

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
March 20, 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, Mary Lodato, Joseph Creighton, and Patricia Bruncker.

Also Present: Solicitor Tom Coleman, Engineer Mark Malinowski, and Secretary Ken Palmer.

ABSENT: None.

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

CORRESPONDENCE/ANNOUNCEMENTS

1. **Announcement from ANJEC of Planning to Protect Habitat Hands-on Computer training Seminar, March 27, 2007.**
2. **2/23/07, Rutgers University Center for Government affairs announcement of a manual Planning and Zoning in New Jersey, a guide to the state MLUL and the planning and zoning function. Copies are \$25.00 each.**
3. **3/6/07, Copy of Mayor's Fax Advisory Newsletter from NJLM voicing opposition to Assembly & Senate bills which would modify the "Time of Decision" rule and curtail municipal zoning authority for residential housing.**
4. **3/6/07, County preliminary approval of the 815 Homewood subdivision.**
5. **3/9/07, Copy of letter to mayor from COAH, providing guidelines regarding the Appellate Division Decision on COAH Third Round Rules.**
6. **3/7/07, Copy of Rainer site plan review by Fire Official. (Copies distributed.)**
7. **3 vouchers/invoices as presented under New Business.**

PUBLIC HEARINGS

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 – The chair reviewed the topic and confirmed that the members had all the submissions and reports. This matter was first heard at the October 2006, meeting and has been continued multiple times until tonight's meeting. There were no members who requested to be recused due to conflicts. While the entire board may participate, only the members present at the original hearing may vote on any motions in conjunction with the application. Mr. Coleman stated the re-noticing contained some errors but was substantially okay. The application was deemed jurisdictionally complete and can be heard. This matter was continued at the applicant's request from the October 2006, meeting in order to revise the site plan and produce additional information pertaining to the application. The applicant Joseph Rainer was sworn in and presented his testimony. Mr. Rainer reviewed the history of the site and that he is proposing to construct a two-story addition on the Main Street side of the building to provide additional space for the existing business as well as for the existing apartment over the business. The addition will occupy area currently fenced off and formerly used for storage of business equipment. Mr. Rainer referred to the sketches. As to the concerns in the fire official's review, Mr. Rainer stated that similar concerns were raised regarding the exterior staircase on the other side of the property when the original second story addition was added and that they were resolved. He feels any issues raised can also be resolved with the Borough's building officials during construction. The applicant stated his architect feels the concern over the number of windows and construction code issues can also be resolved. A decrease in the number of proposed windows while detracting from the architectural style of the building is

actually more economical. There will be no change of operations by the current occupant or hours of operation. The chair suggested that board engineer Mark Malinowski discuss his review letter and then have questions and comment from the board. Mr. Malinowski stated that his review showed that 17 submission requirements were missing and should either be submitted or waived by the board. He reviewed the requirements and Mr. Rainer's response. He also commented on what issues he felt were critical for this application. Mr. Malinowski feels that drainage issues need to be addressed to show there will be no adverse impact on neighboring properties. At a minimum a method to collect and direct roof runoff is needed. Mr. Rainer testified that a gutter system will be installed at the rear of the new addition to collect and direct runoff away from the neighboring property. There is no way to construct a gutter on the back of the main building without encroaching on the neighboring property. This is an existing condition and will not be changed by the addition. Mr. Coleman asked if the applicant had sought or received professional advice that there will not be any adverse impact. Mr. Rainer stated his plans would improve drainage from the side of the property but he did not have a professional opinion to that statement. As to submission of a lighting plan, Mr. Rainer stated that the only exterior lighting planned for the addition would be residential style wall sconce lighting at the door. There will be no floodlighting. There are no plans to change the existing site lighting. Except for rebuilding and improving the existing planter area along the addition, there are no other landscaping plans. The plan should include all existing traffic control signage. The plan should clearly show the location and dimensions of existing parking spaces and any changes if proposed. Since it is an existing site and no changes to access or egress are planned, Mark feels a traffic report is not required. The plans should include the location and details of existing and proposed signs and/or fences. Any new walkways should be shown on the plans.

Regarding his general comments, Mark stated the plan should be prepared, signed and sealed by a licensed professional engineer. Mr. Rainer stated he is requesting a waiver on this due to the costs involved relative to the scope of the exterior changes being made to the site. Other than the addition, no other changes are being proposed. Mr. Coleman stated that without the professional assurances, the board is being asked to rely solely on the applicant's testimony that the plans accurately represent what is being proposed. This places an undue burden on the board and does not provide a legally reliable basis for them to determine the accuracy of the plans. The survey must be sealed and the existing and proposed building lines accurately defined. The exhibits presented to date are open to interpretation. Applicant stated that supplied zoning requirements will be added to the plan. Mr. Rainer stated that he could possibly reduce the footprint of the proposed addition to ensure it doesn't extend beyond the property line. All existing setbacks both on Main Street and Howard Street need to be clearly shown on the plan and survey. Details regarding size and usage of the existing building and proposed addition are needed to properly evaluate the parking requirements for the site and variances that may be needed. The ADA requirement issues need to be resolved. Information on trash storage and removal should be provided. Mr. Rainer stated that standard residential style trash containers are and will continue to be used and in compliance with Borough code. The landscaper will repair and make the parking area access more appealing and resistant to damage by vehicles. The existing parking lot striping and pavement markings must be shown on the plan and should be repainted on the site to clearly show them to users of the site. Any additional planters that can be installed may help to reduce impervious coverage. Any encroachment by the neighbor's building onto the site should be shown on the plans and addressed as needed. Mr. Rainer stated his testimony was concluded.

Members of the board commented. The mayor feels there is a lot of work to be done. Mr. Rainer feels it is mostly paperwork to properly prepare and show documented details on the plan. Muriel feels the applicant should heed the advice of Tom and Mark to provide accurate sealed plans that the board can rely upon. The mayor is concerned and wonders if the board is also concerned about the proximity of the proposed addition to the property line. Tom Coleman asked Mr. Rainer to speak to the three variances. Why does the building need to be that close to the property line, why the lot coverage needs to be even closer to 100% impervious, and why the parking variance. The applicant should demonstrate why the variances are warranted and that granting them does not negatively impact the community. Mr. Rainer feels the parking is needed to maximize the ability to park on site and is needed now. Providing parking on site reduces strain on the Borough's facilities. When the business is not open, patrons of other businesses in the area use the spaces not reserved for the apartment residents. The business owner needs additional space to properly operate her business as it exists now. Mr. Rainer feels that the business owner may relocate if she cannot gain have additional space. The space to be built on is impervious now and is a storage area that can easily collect trash. It was his ladder storage area when he occupied the building. It serves no other purpose. He feels the type of business there is preferable to him moving his painting business and

its trucks back there. He feels that the changes he has made to the site benefit the town. He has gone way beyond the building code to make the site appealing and to fit in with the town. He will make sure the survey is accurate and shows the existing and proposed building lines; however he still feels the expense estimates quoted to him for a professional engineer to provide their services far outstrips the value of the proposed improvements. Suzanne Wells stated she very much likes the building and that its style complements the town. However, she is concerned about the addition being so close to the property line. Mr. Rainer commented that the sidewalk in that area is actually double-wide. Only the one corner of the proposed addition is that close since the addition will be on a diagonal line to the property line. Mr. Rainer stated he wants to maximize the building size to benefit the tenant. The original building (prior to the current structure) on the site actually went to the sidewalk on all sides. The adjacent property on Main Street is also essentially on the front property line, so he does not feel the addition will negatively impact that property. Mr. Rainer said that he can perhaps scale back the addition slightly if it is agreeable to the business owner. He does not want the business owner to feel she has to relocate to have the space needed to operate the business. Suzanne feels that the plans submitted do not provide the accuracy the board needs to properly determine the proposed building lines. Suzanne asked if the existing building is that close to the Howard Street property line. Mr. Rainer stated he feels the stairs may be out to the property line; but the building is further setback. Bob Smyth asked if the Howard Street setbacks set a precedent. Tom Coleman stated that each variance stands on its own and the existing building is already non-conforming so the variance is expanding a non-conforming structure. Mr. Smyth commented that he feels the business and the site is beneficial to the town and he would like to see the type of use remain. Also, if possible he would hate to see any existing parking lost. There is not an ADA parking space there now. Mr. Rainer stated the building and business are fully ADA compliant now. Mr. Smyth stated he would like to have reliable assurance that any drainage issues are resolved. Mr. Katella commented that the original survey is very simple and does not have a lot of detail regarding the current use of the site. The secretary who was a member of the planning board at the time of the original addition testified to the background of the current second story addition and its proposed use before it later was converted to an apartment and received a conditional use approval as such.

Public Comment – Following a motion made by Muriel Alls-Moffat, seconded by Joe Creighton, and unanimously approved, the chair opened the hearing to public comment.

- Josh Cooper, 513 Main Street, agrees that the loss of any existing parking should be avoided if possible. He is concerned that the existing back roof of approximately 650 square feet drains onto his property. He feels if there is there no easement needed for the existing electric service and HVAC pipes on the back of the building; then it should not be an issue to install a gutter to direct that runoff from his property. Asked by the chair if he had any comment regarding drainage from the proposed addition, Mr. Cooper stated that as long as it does not drain onto his property, he has no problems. He feels the addition if it improves the use of the building is a good idea.

There was no further comment and Muriel motioned, Suzanne seconded and the hearing was closed to public comment.

Board Discussion and Continuance – Muriel feels that basing approval solely on “what is good for the town or economic development” is not good enough. It has to be what is best for the site and meet requirements or variances be justified. Everyone who submits a site plan must be held to the same standards. Mr. Smyth agreed; but, stated that economic development is very important to the business area of the town. The chair commented that he feels the parking variance is pre-existing, it benefits the town, and could be considered a detriment if spaces are lost. It appears that the impervious conditions already exist and may not be worsened by the addition since the ground is for all practical purposes impervious now. He is concerned about the setback of the addition and the inability to reliably determine the location of the addition from the submitted plans. He is also concerned about the impact on police and pedestrian access to the site if the building is that close to the property line. Mr. Rainer understands and feels he may be able to take two feet off the one dimension of the addition. The chair stated he doesn’t feel he can sign off on the plan until the setback issue is resolved and the submitted survey and plans accurately show the building lines. Mr. Rainer stated he would have the site re-surveyed. The rest of the board concurred with the chair’s comments. Tom Coleman asked if the board was considering tabling the matter until an accurate survey was prepared and submitted. The chair stated that was correct and Tom and Mark Malinowski reviewed the issues to be resolved. Mark stated that the issue of drainage from the addition needs to be demonstrated on the plan. The number, location and size of the existing parking spaces need to be shown on

the plan. The exact setbacks, current and proposed, need to be accurately shown and asserted to. Details of how stormwater will be controlled need to be provided. How the sidewalk will be protected and repaired need to be provided. Changes to the planter(s), retaining wall, and fences need to be detailed. Tom stated the applicant and his professional should confer with Mark if he has concerns. Mark stated that the ADA parking issue needs to be resolved and county approval is also needed. On the question if the board is agreeable to using the municipal lot for ADA parking, Mary Lodato feels the ADA parking is better if on site. Suzanne asked if the spot needs to be van accessible and Mark replied yes. Bob Smyth confirmed that the business and building are handicap accessible and that employees or patrons today would use the municipal lot if they wanted to use a designated spot rather than one of the other on-site spots. Suzanne feels that the if a handicapped space needs to be designated, it is best if it is on-site even if it means an existing parking space will be lost due to the increased space needed for the handicapped space. Tom Coleman asked if the board feels a continuance is needed and the chair stated that the building envelope and other checklist items as discussed need to be addressed on the plan with sufficient accurate detail provided to enable a valid sign off. Tom asked Mr. Rainer if he would consent to the board's request for a continuance until the issues are addressed and he stated yes. Mr. Rainer also stated he would also advise the board if he was going to withdraw the application if that was his decision. Mr. Smyth asked and received clarification that this was a full site plan application being heard and not a minor site plan as mentioned in some of the documentation. The mayor motioned, Muriel Alls-Moffat seconded, and the board unanimously approved granting a continuance. The secretary read the following:

The Planning Board of the Borough of Riverton approves the following resolution at its regular meeting on March 20, 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 April 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.

OLD BUSINESS

Adopt and Memorialize Resolution P2007-04 on the Approval of the Minor Subdivision Application by the Estate of Agnes L. Greco, James J. Greco, Executor, for 815 Homewood, Block 1600, Lot 16 – Tom Coleman reviewed that the resolution before the board has been reviewed by the applicant and his attorney and is acceptable to them. The chair asked if the board had any comments or questions on the resolution and if not he would entertain a motion. There was no discussion and a motion was made by the mayor and seconded by Councilman Smyth to adopt and memorialize the resolution referenced by title. A poll vote of the members eligible to vote on the matter approved the motion by a vote of 5 to 0 as follows:

Mr. Katella	aye	Mrs. Moffat	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye		

Reexamination of the Master Plan – The chair reported that he had received some comments. He has spoken with Tamara and there is still some time to review the draft report. The chair stated he wanted all comments to him by March 30 so he can get them to Tamara. Joe stated that if anyone needs a copy of the draft to see him.

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells reviewed the progress to date and the plans for the public meetings. The study is over half way done and Tamara’s efforts continue. There will be four targeted group meetings (waterfront residents, recreation, business owners, and seniors), and one town wide meeting with concentration on families. It is hoped the meetings will be completed by early to mid-April. The first meeting is scheduled for next Monday. Suzanne reviewed plans to advertise the meetings. The target meetings will be held in the library and the town wide meeting may be in the fire hall. Suzanne feels the project is on target for the October completion date.

Proposed Revisions to the Zoning Code by the Historical Society – Patricia Bruncker reported that the proposal had been discussed in general terms by the ARC. Not all members were present. Hank Croft of the ARC has stated the ARC is preparing a formal position paper on the topic and following review by all the members will present it to the board. The secretary reported that the proposal has been provided to the zoning board and they are very interested in participating on any committee. The chair stated he feels it is best to wait until the ARC report is received before proceeding further. The board concurred.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair stated he has not had a chance to meet with Gary Ford; but, the committee has been researching the Moorestown ordinance which is online. Joe has also acquired some general information regarding signage ordinance content and the preparation of same that will be shared with the committee and will be utilized when they begin drafting revisions.

Council Matters of Importance to the Board – Councilman Smyth reported that Council is heavily into the budget process, it has been presented to the public, and is on target for April adoption. Three bids were received 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. Bob mentioned that the 2007 Borough Directory is out and complimented the people who put it together, the improvements made, and the amount of details available in the directory. The mayor announced that Keith Wenig has been appointed as the planning board member of the Environmental Commission. An ordinance change to add two additional members to the environmental commission will receive a second reading in April.

Environmental Commission – Report was tabled until next month.

COAH Activity – Muriel stated she had nothing new to report on the changes to be made by COAH. She has tried to contact Mark Remsa as well as MEND in Moorestown regarding assistance in the Borough’s COAH activities. Bob Smyth referenced the recent letter from COAH regarding the court decision and providing a list of FAQ’s for reference. Muriel does not know how the Borough is going to meet the rental requirement because little is available in the town and there is little or no interest by landlords to take on the long obligation for meeting affordable housing requirements.

ARC Report – Chris Halt was the liaison. Pat Bruncker agreed to act as a board liaison to the ARC.

Mandatory Education for Board Members – The members and secretary reported on the class attended on March 17. The general opinion was that it is very worthwhile. The secretary stated he had e-mailed a notice to the members concerning future course offerings. The guides were ordered but have been backordered and will be mailed later. There was discussion on ordering copies of the Municipal Land Use Law offered by NJPO. There was also discussion on whether the course was a one time requirement or had to be taken at least every 18 months. This latter point will be researched.

NEW BUSINESS

Vouchers and Invoices:

1. 3/2/07, Tamara Lee, \$510.00, for work during February to review setback regulations and attend meeting for the 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
2. 3/2/07, Raymond & Coleman, \$400.00, general legal services and February meeting attendance.
3. 2/2/07, Raymond & Coleman, \$476.00, legal advice and services during February regarding 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)

A motion was made by Muriel Alls-Moffat, seconded by Suzanne Wells, and passed unanimously to pay the items as presented. The board secretary will have them signed and submitted for payment.

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

- Mike Scencindiver, 717 Main Street, stated he was very interested in the proposed historic preservation changes to the zoning code and that there was a lot of interest by the town members. He encouraged that the board keep people informed of developments. The secretary reported that the entire proposal presented by the Historical Society is on the Borough's web site.
- Jim Brandenburger, Thomas Avenue, discussed developments at his company's Broad Street site. He is proposing to subdivide the site into fee-simple lots to better manage the site. He would also like to subdivide a portion along Fulton Street as a R8 residential building lot, build a home, and donate the profits from the sale to a charity suitable to the town. The entire site is in the GB district and is not zoned for residential use. Jim wants to know how best to proceed; whether to pursue a use variance for residential use or to appeal to Council to rezone the subdivided lot as residential. Board Counsel Tom Coleman feels it is premature and improper for the board to offer any opinion as to the merits of the plan or the best approach regarding the residential use. The cleanest method is to try and have the lot rezoned since then the need for a major use variance is avoided; however, that is up to Jim how he wants to proceed. The board thanked Jim for sharing his plans with them. The mayor asked if Jim wished to approach Council regarding the matter and when affirmed, told Jim he would see that the topic was placed on the April 4 agenda.
- Kerry Brandt, 719 Main Street, commented that as chair of the zoning board he feels the best approach for Mr. Brandenburger is if the lot is rezoned rather than trying to pursue a use variance since there is a heavy burden of proof to grant a use variance specifically because the town through its master plan and codes does not consider that use suitable for the site. Regarding the proposed historic preservation changes to the zoning code, Kerry stated he has concerns regarding the level of authority being proposed for the ARC when considering what he feels are very subjective and aesthetic issues. He feels it may be an infringement on an individual property owners rights. He encourages wide spread publication far enough in advance of any meetings to consider changes so the town can participate in the process.

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

Meeting adjourned at 9:25 PM.

Next meeting is on 4/17/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

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