

RIVERTON BOROUGH PLANNING BOARD
MINUTES
August 17, 2010

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joe 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 25, 2010.
2. Required Service of notice and publication in the Burlington County Times on January 24, 2010.

PRESENT: Joseph Creighton, Armand Bianchini, Muriel Alls-Moffat, Joseph Threston, Mayor Robert Martin, and Mary Lodato.

Also Present: Solicitor Chuck Petrone, planner Tamara Lee, substitute engineer William Long, and secretary Ken Palmer.

ABSENT: Councilwoman Suzanne Wells, Cheryl Progin, and Robert Bednarek.

MINUTES: A motion was made by Mayor Martin and seconded by Armand Bianchini to adopt the minutes of the July 20, 2010 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 7/26/10, copy of NJLM, Mayor's Fax Advisory updating League concerns with progress of actions on COAH reform.
2. 5 vouchers/invoices as presented under New Business.

PUBLIC HEARING

Site plan application by Antonucci Ventures LLC, to use the former Beneficial Bank building, 604 Main Street, Block 1102, Lots 1 and 12.02 as a banquet and private event facility.

Housekeeping and Introductions: The secretary reviewed and affirmed that all the jurisdictional requirements had been met. Mr. Petrone stated the hearing could proceed. Mr. Leo M. Garonski of Leo M. Garonski & Associates, P.C. introduced himself as counsel for the applicants and asked if the applicants and their architect could be sworn in. The following were sworn in and as applicable presented their qualifications:

- Lawrence R. Antonucci Jr.
- Kerri M. Antonucci
- J. Randolph (Jack) Parry, Architect

Testimony and board questions: Mr. Garonski asked Jack Parry to describe the project who presented the following exhibits:

- A-1, Colorized version of the site plan and photographs of the site
- A-2, Proposed floor plans
- A-3, Rendering of the first floor interior.

Mr. Parry reviewed the plans for the site to provide a location for holding private social events or business meetings. It is not a catering establishment and the service areas will be equipped and used for setting up and handling the food and beverage needs arranged for by the customer. The applicants will not provide any catering related services – all such services will be up to the client who rents the facility. The building is considered historic and as such there will only be minimal alterations to the exterior. Since it was formerly a working bank, there is only the front entrance. The front entrance will be remodeled to be more appropriate to the original style of the building. A service entrance with canopy will replace the existing walk-up ATM. A fully ADA compliant access ramp and entrance with canopy will be added to the rear of the building. The style of the canopies was discussed. The interior of the building will be extensively remodeled to restore the

structure to the appropriate style and provide an elegant yet subdued atmosphere. It will maintain the historic feel yet be up to date. The teller platform will be removed to open up the floor area. The vault room will remain since it is an integral part of the structure. The mechanicals including HVAC and electrical will be modernized to fully meet the needs of the planned use. Bathroom facilities will be upgraded and made ADA compliant. The entire building will be sprinklered. A "warming" kitchen and service area will be added for any outside catering services. The second floor mezzanine area will be set up for the office use of the owners and not part of the event area. The basement is currently not and will not be for event use, only storage as needed. There is approximately 3,000 square feet of event space on the first floor. No outside seating, event use is planned. The site will have 29 parking spaces (27 regular and two handicapped); and, a parking variance is being requested. The testimony was concluded.

The mayor asked about smoking and the answer was most likely out front where it formerly occurred and possibly outside the rear entrance. Concerning alcohol use, Larry Antonucci stated that it would be hoped that the type of events and clientele envisioned would not be a cause for concern. The restricted size of the space and thus the number of patrons at any event should also help ameliorate any concerns. The projected maximum capacity is around 113 at any event. Maximum seating would be 104 with perhaps up to 9 additional "staff/service" personnel. Muriel asked about hours of operation and was answered that daytime events would almost certainly fall within the 8:00 AM - 5:00 PM hours. Evening events would most likely always end before midnight at the latest except for special occasions such as a New Years Eve party. Muriel also raised concerns about the impact on parking. Larry replied that using a commonly accepted 80/20 rule, it is projected that 80% of the events would fall within 60 to 80% of capacity and would not require any additional spots. For events that approach capacity, it is hoped that they will normally occur when on-street spaces are not utilized and that the applicants would reach out to local business owners such as Jim Brandenburger to utilize some of his spaces on a pre-arranged basis. Larry feels that the maximum number of additional spaces needed would be 10 or 12. A valet service is also a possibility. The applicants have no plans to utilize any of the current grass area next to the back parking lot. During daytime/late afternoon hours, Light Rail use will also be encouraged. Larry was asked and explained how/why he decided on the planned use of the building. The mayor asked about the Borough's continued use of the rear parking area for public parking and Larry stated that he feels it needs to be restricted to owner use; but, he was also amenable to permitting public use when not needed for events. Joe Threston asked about lighting of the site especially at evening events. Larry feels the existing lighting is sufficient. He does not want it so bright that it disturbs the neighbors. Joe Threston asked about refuse disposal especially after large events. Larry stated they planned to provide an area that will accommodate up to four good sized trash receptacles as large as possible that still meet the requirements of the normal Borough trash collection process. If required he will contract out collection by a private hauler. Asked by his counsel, Larry discussed how he feels his business will benefit to the town. Larry hopes that his patrons will utilize the local businesses to service events and otherwise patronize the establishments. He feels his customers will learn more about Riverton and thus help the businesses. He feels his project will maintain or expand the tax ratables in the town. Larry also feels that an operating enterprise is more beneficial than an empty structure. Muriel again raised her concern about traffic and parking impacts since there is already overflow from the station parking during weekdays. Larry stated that while he would like to envision capacity events, he feels that will not realistically be the case for daytime business type events. Larry concurred with Joe Threston that larger events would most likely occur on weekends or off peak business hours. Chuck Petrone asked about the office use of the mezzanine area. Larry stated the area would only be for the business office of the LLC created to operate the facility. Initially two employees are envisioned and perhaps four max if the business is an outstanding success.

The concerns of the professionals were addressed. Mr. Garonski spoke to the proposed consolidation of the two lots. While the applicants concur that the two lots used together directly impact the uses of the property concerning parking, they would prefer to not restrict the possible uses of the lots unless the proposed or similar use proves viable. Chuck and Tamara stated that in absence of consolidation, the Borough should have guarantees in the form of a legal documentation that preserves the parking use of the rear lot and this guarantee should be part of any approval. While the town is dealing with Antonucci Ventures now, it is hoped it would

not be working with a receivership in the future. Realistically, any use of the building will probably generate a parking requirement that will likely exceed the number of spots available in the parking lot next to the building. Use of a deed restriction was discussed. It was also discussed that even if consolidated, the site could be subdivided in the future. The mayor asked if the use by the Borough could also be part of any approval. Chuck stated that there are legal mechanisms that are available that would benefit all parties. Tamara asked if the applicant would accept a condition that the basement will not be used for anything that generates a parking requirement and the reply was yes. Tamara has concerns about possible noise impact from inside events. The reply was that any "leakage" would be directed to the sides and front of the building which are not residential. The interior space of the building will also limit the volume that will be tolerable to the occupants. Tamara is concerned there is no professional documentation to support the requirements or impact of site lighting. Concerning occupancy, Tamara asked how it was calculated. The reply was that the occupancy was calculated to remain within the planned A2 use, which based on square footage, is how the 104 seats with max. occupancy of 113 was determined. Tamara is concerned that there has been no professional testimony to the bulk variances. While many of the bulk variances are preexisting, parking is not and the board needs to ensure that the record reflects that the proofs needed to warrant the variances have been provided in accordance with the Municipal Land Use Law. The board also needs to have the professional assurance that lighting and trash issues are being properly addressed. If the board feels the testimony provided is sufficient, then okay; however, normally such testimony is the purview of experts. Joe Threston is concerned about the lack of a landscape plan and how the required buffer will be addressed. Larry stated that he feels except for the parking, the other conditions are pre-existing. The increase of impervious coverage is to meet the ADA access requirements. Larry has met with the adjoining residential property owners and is willing to work with them to provide an adequate privacy buffer even though a landscape buffer required by the code is not feasible without a significant loss of parking space. While a waiver from a traffic study has been requested, there is still concern about the possible significant increase of traffic flow on this area and the narrow streets. Tamara is also concerned that the lighting safety issues and trash concerns have not been properly addressed. Bill Long addressed the engineering review. Concerning the increase in impervious coverage, the proposed increase of approximately two percent could be considered minor and beneficial since it is for ADA compliance. While the setback issues are existing, variances are needed; and the addition of a proposed canopy over the Harrison Street side changes the existing nonconformity. Based on the plans and testimony it appears that 39 parking spaces will be required and only 29 will be provided. Concerning trash disposal, especially larger catered affairs, one method to address the issue is to require the caterer to remove the trash generated. Larry stated that the one local and well respected caterer he has spoken with, and would recommend to his customers, told him they routinely take care of removing excess trash generated by their operations. Larry stated he is willing to make sure such an arrangement is part of any agreement by caterers that service the establishment. Concerning the rear parking lot and especially the encroachment of the lot beyond the property line on Harrison Street, the encroachment can be resolved if the board might consider a variance to allow some or all of the spaces to be nine feet wide rather than ten feet wide. The drive aisle width remains problematic. Even if a variance is granted to permit shorter length spaces of perhaps 18 feet rather than the required 20 feet, that still leaves a variance needed for the aisle width. Site lighting details should be provided both as to what is proposed and/or exists and how it complies with required standards. Flood lighting is discouraged. The lack of being able to feasibly comply with the residential buffer requirements needs to be addressed and a variance granted.

Public Comment: There was no further testimony or questions from the board and the chair suggested that the hearing be opened to public comment. A motion was made by Joe Threston and seconded by Armand Bianchini to open the hearing to public comment. The meeting was opened to the public and the following people were sworn and testified.

- Brad Huber, Moorestown, was asked by his mother in law who resides at 621 Lippincott behind the bank to speak for her. Mr. Huber is concerned about parking, noise, overflow parking, and the buffer. The resident wants a buffer to minimize any impacts generated by uses that are very different from the former bank use. A six-foot privacy fence is preferred to preserve security and unwanted access across her property. The fence would also minimize impact of vehicle lights. Concerning noise issues, it was discussed that there are county and local ordinances that govern permitted noise impact. Enforcement lies with the Code

Enforcement official and/or police. Conditions can also be part of any approval regarding hours of operation. Chuck added that there has already been testimony by the applicant to work with the residents; but, there should be specifics in any approval. The applicant stated he would be willing to consider a privacy fence along the entire rear property line as long as he has the proper guidance from the board. A living fence is not feasible and would cost parking spaces and not provide the security desired. The "finished side" would face the neighbors. Tamara stated that whatever is decided/approved, must be on the plans. A variance to permit the fence to extend to the property line along the existing parking lot curb line was suggested. A variance would also be needed to allow the fence to extend beyond the side yard building setback to the property line.

- Ann Martin, 623 Lippincott, stated her support for the plans for the site. She spoke to her parking concerns and light from cars in the rear parking lot. She prefers a fence buffer. She asked and received answers to where it would be located. She asked and received answers about the existing greenspace being preserved. There was no further public comment and Muriel Alls-Moffat motioned and Joe Threston seconded to close the hearing to public comment.

Deliberation: Joe Threston asked about board of health issues and it was explained that is part of the normal licensing and inspection process of operating a business. Joe Creighton feels the project is a good idea and beneficial to the town; however, he is concerned about traffic impact. The mayor asked if smoking could be restricted to the front of the building and the answer was yes but probably not enforceable. There being no additional questions or comments from the board, the chair asked if the specific waivers, variances and conditions could be summarized/discussed. The following were provided by the board's professionals in the approximate order listed:

- Address consolidation of the lots and the specific language agreement needed in lieu of consolidation for up to possibly three years from approval to prevent the rear lot being sold off.
- Restricting any use of the basement to use(s) that do not generate a parking need, i.e., storage.
- Caterers should be responsible for removing from the site trash generated by their operation.
- Permitting/requiring a six-foot privacy fence along the entire rear property line of lot 12.02 and extending to the street side property line as long as it does not interfere with acceptable sight lines. The "finished" side of any fence would face the neighboring properties. The fence would be permitted to be on the property line.
- Smoking should be encouraged to be only in the front of the building; even though regulation is probably not possible.
- A proper lighting plan should be submitted providing illuminating standards and styles of lighting.
- The issue of drive aisle widths, parking stall sizes and the existing encroachment beyond the property line of the rear parking lot should be addressed and variance(s) granted. Parking stalls of 9x18 rather than 10x20 were suggested. The narrower width should at least be for the number of spaces required to remove the encroachment. The shorter length helps lessen the drive aisle deficiency.
- The actual number of parking spaces to be covered by variance needs to be decided. Ten has been suggested.
- The plans are to be revised to show the approved parking and trash storage.
- There will be no outside seating.
- The kitchen/service area is for warming only. There will be no cooking on the premises.
- The Borough use of the rear parking lot when not required by the property owner should be addressed.
- The maximum occupancy of the building should be limited to 113 with guest seating at 104.
- A suitable closing time should be specified; such as midnight except on special occasions such as New Years when perhaps an extra hour is warranted. The applicant stated he could accept midnight except 1:00 AM on New Year's Eve.
- The plans need to be revised to reflect all the conditions addressed in the review letters and agreed to at the meeting.
- In lieu of the board granting a specific parking variance, the use of valet parking and arrangements with neighboring business owners needs to be specified. (Tamara stated that if board is satisfied the existing

spaces can be lived with and a variance granted, then perhaps no agreement is needed.) The board appeared to concur a parking variance was warranted.

The mayor stated he feels the plan is a good use and will benefit the town rather than the site sitting vacant for an extended period. It was mentioned that the Porch Club, School, and Yacht Club all have long standing parking issues that are lived with. The chair and board members asked if any motion to approve needed to specify all the items discussed. Chuck suggested the board could consider a motion to grant preliminary and final site plan approval with the adopting resolution to accurately reflect and include the specific variances, waivers, and conditions decided and approved at the meeting including that any deed restrictions and all revisions be made to the plans before they are signed. The mayor asked if the rest of the board was prepared to move forward. Joe Creighton stated he remained positive and was ready to vote on the matter. Muriel asked about the parking issue and Chuck Petrone explained that the approval would require a suitable mechanism to protect/preserve the existing parking unless/until lots are consolidated (if the business use proves viable then the lots will be consolidated). Any deed restriction/easement or similar instrument to not permit selling off the rear "parking area lot" needs to be prepared and submitted by applicant's counsel, reviewed and approved by board professionals, and recorded with the property deed. Following additional discussion, a motion was made by Bob Martin and seconded by Joe Threston to approve the application and granting preliminary and final site plan approval with all the variances, waivers and conditions as defined during testimony and subject to the conditions outlined by Chuck Petrone and Tamara Lee. There was no further discussion and the motion was approved by a poll vote of 6 to 0 as follows:

Mr. Creighton	aye	Mr. Bianchini	aye
Mrs. Alls-Moffat	aye	Mr. Threston	aye
Mr. Martin	aye	Mrs. Lodato	aye

All voting members commented as to why they approved the application, why they felt the variances were warranted, and why they feel the project will benefit the town.

OLD BUSINESS

COAH – Muriel reported that she had heard nothing new from COAH and things are quiet. Tamara reported that she is still coordinating some issues with the Construction Code Official concerning state records and Tamara needs to verify the vacant lots. Tamara has heard that things at COAH are in disarray.

Council Matters of Importance to the Board including 2010 Budget – Mayor Martin updated the board on a possible future bike race in the Borough and the status on the possible demolition of the home on 622 Thomas.

Zoning and Related Land Use Code changes – The topic was tabled until next month.

Environmental Commission – Joe Threston reported there was nothing new to report since the meeting is not scheduled until the 19th of this month.

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

NEW BUSINESS

Invoices and vouchers:

1. 08/01/10, Tamara Lee, \$540.00, Antonucci Site Plan Application Review 7/1-7/31/10. PAY FROM ESCROW
2. 08/03/10, Raymond, Coleman & Heinold, LLP, \$300.00, prepare and attend July meeting.
3. 08/03/10, Raymond, Coleman & Heinold, LLP, \$231.00, Antonucci Site Plan Application Review through 7/31/10. PAY FROM ESCROW
4. 08/03/10, Raymond, Coleman & Heinold, LLP, \$28.00, COAH/QMA work in July. PAY FROM DEVELOPMENT FUNDS

5. 08/05/10, Stout & Caldwell Engineers, LLC, \$1,593.75, Antonucci Site Plan Application Review through 7/31/10. PAY FROM ESCROW

There was no discussion and a motion was made by Mary Lodato, seconded by Joe Threston, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

Guidelines for Hearings:

Following the hearing there was discussion that the process wandered and appeared to generate some confusion among the applicant and the board as to how it should proceed and what was needed. Tamara stated that while the board ultimately decides what to approve or deny, it is the responsibility of the professionals to address all the issues and to offer guidance to ensure that all waivers and variances are held up to the requirements of the Municipal Land Use Law. To do otherwise could leave the board's decisions subject to overturn if appealed. Tamara suggested that perhaps a short review of the process along with a suggested guideline to conducting hearings would assist the board (and the applicant). Tamara offered to put together a presentation and guidelines which she could present to the board next month. The members thanked Tamara for her suggestion and concurred it would be very helpful. The board asked Tamara to proceed and the secretary to put the item on the agenda. Tamara stated she would have any material reviewed by board counsel prior to the meeting.

PUBLIC COMMENT – The chair noted for the record that there were no members of the public present.

Meeting adjourned at 9:42 PM. (motion by Alls-Moffat, second by Threston)

**Next meeting is on 09/21/2010 at 7:00 pm in the Borough Hall.
Tape is on file.**

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