

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
January 16, 2007**

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, Muriel Alls-Moffat, Mayor Robert Martin, Councilman Robert E. Smyth, and Mary Lodato.

**Also Present:** Solicitor Chuck Petrone, Planner Tamara Lee, and Secretary Ken Palmer.

**ABSENT:** Christopher Halt and Keith Wenig.

**REORGANIZATION - 2007**

Solicitor Petrone had sworn in Class II member Mary Lodato and Class III member Councilman Robert E. Smyth prior to the start of the meeting. The mayor informed the board that Frank Siefert had notified him that he did not wish to be reappointed. Joe announced that he had been informed by the mayor that at the next Council meeting he will announce the appointments of Suzanne Wells as a regular member and Joseph Creighton as an alternate member. Joe asked the secretary to conduct the reorganization. Secretary Palmer announced that since he is considered an employee of the Borough his appointment as secretary was made by the mayor. Ken stated that of course this was at the pleasure of the board.

**Chairman and Vice Chairman:** Muriel Alls-Moffat stated she felt the selection of the chair and vice chair should be tabled until all members of the board had been appointed/reappointed. The board concurred and decided that Joe Katella would chair the meeting for tonight.

**Solicitor:** Thomas Coleman, Esq. was nominated by the mayor and seconded by Councilman Smyth to serve as the Planning Board Solicitor for 2007. The nominations were closed. A voice vote was taken and the vote was four in favor and one opposed.

**Planner:** Tamara Lee, of Tamara Lee Consulting LLC was nominated by Muriel Alls-Moffat and seconded by the mayor to serve as the board's Planner for 2007. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Engineer:** The board is still considering selection of an engineer following Mark Malinowski and Pat Ennis leaving Lord, Worrell & Richter, Inc. The suggestion was made and the board concurred, that the selection of an engineer be tabled until next month while additional research is done.

**Administrative Officer:** 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 probably the only qualified person in the Borough. Mary Longbottom was nominated by the mayor 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 2007. 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 2007.

Joe Katella resumed chairing the meeting.

## **PUBLIC HEARINGS**

### **Minor Subdivision Application by the Estate of Agnes L. Greco, James J. Greco, Executor, for 815 Homewood, Block 1600, Lot 16**

**Introduction and testimony** – The chair introduced the topic. The secretary and Mr. Petrone reviewed that the matter had been properly re-noticed in the paper and to all neighboring property owners. The application fulfilled all jurisdictional requirements and the hearing could be held. No board members had any conflict of interest and the hearing commenced. Thomas H. Ehrhardt, attorney for the applicant was introduced. Mr. Ehrhardt reviewed that a deficiency noted by the county had been addressed in the revised drawing submitted to the board. The secretary stated he had received the letter from the county and had distributed copies to the board. Mr. Ehrhardt noted that the existing lot has two existing variances, for front footage and front yard setback which are subject to consideration in this matter. Mr. Greco was introduced and was sworn in by Mr. Petrone. Mr. Greco explained that he was executor of the estate and wished to subdivide the lot with hopes of maximizing the value of the estate. There are no plans beyond obtaining the subdivision and selling the properties. Members of the board asked questions to clarify that the new lot would front on Eighth Street. The minor technical deficiency noted by the county was explained. Explanations were provided of the calculations related to impervious coverage.

**Public comment** – There was no further testimony and the hearing was opened to public comment. All of the people who commented were sworn in prior to presenting their comments:

- Lynn Bresnahan, 810 Homewood, asked what the applicant intended to do with the new lot. The applicant stated he only wanted to subdivide the existing lot and sell the properties. He had no plans to build on the new lot. Lynn asked about construction details and it was explained those details are subject to the various inspection approvals and was not part of this process. She asked what would happen to the Copper Beech trees along Eighth Street. It was explained that while the trees were beyond the scope of the subdivision, the board could stipulate that preservation of the trees be addressed in any approving resolution. Lynn noted that she had noticed the property being surveyed twice and asked why. Mr. Greco explained that the first was probably done in connection with selling the property as is and the second was done when it was decided to apply for a subdivision. She asked about the easement and it was explained it was a utility easement. Lynn stated she was against the application since she moved into what she considers an established neighborhood and doesn't feel it should be changed. She wanted to present a petition concerning the application and Mr. Petrone stated that was not permitted. Muriel stated she doesn't feel that density should be increased; but, it appears the size of the lot allows subdivision into two properly sized lots.
- Kerry Brandt, 719 Main Street, does not feel the application is "by right," the impact of the subdivision on the frontage issues needs to be considered and that a hardship needs to be demonstrated. Kerry feels there is a side yard issue that has not been addressed. Kerry stated that self imposed or financial hardships are not valid hardships. He also feels the board should not permit a fence too close to Lot 15. Tamara Lee stated she does not feel it is a by right application since the existing conditions must be evaluated to consider if the proposed subdivision makes them less acceptable. In addition, if any new variances are being created, self imposition is not a valid hardship for granting a variance. Increased density can be a consideration. Since there are variances involved the impact must be considered. Muriel asked what the applicant felt about the possible financial impact on the neighboring properties. Mr. Greco feels it would only improve values. The types of hardships allowed were further discussed. Kerry feels that a rear yard setback variance is needed based on the definition in the code and the way it is proposed on the survey. Joe Katella asked Mr. Petrone what the board was being asked to do. Mr. Petrone explained the board is being asked to grant a subdivision with variances, which it is permitted to do. As presented there are existing variances and there is concern that perhaps additional variances either exist or are being created. Joe confirmed with the applicant that the intent of the subdivision was solely to maximize the value of the property. What happens in the future is purely speculative and beyond the scope of the application. Lynn Bresnahan asked if self imposed variance were

allowed. Tamara stated that so far only the existing variances had been confirmed. Financial consideration is certainly a valid reason for wanting to subdivide a property; however, financial hardship cannot be used to justify creating or granting a new variance. The board can weigh the change of impact of the existing variances. The mayor asked about financial impact on neighboring properties. Chuck stated that there has been no testimony to fully ascertain the financial impact on neighboring properties.

- Suzanne Wells, 304 Eighth Street, doesn't think the existing variances are a hardship and as long as the proposed lots meet all the requirements, the board should grant the application. Muriel feels the impact on density is a valid concern and should be considered. Tamara stated that since the code permits lots of the size proposed, it cannot validly consider increased density. To deny the application based on density would be grounds for a challenge. Mr. Petrone stated the board can consider that approval is based on not creating any new variances.
- Edward Bresnahan, 810 Homewood, feels that erecting a big home close to his property would be a negative impact financially and aesthetically. He also feels there could be a negative impact on the schools if increased enrollment increase taxes. Finally he feels the hedge is a noted part of the town and should be preserved.
- Joe Augustyn, 634 Elm Terrace, feels that if the hedge is in the established right of way, it is the duty of the Borough to protect it. The hedge is considered very rare and expensive. He feels the board should do whatever is possible to protect it. He also suggested that perhaps a conservation easement can be created for the hedge. Perhaps any approvals can include that the width of any driveway access be limited. Any disturbance for utility access laterals can be confined to a minimum of area or confined to the driveway clearance. The mayor feels that density may be a concern even if it cannot be considered. Councilman Smyth hopes that any approval does not have to be carte blanche and that there can be caveats included.
- Kerry Brandt, feels that a side yard variance is being created by the subdivision. He also feels that there are rear yard issues on the proposed lot. He feels that prior to granting any new variances, a hardship must be demonstrated and he has not heard any. The mayor asked if the board had enough to determine who is correct. Tamara stated she would be willing to thoroughly review the issues and try to render an opinion; but, she needs some time to do so.

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

**Deliberation and continuance** – Councilman Smyth suggested there have been enough issues raised concerning variances that a continuance is warranted to allow additional research. He feels the applicant should accept that the matter needs to be continued to allow the board to have a further professional review of the issues. The board concurred as well as the applicant. The chair asked if there was any discussion and there being none, Councilman Smyth motioned, Muriel Alls-Moffat seconded, and the board unanimously approved to grant applicant a continuance at the applicant's request to the February meeting of the board so the board's planner can review the application and the applicable sections of the code. The secretary read the following:

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on January 16, 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 Estate of Agnes L. Greco, James J. Greco, Executor, for a minor subdivision of 815 Homewood, (Block 1600, Lot 16), is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on February 20, 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. A copy of the application and survey will be mailed to Tamara.

**Request for Continuance on 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)** – The secretary reviewed with the board Mr. Rainer’s request for an additional continuance until February. Due to a death in the family, he has not been able to complete the revisions agreed to at the first hearing. The chair asked if there was any discussion and there being none, the mayor motioned, Muriel Alls-Moffat seconded, and the board unanimously approved to grant applicant a continuance at the applicant’s request to the February meeting of the board. The secretary read the following:

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on January 16, 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 Main 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 February 20, 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.

#### **CORRESPONDENCE/ANNOUNCEMENTS**

1. **Announcement from ANJEC of a Water Allocation Workshop, 1/25/07, Vineland, NJ.**
2. **Announcement and registration form from NJPO regarding Winter-Spring Mandatory Training Sessions.**
3. **1/8/07, Copy of Tom Coleman’s comments regarding the Riverton Economic Development Committee’s suggestions for sidewalk signs.**
4. **1/11/07, copy from Tamara Lee of the Office of Smart Growth Progress Report submitted to state regarding Smart Growth Grant/ERI Study.**
5. **1/10/07, copy of letter to mayor from COAH regarding public comment period on the attached proposed amendments to Third Round Rules regarding RCA Recipient Certification; and Growth Share Exclusions, Payment in Lieu of Construction Calculation, and Clarifications.**
6. **3 vouchers/invoices as presented under New Business.**

#### **OLD BUSINESS**

**Revisions to COAH Petition for Third Round Certification** – Tamara asked if everyone had received a copy of her 12/8/06 memo to COAH and all said they had. Tamara stated that except for a few minor items, that was the response due COAH by 1/22/07. She reviewed the COAH memo and discussed the open items. Tamara prefaced her comments with the fact that COAH wants to get towns certified but is having difficulty with many of the petitions. Some, among them Riverton’s, are very close and Tamara feels that COAH is anxious to approve Riverton so it can demonstrate progress. Tamara stated that no comment was needed to item 1. Responses to Items 2 and 3 are completed. Item 4, revising the density of the AH-1 district to 5,000 square foot lots will permit nine lots instead of the current seven and will permit the construction of two affordable units (seven market rate and two affordable). Muriel commented that she had spoken with Alice at COAH and received assurance that COAH was willing to work with the Borough, whatever that means. Tamara stated that COAH was no longer requiring the Borough to revisit the vacant land adjustment so the request to revise the AH-1 district is quite reasonable. Item 5 regarding contamination at National Casein, was responded to by forwarding the information supplied by National Casein regarding conditions at the site. Tamara recommends that language be included in the ordinances for the AH-2 district that include the requirement that proper studies be done to determine any contamination. Joe Katella summarized that things are okay with COAH and that we are awaiting review. Tamara stated that was correct. Item 7, the rental issue, will not be waived by COAH. COAH requires that 25% of affordable units must be rental. The Borough can stipulate that 25% of the affordable units in the AH-2 district be affordable or it can look elsewhere in town. Tamara has contacted the county and there are a number of non-profits they work with that provide units and the town could use monies from the housing fund to assist them. However that would require rewriting the Housing Plan. Tamara recommends revising the AH-2 district to

require that 25% of the affordable units be rental and work on engaging the non-profits organizations to see what they have to offer. She also recommends the town move forward with forming the Affordable Housing Committee and the board should recommend that Council move on this. Several members of the board offered to volunteer to serve on this committee. Councilman Smyth motioned that the board recommend that Council form an Affordable Housing Committee. The chair seconded the motion and it passed unanimously. Tamara asked and it was confirmed she could tell COAH that this matter was going to be addressed by Borough Council. Tamara stated that the committee can be any town residents it does not have to be strictly planning board personnel. Tamara recommended that the required new Borough position of Municipal Housing Liaison be a member of this committee. With no affordable units in place there is little or no work for this position at this time; but, COAH is requiring the position to exist. Item 8 has been completed. Item 9, rehabilitation, the county will not expand its program. The county may be looking to set up a new program to administer rehab units. Tamara feels a waiver will not be granted and may be another reason to engage the services of the non-profit organizations. Item 10 regarding bonding will be done once COAH grants approval. For item 11, regarding payments in lieu of, Tamara has been able to calculate what that should be and that the amount is updated as costs rise. At present the amount is \$24,000 per unit. Items 12-14 are completed. Item 15 regarding the Municipal Housing Liaison employee was discussed already and Tamara asked that she be advised who that person is as soon as the information is available. Items 16 and 17 are complete. The new and changed ordinances do not have to be done now but need to be done within 45 days once the town is certified. The board thanked Tamara for all her efforts in guiding the town through this complicated process.

**Reexamination of the Master Plan** – Joe asked Tamara if there was anything to report on the draft reexamination document. Tamara stated she was still waiting for comments so she could revise the document as needed and then the board could present it to the public, hold a hearing and consider adopting it. Joe stated that the board should be prepared to hold a discussion at the next meeting. The mayor asked if he could receive a copy of any comments received to date. Joe stated he would follow up with Frank on any other issues. Tamara will get the comments out to the members. Final comments should be prepared for submission to Tamara at next month's meeting.

**Smart Growth Grant/Environmental Resource Inventory study – Project Scope and Timetable** – Tamara has sent a status report to the state. Writing the ERI is taking longer than planned so that it will be free of boiler plate, user friendly, and something people would want to read and find useful. Tamara is proposing that she amend the timeline to allow the public outreach and other activities to commence while writing continues throughout the project. The workshops will be based on presentations and final writing can continue and be kept current as developments warrant. Then everything can be presented as a complete package.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – The chair asked if everyone had received Tom Coleman's comments to the Economic Development Committee's suggestions. Councilman Smyth asked what the next step should be. The chair stated that he thought that perhaps the next step would be to begin crafting the revisions. The chair asked Gary Ford if the suggestions include the gist of the Haddonfield and Moorestown ordinances that were proffered as offering a good basis for controlling these signs. Gary stated yes but greatly simplified from the rather onerous details that may be too rigid for what the committee feels the Borough needs. Joe asked if copies of the two towns ordinances were available and Gary replied yes they were. Chuck Petrone reviewed the process. The ordinance is drafted and once the board feels it is ready, recommends it to Council for adoption. Council then reviews and when it is ready holds hearings and hopefully adopts it. Concerning the size of the signs, Gary feels the proposed size allows for sufficient visibility without being obtrusive. Concerning review of the design, Joe feels that controls beyond the size, and types of signs may be asking for more trouble than it is worth. Other than adopting an ordinance that controls the size, type, and placement of the signs and assuring that the public is best served by their presence, any other design controls should probably be deferred unless it is proved needed. The market place will go a long way to ensure that the signs are not offensive and best serve the public and businesses. Joe Katella feels the signs are good for business. The chair suggested that perhaps board counsel could prepare a draft for the next meeting. Joe suggested that board members familiarize themselves with the type and uses of the signs being currently used even though not currently permitted. Member comments continued and raised additional questions. The issue of what types, just a-frame or sandwich board signs, and perhaps the times allowed should also be considered. Should wheeled signs be allowed? Will there be any review? Are permits and fees going to be involved? Based on the number of questions being raised, Joe revised his prior suggestion and suggested to hold off starting any draft until further review can be conducted and hopefully better direction can be provided at the February meeting. This was agreed to. Also, the board is still interested in input from the zoning board. The secretary stated he would bring the issue up at tomorrow's zoning

board meeting, and if volunteers are obtained they will be instructed to contact Joe. Moorestown's and Haddonfield's ordinances are on line and available for review.

**Council Matters of Importance to the Board** – Councilman Smyth reported the proposal for a Safe Routes to School Grant had been submitted. Applications for Centers of Place Grants are due by March. Bob reported that new applications for new DVRPC TCDI planning grants are due by 2/23/07. The Bridge Commission has offered the services of Dave Gerkins to help draft grant requests. The town continues to be involved with the River Route Advisory Group which is part of the County Economic Development and Regional Planning Group.

**Environmental Commission** – Report tabled due to absence of Chris Halt.

**COAH Activity** – Muriel had nothing additional to report.

**Architectural Review Committee** – Report tabled due to absence of Chris Halt.

**MINUTES:** A motion was made by the mayor and seconded by Muriel Alls-Moffat to approve the minutes of the December 19, 2006 regular meeting as distributed. The voice vote was unanimous.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 1/1/07, Tamara Lee, \$1,360.00, for work during December on the COAH 3<sup>rd</sup> Round Report and Borough response.
2. 1/3/07, Raymond & Coleman, \$400.00, general services and meeting attendance during December.
3. 1/3/07, Raymond & Coleman, \$154.00, legal advice and services during December regarding 815 Homewood minor subdivision application. (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 board secretary will have them signed and submitted for payment.

**Board Meetings for 2007** – Resolution P2007-01, the calendar of meetings for February 2007 through January 2008 was reviewed. A motion was made by the mayor and seconded by Councilman Smyth 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 and Planner** – Resolution P2007-02 announcing the appointment of a solicitor and planner was reviewed. A motion was made by the mayor and seconded by Councilman Smyth to adopt the resolution. The board approved by a voice vote of four in favor and one opposed that the resolution: be adopted, published in the Burlington County Times and the appointed parties formally notified and requested to submit contracts.

**PUBLIC COMMENT** – The meeting was opened to public comment:

- Suzanne Wells, 304 Eighth Street, asked what the Centers of place Grant for sidewalks covered. Councilman Smyth explained. Suzanne reviewed the information she had found regarding the length of deed restrictions on COAH units. Muriel stated she had different information on rental units from Alice D'Arcy of COAH. The discrepancy will be looked into.

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

**Meeting adjourned at 9:40 PM.**

**Next meeting is on 2/20/2007 at 7:00 pm in the Borough Hall.**

**Tape is on file.**

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