

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**April 21, 2009**

The Public Session of the Planning Board was called to order at 7:05 PM by Secretary Ken Palmer. 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 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

**PRESENT:** Muriel Alls-Moffat, Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, and Jeff Myers.

**Also Present:** Solicitor Tom Coleman, Planner Tamara Lee, Engineer Robert Stout substituting for Mark Malinowski, and Secretary Ken Palmer.

**ABSENT:** Joseph Katella, Keith Wenig, and Armand Bianchini.

**Temporary Chair:** Following establishment of a quorum, Suzanne Wells motioned and Robert Martin seconded that Joseph Creighton be acting chair in the absence of the chair and vice chair. The motion carried by unanimous voice vote.

**MINUTES:** A motion was made by the mayor and seconded by Jeff Myers to adopt the minutes of the February March 17, 2009 regular meeting as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 4/13/09, copy of "Mayors Fax Advisory" bulletin from NJLM regarding League's response to COAH challenge. Links are provided for details and a summary of the response.
2. 5 vouchers/invoices as presented under New Business.

**PUBLIC HEARING**

Application by MetroPCS Pennsylvania, LLC, for Conditional Use and Site Plan Approval to collocate antennas on the T-Mobile Tower and Erect Ground Facilities Located At the Borough of Riverton Waste Treatment Site – Third Street, (Block 1501, Lot 1) in the General Business District.

**NOTE:** A court reporter retained by the applicant was present for this hearing. A copy of the transcript, when provided, will be appended to the minutes and serve as the official record of the hearing.

**Summary:** Following determination that the application was jurisdictionally complete and could be heard, Eric Goldberg Esq. of Stark and Stark, attorney for the applicant introduced and had the applicant's professionals sworn in. There followed testimony by Mr. Goldberg which was attested to by the applicant's professionals. The following exhibits were entered:

- A-1 Sheet S1, from the site plan dated 3/24/09
- A-2 Sheet Z1, from the site plan revised 3/24/09
- A-3 Structural Analysis Report dated 3/16/0910
- A-4 Map, "Coverage Area Without the antennas"
- A-5 Map, "Coverage Area With the antennas"
- A-6 Map, "Coverage Area within the Borough with the antennas"
- A-7 RF Exposure Report, dated 4/17/09

All of the board's questions were addressed. The reviews of the board's professionals were discussed and both stated that the testimony had addressed their concerns. Following conclusion of testimony and board discussion, there was public comment. Following guidance from the board's attorney a motion to approve the application as submitted was made, seconded, and unanimously approved by a poll vote as follows:

Mrs. Alls-Moffat aye    Mr. Creighton aye  
Mr. Martin aye        Mrs. Wells aye  
Mrs. Lodato aye        Mr. Myers aye

Mr. Stout was excused from the meeting.

## **OLD BUSINESS**

**COAH Matters** – Tamara reported that she was submitting on 4/22/09 the materials requested by COAH in their response letter. Also submitted will be the amended Growth Share Ordinance originally submitted in 2005. Tamara reviewed the next steps and the 45 day review period. Tamara feels that COAH is probably going to come back to the Borough on 204 Main Street and the Baptist Home as not being viable which will require further modification to the submission. Following discussion that it appears the group home on Homewood Drive is currently not a candidate, Tamara stated that the probably the easiest solution was to revise the proposed AH2 overlay on the current National Casein property. The revision would have the area contain all the additional COAH units. The status of the inability of Borough purchasing and rehabbing properties was discussed. The impact of several lawsuits against COAH was briefly discussed. The apparent dichotomy between COAH’s third round requirements and the COAH’s previously granted vacant land adjustment was discussed.

Mrs. Lee was excused from the meeting.

**Council Matters of Importance to the Board** – Suzanne briefed the board on developments with the Downtown Revitalization study grant/project and plans for the next meeting on 4/24. Suzanne reported that nothing new had been received concerning the 2009 budget and the mayor again stated that Council had proposed a cut in the Borough’s tax rate; but, that this does not include tax rates needed to cover the County’s or school district’s needs.

### **Proposed Ordinance Establishing Revised Fees and Escrow Amounts for Planning and Zoning**

**Applications** – Suzanne reported that the proposed ordinance had first reading at the April Council meeting and will have second reading and hearing next month.

**Board Review of the Mayor’s Task Force Report on Proposed Changes to the Zoning Code** – This item was tabled due to the absence of the chair.

**Environmental Commission** – Jeff Myers reviewed the flyer concerning tips to protect and manage stormwater. The flyer is required as part of the Regional Stormwater Management agreement. Distribution requirements and/or putting the flyer on the website are being discussed.

**Minor Site Plan Applications** – Mary Lodato reported that no new applications had been submitted.

**Delinquent Escrow Collections** – The secretary reported that notifications are current and follow up notices will be sent as necessary. Ken reported that he understood an additional payment had been received from Mr. Rainer. The consensus of the board and Council is to have the secretary continue to pursue the two delinquent accounts rather than incur the expense of involving the Borough’s solicitor.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 3/19/09, Stout and Caldwell, \$625.00, for services on the JRP Arch site plan application during February 2009. PAY FROM ESCROW
2. 4/21/09, Stout and Caldwell, for services on the JRP Arch site plan application during March 2009. PAY FROM ESCROW
3. 4/1/09, Tamara Lee, \$1,080.00, for work on the COAH third round submissions work during March 2009. PAY FROM TRUST FUND AND DEVELOPMENT FEES

4. 4/1/09, Tamara Lee, \$90.00, for work during 3/1-3/31/09 on compliance review of the JRP Arch final site plans. PAY FROM ESCROW
5. 4/7/09, Raymond and Coleman, \$489.00, for (\$300.00 for March meeting attendance and \$189.00 for work on the escrow/fee ordinance).

A motion was made by the mayor, seconded by Muriel Alls-Moffat, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**Draft of Off Street Parking & Storage of Construction Equipment** – Councilwoman Wells reviewed the draft revisions to Section 128-523 concerning regulation of Off Street Parking and Storage of Construction Equipment. The revisions and background were discussed. The draft has been reviewed by Tom Coleman and Bruce Gunn. It is hoped the board will recommend that the draft be considered by Council. Following discussion and some suggested amendments from the board, a motion was made by Suzanne Wells and seconded by Muriel Alls-Moffat to recommend the draft as amended be submitted to Council for consideration. The motion carried by a voice vote of 5 ayes and 1 nay.

**PUBLIC COMMENT** – A motion was made by Councilwoman Wells and seconded by the mayor to open the meeting to public comment.

- Eric Saia, National Casein, 401Martha's Lane, wanted to know if there was any conflict between the stormwater plans that National Casein is required to have approved and on file and the Borough's. The answer was no that the Borough's plan is only for areas in the Borough not covered by the Regional Plan or other approved and filed plans. Jeff Myers explained that the flyer was designed to show residents how to better manage and protect the environment from stormwater runoff. Eric wanted to know if the board or Borough had considered videotaping and putting on the web site the meetings. Ken Palmer reviewed the current state laws governing methods and retention of records of public meetings.

There was no further comment and a motion was made by Suzanne Wells and seconded by Muriel Alls-Moffat to close the meeting to public comment.

**Meeting adjourned at 8:40 PM. (motion by Suzanne Wells and second by Muriel Alls Moffat)**

**Next meeting is on 5/19/2009 at 7:00 pm in the Borough Hall.**

**Tape is on file.**

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