

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
May 21, 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, Craig Greenwood, Joseph Threston, Mayor William Brown, Mary Lodato, Deborah Weaver, Richard Gaughan, Robert Martin, and Michael Powers.
Also Present: Solicitor Tom Coleman and secretary Ken Palmer.

ABSENT: Kerry Brandt, Joe Della Penna, Robert Kennedy, William Corbi.

MINUTES: A motion was made by Craig Greenwood and seconded by Joseph Threston to adopt the minutes of the April 16, 2013, regular meeting of the planning board as distributed. The voice vote was unanimous.

OLD BUSINESS

Council Matters of Importance to the Board – The mayor reported that the QMA purchase of the Beechwood Drive property was completed. Construction of the new grandstand in the park will hopefully begin in the next two weeks. Since he had to recuse himself from the hearing, Mayor Brown was excused from the rest of the meeting.

PUBLIC HEARING

Variance Application: Case# 2013-02, Janet Mekker, 608 Cinnaminson Street, Block 906, Lot 4.01, 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:

Introduction – Mr. Mills introduced the application. The secretary reviewed that the application was jurisdictionally complete. Mr. Coleman concurred. Mr. Coleman reviewed that the home is in the NB zone and that since a use variance was granted to permit construction of the home, a use variance is required to allow expansion of a nonconforming use. In addition, a bulk variance is needed to exceed the permitted 40% impervious coverage by approximately 7.5%. Mr. Coleman 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 third alternates are eligible to vote in place of the three absent Class IV regular public members. Mr. Coleman reminded the board that to grant a use variance requires five approvals of the seven votes to be cast. Mrs. Mekker was sworn in by Mr. Coleman.

Testimony – Mrs. Mekker described that she is requesting the variances to have a patio for outdoor enjoyment and entertainment. After constructing the required landing and steps, the remaining allowable coverage area would be too small to have a functional patio. Asked to describe the benefits and detriments, Mrs. Mekker stated that she feels the patio will increase the value of the home, permit a solid surface for the outdoor grill, and permit outdoor entertaining. The only detriment may be an impact on drainage; however, she is making sure she does not interfere with the drainage easement. At this point, the board had no further questions. Mr. Coleman asked Mrs. Mekker if she feels the patio will fit with the character of the neighborhood as well as the aesthetics of the neighborhood. Mrs. Mekker replied in the affirmative. Asked if the construction would be a detriment to the neighbors or neighborhood, Mrs. Mekker stated no, it should be an improvement. Mr. Coleman asked if she felt a patio fits in with the character of zone and surrounding homes, and Mrs. Mekker replied she does. Mr. Coleman asked if it is Mrs. Mekker's testimony that she feels the granting of the

ordinance is not a major deviation from the zoning ordinance and that it will improve the character of the neighborhood and not be detrimental. Mrs. Mekker replied it was. Mr. Mills discussed the excess lot coverage calculations and it was determined Mrs. Mekker appears to have included some area not within her property lines as existing coverage; so, she is actually requesting less excess coverage than stated. Mr. Mills asked if Mrs. Mekker had considered other construction such as a deck or other materials for the patio. Mrs. Mekker testified that no matter which approach she took would have still required a similar lot coverage variance and she felt the stamped concrete most fit the character of the neighborhood. Mrs. Mekker stated that she deliberately chose to err on the excess side of the patio coverage since it is more free-form in shape and not a rectangle; and she wanted to allow for any minor variations when the contractor assembled the forms. Mr. Powers and Mrs. Lodato stated that they had reviewed the plans and calculations and both concluded the proposed total coverage was actually at most 44.5%. It was also discussed that the actual patio area is approximately 269 sq. ft. after allowing for the area that is required to construct the landing and steps. There was no further testimony.

Public Comment – Mr. Threston motioned and Mr. Greenwood seconded to open the hearing to public comment. There were none and Mr. Threston motioned and Mrs. Weaver seconded to close the hearing to public comment.

Board Deliberation – There was no further comment or questions from the board. Mr. Threston asked the solicitor to review what was needed to grant approval. Mr. Coleman stated the board might consider approving the application as submitted and should consider two variances. The applicant having demonstrated and satisfied the expanded positive and negative criteria, a use variance could be granted to permit expansion of a nonconforming use of a residence in the NB zone. A bulk variance could be granted to permit construction of an approximately 269 sq. ft. irregularly shaped concrete patio and steps that will result in an approximate total impervious coverage of 44.5% where 40% impervious coverage is permitted allowed. Regardless of the final shape of the patio, the impervious coverage should not exceed 44.5%. Mr. Threston motioned that the application be granted with the variances and conditions as set forth by Mr. Coleman. Mr. Greenwood 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. Greenwood	aye
Mr. Threston	aye	Mrs. Lodato	aye
Mrs. Weaver	aye	Mr. Gaughan	aye
Mr. Martin	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 P2013-06.

CORRESPONDENCE/ANNOUNCEMENTS

1. **5/8/13, copy of deed restriction and amended affordable housing agreement documents prepared by Tom Coleman for the Borough and sent to QMA re: QMA's purchase of the Beechwood Drive property for use as a group home. Copies were distributed to the board.**
2. **5 vouchers/invoices to be presented under New Business.**

OLD BUSINESS

Affordable Housing –Tom Coleman briefly reviewed the QMA materials and stated that he had received the check from the Borough to be presented to QMA. Closing is scheduled for Friday. The appeal(s) that have been filed to prevent the State from taking the affordable housing funds is still in the courts. Tamara Lee and Tom have crafted and sent a letter to COAH that the Borough will not surrender any funds without a proper hearing before COAH.

Environmental Commission – Joe Threston reported that he had nothing new to report this month.

Minor Site Plan Applications – Mary Lodato reported that she was approached about operating a home based business; but, an application has not yet been submitted.

Other Old Business – It was reviewed that the District 611 restaurant had closed at least temporarily with no timetable if or when it might reopen. Joe Threston reported that he had attended the recent Riverfront Committee meeting where the new Shop Burlington County Initiative has been implemented. The initiative is intended to work with local economic development committees and business associations within the communities to promote and aid local businesses in the corridor communities.

NEW BUSINESS

Invoices and vouchers:

1. 5/8/13, Burlington County Times, \$39.78, charge for Notice of Decision published for the Katella, Shrewsbury Yard application. (KATELLA ESCROW)
2. 5/21/13, Raymond Coleman Heinold & Norman, LLP, \$1,563.00, COAH/QMA matters: prepare the deed restriction and amended affordable housing agreement for the purchase of the Beechwood Drive property for a group home during April. (COAH/PLANNING BOARD ACCOUNT)
3. 5/21/13, Raymond Coleman Heinold & Norman, LLP, \$65.00, general legal advice and prepare/attend the April Board meeting. (PLANNING BOARD ACCOUNT)
4. 5/21/13, Raymond Coleman Heinold & Norman, LLP, \$126.00, prepare, and distribute the Katella resolution during April. (KATELLA ESCROW)
5. 5/21/13, Raymond Coleman Heinold & Norman, LLP, \$161.00, review, prepare for public hearing for the Nicosia application in April. (NICOSIA ESCROW)

A motion was made by Joe Threston, seconded by Craig Greenwood 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 7:32 PM. (motion by Greenwood, second by Threston)

Next meeting is at 7:00 pm on 6/18/2013

Tape is on file for one year.

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