

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
March 19, 2013**

The Regular Meeting of the Planning Board was called to order at 7:00 PM by Chairman Kerry Brandt who read the following:

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, Ken Mills, Joe Della Penna, Craig Greenwood, Robert Kennedy, Joseph Threston, Councilman William Corbi, Mary Lodato, Robert Martin, and Michael Powers.
Also Present: Solicitor Tom Coleman and secretary Ken Palmer.

ABSENT: Mayor William Brown, Deborah Weaver, and Richard Gaughan.

MINUTES: A motion was made by Craig Greenwood and seconded by Joe Della Penna to adopt the minutes of the February 19, 2013, regular meeting of the planning board as distributed. The voice vote was unanimous.

PUBLIC HEARING

Variance Application: Case# 2013-01, Joseph and Amy Katella, 3 Shrewsbury Yard, variance application for minimum rear yard relief and any other variances to add a mudroom addition to their home:

Introduction – The secretary reviewed that the application was jurisdictionally complete. Mr. Coleman concurred. Mr. Katella and Mr. Croft were sworn in by Mr. Coleman.

Testimony – Mr. Croft and Mr. Katella explained that the property and home legally front on Shrewsbury Yard which is a cul-de-sac off of Shrewsbury Lane. A portion of the side and rear yard also front on Cherry Lane and the family and visitors normally access the property and home from Cherry Lane. The property is an irregular shaped lot and is nonconforming for lot frontage. The lot essentially is wider than it is deep. The rear of the property abuts the side lot line yard of the adjoining property and the rear of the applicant's house faces the rear yard portion of the adjoining property. There is also an existing fence and landscaping between the properties which will not be disturbed. The structure is currently nonconforming for front yard and rear yard setbacks. The depth of the rear yard is only 14^{1/2} feet where 22 feet is required and there is an existing deck that extends to approximately five feet from the rear property line. Only the rear yard setback of the home will change. Mr. Katella and Mr. Croft referred to the survey and plan to help orient the board to the particular details of the property and the location of the addition. The interior of the home is being renovated which will require relocating the rear entrance door. To make the rear entrance more aesthetically pleasing, more functional, and more formal; the owners plan to extend the mud room by approximately seven feet across the back of the home. The extension will not extend further into the rear yard than the current mudroom. However, the covered entryway and steps will extend approximately 4^{1/2} feet further to the rear and will be 10 feet from the rear lot line. Mr. Katella feels there is a hardship due the shape of the lot and location of the house on the property. He feels the proposed design is the best way to improve the property and is the most aesthetic design. The addition will maintain the existing style of the home. There is no impact on the neighboring property. The deck will need to be partially reconstructed but will not be located any closer to the rear line than the current deck. There was no further testimony or comments and questions from the board.

Public Comment – Mr. Mills motioned and Mr. Threston seconded to open the hearing to public comment. There was none and Mr. Mills motioned and Mr. Threston seconded to close the hearing to public comment.

Board Deliberation – The board discussed the matter and feels the variance(s) are warranted. The chair asked if Mr. Coleman would guide the board in crafting a motion. Mr. Coleman stated the board might consider

approving the application as submitted and should consider three variances. A variance would be granted from the required 22 feet rear yard for an addition that will be no closer than 10 feet from the rear property line and that the deck if reconstructed will be no closer than the existing five feet to the rear property line. Variances are also needed for the two existing nonconformities of front yard setback and lot frontage. Mr. Mills motioned that the application be approved with variances and conditions as suggested by Mr. Coleman. Mr. Threston seconded the motion. There was no further discussion and a poll vote was taken. The motion was approved by a unanimous vote of nine (9) ayes as follows:

Mr. Brandt	aye	Mr. Mills	aye
Mr. Della Penna	aye	Mr. Greenwood	aye
Mr. Kennedy	aye	Mr. Threston	aye
Mr. Corbi	aye	Mrs. Lodato	aye
Mr. Martin	aye		

Several members commented that a hardship had been demonstrated and that the benefits of improving the property outweigh the possible detriment of further encroachment into the rear yard. The chair and secretary reviewed the next steps with the applicant. The approval will be memorialized by Resolution P2013-05.

CORRESPONDENCE/ANNOUNCEMENTS

- 1. 3/13/13, Various RFP's for the engineering position.**
- 2. 4 vouchers/invoices to be presented under New Business.**

OLD BUSINESS

Appoint Engineer – The chair reviewed the various RFP's that were submitted for the position and discussed the summary he had prepared for the board's review. Mr. Coleman noted that if the board so desired it can appoint an engineer for up to three years. It was also noted that the board can approve multiple engineers if it feels it is necessary. The board discussed the matter and a motion was made by Joe Threston, seconded by Craig Greenwood, and passed unanimously to appoint William Kirchner of Environmental Resolutions, Inc. as the board's engineer for 2013 through January 2014. Resolution P2013-04 announcing the appointment of the board engineer was reviewed. Joe Threston motioned that the resolution referenced by title be adopted and Craig Greenwood seconded the motion. The board unanimously approved that the resolution: be adopted, published in the Burlington County Times, and the appointed party be formally notified and requested to submit a contract.

Affordable Housing – Tom Coleman stated that there is nothing new to report. Councilman Corbi asked Tom if any deed restrictions on affordable housing properties runs for 30 years and Tom Coleman replied that was correct and the restriction goes with the property regardless if ownership changes.

Council Matters of Importance to the Board – Councilman Corbi reported that new bids had been received for the grandstand project and one had been accepted. He also reported that the nuisance ordinance covering vacant or abandoned properties had also passed. The 2013 budget should be approved in April.

Environmental Commission – Joe Threston reported the commission has submitted its first application for Sustainable Jersey credit for the Rain Garden at the school. The submission process is easier than first thought and additional items are being considered.

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

NEW BUSINESS

Invoices and vouchers:

1. 2/27/13, Raymond Coleman Heinold & Norman, LLP, \$84.00, finalize Meehan resolution in January. (MEEHAN ESCROW)
2. 2/27/13, Raymond Coleman Heinold & Norman, LLP, \$130.00, prepare and attend January Board meeting. (PLANNING BOARD BUDGET)
3. 3/12/13, Raymond Coleman Heinold & Norman, LLP, \$42.00, legal services during February regarding QMA issues. (PLANNING BOARD BUDGET/COAH ISSUES)
4. 3/12/13, Raymond Coleman Heinold & Norman, LLP, \$162.50, prepare and attend March Board meeting. (PLANNING BOARD BUDGET)

The secretary reported that the Meehan escrow shortage had been made up. A motion was made by Ken Mills, seconded by Joe Threston and unanimously approved to pay the items as presented. The secretary will have them signed and submitted for payment.

PUBLIC COMMENT – Ken Mills motioned and Joe Threston seconded to open the meeting to public comment.

- Walter Croft asked if the amount and details of the QMA payment could be explained. Mr. Coleman and the chair explained the background and details of the payment and the legal obligations that require that the funds be committed by a certain date.
- Dan Howard asked several questions regarding the deed restriction and the type of housing. The deed restriction was explained and that the deed restriction goes with the property for 30 years. Asked if the home could be used as a halfway house, Tom stated he believes that while the court will not permit discrimination, he understands the restriction can require that the use is for long term housing of income qualified disabled people and not transient rehabilitation. Tom stated that while an agreement to expend the funds is in place, an actual agreement on the deed restriction is not in place since QMA has not yet formally requested the funds be released. The Borough will follow up if and when the request is made. Regarding the process, it is with the Borough and Council. The planning board has no further jurisdiction on the matter. Tom advised Dan that if he has further questions, he should get them to the Borough Clerk, Mary Longbottom, and she will direct them to him.

There being no further comment, Ken Mills motioned and Bob Kennedy seconded to close the meeting to public comment.

Meeting adjourned at 8:12 PM. (motion by Mills, second by Threston)

Next meeting is at 7:00 pm on 4/16/2013

Tape is on file for one year.

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