

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
June 19, 2007**

The Public Session of the Planning Board was called to order at 7:00 PM by 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 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

PRESENT: Joseph Katella, Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, and Jeffrey Myers.

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

ABSENT: Mary Lodato and Joseph Creighton.

PUBLIC HEARINGS

Application by Gary Ford, 311 Bank Avenue, (Block 304, Lot 9), for a Minor Subdivision with variances

The chair, Mr. Petrone, and the secretary reviewed that the application could not be heard before the planning board because the subdivision requires a use variance as an existing nonconforming use (it is a multi-family apartment building). Case law has determined that subdividing the property is considered an expansion of a nonconforming use which requires a use variance. Use variances can only be heard by the zoning board. Mr. Ford has been informed of this and it is up to him to decide if he wishes to modify his application and go before the zoning board.

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)

Request for Continuation – The secretary reviewed that he had he received a telephone call from Mr. Rainer asking that the board grant him a further continuance. He has retained an engineer; but has not been able to get the plans from him. He had again expressed to the secretary that he still wishes to pursue the application and will file the plans as soon as he receives them. Muriel asked how many continuances he has received. It was explained he had re-noticed the last time he appeared. Mr. Petrone suggested it would be appropriate for the board to grant the continuance with the understanding that if he is not prepared for the next meeting he will have to re-notice any further continuances. There was no further discussion and a motion to grant a continuance at the applicants request was made by the mayor, seconded by Suzanne Wells, 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 June 19, 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 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 July 17, 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.

Public Hearing on the Required Reexamination Report of the Borough's Master Plan

Introduction and testimony – The chair introduced the topic. The secretary and Board Counsel attested that all required noticing to adjacent municipalities and the county had been completed and the required notice had been published correctly. The chair introduced Board Planner Tamara Lee and asked her to conduct the review. The chair asked if the board had any comments or questions before Tamara began. Councilman asked and received clarification on the timing of the reexamination and the timeline. Tamara stated she would present the report to the public and after public comment the board would deliberate. If there were no revisions or only minor changes, the board could move to adopt the report tonight. If there were substantial changes, the report would need to be revised and another public hearing held. Once adopted the report becomes an amendment to and part of the Master Plan. Tamara explained the legal requirements and time frames for conducting the review. Following the review, the board can either prepare a report containing the findings and recommendations or it could rewrite the plan. The board had decided to issue a reexamination report. Tamara proceeded to review in detail the structure and contents of the report as well as the recommendations contained in the report. The report reviews element by element of the plan what has occurred since the plan was adopted, changes that have occurred, and recommendations for the future. The primary areas for future work are to review and remove inconsistencies that exist in the Borough's codes and the ongoing effort to help the Borough meet its COAH obligations for affordable housing.

Public comment – A motion was made by Muriel Alls-Moffat and seconded by Suzanne Wells to open the hearing to public comment. All members of the public who commented were sworn in prior to commenting.

- Debra Weaver, 103 Penn Street, asked about the subdivision of 311 Bank Avenue. The reasons the hearing did not occur were explained and that the same forms of notification would occur if the applicant chooses to bring the application before the zoning board.
- Maryanne Shea, 205 Bank Avenue, inquired about affordable housing especially rentals. The levels of affordable housing, the qualifications that must be met, how rents are a percentage of the renter's income, the incentives that might be afforded the landlord, and the need for the deed restriction that must remain for up to 30 years. Suzanne Wells asked if the deed restriction was for the entire building or only the unit designated as an affordable unit. Tamara explained that only the designated unit(s) was deed restricted and that the term does not start over if the renters change. The restriction is on the unit for the time designated. Councilman Smyth asked about condominiums if the town would decide to permit them and any of the larger apartment buildings were changed to condominium units. Tamara explained that the situation is similar. The deed restriction only applies to units designated as affordable housing and that the selling price of the units is restricted.

There was no further comment and Muriel Alls-Moffat motioned and Suzanne Wells to close the hearing to public comment.

Deliberation – The chair asked the members if based on the public comment there was any further discussion or questions from the board or if the board was prepared to move on the adoption of the report. Muriel stated that she had heard and she also is concerned that the objective allowing apartments over businesses in the Neighborhood Business zone was in direct contradiction to the goal of discouraging further conversions of homes to apartments. She feels there are too many apartment units already and conversions should be discouraged throughout the town. Personally she feels the allowance in the NB zone should be removed. Tamara explained how the planning policy can be changed. Suzanne and Bob Smyth asked if statements need to be in the report. Tamara reviewed that a statement doesn't have to be specific to the goals and objectives; but can be of a general recommendation. Muriel is concerned that until changes are made there is no way to prevent the conversions. It was explained that each conditional use is decided strictly on the merits of the site. Tamara said a statement can be added that conversions should be deterred or the existing number should be reduced. Tamara stated the board can craft an ordinance revision and recommend it Council or that Council can request the board consider changes. Tamara asked if the board wished to modify the report concerning Goal Two/Objective Two and its position regarding apartments. She suggested that language could be added that states the objective is to limit new conversions. Chuck suggested that the conditions to warrant a conditional use approval can be bolstered. Joe stated he liked the idea of wording that uses limiting rather than deterring. Tamara stated that if the board concurs she can make what can be considered minor changes to the report which will reflect the feelings of the board

toward this subject. Bob Smyth commended the efforts of the board and Tamara to bring this report to a conclusion. The chair stated that he would still like to conclude the process tonight and if the board might consider approving the report as presented with the minor changes discussed. Muriel Alls-Moffat motioned and Councilman Smyth seconded that the board adopt the reexamination report as amended at the meeting and that all requirements to memorialize the action. A poll vote unanimously (7 to 0) approved the motion to adopt the report as follows:

Mr. Katella – aye Mrs. Wells – aye Mrs. Alls-Moffat – aye Mr. Wenig – aye
Mr. Martin – aye Mr. Smyth – aye Mr. Myers – aye

The chair commended everyone for their efforts. Tamara and Chuck stated they would prepare and forward the resolution and report as soon as possible. The secretary stated that he would take care of publishing and mailing the required notice of the adoption. When the resolution and revised report are received, the resolution will be signed and both documents will be distributed as required.

MINUTES: A motion was made by Suzanne Wells and seconded by the mayor to adopt the minutes of the may 15, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **6/6/07, copy of Meeting Minutes for May 31, 2007 River Route Advisory Committee meeting.**
2. **6/13/07, letter from Ed Schaefer, Borough Construction Official, requesting board review of the demolition permit for the carriage house at 103A Main Street. Mr. Schaefer states the property is in a deteriorated condition and recommends demolition be approved. Councilman Smyth asked if the owner needs to make a formal notice to appear before the board. It was stated that the permit is requested from the construction official and then reviewed by the board. The secretary stated he had not received a request from the homeowner to be on the agenda and had advised the homeowner to appear tonight and bring up the matter during public comment.**
3. **7 vouchers/invoices as presented under New Business.**

OLD BUSINESS

Adopt and Memorialize Resolution P2007-06 on the Approval of the Minor Subdivision Application by Riverton Square LLC, of 2 and 4 Thomas Avenue, Block 204, Lots 12 & 13 to create two equally sized lots with a side yard setback variance for a detached garage in the rear yard – Suzanne Wells motioned and the mayor seconded that the board adopt the resolution referenced by title. There was no discussion and a voice vote of the members eligible to vote on the matter approved the motion unanimously.

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells updated the board on the progress to schedule and hold the series of public meetings. She commended the volunteers helping her coordinate the meetings and distribute the flyers. Suzanne reviewed the number of meetings and target audience for the specific meetings and the fact that a town wide meeting will also be held.

Proposed Revisions to the Zoning Code by the Historical Society – The chair stated he would like to combine the chair of any committee for this topic along with the liaison to the ARC. Both activities need a new chair following Mrs. Bruncker's resignation. The mayor asked if the consensus of the board was that it did not wish to move the topic forward. The chair stated that he did not feel the board has not yet done due diligence in reviewing the report from the ARC and examining the proposal from Mrs. Bruncker. Suzanne agreed the board needed to conduct a thorough review before making a decision on the matter. Muriel asked if the board feels the scope of the ARC should be expanded as recommended in the proposal or if the ARC is prepared willing to take on the responsibilities. It was agreed that the board was getting ahead of itself until a more thorough review has been completed. The chair stated he would accept responsibility for getting the proposal reviewed. He feels it is less important that the board has a formal liaison with the ARC. He will put together an action list and the first discussion can occur at the next meeting.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair stated he had nothing to report this month and that he would work on the topic now that the reexamination of the master plan has concluded.

Council Matters of Importance to the Board – Councilman Smyth and the mayor reported on the various grant related activities being pursued and/or awarded. Bob Smyth reported that Muriel Alls-Moffat has accepted the position of Municipal Housing Liaison and that he would be a member of the committee. The mayor reported on the efforts of the horn abatement committee to seek assistance from State Senator Dianne Allen seeking relief from the increased horn noise from the NJT River Line trains. There is a petition that residents can sign in support of this initiative. The Peace Pole will be erected in the park at Eighth and Cedar Streets. State Senator Dianne Allen was able to assist in getting approval for the Horners to construct a straight line alignment and tie in their river wall reconstruction with the Borough's rather than having to follow the existing erosion line.

Environmental Commission –Keith Wenig reported on the activity to educate the town on the impact of herbicide and pesticide use on the watershed and environment friendly alternatives. The commission is also supporting efforts to increase the buffer zone along the Pompeston Creek watershed. The commission will also review the draft ERI study.

COAH Activity – Muriel reported on the Affordable Housing Committee and the town members that are part of the committee. She reported on a meeting with Donald Garfinkle of Eldon a developer of low and moderate income housing and his ideas regarding the “gut and rehab” approach to providing affordable condos and rentals. Muriel had taken him on a tour of what she considers some of the prime candidates of properties in need of rehabilitation. Muriel stated that recent census data indicated that the Borough has 134 rental units. Tamara stated that COAH considers “gut & rehab” as new construction rather than just rehabilitation which is beneficial to the town meeting its COAH obligation.

ARC Report – Tabled.

NEW BUSINESS

Vouchers and Invoices:

1. 4/19/07, Stout & Caldwell, \$1,062.50, engineering services and meeting attendance during March and April regarding Rainer, 515 Main Street site plan application. (PAY FROM ESCROW)
2. 5/4/07 Raymond & Coleman, \$400.00, general legal services and April meeting attendance.
3. 5/4/07, Raymond & Coleman, \$98.00, legal advice and services during April regarding Rainer, 515 Main Street site plan application. (PAY FROM ESCROW)
4. 5/4/07, Raymond & Coleman, \$119.00, legal advice and services during April regarding Greco, 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
5. 5/4/07, Raymond & Coleman, \$84.00, legal advice and services & prepare subdivision resolution during April regarding Suter/Cooper 509 & 513 Main Street minor subdivision application. (PAY FROM ESCROW)
6. 6/3/07, Tamara Lee Consulting, LLC, \$180.00, planning services during May regarding Greco, 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
7. 6/3/07, Tamara Lee Consulting, LLC, \$552.50, planning services during May regarding master plan reexamination report.

A motion was made by Suzanne Wells, seconded by Muriel Alls-Moffat to accept the invoices as presented. There was discussion that the charges from Stout & Caldwell seemed excessive as well as concern that their contract stated there would not be a charge for attending meetings. Joe stated that he would like to hold approval of this invoice and he would follow up with them. Suzanne Wells amended her motion and the mayor seconded, and it was passed unanimously to pay the items as presented except the invoice from Stout & Caldwell. The board secretary will have them signed and submitted for payment.

PUBLIC COMMENT – Suzanne Wells motioned and the mayor seconded to open the meeting to public comment:

- Teresa Larson, 103 Main Street, has applied for a demolition permit to demolish the 127 year old carriage house on her property after removing the cupola and weather vane. She reviewed the history of the building which is the only part of the original Biddle estate that remains. She stated that she has made numerous attempts over many years to secure aid in preserving the structure but none is available for privately owned structures. The building is in a serious state of disrepair. The secretary reviewed the letter from the construction official attesting to the state of the building and his recommendation that the board approve the permit. Teresa reviewed a letter from the construction official from 1986 that even at that time stated the cost of rehabilitating the structure far exceeded the cost to demolish. She plans to repair the cupola and weather vane and use them on her garage. She had offered the building to the Historic Society; but they had declined due to lack of parking and the lack of funds to rehabilitate the structure. It cannot be moved without deconstructing the entire building. She would like to make a provision if possible that the weather vane not leave the town. Hank Croft of the ARC commented that they also support her permit and that at least 3 or 4 years ago the ARC had deemed the building too far gone to save. Today it his opinion that the condition is even worse and could be deemed in danger of collapse. Only the cupola and weather vane have any architectural significance and are worth preserving. Joe Katella stated he would like to thoroughly research the code before approving the permit and asked if the board would consider postponing a decision until the July meeting. The board and Mrs. Larson concurred and the decision is tabled until the July meeting.
- Maryanne Shea, 205 Bank Avenue, asked if the reexamination report is on the Borough web site and she was told it is. She asked if the report recommends that the inspection of apartments. She was told it is an existing part of the plan and is not being changed. She asked if there were particular buildings that prompt this need and why the existing regulations are not being enforced. Muriel commented that stepped up enforcement of the existing regulations are underway. Joe suggested that if violations are found they should be reported to the code enforcement officer. Maryanne stated that complaints are not made due to fear of possible reprisals. Tamara stated that she thought that the law permits the person reporting a possible violation to remain anonymous.
- Debra Weaver, 103 Penn Street, asked about the zoning map being put on the website. It was commented that it was being looked into.

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

Meeting adjourned at 9:12 PM.

Next meeting is on 7/17/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

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