

RIVERTON BOROUGH PLANNING BOARD
MINUTES
August 19, 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.

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

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

ABSENT: Robert Kennedy.

REORGANIZATION: John Kohms was introduced by Mayor Brown and was sworn in as the new Alternate Member. John will be the 4th alternate.

MINUTES: A motion was made by Ken Mills and seconded by Joe Threston to adopt the minutes of the July 15, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 7/21/14, copy of notice from County Mosquito Control Division of their application to NJDEP, LURP for permits to conduct mosquito control projects.
2. 8/18/14, copy of notice and application by Riverton Yacht Club to NJDEP, LURP to continue placement of the seasonal moorings and floating docks in the river.
3. 8/19/14, copy of proposed Ordinance 9-2014, amending Chapter 22 to provide for fees and escrows and require notice be given for appeals and requests for interpretation to the planning board.
4. 7 vouchers/invoices to be presented under New Business.

OLD BUSINESS

Proposed ordinance regarding fees and escrows for appeals and requests for interpretation to the planning board – Councilman Bianchini reported that the ordinance regarding fees and escrows for appeals and requests for interpretation to the planning board has been introduced and the public hearing is scheduled for the September Council meeting. Copies of the proposed ordinance amending Chapter 22-Land Use Procedures were distributed to the board. Chuck Petrone suggested that the board should perhaps consider a formal endorsement and recommendation of the ordinance. The board discussed the merits as well as the proposed fees and escrow amounts that would be involved. The board was in general agreement that a formal process and procedure is needed and the application fees were reasonable; but, there was varied opinions on the amount of escrow required. The board concluded that while there were concerns over the escrow amounts, the board felt it should endorse and recommend adoption of the ordinance. Joe Threston motioned and Deb Weaver seconded that the board endorse and recommend the proposed ordinance. A poll vote was called and the motion passed by a vote of seven ayes and two nays as follows:

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

The secretary stated that he would get a resolution prepared for signature.

PUBLIC HEARING:

Case#2014-07, Variance Application by Ryan and Anne Lippincott, 1001 Cedar Street, Riverton, NJ, Block 1901, Lot 2 for relief from maximum garage size to construct a 672 sq. ft. two-car garage.

Introduction: The secretary reviewed that all the items, except proof of current paid taxes, needed to deem the matter jurisdictionally complete had been satisfied. Mr. Petrone suggested the board could make sure the needed proof of payment of taxes could be made a condition of any approval and allow the hearing proceed. (Secretary's note, the required proof was provided the day following the hearing.) There was no disagreement and the hearing proceeded. Chairman Brandt introduced the matter and asked if any members needed to recuse themselves from hearing the application. Robert Martin stated he was recusing himself from hearing the application. The chair reviewed the application and the applicant Ryan Lippincott and his architect John Martin were sworn in.

Testimony and Board Questions: Mr. John Martin reviewed his credentials and proceeded to review the plans. The applicants are doing major renovations and additions to their home and plan to add a garage as part of the project. The proposed garage will be 1 1/2 story, 672 sq. ft., 28' x 24' garage with access to the second floor from inside the garage. The code only permits a maximum of 500 sq. ft. The space on the second floor will be a bonus space used for hobbies by the owner. The property is in the R8 district and is 17,000 sq. ft. Except for an existing minor intrusion of less than six inches by the front steps into the front yard setback all other setbacks and bulk requirements are compliant with the code. Only the planned size of the garage requires a variance. The lot is over double the minimum lot size required in the district and the applicants feel there is no negative impact on the property or neighborhood by the proposed plans. Asked how the request satisfies the criteria for granting a variance, the applicant and his architect feel it is an improvement to the property and benefits the town and area. They do not feel the proposed size is too large for the property. They feel a hardship exists that the permitted 500 sq. ft. size barely allows space for full access to two vehicles and essentially no additional storage space for yard equipment and children's outdoor toys. There was no further testimony and the board had no additional questions.

Public Comment: The chair noted for the record that there were no members of the public present.

Deliberation and Decision: There being no additional board comment, Mr. Brandt summarized that he feels the size of the lot easily accommodates the proposed size of the garage and the plans do represent an improvement to the property. The application does not appear to have a negative impact on the property or area and is in keeping with the character of the neighborhood. Mr. Threston motioned that the application be approved as presented and the applicant be granted a variance for the oversized garage. The approval should be conditioned that proof of current paid taxes has been provided and the area above the garage will be for incidental use not be used as a living area. The motion was seconded by Mr. Brown. The motion was approved by a unanimous poll vote of 9 ayes to 0 nays 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

Several members commented that the issue(s) are minimal, the size is appropriate for the lot size, and the plans are an improvement to the property.

OLD BUSINESS

Affordable Housing – Deb Weaver reported that the semi-annual reports were due and she would be filing them with the state. There is a question regarding the status of a renewed agreement with Habitat for Humanity. Habitat has expressed an interest in continuing the agreement; but, a new agreement has not been submitted. Deb was asked and agreed to follow up with Habitat regarding submitting a new agreement.

Council Matters of Importance to the Board – Councilman Bianchini and Mayor Brown reported that approval had been received for state funds to help in the repaving of Elm Terrace.

Subcommittee(s) for Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances – Rich Gaughan passed out copies of the tax maps he had made to help in the review of through lots. Rich stated there probably have been changes since his copies were from his prior time on the board.

Concerning the inventory list prepared by Joe Threston, the secretary noted that the former post office lot was no longer a through-lot, since it had been subdivided and homes built on the rear half. It was discussed that perhaps the zoning map and the Neighborhood Business district be amended to reflect the changed use of properties currently granted a use variance to permit construction of residences but still zoned as Neighborhood Business. There was additional discussion among the members of the types of lots included and possible impacts of further refinement of the definition or classification of a "through lot." Joe Della Penna stated the code review subcommittee would resume its work in September.

Environmental Commission – Joe Threston stated there was nothing new to report at this time.

Minor Site Plan Applications – Mary Lodato stated there were none this past month.

NEW BUSINESS

Invoices and vouchers:

1. 8/3/14, Tamara L. Lee, PP, \$577.50, planning services rendered during July 2014 regarding continued review and working with professionals on compliance of the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
2. 8/3/14, Tamara L. Lee, PP, \$52.50, planning services rendered during July regarding landscaping plans for the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)
3. 8/4/14, Environmental Resolutions, Inc., \$100.00, engineering services during June-July 2014 for the Klein 704 Cedar St. pool and drainage construction. (KLEIN CONSTRUCTION/INSPECTION ESCROW)
4. 8/4/14, Environmental Resolutions, Inc., \$1,390.00, engineering services during July 2014 regarding continued review and working with professionals on compliance of the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
5. 8/4/14, Environmental Resolutions, Inc., \$200.00, engineering services during July 2014 regarding conformance review of the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)
6. 8/5/14, Raymond Coleman Heinold & Norman, LLP, \$176.00, professional services during July 2014, for ordinance review and attending July board meeting. (BOARD PROFESSIONAL SERVICES)
7. 8/5/14, Raymond Coleman Heinold & Norman, LLP, \$117.00, professional services during July 2014, for lot consolidation deed and stormwater management plan reviews for the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)

The secretary reviewed that the Latimer & Lewis and the Zimmermann's escrow accounts are current as of this meeting. A motion was made by Joe Threston, seconded by Rich Gaughan and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

Bulkhead Issues – Ken Mills asked who is responsible for enforcing Chapter 61: Bulkheads of the Borough Codes and his concerns over the increasing deterioration of sections of the wall and possible impact on a Borough sewer line. It was discussed that the board has no jurisdiction on the subject and even the powers of the code enforcement officer are no longer clear. The subject of enforcement is a grey area due to a prior court case which seems to have invalidated the enforceability of the code. It was suggested that Ken contact Borough Solicitor Bruce Gunn and/or attend a council session and bring up his concerns. The mayor informed the board that council is resuming two sessions a month at least for September and November. The September sessions will be on the 2nd and 4th Wednesdays.

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

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

Next meeting is at 7:00 pm on 9/16/2014

Tape is on file for one year.

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