

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
December 18, 2007**

The Public Session of the Planning Board was called to order at 7:08 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 27, 2007.

**PRESENT:** Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Joseph Creighton, and Jeff Myers.

**Also Present:** Solicitor Tom Coleman, Planner Tamara Lee, and Secretary Ken Palmer.

**ABSENT:** Joseph Katella.

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

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 11/27/07, Mayor's Fax Advisory, from NJLM advising on possible changes to the redevelopment law.
2. Copies of the 11/26/07, and 12/3/07, letters to the mayor from Benjamin Spinelli, Executive Director Office of Smart Growth, regarding the status of the Borough's Smart Future Grant and that the contract had expired and the intent of the state to recall the grant funds. Copies were provided the members.
3. 12/14/07, Mayor's Fax Advisory, from NJLM advising that the newly revised COAH regulations are due to be released 12/18/07 and that following public comment would most likely be official by June 2008.
4. 12/17/07, copy of letter to the mayor from Benjamin Spinelli, Executive Director Office of Smart Growth, regarding the requirement that certain members of planning and zoning boards must complete the Basic Course in Land Use law and Planning by January 18, 2008 for members appointed as of July 2006, or within 18 months of their appointment for members appointed after July 2006. The letter also reviewed the procedures that are to be followed if a member does not complete the requirement.
5. 4 vouchers/invoices as presented under New Business.

**MINOR SUBDIVISION APPLICATION**

**Robert Recchiuti, 101 Lippincott Ave., Block 305, Lot 1** – The vice chair introduced the topic. Suzanne explained that the application could not be deemed complete based on the determination of the Board's solicitor that the notice as published and mailed to the surrounding property owners was insufficient because it failed to notice that variances were needed. The applicant concurred with the conclusions and stated that he intends to re-notice for the January 2008 meeting. The vice chair explained that all people notified of the hearing would receive a new notice. Mr. Coleman suggested since there appeared to be members of the public present for the hearing that the board may wish to briefly open the meeting to brief general comments or questions on the matter. A motion was made by Muriel Alls-Moffat and seconded Bob Smyth to open the matter to the public.

- David Styer, 107 Lippincott Ave., commented that he had reviewed the application and was concerned that there was never a subdivision previously granted. He recalled that approximately 25 years ago when he was a member of the planning board the matter of a subdivision of the property had come before the board but a subdivision had not been granted. It was explained that the applicant was aware that his deed treated the entire property as one tract and that he needed to be granted a subdivision to have a right to sell the proposed lot. It so happens that the lot he is proposing appears to be the same as a lot that appears to exist on paper on the Borough's maps. Questions from the board elicited the professional comment that the deed governs the property description and since the entire tract has been treated as one property that is what legally exists. It was explained to Mr. Styer that the applicant was seeking the approval to subdivide the property.

There was no further public comment on the matter and a motion was made by Muriel Alls-Moffat and seconded by Joe Creighton that public comment be closed. Later in the meeting during Old Business, the secretary discussed having Tamara review the plans since there may be more variance issues than first meet the eye. Tom Coleman stated that after reviewing the application he would appreciate review by another set of eyes that looks more from the planning side rather than just the strictly legal side. He feels there could be some more complex issues that additional review could help render a more complete opinion. The board concurred having Tamara review the application.

## **OLD BUSINESS**

**Smart Future Grant/Environmental Resource Inventory study** – Suzanne introduced board planner Tamara Lee who was asked to bring the board up to date on the developments regarding the project. Tamara explained that while the grant was originally awarded in 2001, no activity occurred until 2006 when the Borough sought to surrender the grant and at the encouragement and agreement by the Office of Smart Growth the Borough agreed to a revised scope for the grant and undertook the Environmental Resource Inventory. The office of Smart Growth granted a revised completion date of July 2007 with the possibility of an extension as long as substantial progress was exhibited and that completion was guaranteed within a reasonable period of time. The state Office of Management and Budget (OMB) has announced that it intends to close the project and to seek return of the funds. Tamara has been working with the Office of Smart Growth and hopes to have established a reasonable request for an extension until July 31, 2008, based on the previously submitted progress reports, the present status of the project, and the preparation of an extremely ambitious time table for completion of the remaining tasks. Tamara stated that the Office of Smart Growth is open to the Borough completing the project; but, the approval of any extension rests with the OMB. Tamara has prepared a detailed list of the tasks needed to complete the project including the required amendment to the Master Plan and the adoption of enabling ordinance(s). Tamara has also prepared a very aggressive timeline in which to complete all the remaining tasks. She feels her plan is doable and feels that the Borough cannot wait for OMB's decision before it moves ahead with the proposed schedule. The state OMB needs to approve her submission. Given that much of the original first half of the grant actually released has been spent, Tamara feels it is best to proceed with her plans as if the state will grant approval and subsequently release the rest of the funds. Tamara reviewed in detail the schedule and timeline with the board and it is her opinion that it can be accomplished. Tamara requested that the board needed to agree to try everything possible to adhere to the schedule and place it at the head of any business before the board. Councilman Smyth reviewed that Council has agreed to fund the work until the second half of the grant funds is released. Tamara feels confident that the extension will be approved since the board has acted primarily at the state's urging. The appointments to the subcommittees to work with Tamara were discussed. For the ordinance and subdivision subcommittee, Suzanne suggested that in addition to Council and board members, members of the Environmental Commission such as Chris Halt and Michael Robinson should be included. The board concluded that it should proceed with Tamara's proposal and hopes the state grants the extension.

**Proposed Revisions to the Zoning Code by the Historical Society** – The vice chair reviewed that at the last meeting, it was decided that the members would discuss their feelings about the proposal and that the public would be invited to present comments at the January meeting. Suzanne asked if the members wished to discuss their feelings. Councilman Smyth stated he feels that the town if it adopts anything does not want to create a situation such as exists in Moorestown where their ordinances are being challenged. Bob has heard unsolicited opinions that the proposal would mean too much control over what should be a property owner's rights. He has also heard that many feel the proposed dollar threshold limits that would trigger binding reviews are too low since it would not take very much more than minor renovations to trigger such a review. Muriel commented she feels the town is historic and that its character should be preserved. She feels that perhaps the ARC should be larger and that more architects be appointed especially those with historic preservation expertise. She feels the concerns over density and the physical size of any new construction needs to be addressed. She also feels the dollar limits may be too low and trigger unnecessary reviews. The board concurred that the proposal was only one segment of the town, the Historical Society's. There is mixed feeling that the plan goes into too much or not enough detail. Muriel feels that more than a cursory yes/no review is needed before a decision is made. Jeff Myers asked if the proposal was based on another town's ordinances. It was stated that while Haddonfield's was reviewed it was supposed to be tailored for Riverton. It was commented that the proposal would only apply to the historic district and homes currently subject to review by the ARC which the proposal wishes to further protect. The mayor

stated he appreciated the comments provided by Hank Croft for the ARC. Suzanne stated she feels the ARC should have more teeth when it comes to trying to enforce preservation. Presently the ARC is advisory only and homeowners are not bound by requests or suggestions that would help preserve the character of the structure yet meet the homeowner's needs and desires. Mary Lodato commented the proposed changes may generate even more negative feelings that are at times present that the town only wants to further complicate or delay a homeowner's plans. There was comment that perhaps what some perceive to be a prevalent problem of people choosing to willingly destroy the historic character of their homes was not that prevalent. Agreed there are certain commercial properties that probably generate the most concern; but, it may not be all that widespread as some would make out to exist. There is also the concern that consideration may be needed of the possibly prohibitive costs to strictly maintain the materials originally used. Suzanne suggested the Historical Society be invited to present to the board their rationale for the proposal. She feels that the proposal came hard on the heels of the board's decision to grant a demolition permit for a structure that had a lot of emotional attachment but little historic architectural significance. Bob Smyth stated that he was impressed on the amount of renovation going on in town that is trying very hard to go the extra mile needed to preserve the character of their homes. He again stressed that it may be the few large commercial structures that may be driving much of the concern. Suzanne asked what the board feels they should do to move forward. She feels that the board should next encourage the public to give comment at the next meeting. It was discussed that the January agenda was already fast filling up and maybe the board should shoot for comment at the February meeting. It was agreed that should be the case. While no official notice is needed it was discussed that perhaps something could be put on the Borough's web page regarding the desire to hear public comment on the issue and when it would occur.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – The topic was tabled due to the chair's absence.

**Council Matters of Importance to the Board** – Councilman Smyth reported that the budget process has started. The joint proposal by Palmyra and Riverton for a bell zone waiver for the Light Rail has been submitted by NJ Transit to the Federal Railway Administration. When it goes on the docket, letters of support from the town governments and public will be submitted during the period for public comment. At the Council reorganization meeting on 1/2/08 Bob expects that he will remain on the Planning Committee and Suzanne will be appointed as the new Class III member of the board. The US Postal Service has completed a site selection review and has selected space in the new Riverton Square building on Main Street. It will be approximately 500 square feet. Following upgrades to present building, it will be put up for sale. Council and the mayor are concerned about the increasing number of complaints by the public regarding the increasing number of subdivisions being granted especially where variances are being granted to permit them. The mayor commented that he was interested in comments by Tamara Lee or Tom Coleman especially regarding down zoning. Tamara reviewed how the current land use map and new zoning districts were established. It was the intent to make the code conform to what already existed and that that there would be few "by right" subdivisions and that it should be very hard to justify variances. The topic can be reviewed and changes to the master plan and the zoning codes can be revisited. Tamara feels that the changing market has perhaps contributed to the increase in submissions. Bob Smyth asked if the board can deny an application that needs variances. Tom and Tamara commented that the board can deny the application if it feels that the need for variances have not been justified; however, the applicant can always appeal if they feel the denial was not fairly considered. On an appeal, the hearing is reviewed, briefs submitted, and a ruling issued. Every application should stand on its own merits. Tom further reviewed the appeal process and what the judge may base his decision on. The secretary commented that the zoning board's solicitor makes a practice of reminding its members the importance of stating why they make their decision when voting on an application. Bob asked how the board felt about possibly considering down zoning (increasing the allowable lot size in a zone thus making it more difficult to subdivide a lot in a zone). It was commented that the master plan and zones should represent what exists. Tamara suggested that other bulk requirements can be looked at. Perhaps the zone lines need to be reviewed if it can be shown that lots were improperly classified and should be in a larger zone instead of a smaller one.

**Environmental Commission** – Keith Wenig stated he wished to resign from the commission and as the board's representative. He does not feel he can adequately serve the commission or understand the mission of the commission. The mayor stated he would take it under advisement and asked if Keith would remain until a new appointee can be decided. Keith stated he would.

**COAH Activity** – Muriel Alls-Moffat reviewed that COAH is releasing its revised third round regulations and asked Tamara to comment. Tamara reviewed the changes at a high level and commented that most are going to make things more difficult for towns to comply. If adopted as proposed, all third round submissions will have to be reworked. COAH has asked for an extension and it appears June 2, 2008 will be the earliest anything becomes law. Once official, towns have two years to draft a new housing plan. Housing monies will also have to be spent in a defined period of time. Tamara feels there may be lawsuits forthcoming that may further delay the process. Tamara encouraged that the town governments stay in touch with each other and possibly present a joint front on their feelings on the impact of the proposed rules. Tamara also urged the Affordable Housing Committee to sit down with the county and seek help in establishing contacts with the various non-profits that specialize in helping towns develop low and moderate income units in a community. She feels this will be even more important since smaller developers are pulling out of the business as COAH makes it increasingly difficult for a developer to provide viable solutions.

**Mandatory Education Update** – The secretary reviewed that there was nothing new besides the previously reviewed memo from the state and that NJPO has not yet released their Winter/Spring sessions.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 11/21/07, Stout and Caldwell Engineers, \$218.75, Shoppes of Riverton/Broad Street Subdivision related work. (PAY FROM ESCROW)
2. 11/21/07, Stout and Caldwell Engineers, \$603.75, Cellco/Verizon Conditional use cell tower antennas related work. (PAY FROM ESCROW)
3. 12/4/07, Raymond and Coleman, \$28.00, Shoppes of Riverton/Brandenburger Subdivision related work. (PAY FROM ESCROW)
4. 12/4/07, Raymond and Coleman, \$597.00, General business advice and November meeting attendance.

There was no discussion on the invoices and Muriel Alls-Moffat motioned and Councilman Smyth seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

**2008 Budget** – Councilman Smyth stated that the preliminary budget has been submitted. He also commented that Council has agreed to fund any shortfalls in the ERI project until the state releases the other portion of the funds at the completion of the project. There are concerns that possible COAH related expenses are budgeted for.

**PUBLIC COMMENT** – Joe Creighton motioned and the mayor seconded to open the meeting to public comment.

- Eric Saia, 401 Martha's Lane, congratulated the board on its professional conduct of matters before it this year and thanked the board for listening to him and others from the public.

There was no further comment and Muriel Alls-Moffat motioned and Mary Lodato seconded to close the meeting to public comment.

**Meeting adjourned at 9:48 PM.**

**Next meeting is on 1/15/2008 at 7:00 pm in the Borough Hall. Annual reorganization will take place. Tape is on file.**

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