

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
November 17, 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, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Joseph Threston, and Cheryl Progin.

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

ABSENT: Joseph Katella and Armand Bianchini.

MINUTES: A motion was made by Councilwoman Wells and seconded by the mayor to adopt the minutes of the October 20, 2009 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 11/5/09, request from Mary Longbottom requesting preliminary budget for the board.
2. 11/9/09, letter from COAH granting the Borough a 30-day extension until 12/28/09 to file the revised submission documents.
3. 3 vouchers/invoices as presented under New Business.

OLD BUSINESS

COAH Matters – Tamara reviewed developments since the last meeting. COAH has granted the Borough a 30-day extension until 12/28/09 to file the revised resubmission. Tamara has been working on the Workbook C document. She has received tax information from Betty Boyle and is still waiting for documentation from building code official Ed Schaefer to resolve the differences in the number of new units between what Betty supplied and Ed supplied. Tamara and the members reviewed the number of new units and believe it will be nine. Based on the mix of retail and residential, Tamara feels the number of COAH units will be 4.21 which she has rounded to 5. Tamara reviewed that the Borough could meet the obligation with the 3.75 credits from the group home on Homewood and getting two family units from 204 Main Street. Tamara feels the housing budget will support this. Tom asked what the timeline on releasing any funds would be since he knows the owners of 204 will want the funds as soon as possible if they enter into an agreement. Tamara and Tom agreed that the funds could not be released until the Borough gets its approval from COAH. Reviewing the steps needed to complete the submissions before COAH will consider granting approval, Tom and Tamara feel it could be late spring or early summer before a final approval could be granted. In addition Tom stated he would not approve releasing any funds until the owner has properly filed with the county. Tom feels it is a good plan but doesn't have much confidence the owners of 204 Main Street will finally agree. Tamara stated that to submit anything she needs to have signed letters of intent from the owners of the group home and 204 Main Street. Tom stated that he will take care of this and will let both parties know that it may be awhile before any funds can actually be released. Suzanne asked what Tom and Tamara felt the impact of the pending law suit and the new administration will have on COAH. Tom stated the Leagues lawsuit will be argued before the appellate division on 12/4 and it is estimated it could be 6 to 9 months before a decision is issued. Based on the judges that will hear the matter, Tom feels there it might be bad for COAH's use of growth share projections over concrete numbers; but there is no way of really knowing how the court will rule. As to the rumors that COAH will be "guttled" as of day one of the new administration, Tom feels that COAH can't just be shut down since it exists under the original Supreme Court decisions. Joe Threston stated he had heard there may be a 90 day moratorium until things can be sorted out. Tom stated he had heard there may be a move by the legislature to bring back RCA's but that will be vigorously opposed by COAH since they want the obligations to remain in the town where they exist. Both Tom and Tamara concluded that the Borough can't afford to wait and see. Suzanne commented

the Borough has spent over \$14,000 to date from the Housing Fund on resolving COAH issues. Muriel asked what happens when towns no longer have the funds available to keep trying to meet COAH's mandates. The short answer is towns will have to budget for the costs somehow. Tamara and Tom reviewed what they will work on. Tom will pursue the letters of intent and Tamara will continue with Workbook C and start revising the Housing Element and Fair Share Plan.

Council Matters of Importance to the Board – Suzanne reported that the board is 83% through the year and has spent 54% of its budget; so, things look good for the rest of the year. The 2010 budget request needs to be submitted as soon as possible.

Council passed on first reading the draft of the proposed zoning code revisions and asked the board to review and comment on the draft. Any suggested amendments should be returned to Council for review before the scheduled public hearing and discussion at the December Council meeting. The board reviewed several clarifications and minor suggested changes as well as clarifications to the revised side yard setbacks for each zone in the draft. The secretary commented that the draft would be presented and discussed at the zoning board meeting on the 19th. Suzanne asked that the zoning board be advised that any concerns or recommendations be communicated to Mary Longbottom and Bruce as soon as possible to allow for any needed revisions. Following conclusion of the review Joe Threston motioned and Suzanne Wells seconded that the board endorses the draft changes as amended at this meeting and recommends Council adopt them. The vote was unanimous. Additional changes can be initiated in January along with a needed correction to the zoning map.

On other matters it was reported that the various planning and zoning applications are now online and can be downloaded. The annual tree lighting will be on December 4. The biennial library house tour will be on December 5. The mayor announced that the holiday luncheon would be at his home on the 21st.

Environmental Commission – Joe Threston reviewed the commission's suggested changes to the Borough's Stormwater ordinance to keep the Borough's ordinance in conformity with the State's model ordinances. The changes had been given to the board last month. Joe recommended that the board approve the changes. Joe Threston motioned that the board recommends Council consider adopting the changes to the ordinance. The mayor seconded the motion and it passed by unanimous voice vote. The mayor stated he would advise Mary Longbottom to put the matter on the agenda.

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

Delinquent Escrow Collections – The secretary reported that there has still been no response from Mr. Recchiuti. Ken stated he is not aware of any other shortages. Another letter will be sent to Mr. Recchiuti. Suzanne reviewed that Stout and Caldwell had responded to the letter that S&C should not be paid for charges submitted for work done after they had to withdraw from the Beneficial Bank site plan application. S&C feels they should be paid and does not consider the matter closed. It was decided that the board would not respond to S&C any further at his time.

NEW BUSINESS

Invoices and vouchers:

1. 11/09/09, Tamara Lee Planning LC, \$810.00, COAH Planning related work during October. PAY FROM TRUST FUND DEVELOPMENT FEES
2. 11/10/09, Raymond & Coleman, \$512.00, general business advice and attend October meeting.
3. 11/10/09, Raymond & Coleman, \$392.00, for COAH related work during October including 204 Main Street issues. PAY FROM TRUST FUND DEVELOPMENT FEES

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

PUBLIC COMMENT – Joe Threston motioned and Suzanne Wells seconded to open the meeting to public comment.

- Maryann Shea commented she is going before the zoning board for an interpretation of the fence ordinance. She has read the Municipal Land Use Law which states the ordinances are in agreement with the Master Plan and wants to know if the board has confirmed that the ordinances are in agreement. She was assured they are. Mrs. Shea has an opinion from a landscape architect that he feels the code is ambiguous. Her neighbor also states the code is ambiguous. Tamara commented that the entire land use law was extensively revised following adoption of the Master Plan.
- Fred DeVece asked Tamara if the Borough had satisfied COAH's requirements when the code was changed to permit apartments over businesses. Tamara commented that the change provided an option to meet COAH's requirements under round two. However, the rules have since changed for round three and the Borough needs to come up with additional options. In addition, no property owner has ever offered to designate an apartment over a business as a COAH unit.

There was no further comment and Suzanne Wells motioned and Joe Threston seconded to close the meeting to public comment.

Meeting adjourned at 8:15 PM. (motion by Wells and second by Threston)

Next meeting is on 12/15/2009 at 7:00 pm in the Borough Hall.

Tape is on file.

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