effective for him but probably better served the tenant's use.
- The location of the trash containers needs to be shown.

Board Discussion and Continuance – Suzanne Wells asked Tom if the board had any options and if the issue of professionally engineered plans was that great a concern for this application. Tom Coleman stated that for the board to decide on the materials presented so far was really close to winging it and may leave any decision very open to a challenge. Tom stated there is not enough accurate information on the materials presented to date on which either the board can reliably base its decision or where he feels comfortable advising the board on the variance(s) needed. The setbacks cannot be accurately determined. The parking variance cannot be accurately determined. Tom feels the board is really winging it if it bases a decision on the plans before them. Mr. Rainer feels the board does have the information needed based on the new and old plans. Bob Smyth asked if an engineer could do some of the things needed to accommodate the board's needs without requiring a full blown engineering study. Tom stated that he is concerned that the board needs to be perceived as treating all applicants equally. He also feels the board needs assurances that the things shown and attested to by the architect etc. are truly as represented. Mr. Coleman is concerned that what has been presented would not be suitable for the construction official. There is also concern that the county would not complete its review process based on what has been submitted. The project does require county review because it fronts on Main Street, a county road. Asked if he could recommend moving forward on the matter, Tom stated no and he doesn't recommend that the applicant pursue a decision tonight. If the applicant requests an up or down vote tonight and he is denied, it is game over for the applicant unless he decides to appeal the decision. Tom feels the applicant should consent to a continuance until he can resolve the issues. Perhaps the applicant's professionals and Mark can meet and come to a professional conclusion that any plans submitted fairly and accurately represent what is going to occur. Mr. Rainer feels that his plans provide the details needed to base an accurate decision without requiring what appears to be the substantial costs of retaining a professional engineer. Mark feels he and the board need better assurances that the plan as presented will actually work and that there is accountability if it does not. Suzanne asked Mr. Rainer what he wished to do. Mr. Rainer stated he feels he is at the limits of what he and the tenant feels is worth investing in this small addition. He feels that if the addition is not approved the tenant will be compelled to relocate. Suzanne asked if he was willing to consider a continuance to once again try to address the concerns of the board. Mr. Rainer stated yes, but he isn't convinced he can comply within a reasonable cost to him. Councilman Smyth stated the cost of the engineer concerns him and he urged Mr. Rainer to further pursue securing the perhaps minimal engineering services needed for this plan. Mr. Rainer stated he had approached the local engineering firms to no avail. Muriel stated that like Zena's previous site plan, she does not feel the county would approve the plan as submitted. Suzanne asked for a motion to continue and a motion to grant a continuance at the applicants request was made by Bob Smyth, seconded by Muriel Alls-Moffat, and passed unanimously.

The secretary read the following:

The Planning Board of the Borough of Riverton approves the following resolution at its regular meeting on April 17, 2007:

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 May 15, 2007.

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.

MINUTES: A motion was made by Muriel Alls-Moffat and seconded by Joseph Creighton to adopt the minutes of the March 20, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **4/11/07, 3/30/07, letter to mayor, Council, planning board, and zoning board, from Walter Croft, Chair of the ARC, ARC review and position on Historical Society proposed zoning changes regarding preservation of historic housing stock. Also included TOC for the International Code Council's model Property Maintenance Code. (Board copied)**
2. **3 vouchers/invoices as presented under New Business.**

OLD BUSINESS

Reexamination of the Master Plan – Suzanne stated that Joe had requested that comments be submitted by the end of March. She has no further updates from Joe and suggests the matter be tabled until next month. Suzanne stated a copy of the plan would be procured for Jeff Myers. The mayor stated he feels the board needs to move forward on the project. Suzanne stated she feels there is not too much more to do before it might be ready for formal review and hearing. The mayor stated the board may wish to revisit the apartment over business provision in the NB district. He has heard a number of concerns that the provision should be removed. There was additional discussion on this issue. There have only been two conditional use applications for new apartments over businesses since the conditional use was adopted and made part of the code. The others are pre-existing and were recognized as desirable and should be provided for. Councilman Smyth quoted from the reexamination draft concerning the subject. Muriel stated that if the use is to be continued, she feels they should be designated for COAH use. Suzanne asked that discussion end for this meeting and that everyone should attempt to review the draft document and get comment Joe ASAP. If anyone needs a copy they will be provided one.

Copies of the Master Plan – The secretary reported that there are currently no copies available and the board either needed to approve printing of more or perhaps approve the secretary and Borough Clerk using their own discretion to have them printed as needed to make sure copies are available. Funds are supposed to be in the budget for their printing. Councilman Smyth stated the recent interest was probably generated by the Smart Growth ERI study that references the master plan. The costs were not readily available. The board okayed Mary and Kenny having copies made to meet any requests for copies.

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells reviewed the progress to date. The meeting with the water front home owners was held; however, there was concern that holding the meeting during the day prevented people attending. The committee is currently re-visiting the plans for the meeting in hopes of getting more volunteers involved, rescheduling the meetings for the evenings in order to allow greater attendance and that the waterfront group would be re-invited to attend a session for them. Once dates are sent for all the groups, they will be announced and the groups notified. All the sessions except perhaps the session for senior citizens will be held at night. The town-wide meeting will also be scheduled.

Proposed Revisions to the Zoning Code by the Historical Society – Except for acknowledging that Patricia Brunner had resigned and the need for a new committee chair is needed, and that the ARC report had been received, additional discussion was tabled until next month. The members were urged to review the ARC position paper.

Revision to Sign Ordinance to Allow Sidewalk Signs – The topic was tabled due to Joe Katella’s absence.

Council Matters of Importance to the Board – Councilman Smyth reported that the budget has been adopted and hopefully the school board budget will be approved tonight. A grant has been awarded for a study of the downtown area including redevelopment and parking issues. The County Economic Development and Planning Group represented by Mark Remsa plan to address Council and the public at the next Council workshop on May 2, on the services they can provide to communities. The CVS store is close to opening. A kick-off meeting was held for the Centers of Place Grant which will extend the side walk improvements along Main Street to the municipal parking lot and along Broad Street from Main Street to Fulton. The secretary commented that he was receiving material from the County related to the CVS which addressed him as the construction official for Cinnaminson Township and the granting of a TCO. Since this is obviously incorrect both to the individual as well as the governing municipality, it could impact granting of needed documents. The secretary gave the materials to Keith Wenig who works for Mr. Brandenburger’s firm so he could follow up with the County and Borough officials.

Environmental Commission – Keith Wenig reported that there had not been a meeting since he was appointed. However, he had talked with Michael Robinson and received an update. The Commission’s man effort is still pursuing the widening of the buffer along the Pompeston Creek.

COAH Activity – Muriel stated she had nothing new to report on COAH’s efforts to revise the third round rules. She has received a call from an affordable housing company in Pennsylvania.

ARC Report – Tabled until a new liaison is appointed.

Mandatory Education for Board Members – The secretary reported there was no update on new classes other than previously reported on the possibility of a class in Maple Shade in September. The secretary also briefed the board on his research on class requirements. He had obtained information from the state DCA web page that states the class must be taken one-time only. In addition, for members serving as of July 2006, when the law was enacted, the deadline for taking the course is January 2008.

PUBLIC HEARING

Minor Subdivision Application by Richard J. Suter, 509-511 Main Street to subdivide a portion of Block 803, Lot 7 to sell to Joshua Cooper, 513 Main Street, Block 803, Lot 8.

Introduction and testimony – The vice chair introduced the topic. The secretary and Board Counsel attested that except for a copy of the notice to property owners, the application was jurisdictionally complete and could be heard. The applicants attested that the notice was essentially the same as the notice published in the paper and a copy would be provided. Mr. Coleman stated that this was proper if the board concurred. The board concurred. **(Secretary’s note: said notice has been provided and is okay.)** No members of the board had any conflicts. The applicants were sworn in and described the proposed subdivision. Mr. Suter owns a double lot (6 and 7) and desires to subdivide a section of lot 7 along the property line with lot 8 owned by Mr. Cooper. Mr. Coleman stated that Mr. Suter technically is requesting that the two lots he owns be joined and that he will then subdivide the proposed section to Mr. Cooper. This is because the remainder of lot 7 would be non-conforming after the subdivision. The remaining property is fully compliant with all requirements of the district. Mr. Cooper’s property is currently non-conforming in several of the bulk and setback requirements and he feels the additional property will lessen the non-conformities. Board members had no questions or comments except to state it appeared the application was basically straight forward.

Public comment – A motion was made by Muriel and seconded by Bob Smyth to open the hearing to public comment. There was none and a motion to close the hearing to public comment was made by Muriel and seconded by Jeff Myers.

Deliberation – Following a five minute recess to resolve an apparent discrepancy in the noticing, the hearing resumed. The secretary reaffirmed that all noticing was correct and there was no discrepancy. The vice chair asked if there was any further discussion or concerns from the board. There was none and Tom Coleman was asked to summarize the matter for the board. Tom suggested the board was being asked to approve a minor subdivision of allow subdivision of 933 square feet from lot 7 to lot 8 and that applicants provide the two deeds for review by board counsel and signature by the chair and secretary of the board. The mayor moved that the application be approved as discussed by counsel and the motion was seconded by Muriel Alls Moffat. A poll vote of the seven members eligible to vote passed the motion unanimously (7 to 0) as follows:

Mrs. Wells	aye	Mrs. Moffat	aye
Mr. Wenig	aye	Mr. Martin	aye
Mr. Smyth	aye	Mrs. Lodato	aye
Mr. Creighton	aye		

NEW BUSINESS

Vouchers and Invoices:

1. 4/2/07, Raymond & Coleman, \$400.00, general legal services and March meeting attendance.
2. 4/2/07, Raymond & Coleman, \$301.00, legal advice and services and prepare subdivision resolution during March, regarding 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
3. 4/2/07, Raymond & Coleman, \$238.00, legal advice and services during March, regarding the Rainer, 515 Main Street site plan application. (PAY FROM ESCROW).

A motion was made by the mayor, seconded by Keith Wenig, and passed unanimously to pay the items as presented. The board secretary will have them signed and submitted for payment.

Riverton Borough Bicycle & Pedestrian Plan Study – Councilman Smyth reported that the scope document had been received and the kick-off meeting of the steering committee would be held May 2, in the Fire Hall meeting room. There will eventually be some planning board input; but not at present.

PUBLIC COMMENT – Muriel motioned, the mayor seconded and the meeting was opened to public comment:

- Richard Suter, 509 Main Street, is concerned about traffic on Fulton Street when the CVS store opens. He feels there will be an increase in traffic on Fulton and feels that Fulton between Broad and 5th Streets should be designated no parking. It was explained that this is a police/Council matter. Keith Wenig added that perhaps Mr. Suter's concerns were based on the current high volume connected with stocking the store which will not exist on an ongoing basis.
- Don Deitz, 304 7th Street, reviewed four paragraphs from the Master Plan which he feels are being short changed or being ignored concerning protecting and preserving the character of the town. He feels there is too much connectedness among board and Council people and the folks who are asking for changes.
- Scott Gutman, 425 Elm Avenue, is concerned about the amount of traffic on Elm and speeding. It was explained that this was a police/Council issue. Suzanne also referred him to the Drive 25 Campaign. The bicycle and pedestrian study will probably also address these types of issues.

There was no further comment and Muriel motioned and the mayor seconded that the meeting be closed to public comment.

Meeting adjourned at 9:15 PM.

**Next meeting is on 5/15/2007 at 7:00 pm in the Borough Hall.
Tape is on file.**

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