

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
May 15, 2007**

The Public Session of the Planning Board was called to order at 7:05 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, Mayor Robert Martin, Councilman Robert E. Smyth, and Mary Lodato.

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

ABSENT: Muriel Alls-Moffat, Keith Wenig, Joseph Creighton, and Jeffrey Myers.

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)

Request for Continuation – The secretary reviewed the telephone call he received from Mr. Rainer asking that the board grant him a continuance while he pursued his work regarding professional assistance on his application. He also conveyed to the secretary that he did wish to move forward on his application. The chair asked if there was any discussion and asked for a motion to continue. There was no 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 May 15, 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 June 19, 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.

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.

Introduction and testimony – The chair introduced the topic. The secretary and Board Counsel attested that except for a copy of the proof of current taxes paid, the application was jurisdictionally complete and could be heard. The applicant attested that the proof would be provided. Mr. Coleman stated that this was proper if the board concurred. The board concurred. The mayor stated he must recuse himself as a notified property owner and stepped down. David Oberlander of Flaster Greenburg, attorney for the applicant, described the need for the application to join the two lots and then subdivide them into two equal parcels. Two new single family homes will be constructed on the lots. The lots are fully conforming for the residential district in which they are located.

In addition the applicant is seeking a side yard variance to erect a detached garage in the rear yard on each site that will be closer to the side yard line than the ten feet required by the code. Mr. Brandenburger, the applicant was sworn in and described the proposed construction and the need for the variance for the garages. They are asking for a four-foot side yard setback which complies with building codes and is in keeping with the character of most existing detached garages in the area. Mr. Smyth asked about a fence shown on the plan and it was explained that the fence was on an adjoining property. Board members confirmed that the lots were compliant for lot coverage, that the application was a reconfiguration of the lot lines to make the lots equal in size and that the bulk variance was being requested to locate the detached garage closer than the code currently permits. The lots and proposed construction will comply with all other bulk requirements in the zone. Board members had no questions or comments except to state it appeared the application was basically straight forward except for the side yard bulk variance.

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

- Ellen DiPiazza, 4632 Cronin Dr., Sarasota FL, used to reside in Riverton and wanted to know why the garages were so far back from the residences. Jim explained that he wished to maintain the character of the homes with garages in the area and to allow sufficient access to the back yard.
- Townsend Wentz, 201 Bank Ave., wanted to know what the set back requirements were for a garage and what exactly Jim was planning and requesting. Jim explained.

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

Deliberation – The chair asked if there was any further discussion or questions from the board. Suzanne feels it is a positive aspect to have a detached garage. She also feels the requested side yard setback of the garage is in keeping with the character of the area. Joe asked and received an answer as to the style of the planned homes. The only sticking point so far is the projected property taxes causing some reluctance to purchase. Bob Smyth asked if a design had been considered to have the garages on the two sites adjacent to each other and Jim explained that he was trying to maintain as much separation of living between the two properties. There was concern raised that the proposed driveway for one of the lots might have a tree in the way. Jim testified that he had no plans to request removal of Borough trees and that the location of the drive would be located to ensure the trees were not disturbed. The 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 to permit realigning the lot line between the two lots to create two conforming lots of approximate equal size and to grant a side yard bulk variance for each lot to locate the detached garages in the rear yard of the sites four feet from the side yard property line where 10 feet is required, conditioned on the applicant providing the required proof of taxes, the applicant obtaining all other approvals needed, the payment of all affordable housing fees associated with new residential construction, and the plan be corrected to state the correct allowable lot coverage bulk requirement. Jim stated that he thought affordable housing fees were not associated with subdivision but part of the normal construction process. Tamara stated that a development fee is part of the construction permit process. Joe stated that the reference to the fees while recognized as not directly related to subdivision would serve in the resolution of approval as a reminder to the construction code officials that development fees need to be collected. Suzanne Wells moved that the application be approved to grant the minor subdivision as defined, that the side yard bulk variance be granted and that all conditions as discussed be met. The motion was seconded by Joseph Katella. A poll vote of the four members eligible to vote passed the motion unanimously (4 to 0) as follows:

Mr. Katella	aye	Mrs. Wells	aye
Mr. Smyth	aye	Mrs. Lodato	aye

MINUTES: A motion was made by Councilman Smyth and seconded by Suzanne Wells to adopt the minutes of the April 17, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **4/17/07, copy of letter from Dorothy Guzzo, Deputy State Historic Preservation Officer to project engineer for Broad Street Enhancement Project signing off that there is no adverse impact on the historic district by plans received by them for review on 9/14/06.**
2. **May 2007, announcement from ANJEC of the state's new interactive environmental mapping tool "i-MapNJ" that is a free on-line tool on the DEP page of the state's web site.**
3. **5/11/07, certified notice from Borough of Palmyra Planning Board that a meeting will be held 5/21/07 at 7:30 PM to consider changes to their Stormwater Management Plan Ordinance.**
4. **1 voucher/invoice as presented under New Business.**

OLD BUSINESS

Adopt and Memorialize Resolution P2007-05 on the Approval of the 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 – 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 voice vote of the four members eligible to vote on the matter approved the motion unanimously.

Reexamination of the Master Plan – The chair reviewed that Tamara had made changes suggested by the members and submitted a "marked up" copy for the boards' final review. Tamara stated that the board and its committee had done the bulk of the work. She reviewed the scope of the changes as well as the structure of the report. Joe asked what the next steps are. Tamara stated that once the board is satisfied that the report is complete, the board needs to conduct a public hearing on the report and hopefully adopt it and forward it to required parties along with the requisite resolution that the report has been made part of the master plan. Council has no action on this. The changes were reviewed in detail and several additional, mostly minor and related to the desired wording, changes were discussed and agreed to. The report was also updated to reflect current grant and redevelopment efforts. There being no further discussion, a motion was made by Joe Katella, seconded by Suzanne Wells that the report as amended tonight be prepared and made available for public review and that a public hearing on the report be held as the first topic of business at the board's June 19th meeting. The vote in favor was unanimous. Tom Coleman stated he would provide the appropriate wording of the notice as well as those who needed to be notified by certified mail to the secretary. Tamara stated she would have the revised report available within a week.

Smart Growth Grant/Environmental Resource Inventory study – Tamara distributed CD's of the draft of the plan completed to date. The wording is essentially complete and some exhibits are still needed. Tamara reviewed the layout of the study and encouraged comments. Suzanne Wells reviewed the progress to date on the public meetings. Suzanne and Bob Smyth stated that any and all help could be used in pulling together the public meetings. Several groups and individuals have offered to help and additional assistance is welcome. The dates of the meetings are still to be determined. Tamara feels the timeline for completing the project is still doable. While there may be some slippage, Tamara feels that nothing is in jeopardy as long as progress is demonstrated.

Proposed Revisions to the Zoning Code by the Historical Society – The chair asked and it was agreed that appointment of a new chair for the committee be tabled until next month. The chair also stated that this will be a long term effort and he feels work on it should be tabled until the reexamination effort is concluded. Bob Smyth referred to a press release by the NJ Preservation Group (preservationnj.org) that annually identifies the top ten endangered sites in the state. This year, the "Biddle Mansion" on Bank Avenue was included.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair stated he had nothing to report and that he wished to see the conclusion of the reexamination effort before this project was tackled further.

Council Matters of Importance to the Board – Councilman Smyth reported that the CVS store is opened and an official grand opening event is scheduled for the upcoming weekend. He reported on the status of various grant efforts underway. Bob also encouraged participation in the upcoming Victorian Day on June 2nd. There is an effort underway to restore and upgrade the War Memorial.

Environmental Commission – The report was tabled due to Keith Wenig's absence.

COAH Activity – Bob Smyth reported that the training class for Municipal Liaison Officers was full and he will attend the next one. There was no other report due to Muriel Alls-Moffat's absence.

ARC Report – The chair stated that if the board concurred, he would like to combine the ARC liaison position with the same individual who will head the historic preservation ordinance review committee. The board concurred and the topic was tabled until next month.

Mandatory Education for Board Members – The secretary reported that the books ordered were in and had been distributed. He further reviewed that there was nothing new on the next schedule of the required course offerings.

Copies of the Master Plan – The secretary reported that he had spoken with Mary Longbottom and she had contacted Deb Lengyl for an update on her firm's estimate to provide reprints. Councilman Smyth stated that there is renewed interest by Council members in having a copy.

NEW BUSINESS

Vouchers and Invoices:

1. 5/1/07, Tamara Lee Consulting, LLC, \$135.00 for work on the conservation easement for the 815 Homewood Drive minor subdivision. (PAY FROM ESCROW)

A motion was made by Suzanne Wells, seconded by the mayor, and passed unanimously to pay the item as presented. The board secretary will have it signed and submitted for payment.

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

- Tom Ehrhardt, attorney for the applicant of the 815 Homewood Drive minor subdivision updated the board on the ongoing efforts to develop a suitable conservation easement which was made a condition of approval of the minor subdivision. Jim Brandenburger, 203 Thomas Avenue, is the contract purchaser of the new lot once it is officially registered. Jim, who plans to erect a home and sell it, has been trying to work out the language of the easement that resolves the problems he sees with strict adherence to the guidelines that appear to be intended in the adopting resolution. Mr. Brandenburger feels he needs additional width to the allowed access opening for proper vehicle ingress and egress. He is also concerned about the irregular spacing of the bushes and the location of the access. The board and its counsel agreed that the width of the opening is certainly open for interpretation to ensure that it provides for safe sight lines. However, the approval does specify that the opening be restricted to a single width driveway entrance. Any deviation would require that the applicant appear before the board at a public hearing to request that the approval be amended. While preference of the location of the access was alluded to during the hearing the final location is flexible enough to ensure that destruction of the bushes is minimized, the developer can reasonably maximize the placement of the drive and house, and that sufficient sight lines and accepted location relative to intersections is permitted. Jim is also concerned that the language of the easement while doing everything possible to ensure preservation of the hedge is not too onerous. He and Mr. Ehrhardt wondered if the easement should have an expiration date. Tamara Lee stated that her research showed that the type of tree is very disease resistant and long lived. Further, the species is not irreplaceable. While replacements may not be commonly available and perhaps pricey; nevertheless they are available. Tamara also feels the easement must contain sufficient language to discourage destruction and insure preservation. The chair commented that while the sight line issues are valid and should be provided for, the public concern for preservation was the basis for the easement requirement and any significant deviation cannot be entertained without a new public hearing. He feels the board has

confidence in its planner to hopefully resolve the differences between Jim and the intent of the resolution. Jim stated he was glad to hear that the hedge is not irreplaceable and it changed some of his concerns about the language of the easement and he would continue to work with the applicant/seller and with Tamara. Asked by a board member about transplanting the bushes that need to be removed, Jim replied that he had considered that; however, he had been advised by a landscape professional that the intertwining of the long established root systems made separation essentially impossible to guarantee a sustainable bush could be relocated.

- Eric Saia, 401 Martha's Lane, commented that he thinks it is possible to purchase, at a very reasonable charge, a rider to a homeowner's insurance policy that provides coverage for the cost of replacing the hedge if needed. The board concurred that sounded like a very good idea.

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

Meeting adjourned at 8:50 PM.

Next meeting is on 6/19/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

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