

RIVERTON BOROUGH PLANNING BOARD
MINUTES
August 19, 2008

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, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

PRESENT: Joseph Katella, Keith Wenig, Muriel Alls-Moffat, Joseph Creighton, Mayor Robert Martin, Mary Lodato, Jeff Myers, and Armand Bianchini.

Also Present: Solicitor Tom Coleman, Planner Tamara Lee, Alternate Engineer William Long, Alaimo Engineers, and Secretary Ken Palmer.

ABSENT: Councilwoman Suzanne Wells.

MOTION TO GO TO CLOSED SESSION

At 7:05 PM, Muriel Alls-Moffat made a motion that the board enter closed session under Section 8 of the Open Public Meetings Act, C231, P.L.1975 to discuss professional contractual issues. The motion was seconded by the mayor and a voice vote was unanimous. At 7:15 PM Muriel Alls-Moffat motioned to return to public session. Joe Creighton seconded the motion and a voice vote was unanimous.

REORGANIZATION

Tom Coleman explained to the public and for the record that the board had gone into closed session for the limited purpose to discuss the need to appoint an alternate engineer. The chair asked if there was a motion to appoint Mr. William Long, PE, of Richard A. Alaimo Associates as alternate engineer to the planning board. The motion was made by the mayor, seconded by Muriel Alls-Moffat, and approved by unanimous voice vote. The secretary read Resolution P2008-05 concerning the appointment and stated it would be published as required by law.

PUBLIC HEARINGS

Amended Site Plan by Shoppes of Riverton LLC For Proposed Bank on the Pad Site, Block 1501, Lots 21 & 22

Introduction and Housekeeping: The chair asked the secretary if there were any concerns with escrow. Ken replied that with the items to be submitted tonight, the account will go short but that the applicant has never presented a concern when requested to replenish the account. The chair stated he thought the hearing could proceed and reviewed the topic continued from the July meeting and introduced Robert Washburn of Flaster Greenberg, alternate counsel for the applicant. The secretary noted that: alternate members Mr. Myers and Mr. Bianchini are eligible to vote, but Mr. Wenig who was absent from the last meeting is not.

Testimony and Board Questions: Mr. Washburn introduced applicant's engineer who reviewed the revised plans that had been submitted prior to this hearing. A colorized version of the revised site plan was submitted as A7. Applicant's engineer Mr. Ott explained the changes to the orientation of the drive through area and parking changes. The proposed building now fits on the single lot without any easements. Variances for rear and side yard set backs and impervious coverage are still required. Muriel stated she feels that three drive through lanes are excessive and will contribute to traffic problems. Mr. Coyle of Beneficial feels that three lanes are essential to effectively handle maximum flow with out back ups. Muriel feels that the bank is ignoring the character of the town. Mr. Coyle respectively disagreed that the bank is ignoring the character of the town. Armand stated that he feels a smooth flow of traffic is important. Mr. Katella asked the board to look forward and not rehash items that were effectively discussed last month. He wanted to review the changes before revisiting prior items to make sure they were addressed.

Mr. Childers, Beneficial's architect, reviewed the changes to the building design, orientation and appearance. Color renderings of the elevations were marked as exhibits A8 and A9. The proposed materials and styles were reviewed. The brick will be as close as possible to that used on the CVS building and other structures on the site. Grey tinted mortar will be used and soldier courses will be used instead of limestone lintels. Mr. Childers feels the proposed style fits in very well with the site. The revised rear of the building shows that the proposed sign has been removed. Asked about HAVAC structures and piping, it was explained they will be concealed within the roof "bathtub" or parapet style of the roof line. Mr. Childers reviewed the revised building sign package. An enlarged version of the signage package was marked as exhibit A10. All lighting will be indirect with no internally lit signs. Halo lighting will be utilized to backlight the logos and bank name on the building. All letters will be solid opaque and not translucent. Tamara stated she feels the revised signage and lighting is okay and fits in with the town's requirements and no longer requires a variance for lighting. The monument sign remains a critical item for Beneficial, but it has been substantially reduced in size and will be externally illuminated. Mr. Creighton stated he likes the building, building signs, but does not think the large pylon sign is needed. Muriel feels the proposed monument sign is not needed and ugly. The chair reviewed the substantial changes from last month. He feels the reoriented drive through removes the impact on traffic flow that was discussed last month. Mr. Ott addressed Tamara's questions regarding parking impacts. The chair, reviewed that it appears that the impervious cover change is +/- 2% of the total center site and the rear yard setback appears minor. Reviewing prior items, Muriel feels that three drive through lanes are entirely too much and is concerned about traffic on Fulton Street. Mr. Ott explained the three drive through lanes don't create or lessen total traffic but allows for a smoother flow and lessens the impact of stacking. M. Ott also reviewed the previously discussed impact on local traffic. Mr. Creighton feels the proposed design of the site is best for reducing impact of heavy use of the drive through windows. Muriel still feels a traffic expert review is needed. The chair stated that the original traffic study for the site addressed the off site traffic issues and included the possibility of a bank. He feels any further discussion should be limited to on site issues; but, he feels the new orientation which now matches the concept originally approved addresses the on site concerns from last month. The mayor asked about the business at the current bank site on Main Street and was informed that Beneficial considers it marginal at best and not sufficient over the longer term. The lack of a drive through capability is considered the main deterrent to boosting business and to justify a long term presence. As to future use of the current site, Mr. Coyle stated he had no idea of the future use but Beneficial might deed restrict it against use as a bank. The general consensus of the board is that it likes the revised package. Mr. Brandenburger commented that the original traffic study did not include the addition of the Martha's Lane entrance which was added later at the request of the county. The original concept for the bank was by nature generic since there was no tenant in mind at that time, plus the passage of time has probably changed what may now be considered standard practice. He reminded the board that the old NuWay site had two 12 foot tall plain pole pylon signs. He feels the building design and proposed monument sign fit in with the design of the site. Jim concluded that he feels he and Beneficial have worked very hard to meet the concerns of the Borough and its professionals. Muriel still feels the traffic flow impact is wrong for the town. Mr. Coyle stated that the flow of vehicles is staggered in the lanes. They are not waited on at the same time and never leave at the same moment. The chair feels the board should move on and address the engineer's and planner's reports.

Mr. Long was sworn as an accredited engineer. His 8/19/08 report was reviewed. The issue over the lot coverage change was reviewed and satisfied. It was concluded it would not impact the basin. The parking and building square footage situations are resolved. The concerns with stacking appears to have been resolved. It was clarified that the original traffic study did include the proposed bank traffic, but the benefits provided by the addition of the Martha's Lane entrance/exit were not included. The concerns over maintenance of the basin were satisfied. The basin will be scoured as needed during construction and then will be on an ongoing basis as needed as appropriate. It was discussed that when operating correctly it should drain within 72 hours. The concern about lighting pollution has been addressed. The storm basin is designed to accommodate a 100 year storm. The secretary reviewed for the board that the submitted erosion and soil control plan has been approved by the county. Asked about "green" elements, Mr. Childers replied that the building materials are considered green as also will be the HVAC elements, glazing and lighting. Tamara's 8/11/08 report was reviewed. Section 4 dealing with variances is still needed to be decided by the board; however, the sign lighting variance appears to no longer be needed based on testimony tonight. Tamara is glad that the number of parking spaces is restored. All her safety concerns have been addressed. Tamara feels that it should be assured that the street trees now present will be retained/replaced/relocated as needed. Any light screening plantings need to be mature enough to be effective immediately. There is one light pole in the front of the building that should be relocated/ removed. It will be

removed since another fixture was relocated and should be sufficient. Concerning site lighting which currently is extinguished after hours, the vestibule will be continually lit and it was discussed that if security concerns demand a separate circuit could be provided to maintain lighting at the bank site. The chair asked if the board had any further comments or questions and there were none.

Public Comment: A motion was made by Muriel Alls-Moffat and seconded by Jeff Myers to open the hearing to public comment. There was none and a motion to close to public comment was made by Muriel Alls-Moffat and seconded by Armand Bianchini.

Deliberation – The chair summarized that it appears that the outstanding issues have been resolved and unless there were more concerns from the board he would like to see a motion on the matter. Tom Coleman suggested the board is being asked to grant preliminary and final site plan approval with variances as detailed in Tamara’s review for rear yard, front yard, impervious coverage, number of signs, and size of signs. The agreed to reduction in the size of the monument sign to two feet will be adhered to. The approval is subject to the comments in the professional’s letters as resolved/modified by testimony this evening. And the approval is conditioned on all necessary other required agency approvals being granted. A motion was made by Muriel Alls-Moffat and seconded by Mary Lodato that the application be approved as suggested by board counsel. There was no further discussion and a poll vote was taken and the motion passed by a vote of 7 to 0 as follows:

Mr. Katella	aye	Mrs. Alls-Moffat	aye
Mr. Creighton	aye	Mr. Martin	aye
Mrs. Lodato	aye	Mr. Myers	aye
Mr. Bianchini	aye		

Mrs. Moffat stated she was voting aye with reservations concerning traffic impacts.

Demolition Permit for Dr. and Mrs. William Muhr, 603 Bank Avenue – The mayor recused himself from consideration on the matter. The Muhrs and their architect John Martin were sworn in. It was noted that the ARC has signed the permit and agrees the building is beyond reasonable repair. It is a one-story period building from the 1920’s which has suffered extensive termite damage and cannot reasonably be restored. The owners plan to rebuild with a building of similar style and complementing the house. It is the same size of the building with the same details; but the abandoned living space over the garage area will not be constructed. Any area over the garage will be used for storage. There was no further comments or questions from the board. Joseph Creighton motioned and Muriel Alls-Moffat seconded that the permit be approved. The voice vote was unanimous and the chair stated he would sign the jacket for the applicant. The mayor rejoined the board.

MINUTES: A motion was made by Muriel Alls-Moffat and seconded by Joseph Creighton to adopt the minutes of the July 15, 2008 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 7/17/08, “Mayor’s Fax Advisory” from NJLM regarding the League’s Filing a Challenge of the latest COAH regulations adopted June 2, 2008 (board copied).
2. 7/24/08, letter to mayor from COAH, regarding Affordable Housing Reform Statute P.L.2008, c.46 (board copied).
3. 8/6/08, letter and brochure from CGP&H Community Grants, Planning & Housing, regarding their affordable housing services and preserving affordable housing credits.

OLD BUSINESS

COAH Activity – Muriel reviewed her activity and the five potential COAH sites. She has requested that Tamara run the numbers for a presentation to Council. Muriel related that the funds in the Borough’s current COAH related accounts have generated interest from developers. Tamara reviewed that the potential units involved, if fully turned into CAOH units, would satisfy the Borough’s requirement and might make it possible to revise the Fair Share Plan that didn’t involve the Martha’s Lane or National Casein sites. Additionally Tamara stated the urgency of not neglecting the need to prepare a revised submission to meet the current 12/31/08

deadline. It was discussed that Tamara should be authorized to pull together the calculations and come to Council.

Council Matters of Importance to the Board – The mayor reported on some of the concerns of the task force and the impact of returning to the larger lot sizes that existed before the change to the current zones. It was commented that the new zones were created to reflect the town as it exists and that the zoning code should represent what actually exists. The old zones rendered a majority of the properties in the town nonconforming and requiring a variance. Tamara commented that before the lines and sizes were changed the ordinance did not represent what exists and reduced variance applications to stating that I need a variance because no lot conforms. When most lots conform the need for a variance becomes much harder to justify. Keith feels getting rid of irregularities would help. Tamara stated things can be tightened up. The chair wondered how many by right possible subdivisions actually exist. It may not be many. Perhaps realigning the zones will help.

Adopt and memorialize Resolution P2008-02 for the minor subdivision application by Kevin & Stacianne Harris, 908 Cedar Street, Block 1600, Lots 10 & 11 – The chair asked if the members had reviewed the resolution and if there were any questions or comments. There were no comments or questions and a motion was made by Muriel Alls-Moffat, seconded by Joseph Creighton and passed by unanimous voice vote of the members approving the application in July.

Proposed Changes to Zoning Code for Historic Preservation – The matter was tabled.

Revision to Sign Ordinance to Allow Sidewalk Signs – The matter was tabled.

Environmental Commission – The chair stated he would continue as the interim board member until a new member is appointed by the mayor. There was nothing else to report.

Unpaid escrow accounts – The secretary reported that there was no change to the problem accounts and new shortages are being addressed as they occur. The chair asked that letters continue to be sent. It was stated by a member that he understood the bank now has the Rechiutti property. Tom Coleman stated that there may be little that the board can do to resolve the problem accounts. Tom stated that means to help the secretary set up the proper escrow accounts is needed. The secretary stated that the variance application is fixed by the code to require a specific amount. He is not sure what the requirements are for site plan/subdivisions. Increasing application fees and/or escrow requirements should also be considered. Tom Coleman stated he would confer with Bruce Gunn on the matter.

2008 Budget – Nothing to report.

Minor Site Plan Applications – None for the month.

NEW BUSINESS

Invoices and vouchers:

1. 7/2/08, Raymond and Coleman, \$399.00, for general business advice and June meeting attendance.
2. 8/5/08, Raymond and Coleman, \$231.00, for work on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW
3. 8/5/08, Raymond and Coleman, \$277.50, for work on the Harris/Cedar Street subdivision application. PAY FROM ESCROW
4. 8/5/08, Raymond and Coleman, \$491.00, for general business advice and July meeting attendance.
5. 8/2/08, Tamara Lee, \$90.00, for work at meeting on the Harris/Cedar Street subdivision application. PAY FROM ESCROW
6. 8/2/08, Tamara Lee, \$810.00, for work on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW
7. 8/14/08, Stout & Caldwell, \$2,731.25, for work on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW

It was discussed that concerns with professional charges can be referred to the county construction board of appeals. A motion was made by Muriel Alls-Moffat, seconded by Jeff Myers and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

PUBLIC COMMENT – Muriel Alls-Moffat motioned and Jeff Myers seconded to open the meeting to public comment. There being none, Muriel Alls-Moffat motioned and Jeff Myers seconded to close the meeting to public comment.

Meeting adjourned at 9:55 PM. (motion by Muriel, second by Jeff)

Next meeting is on 9/16/2008 at 7:00 pm in the Borough Hall.

Tape is on file.

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