

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
June 18, 2013**

The Regular Meeting of the Planning Board was called to order at 7:00 PM by Vice Chairman Ken Mills. 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: Kenneth Mills, Joe Della Penna, Joseph Threston, Mary Lodato, Deborah Weaver, Robert Martin, and Michael Powers.

Also Present: Solicitor Chuck Petrone for Tom Coleman, and secretary Ken Palmer.

ABSENT: Kerry Brandt, Craig Greenwood, Robert Kennedy, Mayor Brown, Councilman Corbi and Richard Gaughan.

MINUTES: A motion was made by Robert Martin and seconded by Michael Powers to adopt the minutes of the May 21, 2013, regular meeting of the planning board as distributed. The voice vote was unanimous.

OLD BUSINESS

Council Matters of Importance to the Board – The secretary reported that Councilman Corbi had informed him via e-mail that there was nothing of importance to the board to report from the June Council meeting.

PUBLIC HEARING

Variance Application: Case# 2013-02, Lori Nicosia, 610 Cinnaminson Street, Block 906, Lot 4.02, application for use variance to expand a nonconforming use and lot coverage relief and any other variances to install a 25 x 14 concrete patio and steps to the rear of the residence:

Introduction – Mr. Mills introduced the application. Ms. Nicosia is seeking to install a concrete patio which will exceed the permitted 40% impervious coverage limit set by the resolutions which were granted to also approve a use variance to allow construction of a nonconforming single family residence in the NB zone. The secretary reviewed that the application was jurisdictionally complete. Mr. Petrone concurred. It was reviewed that since a use variance is required, the Class I and Class III members could not participate or be replaced. In addition, the first, second, and fourth alternates are eligible to vote in place of the three absent Class IV regular public members. Mr. Petrone reminded the board that to grant a use variance requires five approvals of the seven votes to be cast. Ms. Lori Nicosia and Mr. Brian Janson were sworn in by Mr. Petrone.

Testimony – Ms. Nicosia described that she would like to install an approximately 14 ft by 25 foot irregularly shaped patio and steps. She calculates that this will increase the existing approximately 36+% percent impervious coverage to at most 44.5% and she is requesting a bulk variance to do so. She also understands that she needs a use variance to expand a nonconforming use. To support her testimony, the following exhibits were introduced and marked for the record:

A1, A2, A3 - photos of the rear yard.

A4 - concept plan of the patio on the property.

The patio will be of stamped concrete resembling a fieldstone pattern. She is aware of the drainage easement and the patio will not interfere with or be constructed in the easement. Mr. Petrone asked if the applicant felt that the installation of the patio would be advantageous to her house and to the surrounding neighborhood. Ms. Nicosia answered that she feels the patio will improve the value of the house and property and fits in with the neighborhood. Asked by Mr. Petrone if she felt there would be any negative impact on the immediate

properties surrounding hers, Ms. Nicosia answered no. Mr. Powers asked if she thought a smaller patio is feasible. Ms. Nicosia stated she felt that the allowed 8x10 area would be mostly taken up by the landing and steps and that even at 8x10, it would not provide a patio of sufficient space to allow for outdoor entertaining. Mrs. Weaver asked how the proposed square footage was arrived at. Mr. Janson replied that they planned for 350 sq. ft. maximum based on a rectangle knowing that the freeform shape of the patio would probably be less - closer to 260-270 sq. ft. of actual patio after allowing for the steps. The applicant feels that the final impervious coverage will be actually be less than the requested 44.5%. The maximum width and depth at any point will be 25 ft and 14 feet respectively.

Public Comment – Mr. Mills noted for the record that there were no members of the public present.

Board Deliberation – There was no further comment or questions from the board. Mr. Mills asked if someone would like to propose a motion. Mr. Threston asked the solicitor to review what was needed to grant approval. Mr. Petrone stated the board might consider approving the application as submitted and should consider two variances. A use variance to expand a nonconforming use is required. A bulk variance could be granted to permit construction of a concrete patio and steps which exceeds the permitted 40% impervious coverage and conditioned that the coverage does not exceed 44.5% and the dimensions do not exceed a size of 14x25 feet. Mr. Threston motioned that the application be granted with the variances and conditions as set forth by Mr. Petrone. Mr. Della Penna seconded the motion. There was no further discussion and a poll vote was taken. The motion was approved by a unanimous vote of seven (7) ayes as follows:

Mr. Mills	aye	Mr. Della Penna	aye
Mr. Threston	aye	Mrs. Lodato	aye
Mrs. Weaver	aye	Mr. Martin	aye
Mr. Powers	aye		

Several members commented that a hardship had been demonstrated, the applicant had been sensitive to the drainage easement on the site, and had demonstrated a need to maintain the character of the neighborhood, and that the benefits of improving the property outweigh any possible detriments. The chair and secretary reviewed the next steps with the applicant. The approval will be memorialized by Resolution P2013-07.

CORRESPONDENCE/ANNOUNCEMENTS

1. 2 vouchers/invoices to be presented under New Business.

OLD BUSINESS

Adopt & memorialize Resolution P2013-06, Case#2013-02, Janet Mekker, 608 Cinnaminson Street, Block 906, Lot4.01, variance application for a use variance for expansion of a nonconforming use and any and all other variances to install a 340 sq. ft. concrete patio and steps at the back of the house – 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 Deb Weaver 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 five members present who were eligible to vote.

Affordable Housing – Deb Weaver stated there was nothing new to report that she was aware of.

Environmental Commission – Joe Threston reported that he had nothing new to report this month and the next meeting is Thursday, June 20.

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

NEW BUSINESS

Invoices and vouchers:

1. 5/31/13, Tamara Lee Consulting, LLC, \$950.00, for COAH matters: Review State developments and advise Borough and Tom Coleman. Review State's version of Borough accounting records and reconstruct history with COAH, coordinate with Tom Coleman & Deb Weaver, and draft letter for Tom's signature responding to State request for municipal housing funds. (COAH/PLANNING BOARD ACCOUNT)
2. 6/6/13, Raymond Coleman Heinold & Norman, LLP, \$237.50, review, prepare for, attend public hearing, and begin preparing resolution for the Mekker application. (MEKKER ESCROW)

A motion was made by Joe Della Penna, seconded by Bob Martin and unanimously approved to pay the items 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 7:24 PM. (motion by Threston, second by Martin)

Next meeting is at 7:00 pm on 7/16/2013

Tape is on file for one year.

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