

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
April 15, 2014**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Kerry Brandt. 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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.
3. Change of Location notice posted on bulletin board and published in the Burlington County Times on March 7, 2014.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna, Craig Greenwood, Joseph Threston, Mayor William Brown, Councilman Armand Bianchini, Mary Lodato, Deborah Weaver, Richard Gaughan, and Robert Martin.

**Also Present:** Solicitor Tom Coleman, Planner Tamara Lee, Engineer William Kirchner, and secretary Ken Palmer.

**ABSENT:** Robert Kennedy.

**MINUTES:** A motion was made by Ken Mills and seconded by Joe Threston to adopt the minutes of the March 18, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**REQUEST BY JIM BRANDENBURGER FOR DEMOLITION PERMIT OF HOME AT 603 LINDEN AVE. Case#2014-04**

Chairman Brandt introduced the topic and reviewed that Section 128-50 of the Borough's Zoning Code requires that the planning board review and approve demolition permits before they are issued. A review of the property by the ARC was requested and the ARC has issued a letter stating they had no objections to the demolition being approved. The chair asked if the board had received a copy of the ARC letter and it was confirmed. Mrs. Janet Brandenburger was sworn in and explained that Mr. Brandenburger had purchased the property and wished to demolish the existing bungalow style home which is in quite poor condition and replace it with a new structure of a size and style in keeping with the neighborhood. The chair asked the board if they had any questions or comments and there were none. The chair requested the matter be opened to public comment. A motion to open to public comment was made by Ken Mills and seconded by Joe Threston. There was none and a motion was made by Joe Threston and seconded by Ken Mills to close to public comment. The chair asked if there was any further discussion by the board. Ken Mills motioned and Craig Greenwood seconded that the permit be approved and that the secretary notify the Construction Officer of the approval. The motion was approved by a unanimous poll vote of 9 to 0 as follows:

Mr. Brandt	aye	Mr. Greenwood	aye	Mr. Bianchini	aye
Mr. Mills	aye	Mr. Threston	aye	Mrs. Lodato	aye
Mr. Della Penna	aye	Mr. Brown	aye	Mrs. Weaver	aye

**OLD BUSINESS**

Mr. Threston requested that since he has recused himself from hearing the site plan application if the board might allow him to present his report under old business and to be excused from the rest of the meeting. There was no objection.

**Environmental Commission** – Joe Threston reported that the commission had met last month and they are in the process of identifying programs for which the Borough can receive credit under the Sustainable Jersey program. Mr. Threston was excused from the meeting.

**PUBLIC HEARING:**

**Case# 2014-03, Request by Latimer and Lewis, Inc., 202 Broad Street, for preliminary and final site plan approval, conditional use approval for an apartment over a business, and approval of any and all existing or created variances to enlarge the business premises at Block 800, Lots 15 and 16; 202 Broad Street and 435 Thomas Avenue. (Continued from March 18, 2014 meeting)**

**Introduction:** Chairman Brandt reviewed that the matter had been deemed complete at the last meeting and continued to this meeting. Mr. Brandt reviewed that Mr. Threston had recused himself as he is an employee of the county and the application requires county planning approval and that Mr. Greenwood had recused himself as he is employed by the applicant.

**Latimer and Lewis Testimony/Presentation:** Barbara Casey, Esq. of Ballard Spahr LLP, attorney for the applicants, reviewed that the applicants own 202 Broad and are contract purchasers of 435 Thomas. They plan to expand the business premises to the building on 435 Thomas and to construct a two story connecting structure between the two existing buildings. They plan to consolidate the two lots. The house on 435 Thomas is a two family home with a residence on the first floor and a one-bedroom apartment on the second floor which is an existing non conforming use in the NB district. The first floor will be converted to office use and the apartment maintained on the second as an accessory apartment over a business. Mrs. Casey introduced the applicants and professionals who would be offering testimony and asked they be sworn in. The following were sworn in:

Dante Guzzi, PE, Dante Guzzi Engineering Associates  
Scott Taylor, LLA, PP, & VP of Taylor Design Group, Landscape Architecture  
Walter Croft, AIA, Architect  
John Latimer, President of Latimer & Lewis and owner The Barclay Group  
Josh Batushansky, VP Operations & Marketing, The Barclay Group

Mr. Coleman attested to the qualifications of Mr. Guzzi and Mr. Taylor. Mr. Croft is a resident of the Borough and has appeared before the board numerous times. The board accepted all three. Mr. Latimer provided a history of the two properties. They need additional room for the existing business and to improve the operations. While they thankfully escaped any major damage from Hurricane Sandy, they realize they need to upgrade their business to protect and safeguard their operations and intend to upgrade the two existing buildings and connect them with a new structure. There are no current plans to increase the number of employees. Asked by Mrs. Casey, Mr. Latimer concurred that they want to continue to invest in the business district and continue the insurance operations that have existed in the Borough since 1945 at a previous site and the current location. Mr. Batushansky testified to the business as a multiline insurance business with many local customers among their customer base. The business needs more space for the existing operations and to better compete with upgraded technology. They are currently open 5 days a week from 9-5 and on Saturdays 9-12. There are currently 31 employees of which 16 drive, bike, or walk to the office. There are routinely 8-12 in the office the office at any one time. There are routinely 0-4 or 5 customers or representatives at the office at any one time. The business generates primarily paper trash that much of which is stored offsite and shredded. There are no proposed changes to the business except to upgrade and better utilize the new facilities. Truck traffic is limited to the FedEx and UPS type deliveries and will not change. They hope to have little or no business interruption during the construction and renovation phases using the existing offices at 202 Broad and the renovated facilities at 435 Thomas.

Mr. Guzzi was asked to present the site plan. He introduced three exhibits: A1-an enlarged version of the site plan survey, A2-a color rendering of the submitted site plan, and A3-an exhibit of the proposed pervious pavers. The board accepted the exhibits. Mr. Guzzi reviewed the building plans on the site. Mr. Mills asked about lighting and Mr. Latimer and Mr. Guzzi discussed that the current high mounted spot lights at the rear would be replaced with appropriate low level down cast lighting that with the planned privacy fencing should minimize any light intrusion on the neighboring properties. Two parking spaces off Broad Street are proposed for customers which will include sufficient room to provide "K-turn ability so vehicles can exit facing the street rather than having to back out onto Broad Street. This is a requirement of the County. At the rear, the existing six stacked spaces will be replaced with four angled spaces one of which will be configured for handicapped

barrier free use and two parallel spaces for use of the apartment tenants. Entrance to the rear parking spaces will continue to be from Broad Street via the one-way Maple Avenue alleyway. A one-way 10 foot wide through drive aisle is proposed along the property line from Maple Avenue to Thomas Ave. to allow vehicles to exit onto Thomas instead of having to use Maple Avenue to 4th Street as is done currently. The County is requiring that all vehicles make a right turn onto Thomas so as not to cause any excess cuing of traffic at the intersection of Broad and Thomas. Main entrances to the building will be from the front and rear of the new addition. All hard surface paving on the site will utilize pervious pavers to minimize runoff that exists today. A 4 inch high curb is proposed along the property line to prevent runoff onto the neighboring property. The board's engineer's proposal to provide a "soaker" inlet for heavy storms is being considered. Mr. Brandt stated his concern about the amount of impervious coverage. Mr. Guzzi stated that calculating all the coverage as impervious would amount to a little over 76% which is just over the permitted 75%. The planned use of pervious pavers should greatly increase the permeability of the site that exists today with the asphalt currently in place. Mr. Guzzi explained the concept and use of pervious pavers and with recognized maintenance plans will remain pervious. The applicant is willing to accept responsibility for maintenance of the surfaces. In addition to the proposed 4 inch curb, a six-foot vinyl privacy fence is planned from Maple Avenue to the front building line of the building. Having the cars parked away from the property line will provide a sense of additional spacing between the properties. Mr. Bianchini asked about the requirement of a green buffer. While Mr. Taylor will address in greater detail, Mr. Guzzi stated that there is not enough room with the proposed one-way drive aisle and angled parking access. Also, the County has endorsed the concept and the 10 foot wide aisle to move traffic off Maple Avenue; however, as previously testified with no left turns onto Thomas because of the proximity to the Broad Street intersection. Several board members felt that the County "right turn only" requirement was onerous and should be investigated for alternatives. It was suggested that perhaps Borough/board officials met with the County along with the applicants. Mr. Brown suggested talking with the Chief of Police. Finally, Mr. Guzzi reviewed that the variances they were seeking which are the existing front yard setback issues with 202 Broad on Broad Street and Maple Avenue and the frontage length and rear yard depth for the 435 Thomas property. New variances are requested to provide for six business use parking spots where 33 are required and relief from the 10 foot wide landscape buffer. The discussion on parking will be addressed Mr. Taylor. Design waivers are being sought from the 10'x20' parking stall requirement and for to permit the 10' aisle width. Mrs. Casey reviewed the checklist submission waivers that were also being requested. Mr. Brandt asked about the size of the existing apartment and it was answered 976 sq. ft. Mrs. Weaver asked about deliveries and was informed that current and future are perhaps on a day from UPS and FedEx and that as currently they stop briefly on Broad Street to make their pick-ups and drop-offs.

Mr. Croft referred to his architectural plans as submitted to discuss the design and plans for the current and new buildings. All entrances will be covered. The scale and design are residential in nature and in keeping with the neighborhood business district. The step back feature softens the massing and the new structure will unify the existing structures. Final elevations are still being discussed regarding colors and materials. The entire complex will be re-roofed with a common material. Preservation of the style of the house on 435 Thomas Ave. is desired to not dramatically change the character of Thomas Ave. Mr. Croft stated that the review and comments by the board's planner were very well received and possibly better than the ARC and should suffice for ARC review especially since Mr. Croft is chair of the ARC. Mr. Croft stated that a great deal of credit should go to Mr. Cureton for helping solve tying together the two structures with as little impact on them as possible. The HVAC units are proposed to be located on the roof at the rear of the addition. They are proposed to be gas-fired high efficiency units. All oil fired utilities will be converted/replaced with gas. Regarding noise impact on the adjoining property it was stated that the proposed location is over 20 feet from the adjoining property line and located more toward the back yard rather than opposite the adjoining house. Additional screening issues can be discussed. Downspouts will be located and directed to the front or Maple Avenue as much as possible. Mrs. Lee asked where they were planned and Mr. Croft explained.

Mr. Taylor, the applicant's planner and landscape architect, reviewed the lighting, landscape, and buffer plans. He introduced and had accepted four exhibits marked as follows: A4-existing site aerial, A5-site and surrounding use photographs, A6-site/landscape plan, and A7-rear property line elevation and section. The

applicants are proposing to consolidate the two lots with and connect the existing structures with the new addition. Its current/planned use is a permitted use in the district. Mr. Taylor reviewed the proposed landscaping including retaining where feasible desirable existing landscaping features. A six-foot vinyl privacy fence with an appropriate ground border such as Daylily plantings is proposed from Maple Avenue to the front building line of the building facing Thomas Ave. This fence will transition to a three-foot vinyl picket fence which is proposed to extend to a point six to eight feet from the sidewalk. Colors are still being discussed. Vinyl provides a best choice for longevity and maintenance. It is felt that the fence/curbing provides a more satisfactory ground level privacy boundary than a 10' landscape buffer. This is especially more desirable if the use of the building was ever changed to less professional type of permitted use. It was asked if the adjoining neighbor had been consulted on the plans and the answer was yes. Mr. Mills felt that the fence should be stopped further back from the sidewalk to preserve the openness of the streetscape and Mrs. Casey suggested that some form of plantings might be used to provide some form of buffering between the two properties. Concerning lighting, it was explained that all existing higher mounted flood lights will be removed and replaced with fully shielded cutoff lighting at "residential" levels perhaps in the overhang roof. They intend to be fully compliant with building code requirements yet keep any intrusive lighting to a minimum. If allowed by code, all lighting will be on timers and after hours controlled by sensor activation.

Speaking in support of the variances, Mr. Taylor stated that employees/consultants will not be allowed to use the six onsite parking spots. A previous survey commissioned by the Borough indicates that there are 153 on-street spots within a 500 foot radius of the site with at least 45-55% of any of them possibly available for use at any given time during normal business operation. Mr. Brandt asked if that included the light rail spots and the answer was yes and that they were not aware of any signage restricting their use. Mr. Taylor and Mrs. Casey testified that the Master Plan supports the proposed use and it helps to revitalize the town. Studies prepared by the town prefer nonretail uses such as the current use. The plan removes an existing nonconforming use. It helps to revitalize, enhance, retain, and promote conservation of existing structures. The existing nonconformities are not being worsened. The new design waivers improve the buffering between the neighboring property. The shape of the property represents a hardship. The proposed architectural stepping of the buildings is desirable and the plans do not appear to present any substantial detriment. The proposed traffic flow enhances the existing flow by removing traffic from Maple Avenue which runs along the back yards of the residences bordering the alley. Testimony was concluded.

**Board Questions:** Mr. Mills asked and was provided a description and explanation of their use. Mr. Kirchner added that a "soaker" inlet could provide runoff protection during severe weather events. Mr. Bianchini asked if the required landscape buffer would help absorb noise and provide runoff absorbance. Mr. Taylor explained that such a buffer cannot be built if the proposed parking and traffic flow is to be constructed. Also the proposed buffering provides better visual privacy and the proposed curbing along the property line will control runoff onto the adjoining property. Mr. Gaughan stated he felt the provision for a soaker inlet as well as the depth of the gravel layer under the pavers will allow runoff to get to the more absorbent sandy soil layer. Mrs. Casey added that she feels the applicants have demonstrated that they will not be increasing flow and runoff and will seek confirmation from the board's engineer. Mrs. Lee stated concern regarding the system failing or different owners of the site. She feels that legal recourse options to compel maintenance and or suitable alternative options should be included in the resolution. The applicants concurred.

**Public Comment:** A motion was made by Mr. Gaughan and seconded by Mr. Mills to open the hearing to public comment. All persons making comment were sworn in before speaking. Board members asked folks to be concise and brief as possible so everyone who wishes to may comment and to not simply reiterate previous public comments.

- Bob Heck, 423 Thomas Ave., asked if there is any Borough ordinance regarding having a driveway close to an intersection and Mr. Kirchner replied he was not aware of any. Mr. Heck is concerned drainage from the site may be an issue.
- Richard Smekal, 429 Thomas Ave., feels that until very recently there has been a problem for 10-12 years with parking by Barclay employees on Thomas and Lippincott and doesn't want it to be worsened. He doesn't feel people will use the new drive aisle but will continue to use Maple Avenue. He feels parking in front of houses will return and be worse once Mr. Latimer's variances are granted. He's opposed to the

plan. He feels people will simply use the Weber Funeral Home driveway to turn around to get around the restriction of being able to make a left turn onto Thomas from the new drive aisle.

- Dr. Clifford Johnson, 433 Thomas feels the landscape plan is good. Except for the last few months parking in front of neighboring residences on Thomas has been a problem and he doesn't want to see the problem return. Mr. Brandt commented that parking is a concern throughout the town and the board tries to weigh those concerns in its decisions.
- Joe Larkin, owns 435 Thomas Ave., sympathizes with the neighbors regarding the parking issues. He stated that there is no on-street parking in front of 435 Thomas because it is too close to the intersection of Broad and Thomas. Prior to agreeing to sell the property to Mr. Latimer he had spoken with realtors and all of them had informed him that the only way the property would sell is to an investor to use as a business.

There was no further comment and Mr. Mills motioned and Mr. Della Penna seconded to close the hearing to public comment. Mr. Brandt asked Mr. Latimer what happened to apparently improve the parking problem. He explained the steps he took to try and rectify the neighbor's concerns and that he plans to continue to personally work with the neighbors even if it is a public street and he has no way to fully control the situation. Mr. Brandt stated he is concerned that the requested parking variance is a big issue and if the business expands the problem will worsen. Since there appeared to be additional comments regarding parking, the chair suggested reopening to public comment. Mrs. Weaver motioned and Mr. Brandt seconded to reopen the hearing to public comment.

- Kevin Sutko, works at 21 East Broad Street, Palmyra and drives Broad Street every morning. Based on his observation he feels it is not Barclay employees parking on the neighborhood street but light rail riders.
- Richard Smekal, states the problem has existed before the light rail came along.

There was no further comment and Mrs. Weaver motioned and Mr. Gaughan seconded to close to public comment.

**Board Professionals' Comments:** Mrs. Casey made a suggestion that an avenue of communication between Barclay and the neighbors exists and is kept open. Mr. Brandt asked for comments by the board's professionals. Mrs. Lee stated that removing a nonconforming use and using the property as a more highly valued ratable are positives; but, a larger facility makes for a more intense use. Several of the architectural and landscaping issues need to be resolved. Some form of buffering is needed and she feels the proposed fencing should extend as close to Thomas Ave. as is practical. It is a large structure and the design of the three structures need to be tied together. The board might consider granting a variance removing the parking for the rental unit tenants and allowing all eight planned onsite spots to allocated for business use. Board members and Mr. Latimer continued to discuss parking issues and design considerations. Mr. Brown is particularly concerned about runoff issues and Mr. Latimer stated there are none of note today and he will work with the board to ensure none are being created. Mr. Martin asked if there is any form of relief that can be sought if runoff issues arise and the rule of civil trespass law was discussed. Mr. Kirchner discussed creating a "parking trust" option as a possible way to lessen the impact of insufficient parking spaces. Mrs. Casey feels the idea might have merit if it is something applied town wide to the business community and not just a condition of Mr. Latimer's approval. Mr. Kirchner feels the benefits of the proposed drive aisle plan outweighs any detriment of not having a 10 foot buffer. Concern over the permeable pavers can be resolved by enforceable maintenance requirements. The proposed coverage is very close to the permitted coverage. The proposed curbing could provide a reasonable option to controlling runoff including possibly re-grading the driveway to direct runoff. Mrs. Weaver is concerned about the paver maintenance and it was explained that the usual recommended type of maintenance is fairly common and relatively routine. Mrs. Weaver is concerned about the number of waivers being requested and Mr. Coleman explained that they are weighed on a case by case basis and are not unusual in a case such as this and he feels that both Mrs. Lee and Mr. Kirchner feel they can be warranted in this case. She is concerned that more space will mean more people and Mr. Latimer tried to assure her that they are "stuffed" now and need the space to reasonably accommodate the current staff and properly service their customers. Mr. Coleman commented that testimony has been provided about the number of available parking spaces in the area and the board needs to resolve in its mind if the parking issues are not a major detriment. Mrs. Casey feels that perhaps it can be worked out that the two proposed residential use spaces are designated for joint use - commercial during business hours and residential otherwise.

**Deliberation and Decision:** There being no additional board comment, Mr. Brandt summarized that he feels the issues facing the board include parking, HVAC noise, buffering, runoff, the driveway, and the no left turn onto Thomas. He wonders if the board should even consider any form of approval or at most only preliminary approval should be considered. Mr. Coleman stated that as long as the board has confidence in its professionals he feels that both sets of professionals have presented that allowing them to work together will alleviate most if not all the board's concerns. While it means granting fairly wide latitude to its professionals, Mr. Coleman feels granting preliminary and final approval subject to the professionals resolving the issues is warranted giving what has transpired to date in the process; especially, since the changes already agreed to appear to have resolved the County's issues. He feels that any revised architect plans can go back for proper ARC review since any appears any changes should be minor and in line with addressing already known board issues; and, it being a condition of any board approval. Mr. Croft concurred. Mrs. Lee and Mr. Kirchner concurred. Mrs. Casey stated the applicants professionals concur. The board concurred. Mr. Brandt asked if Mr. Coleman would suggest the form of a motion. Mr. Coleman suggested that the board might consider granting preliminary and final site plan approval to:

- consolidate the lots two lots which were originally one lot;
- approve the four existing nonconforming bulk variances;
- approve the new variances for:
  - the shortfall of 27 required parking stalls;
  - waiving the 10 foot landscape buffer in lieu of providing a six-foot privacy and decorative picket fence extending beyond the front building line on Thomas Ave.;
  - requiring two parking spaces dedicated to the residential apartment tenants;
  - permitting 9<sup>1/2</sup>x18 stalls where 10x20 stalls are required;
  - permitting a 10 foot wide drive aisle;
- granting all other submission waivers as outlined in the professionals reviews;
- subject to the conditions of:
  - providing a suitable ongoing maintenance plan for the pervious pavers;
  - subject to obtaining all required approvals;
  - obtaining ARC review and approval of the Mr. Crofts final architectural drawings
  - resolution of any and all other comments in Mr. Kirchner's 3/14/14 and 4/11/14 review letters, except for references to any parking trust fund;
  - resolution of any and all other comments in Mrs. Lee's 3/15/14 and 4/14/14 review letters.

Mr. Martin made a motion the board approve the application as suggested and Mr. Mills seconded the motion. The motion was adopted by a unanimous poll vote of 9 ayes to 0 nays as follows:

Mr. Brandt	aye	Mr. Brown	aye	Mrs. Weaver	aye
Mr. Mills	aye	Mr. Bianchini	aye	Mr. Gaughan	aye
Mr. Della Penna	aye	Mrs. Lodato	aye	Mr. Martin	aye

Mr. Brandt felt that generally speaking the variances are warranted and is pleased the applicant is willing to continue to work with the neighbors over issues.

Mr. Mills felt the benefits outweigh any detriments both locally and town wide. The drainage and parking issues will be resolved.

Mr. Della Penna felt the applicants did their homework, have and continue to work with the board's professionals.

Mrs. Lodato felt it's the best possible reutilization of the properties.

Mr. Gaughan was excused from the meeting.

## **CORRESPONDENCE/ANNOUNCEMENTS**

1. 3/5/14, Copy of "FY 2015 Transportation and Community Development Initiative (TCDI) Funding Program Application Guide" from DVRPC. (While deadlines were past, the chair suggested it be given to Joe Threston for Economic Commission interest.)
2. Letter from Barbara Casey, Esq. confirming the statement made at the March meeting that Case# 2014-02, Request by John Latimer for an "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" has been withdrawn.
3. 7 vouchers/invoices received as of 4/9/14 to be presented under New Business.

## **OLD BUSINESS**

**Adopt & memorialize Resolution P2014-05, Case# 2014-01, Appeal by John Latimer of decisions made by the Zoning Official re: 603 Bank Avenue, Block 400, Lot 3.** – 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 Mayor Brown and seconded by Joe Della Penna that reading of the resolution be suspended and the resolution referenced by title be adopted and memorialized. A poll vote was called and there was a unanimous vote by four members present who had approved the appeal at the March meeting as follows:

Mr. Mills aye    Mr. Della Penna aye    Mr. Brown aye    Mr. Martin aye

**Affordable Housing** – Deb Weaver reported she had received an e-mail from COAH regarding the mandatory training program for Municipal Housing Liaisons. The costs can be paid from housing funds (which she believes the Borough has none). Due to time constraints of her job she cannot attend on the dates the course is offered. Mr. Coleman asked her to forward the information and any site links to him and he would look into the matter.

**Council Matters of Importance to the Board** – None.

**Minor Site Plan Applications** – Mary Lodato reported that an application for the "Cleanse in Place" Wellness Center at 530 Main Street had been approved.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 3/31/14, Burlington County Times, \$34.72, board notice of meeting location change published in March. (BOARD BUDGET)
2. 3/31/14, Environmental Resolutions, Inc., \$1,947.50, engineering services rendered during February 24 - March 24, 2014 regarding the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)
3. 3/31/14, Tamara L. Lee, PP, \$105.00, planning services rendered during March 2014 regarding the revised Affordable Housing Escrow Agreement. (PLANNING BOARD/COAH BUDGET)
4. 3/31/14, Tamara L. Lee, PP, \$1,942.50, planning services rendered during March 2014 regarding the appeal of zoning officer's decision regarding 603 Bank Ave. (BOARD BUDGET-PROFESSIONAL SERVICES)
5. 3/31/14, Tamara L. Lee, PP, \$1,076.25, planning services rendered during March 2014 regarding the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)
6. 4/2/14, Raymond Coleman Heinold & Norman, LLP, \$1,729.50, general business advice, research, and correspondence concerning the appeal of zoning officer's decision regarding 603 Bank Ave. during March 2014, and prepare for and attend March board meeting. (BOARD BUDGET-PROFESSIONAL SERVICES)
7. 4/2/14, Raymond Coleman Heinold & Norman, LLP, \$266.50, general business services, research, and correspondence concerning the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)

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

**Zoning Code Change Ordinance from Council** – Councilman Bianchini and the mayor reviewed that Council is requesting that the planning board consider recommending an ordinance to amend the zoning code for the definition of the front yard for residences abutting the Delaware River and they reviewed the proposed ordinance. Tom Coleman offered that he and Tamara had worked with Bruce Gunn on this change. It was introduced in April and will be considered at Council's May meeting. There was no further discussion and Ken Mills motioned, Bob Martin seconded, and the board by unanimous voice vote approved that the board endorses and recommends that Council adopt the ordinance to revise the zoning code and that the board adopt by title:

**Resolution # P2014-06 – Resolution Endorsing Proposed Ordinance To Amend Chapter 128, Section 12 Of The Riverton Zoning Code To Amend The Definition Of A Front Yard To Include Homes Abutting The Delaware River**

**Request from Council that the Board provide input on Council topics regarding additional zoning code changes for: Appeal/Interpretation fees/escrows and formal application procedure; and, possible business parking fees** – Councilman Bianchini and the mayor reviewed that Council is asking for board input regarding establishing fee/escrow requirement and perhaps formal application procedures for individuals applying for an appeal of the zoning officer's decision and/or requests for interpretation of the zoning map or zoning code. Armand explained that Council has examined the procedures and codes of several communities and feels the Borough needs to put similar procedures in place so that a clear process is established and that the applicant absorbs the costs and not the taxpayers. The chair stated that he feels appeals should be subject to fees/escrows. For interpretations, especially interpretations Kerry stated he has concerns that it may seem to be restricting the ability to ask for an interpretation of an area that may not be clearly defined. He feels that residents on their own (emphasis by the chair) property should be allowed to bring a request and if it can be resolved in one meeting without the need for professional review/input, there is no charge. If professionals are needed then escrows should be required. Walt Croft asked if he could ask a question and the chair said yes. Walt asked why the distinction between an appeal because he is concerned that a private resident might not have the financial ability to expend large sums to resolve what is an agreed upon vague issue. The chair and the other board members thought Walt had raised a good point and discussion ensued pro and con. Even with input by Tamara Lee and Tom Coleman no clear consensus was reached. Armand continued that Council also had similar concerns; but, that other towns had established a process and fee/escrow requirement and Council feels something similar needs to be established to better protect the town and taxpayers. Joe Della Penna stated that at this point there appears clearly be no consensus and a lot of questions about what the board is being asked to grasp and understand. The chair asked if the board especially due to the late hour felt that further discussion be tabled until the next meeting and perhaps Council will have further input and or direction. The board agreed to table further discussion. The topic regarding business parking fees was not discussed.

**Resolution P2014-04: Annual Report of Variance Applications and Recommendations Resolution** – The secretary reviewed the draft annual report resolution. Approval is needed to send it to Council. The board reviewed and discussed the resolution and a motion was made by Ken Mills, seconded by Craig Greenwood, and approved by unanimous voice vote to adopt and forward the report to Council.

**2014 Goals and Objectives** – The secretary reviewed that he had prepared a draft of the proposed goals and objectives based on previous years and what appeared to be any major concerns or issues raised at board meetings and had distributed it to the board. The board agreed that a statement of goals and objectives should exist and briefly discussed the draft. A motion was made by Bob Martin, seconded by Kerry Brandt, and unanimously approved by voice vote to adopt the 2014 Goals and Objectives as presented.

**PUBLIC COMMENT** – The chair noted for the record that no members of the public were present.

**Meeting adjourned at 11:05 pm. (motion by Brown, second by Mills)**

**Next meeting is at 7:00 pm on 5/20/2014**

**Tape is on file for one year.**

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