

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
November 19, 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, Craig Greenwood, Joseph Threston, Mayor Brown, Councilman Corbi, Mary Lodato, Deborah Weaver, Richard Gaughan, and Robert Martin.
Also Present: Solicitor Tom Coleman, Planner Tamara Lee, and secretary Ken Palmer.

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

MINUTES: A motion was made by Joe Threston and seconded by Bill Brown to adopt the minutes of the October 15, 2013, regular meeting of the planning board as distributed. The voice vote was unanimous.

PUBLIC HEARING

Minor Subdivision Application: 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:

Introduction – Mr. Brandt introduced the application. Mayor Brown recused himself from the hearing and was excused from the meeting. The secretary reviewed that the application was jurisdictionally complete. Mr. Coleman concurred. In addition, the first, second, and third alternates are eligible to vote in place of the absent Class I and Class IV regular members. The chair introduced David Oberlander, attorney for the applicant who presented the application.

Testimony – Mr. Oberlander reviewed the application. Mr. Brandenburger is the contract purchaser of the two the two lots. Lot 12, 108 Linden, which is on the corner of Linden Avenue and 2nd Street is developed and Lot 13 is vacant. Mr. Brandenburger wishes to re-subdivide the two lots fronting on Linden Ave. which are currently conjoined by common ownership because both lots have a front footage of 67.75 feet where, under the current code, 75 feet is required. Both lots exceed the required 8,000 sq feet size by over 2,000 square feet and the front footage is the only bulk requirement not met for two essentially rectangular lots. No additional bulk variances will be created by the proposed re-subdivision. Mr. Brandenburger prefers to just purchase the vacant lot and build a home on it. This would preserve the current tax map and lots and allow development that is in keeping with the current neighborhood. If the board does not feel the minor subdivision as submitted is warranted, Mr. Brandenburger is prepared to propose an alternate plan that would subdivide the conjoined lot by creating two fully conforming by right lots fronting on 2nd Street. The alternate plan would, by right, create two lots that fully conform to the bulk requirements of the district. However, the alternate plan would require the demolition of the existing home. Mr. Oberlander concluded by stating that Tamara Lee's report had been received and reviewed and that there were no concerns with the report. Mr. Oberlander stated that Mr. Brandenburger was present to answer any questions from the board. Mr. Brandenburger was sworn in. Mr. Brandenburger testified that the current occupant wishes to remain in the house and the family which has occupied the approximately 75 year old home always thought they could sell the vacant lot. They need to sell the lot and as such Jim has agreed to purchase both lots. He feels that the town and neighbors would prefer that the orientation of the two lots remain as they exist and the existing home remain. Jim agrees and feels it would be better if the variances be granted and he could purchase and build a home on the vacant lot. The only variance being sought is for the nonconforming front footage and that all other bulk requirements would be

preserved. The proposed re-subdivision would separate the conjoined two lots that have always existed on the tax records. The current home fully complies with all bulk setbacks. The two lots more than exceed the current size requirement for the zone. Asked if he had a style of house in mind, Jim stated he planned to sell the lot and build a semi custom home to the purchaser's specifications. While not planning on building a spec. home, Jim stated if he did it would probably be in a bungalow style with a traditional front porch more in keeping with the character of the neighborhood. Regardless, the final result would comply with all bulk requirements. Mrs. Weaver and board members discussed several areas of the code that Mrs. Weaver feels speak against the subdivision as well as keeping homes in character with the existing homes. Several members also addressed concerns about the size of any future homes. Jim recognized that while the code does not limit the size or mass of a structure as long as it complies with the bulk requirements, the reality of the market and the lot will limit what is actually marketable. The board ultimately concluded that the code does not prevent the creation of two by right conforming lots and only makes any eventual demolition a longer process. The chair asked Mrs. Lee to review her report and issues she found. Tamara reviewed that while no legal hardship exists, a C-2 variance is required to separate the two lots and retain their current orientation along Linden Ave. She feels that maintaining the orientation along Linden is a benefit and maintains the character of the area as originally laid out. The narrower lot would also tend to lend itself to a smaller structure. This is a benefit since there is nothing in the present code that controls building large homes on small lots that conform to bulk requirements. There are remedies but they are for future consideration and do not bear on the current application. Tamara feels the benefits of not necessitating the applicant to pursue creating two by right lots, and maintaining the orientation of the lots on Linden Avenue and encouraging preservation of the character of the neighborhood outweigh the detriments of granting a variance.

Public Comment – Mr. Threston motioned and Mr. Mills seconded to open the hearing to public comment.

- JoAnne Costigan, 441 Fulton Street, after being advised she could not offer comment for adjoining property owners not present, stated she was not aware of any objections and that she supported the application. There being no further comment, Mr. Threston motioned and Mr. Mills seconded to close public comment.

Board Deliberation – Mr. Martin clarified the current code limits the height of a building and how it is calculated. Mrs. Weaver is concerned with lots being "overdeveloped" to their allowable maximum with no consideration for existing development or allowing for the ability to add additional changes such as a deck or accessory development without needing a variance. Mr. Brandenburger stated that while the allowable footprint would permit erecting a home approximating 3000 sq. ft. of ground floor, there is no reasonable way that massive a structure would be marketable on such a lot. Mrs. Lee stated that a commonly accepted definition of "too large" is when a structure imposes on adjoining lots by being too tall and or too close to adjoining structures, (referred to as height to side lot line ratios). While there are mostly smaller and lower homes on the block there is a mixture of sizes including larger homes. Again this is something the board may wish to consider for future revisions to the code. The chair asked if the members might state if they wish to impose restrictions or not. The consensus of the members commenting was not to try and impose restrictions on the application. There being no further discussion, Mr. Mills motioned that the board approve the application as presented to re-subdivide the two lots along Linden Ave. as they currently exist on the Borough's tax maps and to grant a C-2 bulk variance to permit a front footage of 67.75 feet for each lot. Mr. Threston seconded the motion. There was no discussion on the motion 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. Greenwood	aye	Mr. Threston	aye
Mr. Corbi	aye	Mrs. Lodato	aye
Mrs. Weaver	aye	Mr. Gaughan	aye
Mr. Martin	aye		

Several members commented on the applicant's willingness to consider the concerns and feelings of the town and neighbors, and they felt the benefits outweighed any detriments. The approval will be memorialized by Resolution P2013-09.

CORRESPONDENCE/ANNOUNCEMENTS

1. **Two RFP's (one by Tom Coleman for board solicitor and one by Tamara Lee for board planner) have been received.**
2. **1 voucher/invoice to be presented under New Business.**

OLD BUSINESS

Planning Summit – Joe Threston reported that he, Mayor Brown, Bob Smyth, and Joe Threston had attended the River Route Advisory Committee "Planning Summit" on 10/26. The plan is being revived and updated and that community input will be solicited.

Affordable Housing – Tom Coleman and Deb Weaver reported there was nothing new to report.

Council Matters of Importance to the Board – Councilman Corbi reported that the grandstand project is about 80% completed. He also reported that the Borough had received another \$125,000.00 grant for further improvements to the park.

Environmental Commission – Joe Threston reported there was nothing new to report.

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

NEW BUSINESS

Invoices and vouchers:

1. 11/7/13, Raymond Coleman Heinold & Norman, LLP, \$104.00, prepare for and attend October board meeting. (BOARD BUDGET)

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

Possible Changes to the Zoning Code – The board discussed if possible changes should be made concerning size of buildings on a lot. The secretary reviewed that perhaps this is the kind of issue that can be included in the board's annual report to Council on applications heard and concerns by the board raised by the applications. Tom concurred but feels this matter may go beyond the scope of the report. He suggested the board may wish to put together a report, with Tamara's input, that fully lays out the issues and provides possible recommendations to address the concerns. This way if the governing body concurs the issue needs addressing they can come back to the board with direction to develop changes. The chair stated that perhaps there may be a need to address possible zoning revisions which is something to consider when revisiting the Master Plan even though that project is not due until 2017.

PUBLIC COMMENT – A motion was made by Ken Mills and seconded by Joe Threston to open the meeting to public comment. There was none and a motion was made by Ken Mills and seconded by Joe Threston to close the meeting to public comment.

Meeting adjourned at 8:25 PM. (motion by Mills, second by Threston

Next meeting is at 7:00 pm on 12/17/2013

Tape is on file for one year.

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