

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**August 18, 2009**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Joseph Creighton. 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:** Joseph Creighton, Muriel Alls-Moffat, Armand Bianchini, Mayor Robert Martin, Mary Lodato, Joseph Threston, and Cheryl Progin.

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

**ABSENT:** Joseph Katella and Councilwoman Suzanne Wells.

**REORGANIZATION:** Following roll call, Armand Bianchini and Cheryl Progin were sworn in. Armand replaces Jeff Myers as a regular member and Cheryl replaces Armand as an alternate member. Joe Threston is now alternate #1 and Cheryl is alternate #2.

**MINUTES:** A motion was made by Armand Bianchini and seconded by Joe Threston to adopt the minutes of the July 21, 2009 regular meeting as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. **No announcements.**
2. **8 vouchers/invoices as presented under New Business.**

**OLD BUSINESS**

**COAH Matters** – Muriel presented her research regarding the ability of the current sewer plant to handle new/replacement construction. The plant could handle the possible addition of 12 residences on the Sacred Heart School site and the possible 4 residences if the Baptist Home was replaced. Building residences on the Martha's Lane lots can also be handled. If the National Casein site is redeveloped, the plant will require an upgrade. Muriel has received no response to a solicitation for people having "Mother-In-Law" apartments to consider making them COAH eligible. She does not feel she will receive any takers given the restrictions involved and the fact that the units must be actively marketed to the public as affordable housing. The group home on Homewood Drive is targeted for November occupancy and the owners are seeking an additional property in town. The owners of the home are seeking \$100,000 of funding for the two homes and they would make them COAH eligible. The problem is that the housing fund may not be able to handle both homes and any other COAH units. Future redevelopment of the National Casein property will change the COAH picture. Muriel does not hold much promise on "The Maples" apartment house on Main Street or the vacant property at 622 Thomas.

Tamara reported on the meeting with COAH where the details of her July letter to COAH were discussed. COAH realizes the Borough is attempting to comply and that the Borough is not under the gun at the moment. COAH has stated they will delay issuing any incompleteness letter until November and Tamara outlined that process. COAH also stated they feel that the National Casein proposal is no longer viable based on their interpretation of the impact of bill A500 adopted by the state earlier this year. The legislation has suspended for 18 months the collection of the 2½% development fee assessment on new commercial construction that goes to the COAH housing funds. Also the legislation only allows for the collection of fees and does not permit a municipality to compel the developer to provide actual COAH units. The proposal for the National Casein site provided that any redevelopment would include providing five COAH units. Without National Casein, the Borough has to come up with another approved plan to provide the units. COAH also feels that the plans approved for Martha's Lane in Round Two for seven units, two of them COAH and "sweetened" in Round Three for nine units, two of them COAH should be further revised to provide for 10 units, two of them COAH which

meets the desired 20% affordable housing density. Regarding group homes, COAH has stated they could approve approximately 8 credits (three each plus bonus credits) for two group homes but the other two units must be family units. The family units could be accessory apartments. Accessory apartments are eligible for \$20,000 to \$25,000 of funding and only have a ten year deed restriction. However, Tamara feels the Borough has insufficient funds to fund two group homes and two accessory apartments. The fund could possibly support two group homes, or one group home and two accessory apartments. She feels that two group homes and two apartments can only be done with the apartments being funded from the State's Housing Fund. Since COAH housing is supposed to be funded by housing funds and not an additional tax levy, there may be a chance to obtain State support if needed. Tamara also reviewed that she had discussed at the meeting why most of the other possible options suggested by COAH were no longer viable.

Given that the number of required units is tied to COAH's assessment of vacant land in the Borough, Tamara was asked what she feels happened to the vacant land adjustment from Round Two. Tamara reviewed that the original requirement for two units resulted from the vacant land adjustment granted under Round Two and she is not certain why the need has gone from two to ten under Round Three except she feels COAH may be encouraging the Borough to apply for a new adjustment. This process is both costly and time consuming. Tamara feels that she might be able to approach COAH to shorten and/or streamline the process; but, the Borough may have to proceed under the ten unit assessment. Tamara stated she would like to reply to COAH ASAP outlining what the board and Borough has done and what the board feels can be done. Along that line she asked the board for further direction. Tom Coleman reiterated that the board needs to: move forward with expedience, try and get COAH to reduce the requirement, and provide some concrete options to be presented to COAH. Failure to keep the process going risks decertification by COAH. While there does not appear to be any developers "sniffing around" the Borough at present, Tom urged not to risk making the Borough subject to builder's remedy by decertification. Based on the research and facts presented by Muriel and Tamara, the board recommended that Tamara, along with trying to get COAH to agree to reduce the number of required units and grant a waiver from having to submit a new vacant land adjustment, try to seek approval for one of the three group home(s) and/or accessory apartment arrangements; with a further approval granted that if COAH will only grant approval of their suggested 2 group homes/2 accessory apartment proposal, COAH will agree to underwrite the additional funding needed from the State's Housing Fund. Tamara stated she would submit a reply to COAH before the end of the month that: reviews where things realistically stand, why the Borough feels it can only reasonably support one of the three proposals, and seeks the time needed to meet all the steps required to revise the plans and submit them. Tamara will provide a copy of her response to COAH.

**Council Matters of Importance to the Board** – The mayor reported on the meeting with the Group Home owners and that Council is aware of the efforts being made by the board and supports the board's efforts to reach a successful conclusion that best protects the town. Bob briefly discussed the safety issues that arose on Elm Terrace during the Fourth of July downhill race. Council and the Borough plan to honor and remember Ed Smyth for his contribution to the Borough and service on the zoning board at the zoning board's September meeting. Bob reported that he had nothing new to report on the 2009 budget.

**Board Review of the Mayor's Task Force Report on Proposed Changes to the Zoning Code** – The matter was tabled until the next meeting.

**Environmental Commission** – Joe Threston reported that there had not been a meeting since last month and that he would be unable to attend the meeting on 8/20. He is in contact with and receiving material from Mike Robinson.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted this past month.

**Delinquent Escrow Collections** – The secretary reported that Mr. Rainer had finally paid his escrow. There has been no response from Mr. Recchiuti. Another notice will be sent to Mr. Recchiuti.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 8/3/09, Tamara Lee, \$585.00, for COAH Planning related work during July. PAY FROM HOUSING FUND ACCOUNTS
2. 8/5/09, Alaimo Association, \$311.00, for work through 7/8/09, on Beneficial Bank Solar Panels amended site plan. PAYFROM ESCROW
3. 8/6/09, Stout & Caldwell, \$548.75, for work through 7/3/09 on the Clearwire conditional use site plan. PAY FROM ESCROW
4. 8/11/09, Raymond & Coleman, \$356.00, general business advice and meeting attendance during July.
5. 8/11/09, Raymond & Coleman, \$35.00, for Clearwire US LLC work during July. PAY FROM ESCROW
6. 8/11/09, Raymond & Coleman, \$35.00, for Beneficial Bank amended site plan work during July. PAY FROM ESCROW
7. 8/11/09, Raymond & Coleman, \$98.00, for JRP Arch. site plan work during July. PAY FROM ESCROW
8. 8/11/09, Raymond & Coleman, 97.50, COAH related work during July. PAY FROM HOUSING FUND ACCOUNTS

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

**Demolition Permit, 601 Main Street** – The owner of D.J. Enterprises presented the need to grant a demolition permit for a masonry-walled shed accessory structure on his nonresidential property. The structure, formerly used as bins for outside storage of lumber and construction materials, has suffered severe deterioration and water damage to the roof and walls, and has been deemed unsafe by the construction official. The structure is along the Lippincott Avenue side of the property. Testimony was presented that the only viable option was to demolish given the costs to repair and the condition of the structure. The structure has no significant historic value and the ARC has signed off the permit jacket. Following discussion, a motion was made by Joe Threston, seconded by Armand Bianchini, and unanimously approved to allow issuance of the demolition permit and have the secretary notify the construction official of the board's approval.

**PUBLIC COMMENT** – Joe Creighton noted for the record that there were no members of the public present.

**Meeting adjourned at 8:15 PM. (motion by Alls-Moffat and second by Threston)**

**Next meeting is on 9/15/2009 at 7:00 pm in the Borough Hall.  
Tape is on file.**

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