

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
January 20, 2009**

The Public Session of the Planning Board was called to order at 7:00 PM by Board 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

PRESENT: Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, and Jeff Myers.

Also Present: Solicitor Chuck Petrone, Planner Tamara Lee, Engineer Mark Malinowski, and Secretary Ken Palmer.

ABSENT: Joseph Katella, Keith Wenig, Muriel Alls-Moffat, and Armand Bianchini.

REORGANIZATION - 2009

Solicitor Petrone had sworn in Class II member Mary Lodato, Class III member Councilwoman Suzanne Wells, and Alternate Member Jeff Myers prior to the roll call. Secretary Palmer announced that he continues as an employee of the Borough as the secretary of the planning and zoning boards. Ken stated that of course this was at the pleasure of the board.

Chairman: The secretary stated that Joe Katella asked him to inform the board that if he is nominated to be chairman, he will accept. Joe Katella was nominated by the mayor and seconded by Jeff Myers to serve as chairman for 2009. The nominations were closed and Joe was affirmed by a unanimous voice vote.

Vice Chairman: Following discussion, a motion was made by Councilwoman Wells, seconded by the mayor and adopted by a unanimous voice vote to table selection of a vice chair until next meeting when more members are present.

Solicitor: Thomas Coleman, Esq. was nominated by Suzanne Wells and seconded by Joe Creighton to serve as the Planning Board Solicitor for 2009. The nominations were closed. A voice vote was taken and the vote was unanimous.

Planner: Tamara Lee, of Tamara Lee Consulting LLC was nominated by Councilwoman Wells and seconded by Jeff Myers to serve as the board's Planner for 2009. The nominations were closed. A voice vote was taken and the vote was unanimous.

Engineer: The secretary stated that the chair had reviewed possible engineering contracts and that he personally had no objections to the board retaining the same professionals for 2009. Mark Malinowski of Stout & Caldwell was nominated by Councilwoman Wells and seconded by the mayor to serve as the board's engineer for 2009. The nominations were closed. A voice vote was taken and the vote was unanimous.

Administrative Officer: The secretary reviewed that the position dovetails with Mary Longbottom's position as Borough Clerk, is normally considered part of her duties, is required by the Municipal Land Use Law, and that Mary is probably the only qualified person in the Borough. Mary Longbottom was nominated by Councilwoman Wells and seconded by the mayor to serve as the Administrative Officer pursuant to N.J.S.A. 40:55D-3 for the Planning Board for 2007. The nominations were closed. A voice vote was taken and the vote was unanimous.

Mayor's Appointments: In addition to the secretary's position, the mayor's appointments for 2009 are:

- Mary Lodato serves as the board's Class II member and Councilwoman Wells serves as the board's Class III member.
- Jeff Myers is board member of the Environmental Commission
- Muriel Alls-Moffat is the COAH Official.

Chuck Petrone advised the board that with the absence of the chair and vice chair, a regular member needs to be selected as interim chair for the meeting. Joe Creighton was the only regular member present and assumed chairing the meeting.

PUBLIC HEARINGS

Application by JRP Arch. LLC, for Preliminary and Final Site Plan Approval for 509 Howard Street (Block 903, Lots 17 and 18)

Introduction: The secretary reviewed that the application was deemed complete and continued at the last meeting. The matter had been continued at the applicant's request in order to prepare and submit revisions based on the preliminary review of the board's professionals. The applicant has duly submitted the revisions. None of the members present recused themselves from the matter. Mr. James Wallace, attorney for the applicant was introduced and he reviewed the purpose of the application to convert the use as a former daycare center to an architect's offices and design studio. The use is permitted. Mr. Wallace introduced applicant Jack Parry of JRP Arch. LLC. who was sworn in. Mr. Parry is a licensed architect.

Testimony: Mr. Parry reviewed the plans for the site including revisions to restore the former "shop" addition and plans to retain and preserve the historic "house" structure. The plans have been reviewed and approved by the ARC. The handicapped access ramp will be moved to the rear. Common areas of the business will be on the first floor and will be ADA compliant. There are no plans to make the upper levels ADA compliant and because of the square footage of the structures, the ADA does not require that they be. He is seeking variances for the number of required parking spaces, and the existing side yard and front yard setback nonconformities. The side yard encroachments will not change and the front yard encroachment will be slightly reduced with the building changes and ramp relocation. He has six employees at present. He envisions a transit friendly business. In addition most client contact will be offsite and client visits will be minor. Wall sconces would provide the front lighting and similar for the rear. Low ground cover would be in the front of the site and the existing fence in the rear would be retained. Additional buffering will be added if required. Final signage plans are not complete but intend to conform to the current code. They will apply for a variance if needed.

Regarding the parking, Mr. Parry referred to the two versions of the site plan he had prepared for presentation. One was as submitted without parking and the alternate showed the possibility of providing four spaces at the rear of the property. To gain access to the spaces requires access through the parking area owned by the Borough for Borough Hall and Fire Company parking. Mr. Parry stated he has approached Council concerning an easement through the existing parking lot to access the rear of his site. Council has stated that his request must be reviewed by the Borough committee. If an easement is granted he would install four parking spaces. He would allow Borough use of the spaces during non-business hours, primarily in the evening when Borough meetings necessitate additional parking. He understands the existing handicapped space on the Borough lot may be underutilized during normal business hours and is primarily used when meetings are scheduled in the evenings. He hopes the space could be shared between the Borough and his business since it is little used. Tamara Lee is concerned that an access easement would cause two existing Borough slots to be lost for the access to the applicant's spaces. If an onsite handicapped space is required there would only be room for one handicapped space and two regular spaces. Tamara feels that the handicapped space requirements may not require more than one space for the Borough's and applicant's use and, if legally possible, a cross easement could be crafted to share the existing Borough space. The mayor stated that he hopes the applicant is granted approval to locate his business on the site; however, he feels any access easements would create more problems than are solved and the loss of Borough spaces would present a problem for the fire company. Suzanne feels that since

parking is a known and continuing problem within the district, possible solutions be further pursued. Mr. Parry stated he envisions his parking needs only during the day and perhaps rarely in the evening. Suzanne asked if approval can be considered with the parking issue be postponed. Chuck Petrone stated the board cannot grant an approval without granting some form of variance for the parking. He suggested the board could grant a variance from the currently proposed no onsite parking with the applicant continuing to pursue an easement access. The mayor stated that he favors granting a variance for no onsite parking with the condition the applicant continue to discuss obtaining an easement from the Borough. Mr. Parry stated he hopes to be approved so he can begin using the site as soon as possible. Mr. Wallace stated he has conferred with his client and he is willing to work with the Borough to resolve the parking issues. Concerning trash and delivery requirements for the office, Mr. Parry stated trash removal would be handled by normal Borough pick up with containers stored in the rear and hand carried to the curb for pickup. The applicant feels that any deliveries would be at most once or twice per week and of a normal office/small business nature such as UPS, etc. The existing passenger drop off restriction in front of the site was discussed and understood that it was for the daycare use and the Borough intends to restore it to on street public parking.

Tamara Lee and Mark Malinowski were sworn as qualified board professionals and attested to their respective qualifications. Tamara stated most of her concerns had already been addressed. As to stormwater run off concerns, Mr. Parry stated he plans to use rain barrel collection as needed; otherwise, no structural revisions are planned that will effect current collection or runoff from the site. Tamara is satisfied as to the testimony that the applicant will pursue any nonconforming signage through the proper application process if they arise. Mark stated he had no problem with the submission waivers requested due to the existing nature of the site and the nature and scope of the proposed alterations. Mark inquired if the two lots are currently joined. Mr. Parry stated he receives a combined tax bill for both lots but pays two separate sewer bills for each lot. Chuck Petrone stated that since the lots are currently nonconforming they are considered joined by common ownership. However, he recommends that they should be consolidated by deed which preserves and guarantees that future usage is as a single site. Concerning landscaping, the applicant stated the current six-foot vinyl fence will be retained and that additional buffering was not planned unless deemed needed since the planned lighting would be similar to current residential uses. The mayor is concerned about too much additional lighting for parking in the rear and suggests that additional trees be planted if needed. Suzanne feels the existing buffering is sufficient unless/if onsite parking requires additional lighting. Tamara stated there are options such as bollard style lights which would provide additional lighting with minimal or no offsite impact. Mark feels that if parking becomes a reality an assessment is needed. Mr. Petrone stated the board can condition that a lighting assessment be conducted if parking is made available. Mr. Parry asked would he continue to work with Mark on any lighting assessments. It was stated that the board would need to consider the lighting assessment if it grants an amended site plan approval for parking. It was stated that the lighting assessment is subject to Borough engineer review. Councilwoman Wells asked and it was affirmed that Council can appoint Mark as special engineer for purposes of the lighting assessment review. There being no further testimony or board comment, Mary Lodato moved and Jeff Myers seconded the hearing be opened to public comment. There was none and Suzanne Wells moved and Mary Lodato seconded the hearing be closed to public comment.

Deliberation: The board asked for and received guidance from Mr. Petrone as to what the board is granting if it desires to approve the application. Mr. Petrone suggested that the board could grant preliminary and final site plan approval subject to granting bulk variances for the existing side yard setbacks and the existing or slightly lessened front yard setback. The board can grant a variance for zero onsite parking spaces where twelve are required with the condition that the applicant continue to pursue easements to provide onsite parking and that if granted, onsite parking be provided. The board can grant a waiver from the other site plan submission requirements. Approval of relocating the ADA access to the rear can be granted. Approval can be granted subject to the lots being consolidated by deed. Submission of a lighting assessment and requirement that there be no additional offsite impact of additional lighting can be made a condition of any onsite parking approval variance. Lack of signage approval can be conditioned that all signage will either comply with Borough codes or that the proper variance application will be made to amend the site plan approval. Provisions for trash storage/enclosure location will be as shown. Approval is subject to satisfaction of comments of the board's planner and engineer except as modified by testimony, and that any COAH related requirements/fees be satisfied. Tamara will research COAH issues; but she feels there may not be any based on the scope of the application.

There was no board comment and the mayor motioned that preliminary and final site plan approval be granted as suggested by board counsel. Suzanne Wells seconded the motion. There was no further discussion and the motion was carried by a poll vote of five ayes and zero nays as follows:

Mr. Creighton aye Mr. Martin aye
Mrs. Wells aye Mrs. Lodato aye
Mr. Myers aye

Board Counsel will prepare resolution P2009-03 to memorialize the approval.

OLD BUSINESS

COAH Activity – Tamara reviewed that the governor’s office is proposing to waive development fees to spur the economy; but, would not waive municipal requirements for use of those fees. She hopes this proposal is not approved. Communities have begun receiving notices from COAH that their petitions are not complete. She has not received anything for Riverton but will keep everyone informed. Tamara reiterated that the Borough is still saved from any builder’s remedy actions since it submitted its petition on time and is deemed safe until or unless the Borough fails to gain final approval.

Note: Tamara and Mark were excused from the meeting. Chuck Petrone asked if there were no additional matters requiring his guidance if he could be excused due to a scheduling conflict caused by yesterday’s holiday. The chair and board concurred since any issues which might arise that required professional guidance could be tabled until next month. Mr. Petrone was excused.

MINUTES: A motion was made by Suzanne Wells and seconded by Mary Lodato to adopt the minutes of the December 16, 2008 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 1/6/09, copies of two NJLM Mayors Fax Advisory bulletins with updates on the COAH situation.
2. 1/8/09, copy of Application for Upland Waterfront Development Permit to NJ DEP from Consulting Engineer Services, for Borough of Riverton improvements to the waterfront park at Bank and Linden.
3. 1/15/09, Zoning Board Resolution Z2009-03 – Annual Report of Applications and Recommendations.
4. 1/2009, Announcement from ANJEC regarding 2009 Smart Growth Planning Grant requests with a submission deadline of 3/31/2009.
5. 6 vouchers/invoices as presented under New Business.

OLD BUSINESS (Cont’d)

Council Matters of Importance to the Board – Councilwoman Wells informed the board that the task force report she distributed to the board tonight was incomplete and she would supply a missing map as soon as possible. She hopes the board can discuss next month. She gave a brief overview of the report. A copy of the detailed revisions is available at Borough Hall. The secretary reviewed that most of the zoning board’s recommendations in its annual report are or the zoning board hopes will be included in any changes to the code. A second meeting of the Downtown Revitalization steering committee has been held and another scheduled for Friday the 23rd.

2009 Budget – Suzanne reported that the board’s preliminary budget had not been received. The mayor stated he had talked with Joe and it would be submitted to Mr. Kinzler.

2009 Goals and Objectives – Suzanne asked if they were to be discussed tonight. Ken Palmer reviewed that he had spoken with Joe Katella and that his desire was that the board be made aware that he wishes to discuss them next month; but, that all members should address any comments to him directly as soon as possible but prior to the February meeting. Councilwoman Wells was excused for the meeting.

Proposed Changes to Zoning Code for Historic Preservation – Possible changes are included in the task force report.

Revision to Sign Ordinance to Allow Sidewalk Signs – Possible changes are included in the task force report.

Environmental Commission –Jeff Myers stated he would attend this week’s meeting.

Minor Site Plan Applications – Mary Lodato stated that there were no applications submitted this period.

Education – The secretary stated that details of the Winter/Spring sessions offered by NJPO had been communicated to members needing to attend.

NEW BUSINESS

Invoices and vouchers:

1. 12/18/08, Raymond and Coleman, \$311.00, for general business advice and November meeting attendance.
2. 12/18/08, Raymond and Coleman, \$725.00, for COAH Fair Share Housing petition related issues during November. PAY FROM DEVELOPER FEES Acct.
3. 12/20/08, Stout and Caldwell, 718.75, for work on the JRP Arch. LLC site plan application during December. PAY FROM ESCROW
4. 1/4/09, Tamara Lee, \$270.00, for work on the JRP Arch. LLC site plan application during December. PAY FROM ESCROW
5. 1/8/09, Raymond and Coleman, \$300.00, for general business advice and December meeting attendance.
6. 1/8/09, Raymond and Coleman, \$100.00, for COAH related issues during December. PAY FROM DEVELOPER FEES Acct.

The mayor asked if the changes regarding escrow accounts were being followed or if the topic was to be discussed tonight. The secretary replied he was not aware any changes had been actually proposed and that it was not on the agenda for tonight because he knew Mr. Coleman would not be present. The topic will be on the February agenda. A motion was made by Mary Lodato, seconded by Jeff Myers, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

2009 Calendar of Meetings and Professional Appointment Resolutions – The secretary presented the following resolutions for board approval:

- **Board Meetings for 2009** – Resolution P2009-01, the calendar of meetings for February 2009 through January 2010 was reviewed. A motion was made by Mary Lodato and seconded by Jeff Myers to adopt the resolution that meetings will be held on the third Tuesday of the month at 7:00 PM. The board unanimously approved that the resolution: be adopted, published in the Burlington County Times and posted in the Borough Hall.
- **Appointment of Solicitor, Planner, and Engineer** – Resolution P2009-02 announcing the appointment of board professionals for the period February 2009 through January 2010 was reviewed. A motion was made by Mary Lodato and seconded by Jeff Myers to adopt the resolution. The board unanimously approved that the resolution: be adopted, published in the Burlington County Times and the appointed parties formally notified and requested to submit contracts.

PUBLIC COMMENT – A motion to open the meeting to public comment was made by Mary Lodato and seconded by Jeff Myers.

- Eric Saia, National Casein, 401 Martha’s Lane, asked the secretary that in lieu of maintaining paper records, they could be digitized and made available for hard copy as needed. The secretary replied that digitized copies of minutes, agendas, as well as other documents are available today on the Borough website. Electronic copies of all agendas, minutes, as well as other documents where available are maintained by the secretary. Ken stated he didn’t know if electronic records can be maintained in lieu of the paper documents.

Ken also understands the state may require permanent paper copies of documents. The secretary will follow up.

There was no further comment and a motion was made by Mary Lodato and seconded by Jeff Myers to close the meeting to public comment.

Meeting adjourned at 8:55 PM. (motion by Joe Creighton and second by Jeff Myers)

Next meeting is on 1/20/2009 at 7:00 pm in the Borough Hall.

Tape is on file.

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