

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
May 15, 2012**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Kerry Brandt. 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, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

PRESENT: Kerry Brandt, Joe Della Penna, Craig Greenwood, Robert Kennedy (arrived 7:10pm), Joseph Threston, Mayor William Brown, Councilman William Corbi, Mary Lodato, Deborah Weaver, Robert Martin, and Michael Powers.

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

ABSENT: Ken Mills and Tracy Foedisch.

REORGANIZATION

Solicitor Tom Coleman swore in new alternate member Michael Powers. Mike will be alternate member #4.

MINUTES: A motion was made by Craig Greenwood and seconded by Joe Threston to adopt the minutes of the April 17, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. Copy of notes and agenda from the April 26, 2012, River Route Advisory Committee meeting. (Copies distributed to members 5/15/12.)
2. 2 vouchers/invoices as presented under New Business.

OLD BUSINESS

Affordable Housing – Tom Coleman updated the board on the latest from Trenton. The governor is appealing the Appellate Court ruling that the Governor could not unilaterally abolish the COAH body. Tamara reported that she still needs a decision/direction from the board before she can prepare a revised spending plan. Tamara stated that the revised plan needs to reflect that the Borough has a firm commitment such as agreements or signed letters of intent that show how the Borough is going to expend the funds. The chair asked the board to comment on what they thought should ideally be done and led off the discussion by reiterating that he does not feel that the Borough should be forced to change or commit to other alternatives that may not be perceived by the town as the most desirable just to satisfy a statutory requirement when the Borough naturally already has a sufficient number of properties that qualify as affordable housing. Tamara and Tom reviewed that Kerry may have a point; but, that unless there is the required deed restriction in place that guarantees the property/unit remains as affordable housing for the 30 year period, it does not count as an affordable housing unit. The majority of board members essentially echoed Kerry's opinion; but also wondered what is the best path to take.

Suzanne Wells commented that while she understands the concerns and seeming frustration of the new board members; the board should not feel they are having to start from scratch. The concerns and frustrations of the current board are nothing new to those officials that have been dealing with the problem for years. Most if not all of the ideas being put forth are not new or novel. They have been considered and pursued vigorously, but all to no avail. Now with the pending deadline fast approaching, the board needs to endorse a plan that shows the Borough has firm commitments in hand to expend the funds. To date only Quality Management Associates (QMA) with their group homes and most recently Habitat for Humanity (Habitat) which provides single family homes have demonstrated a continued strong interest. All other approaches have fallen short for any number of reasons. The chair asked for an update. Suzanne Wells reported that she has continued to negotiate with QMA and she believes they may be willing to agree to an amount of around \$90,000.00 or less towards the purchase

of another suitable property for a group home within the Borough. Deb Weaver reported that the owners of the Broad Street property had backed away from their previous interest in agreeing to deed restrict their home in exchange for funds to rehabilitate and the associated expenses of setting up the deed restriction. The property on Cinnaminson Street that Habitat stated they were interested in has gone under contract to another purchaser and is thus no longer a candidate property. Deb stated she feels Habitat is still interested in pursuing properties in the Borough and needed a better idea of the funding that may be available from the Borough. Habitat of course states that they can use all the financial help they can get; but, appreciates any funding it might expect to receive. Currently other than QMA and Habitat, there are no other realistic candidates. Tamara reviewed that a group home with an organization such as QMA presents the biggest bang for the buck since there are extra credits allowed. However, under the current calculations of an obligation of five units, at least one approved unit must be a single family owned/rented residence.

Tom Coleman was asked what was needed and when. Tom informed the board that to ensure the Borough meets the July deadline to have a revised plan submitted, Tamara needs for the board to determine what the revised spending plan should reflect and that agreements have been negotiated to that effect. Tamara needs the decision tonight so she can finalize the revised plan and submit it to Council for consideration at their June meeting. Also the board needs to adopt a resolution that will have the plan attached which recommends Council adopt the revised plan. The chair asked for each board member to comment on what they felt should be done and the consensus of all the members was that, although they feel the town might feel otherwise, that the best course of action was to attempt to secure agreements with QMA and Habitat. Using the latest figure of \$90,000.00 reported by Suzanne Wells, the board requested that Suzanne try and secure a firm commitment from QMA as soon as possible to enter an agreement that the Borough will provide a set amount to them to locate a suitably deed restricted group home in the Borough. Suzanne will communicate her results to Tom Coleman who will prepare the agreement and also to Tamara for inclusion of the appropriate details in the revised spending plan. The board also requested that Deb Weaver work with similar urgency to secure a similar commitment from Habitat that the Borough will provide the remainder of the funds to Habitat to purchase and provide a suitably deed restricted single family home in the Borough. Deb will likewise communicate her results to Tom Coleman who will prepare the agreement and also to Tamara for inclusion of the appropriate details in the revised spending plan. There was no further discussion from the board and with guidance from Tom Coleman, a motion was made by Joseph Threston and seconded by William Brown that the board adopt a resolution that endorses a revised spending plan to be attached to the resolution; and, which recommends that Borough Council adopt the revised plan. The plan will reflect that the Borough has secured agreements to provide funds in exchange for suitably deed restricted properties to: QMA for the purpose of locating a group home in the Borough at a place and time to be determined by QMA; and, to Habitat for the remainder of the funds for the purpose of locating an approved single family home in the Borough at a place and time to be determined by Habitat. There was no further discussion and the motion was approved by a poll vote of 9 to 0 as follows:

Mr. Brandt	aye	Mr. Della Penna	aye
Mr. Greenwood	aye	Mr. Kennedy	aye
Mr. Threston	aye	Mr. Brown	aye
Mr. Corbi	aye	Mrs. Lodato	aye
Mrs. Weaver	aye		

PUBLIC HEARING

Variance Application: Amy Martino, 620 Elm Terrace, Block 1005, Lot 3; Side yard setback requirements & any other's required to permit the construction of an addition which follows the lines of the existing home.

Introductions: The chair announced the matter and the secretary stated that all jurisdictional requirements except the proof of taxes have been met. Tom Coleman stated that if the board concurred, the hearing could continue as long as the applicant submitted the required proof prior to any final approval (the resolution) being adopted. The board concurred and the applicant agreed to provide the proof prior to the next meeting. No

members needed to recuse themselves from the matter. Mrs. Martino and her architect Sean Toner of Morton & Company, LLC were sworn in and testified.

Testimony: Testimony was provided that the property is located in the R8 Zone where a minimum side yard of ten feet is required. The existing house is within the setback on one side by just over 1/2 foot and the roof line, eaves, fascia, and gutters extend at most another 24 inches beyond the wall. The plans call for the addition to match the lines of the existing structure. Testimony was provided that due to the interior layout and loss of buildable space it would be a hardship if the addition had to adhere to the required setback. Also, the existing home is too small for the family. Mr. Toner stated he also felt that the proposed plan maintained the aesthetics and style of the existing structure. There was no further testimony and no questions from the board.

Public Comment: The chair remarked for the record that there were no members of the public present.

Deliberation: There was no further discussion from the board. A motion was made by Mary Lodato and seconded by Joseph Della Penna to approve the application as presented to permit the expansion as long as the building line is no closer than 9.4 feet to the property line with any overhangs of the roof and eaves and gutters not to exceed 24 inches beyond the side of the building. The motion was approved by a poll vote of 9 to 0 as follows:

Mr. Brandt	aye	Mr. Della Penna	aye
Mr. Greenwood	aye	Mr. Kennedy	aye
Mr. Threston	aye	Mr. Brown	aye
Mr. Corbi	aye	Mrs. Lodato	aye
Mrs. Weaver	aye		

Comments from various board members on their votes stated that a hardship appeared to exist and that the benefits far outweighed any perceived detriments. In addition, the attention paid to the character of the neighborhood, not planning to increase the encroachment, and maintaining the aesthetics and style of the structure were important in voting to approve.

OLD BUSINESS (Cont'd)

Council Matters of Importance to the Board – There was nothing of note to report.

Environmental Commission – Joe Threston reported that the commission will function as the "green team" for the Sustainable Jersey program and any volunteers from the community are welcomed. Joe also reviewed the River Route Advisory Committee notes and stated he had the entire package available for review.

Minor Site Plan Applications – Mary Lodato reported that none had been submitted since the last board meeting.

NEW BUSINESS

Invoices and vouchers:

1. 5/7/12, Raymond Coleman & Heinold, LLP, \$130.00, legal services during April and attending the April 2012 board meeting. (PLANNING BOARD GENERAL FUNDS)
2. 4/6/12, Raymond Coleman & Heinold, LLP, \$350.00, services during April regarding the Variance Application and hearing for 713 Cinnaminson Street. (ESCROW ACCOUNT)

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

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

Meeting adjourned at 9:13 PM. (motion by Threston, second by Greenwood)

Next meeting is at 7:00 pm on 6/19/2012 in Borough Hall.

Tape is on file for one year.

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