

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
June 17, 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, Muriel Alls-Moffat, Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, and Armand Bianchini.

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

ABSENT: Keith Wenig, Mary Lodato, and Jeff Myers.

REORGANIZATION: New Alternate Member Armand Bianchini was sworn in by Tom Coleman.

MINUTES: A motion was made by the mayor and seconded by Joe Creighton to adopt the minutes of the May 20, 2008 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 6/3/08, Copy of letter from State Planning Commission announcing plans that the State Planning Rules will be readopted without change. The comment period ends 8/1/08.
2. 6 vouchers/invoices as presented under New Business.

SMART FUTURE GRANT/ENVIRONMENTAL RESOURCE INVENTORY STUDY

Riverfront Guidelines – Tamara explained that this is the final piece of the project that the board needs to adopt and recommend them to Council. Tamara provided the background for the document and a detailed review of the document. The critical piece is to balance the needs and goals between the public and private portions of the riverfront. There are many variables on a lot by lot basis. These are guidelines not ordinances. Bank Avenue is maintained by the Borough. The primary focus is for Borough residents and keeping things on a small and intimate level. Improvements when made should be small scale, slow to change, and incremental in nature. The primary goal is to maintain the “country lane” nature of the area. Armand Bianchini asked and received clarification on the Borough versus privately owned lots north of Fulton Street. He asked and was informed that maintenance of the seawall was the responsibility of the property owners except for the foot of the streets ending at the river. Tamara stated she had all the deeds for the riverfront properties and has a map that details her research. She suggested it be kept with the secretary’s copy of the guidelines. Muriel asked if there were restrictions on what owners can build on their portion of the bank area. Tom Coleman stated they would be subject to the rules for accessory buildings. Tamara stated they may also be subject to state regulations. Tom added there are tideland laws that may come into play. Joe Creighton is concerned that speed humps may impede pedestrian and stroller access. The mayor commented that while the town is studying adding stop signs to help control traffic in other areas; for now, it is choosing to enforce the posted speed limit along Bank Avenue.

There was no additional comment and Muriel Alls-Moffat motioned and the chair seconded to open the matter to public comment.

- Robert E. Smyth, 1 Bank Avenue, commented that overall he felt the draft was good. He suggested several changes all to keep the balance between private and public needs, to reinforce that most of the land is private property, and to strengthen that the preferred use is private with “permitted” or “allowed” use by Borough residents. He feels the current enhancements at the foot of Linden should not be expanded to other areas.

- James Moffat, 202 Fulton Street, asked if non-owners can hold a BBQ on the private property portions and was told no unless specifically allowed by the owner. He asked and was informed that control of erosion along private portions of the riverbank is the responsibility of the property owner and the Borough has very limited means to force preventive measures. He feels the town has too many stop signs now.

There was no further comment and Muriel Alls-Moffat motioned and Councilwoman Wells seconded to close the matter to public comment. The chair asked if there was any further discussion by the board. The mayor is concerned that the “install” statements in the goals and objectives are contradictory the guidelines. Tamara stated that the “installs” are from the open space and recreation element and that, if or where needed, wording would be added to reinforce that the guidelines are recommending that for now they not be done. Suzanne wanted to know if the Borough can enforce or compel seawall maintenance and was informed that case law says such ordinances are unenforceable. The mayor added he remembered the comment that you can’t force public good on private owners. The mayor added that the Borough maintains an attitude that it will work with property owners whenever they wish; but, it cannot compel cooperation. Joe Katella commented that additional language is needed to reflect that contrary to the goals and objectives the guidelines recommend that nothing be done at present. There was additional discussion of specific changes and Tom Coleman suggested the board can adopt the guidelines subject to changes being made. Tamara stated she can follow up with a revised document showing the changes. There is concern that the document be resolved so it can be presented to Council at its July meeting. It was decided that any further comments must be given to Tamara before the end of the week. She will release a marked up document for final review and if nothing is received by a stipulated deadline, Tamara will forward the document to Council by 7/9. The mayor motioned and Muriel Alls-Moffat seconded that the board endorse the guidelines subject to the board approved changes being made as discussed and on the record at the meeting. There was no discussion and a poll vote was taken and the motion passed by a vote of 6 to 0 as follows:

Mr. Katella	aye	Mrs. Alls-Moffat	aye
Mr. Creighton	aye	Mr. Martin	aye
Mrs. Wells	aye	Mr. Bianchini	aye

The chair thanked Tamara for her hard work and excellent results.

OLD BUSINESS

Council Matters of Importance to the Board – Suzanne reported that the task force reported to Council on its recommendations. She thanked the hard work of the committee members and singled out Kerry Brandt, chair of the zoning board and code enforcement officer Mary Lodato as being extremely important to the process with their research and suggestions. Suzanne reviewed the potential changes being recommended:

- creating a new R20 (20,000 square foot) zone to handle clusters of large lots to further discourage subdivision
- a more generic and measurable definition for side and rear yards
- a maximum front yard setback to the current minimum requirement
- revise impervious coverage requirements.

The committee feels much of the Historic Society’s recommendations are already covered by the code and only supports the point regarding demolition. The committee recommends that all demolition permits require in person testimony before the board from the Historic Society and the ARC. Further the code should be strengthened so that the board shall not approve demolition of historic or significant structures solely to facilitate subdivision into buildable lots. The committee supports temporary “sidewalk signs” with strict definitions as to size, location, etc. They must be mobile and not placed on or interfere with public property or the right of way. Armand Bianchini asked who approved the Greco/Homewood Drive subdivision and was informed the planning board did. He asked about the deep and out of character front yard set back of the new home on Main Street. It was explained why it occurred and that the code does not have a maximum setback requirement. Joe Katella and the mayor commented that these two issues, among others, are what caused the creation of the task force. The chair asked what was next and the mayor stated he feels thinks there is a consensus among Council as to what is needed. Joe

asked that any charges be made in writing so the board has a clear idea of what is being asked and it can be discussed at a board meeting. Tom Coleman explained the process.

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

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

2008 Budget – Suzanne reported on the budget to date and projected for the rest of the year. The first four months have been a little high for professional services and may level off/decrease for the rest of the year. However, the continued and shifting demands of COAH was mentioned as possibly having an impact.

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.

COAH Activity – Muriel reported that the COAH committee has not met. She reported that the League of Municipalities is planning to file suit over the revised regulations. She is concerned that the Borough has to spend the funds it has or risk having them taken by COAH and spent for us.

Minor Site Plans – The chair reported that there were none in the past month.

NEW BUSINESS

Vouchers and Invoices:

1. 5/22/08, Stout & Caldwell Engineering, 312.50, Engineering review for landscaping for Shoppes of Riverton-Broad Street Center. (PAY FROM ESCROW)
2. 5/22/08, Stout & Caldwell Engineering, 562.50, Engineering review for site plan signoff for Cellco/Verizon conditional use on T-Mobile cell tower. (PAY FROM ESCROW)
3. 6/3/08, Tamara Lee, \$135.00, preparation for 101 Lippincott minor subdivision hearing. (PAY FROM ESCROW)
4. 6/4/08, Raymond and Coleman, 252.00, continued work on the 101 Lippincott minor subdivision. (PAY FROM ESCROW)
5. 6/4/08, Raymond and Coleman, \$300.00, Prepare and attend May meeting.
6. 6/4/08, Raymond and Coleman, \$105.00, for work during May on the T-Mobile/Cellco – Verizon Conditional Use application. (PAY FROM ESCROW)

There was no discussion on the invoices and Councilwoman Wells motioned, Muriel Alls-Moffat seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

Unpaid Escrow Accounts – The chair explained the problem particularly with two applications that are inactive and have large amounts of charges pending. The Rainer matter was withdrawn and the Recchiuti matter was dismissed. There is an ongoing process problem of making sure there are sufficient funds to cover the charges that often come after hearings occur or are concluded/stopped. The secretary reviewed the process that he follows and what he does to follow up on shortages. Tom Coleman suggested that the Borough Code state by ordinance that a hearing will not occur unless escrows are current and that no approvals will be granted until accounts are satisfied. It was discussed if it was possible to place a lien on the property. It was mentioned that charges can be challenged at the county level if thought unfair or excessive. At this time it was decided that:

- Suzanne will look into making sure fees and provisions are put into the code

- the secretary will follow up with additional shortage notices and include the note that appeals can be made to the Construction Board of Appeals
- Tom will look into other town's codes and revisit the appropriate escrows to be charged as well as the mechanics to ensure shortages are minimized.

The matter will be kept on the agenda for now.

PUBLIC COMMENT – Muriel Alls-Moffat motioned and Councilwoman Wells seconded to open the meeting to public comment. There was none and Muriel Alls-Moffat motioned and Councilwoman Wells seconded to close the meeting to public comment.

Meeting adjourned at 9:10 PM. (motion by Suzanne Wells, second by the mayor)

Next meeting is on 7/15/2008 at 7:00 pm in the Borough Hall.

Tape is on file.

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