

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
December 17, 2013**

The Regular Meeting of the Planning Board was called to order at 7:00 PM by Chairman Kerry Brandt. Following the salute to the flag, the secretary read the Open Public Meetings Act and called the roll:

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 16, 2013.
2. Required Service of notice and publication in the Burlington County Times on January 18, 2013.

PRESENT: Kerry Brandt, Kenneth Mills, Joseph Threston, Mayor Brown, Councilman Corbi, Mary Lodato, Deborah Weaver, Richard Gaughan, and Robert Martin.
Also Present: Solicitor Tom Coleman and secretary Ken Palmer.

ABSENT: Joe Della Penna, Craig Greenwood, Robert Kennedy, and Michael Powers.

MINUTES: A motion was made by Ken Mills and seconded by Joe Threston to adopt the minutes of the November 19, 2013, regular meeting of the planning board as distributed. The voice vote was unanimous.

PUBLIC HEARINGS

Case# 2013-06, Appeal by John Latimer of interpretation of zoning code by the Zoning Official re: 603 Bank Avenue, Block 400, Lot 3.

Case# 2013-07, Request by John Latimer for "interpretation of the Zoning Code regarding what the board believes is the Front Yard(s) of the riverfront properties Northeast of Howard Street through and past Fulton Street."

Introduction – Chairman Brandt introduced and reviewed both matters. He explained that the appeal only concerned 603 Bank Ave, while the interpretation was for all five lots that have frontage on the river but are accessed from either Howard St. or 2nd St. While the NJ State Municipal Land Use Law (MLUL) and Borough Code provide for both actions, neither provide any procedures as to how they are handled especially regarding noticing of parties impacted by them. The chair wishes to be fair to everyone including the applicant as well as all homeowner involved. Given the short notice to the board of the filing of these items, the chair feels more time is warranted: for the board members to receive and review all the materials submitted by Mr. Latimer and to notify all parties involved. Board Solicitor Tom Coleman stated that the chair had framed the issues well. Mr. Coleman explained that by filing the appeal, all work covered by the appeal must cease and any pending permits cannot be issued until the appeal is resolved. The board has 120 days to respond. Mr. Coleman wishes the board's planner to review and comment on the matter. Board planner Tamara Lee only just learned of the matters and explained that she has neither received all the information nor had time to review it; and, she was not able to readjust her schedule to be present this evening. Mr. Coleman feels it is advisable to carry both matters forward to the board's next meeting on January 21, 2014. He has discussed these concerns with Mr. Latimer. Mr. Coleman feels that while the MLUL is silent on notification, he feels that at a minimum, the property owner of 603 Bank should be noticed. Mr. Latimer, who was present at the meeting was asked by Mr. Coleman if he agreed that both matters could be carried forward to January and all property owners involved be notified. Mr. Latimer stated he agreed.

Discussion – Board members discussed jurisdiction matters concerning the construction permits. It was discussed that County Construction Board of Appeals hears construction permit items; but, while it has/will be accepted, listed and carried, the board will wait to the matter has played out in the Borough with the hope it will be resolved locally. There also may be state and/or federal involvement. Mr. Latimer asked and was permitted to provide a brief overview and timeline of how the matters developed. It was agreed that Mr. Latimer had

acted within the timeline for filing the appeal considering when he learned of the things and had filed the appeal. It was agreed that the appeal would be decided first and then the interpretation. Council President Suzanne Wells who was present at the meeting stated that the Borough in conjunction with Mr. Coleman would take care of noticing the owner of 603 Bank Ave. of the appeal and that all activity must stop until the appeal is resolved. The board secretary will take care of notifying the other property owners covered by the interpretation are notified. Mr. Palmer will verify the properties with the tax assessor's records. The secretary will make sure all the board members as well as its professionals have copies of all the materials submitted by Mr. Latimer. Concerning possible intervening action by other agencies changing the timetable, the board will address things if and when they occur. There being no further discussion, A motion to carry the matters to January 21, 2014, and appropriately notify all parties impacted by the matters in a timely fashion was made by Joe Threston and seconded by Ken Mills. The motion carried by a unanimous voice vote of the members.

CORRESPONDENCE/ANNOUNCEMENTS

- 1. Additional RFP's for planner and engineer received. All the RFP's received are in the board's mail box.**
- 2. 2 vouchers/invoices to be presented under New Business.**

OLD BUSINESS

Adopt & memorialize Resolution P2013-09, Case# 2013-05, Jim Brandenburger, 108 Linden Ave., Block 202, Lots 12 and 13, minor subdivision application with bulk variance to subdivide two conjoined nonconforming lots with insufficient front footage and any and all other variances – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. There were none and a motion was made by Joe Threston and seconded by Ken Mills that reading of the resolution be suspended and the resolution referenced by title be adopted and memorialized. The resolution was adopted and memorialized by a unanimous voice vote of the eight members present who were eligible to vote.

Affordable Housing – Deb Weaver discussed that the board's agreement with Habitat for Humanity will expire in April 2014 and is wants to know what if any action needs to be taken. Tom Coleman reviewed that the courts gave the state six month to develop new guidelines and had also stayed attempts by the state to take housing funds. Tom feels the Borough is safe since it has legal "arms length" agreements to spend its funds, the funds for QMA have been spent and the remaining are legally defined for Habitat. Tom feels a backup plan beyond April is a good idea including renewing the agreement with Habitat. Deb mentioned that she had received information from Tamara of another organization that may be interested in pursuing an agreement with the Borough. She isn't sure but thinks it may be group home oriented. Concerning the new regulations, Tom stated he has heard they are a blend of second and third round regulations with the portions the court struck down removed.

Council Matters of Importance to the Board – Councilman Corbi reported that the grandstand project is about 90% completed. He also reported that he will not be the Council representative to the board next year. Incoming councilman Armand Bianchini will be taking that position. Bill stated he feels Council is interested in considering code changes concerning height and mass of buildings on lots. Mayor Brown reported that additional diagnostic team meetings on the rail crossings have been requested. The county is also installing additional signage and markings to alert vehicles that pedestrians in marked crossings have the right of way.

Environmental Commission – Joe Threston reported there was nothing new to report and he urged all, if they have not already done so, to take the RiverRoute survey.

Minor Site Plan Applications – Mary Lodato reported no new applications had been received.

NEW BUSINESS

Invoices and vouchers:

1. 12/3/13, Tamara L. Lee, PP, \$682.50, conduct and prepare planning review of Linden Ave. minor subdivision and attend board meeting during November. (BRANDENBURGER SUBDIVISION ESCROW)
2. 12/4/13, Raymond Coleman Heinold & Norman, LLP, \$434.00, prepare for, attend, and conduct public hearing for Linden Ave. minor subdivision application. (BRANDENBURGER SUBDIVISION ESCROW)

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

PUBLIC COMMENT – A motion was made by Ken Mills and seconded by Deb Weaver to open the meeting to public comment.

- John Latimer asked if ARC approval had been obtained for the exterior work being done at 603 Bank Ave. Hank Croft of the ARC stated the permits had been signed.

There was no further comment and a motion was made by Joe Threston and seconded by Ken Mills to close the meeting to public comment.

Meeting adjourned at 8:04 PM. (motion by Threston, second by Mills

Next meeting is at 7:00 pm on 1/21/2014

Tape is on file for one year.

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