

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
June 17, 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, Robert Kennedy, Joseph Threston, Mayor William Brown, Councilman Armand Bianchini, Deborah Weaver, and Robert Martin.

Also Present: Solicitor Tom Coleman and secretary Ken Palmer.

ABSENT: Mary Lodato and Richard Gaughan.

MINUTES: A motion was made by Joe Threston and seconded by Bob Kennedy to adopt the minutes of the May 20, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 11 vouchers/invoices received as of 6/17/14 to be presented under New Business.

OLD BUSINESS

Adopt & memorialize Resolution P2014-08, Case# 2014-05, Request by Nick & Vicki Coletti, 309 Manor Court, Block 1501, Lot 8 for front yard setback relief to construct a frame porch roof over their front yard patio. – 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 Joe Threston and seconded by Craig Greenwood that reading of the resolution be suspended and the resolution referenced by title be adopted and memorialized. There was a unanimous approval voice vote of the seven members present who approved the application and are eligible to vote on the matter.

Adopt & memorialize Resolution P2014-09, Case# 2014-06, Request by Harold & Judith Zimmermann, 603 Bank Avenue, Block 400, Lot 3 for any and all variances to permit an in-ground swimming pool, shed, and fencing in the Second Street facing yard of their property. – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. The chair asked if there were any updates that effected adopting the resolution and the secretary reported that the board's professionals were in the process of working with the applicant's professionals to comply with the conditions in the resolution regarding approval. Tom Coleman concurred that there was nothing to prevent the board adopting and memorializing the resolution. There was one minor typographical correction noted. A motion was made by Joe Threston and seconded by Armand Bianchini that reading of the resolution be suspended and the resolution referenced by title and as amended be adopted and memorialized. There was a unanimous approval voice vote of the seven members present who approved the application and are eligible to vote on the matter.

Front Yard Definition Zoning Code Change Ordinance – Councilman Bianchini distributed copies of the revised ordinance and reviewed the additional changes that had been made and stated that Council hoped the board would endorse the amended proposed ordinance. Armand commented that the additional changes had been made and reviewed by Tamara Lee, Tom Coleman, and Borough solicitor Bruce Gunn. Tom Coleman confirmed that the ordinance has been reintroduced and Council hopes to adopt it at the July meeting. The chair asked that before endorsing the amended ordinance the board could hear from the subcommittee established to look further at all the through lot properties in the town. Kerry stated that he feels that while further research is warranted, it would be judicious to move forward with the change and possibly endorse the proposed ordinance and continue to examine the code. Joe Threston commented that while the subject of through lots may warrant further research, he feels the proposed ordinance reflects the spirit of what the board

has previously indicated needed to be done and should be allowed to proceed. Bob Martin commented that he also feels the proposed ordinance fulfills the intent of the changes needed to resolve the confusion over riverfront properties. Kerry Brandt commented that he had attempted to review the zoning map and observed the through and corner lots in town and feels that further research and possible revision may be needed. There was additional discussion and the consensus was that the board should act on the proposed ordinance while continuing its review process. There was a suggestion to open the topic to public comment and a motion was made by Joe Threston and seconded by Ken Mills to open the matter to public comment.

- Mike Kearney, 309 Bank Ave., feels the proposed ordinance places an onerous burden on commercial, i.e., rental properties, since the need for a variance further complicates the requirement that a site plan is required.
- John Latimer, 601 Bank Ave., feels that extending the definition to all through lots places an additional burden on the ARC. It was commented that the only mandated ARC involvement currently in the code is regarding fences.
- Judith Zimmermann, 603 Bank Ave., asked if this discussion would impact their current plans or approval and the answer was no.

There being no further public comment and Joe Threston motioned and Armand Bianchini seconded to close public comment. There was no further discussion and Ken Mills motioned and Joe Threston seconded that the board endorses the proposed ordinance and recommends its adoption. The motion carried by unanimous voice vote. The secretary stated that since he was not aware that Council's request was coming before the board there was no accompanying resolution to forward to the Council; but, he would have it prepared, signed and forwarded to Council.

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 – Councilman Bianchini stated that Council was still very interested on board input and wanted to move forward on this. He distributed a proposed fee/escrow schedule for appeals and interpretations. The matter has not yet been introduced by Council. Tom Coleman suggested that it might be premature for the board to endorse anything at this time until the complete ordinance is introduced and given to the board to review. The board felt that it should at least informally let Council know its feelings/concerns about the proposed fee schedule. There was continued discussion regarding the appropriateness of the proposed fees/schedules.

Council Matters of Importance to the Board – Councilman Bianchini and Mayor Brown reviewed that the 2014 budget has been adopted. The Borough has applied for another grant for the Park. Council has introduced an ordinance to require advance permission and require maintenance fees be paid by leagues and organizations wishing to utilize the soccer and baseball fields at Riverton Memorial Park. Grant money is being sought to pay for the installation/activation and maintenance of additional pedestrian push buttons controls initially at the Cedar Street intersection and additionally for the Elm and Thomas Avenue intersections.

Subcommittee(s) for Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances – It was decided that the two subcommittees should remain separate at this time. Joe Della Penna reviewed his idea that the board form a subcommittee to approach in a manageable stepped fashion to review the codes for inconsistencies and that perhaps a good place to start is a review of definitions in the various ordinances, not only in the zoning code but all the codes. Perhaps Mary Lodato could advise the subcommittee on problem areas. He has looked at some other communities and notes that references to federal, state, and county definitions are often included. In addition to Joe Della Penna, Bob Kennedy and Joe Threston volunteered to form the subcommittee. In addition anyone who feels they have input should be encouraged to contact a subcommittee member. It should be remembered to observe the sunshine law as it applies to all correspondence.

Affordable Housing – There was nothing to report.

Environmental Commission – Joe Threston reported that there was nothing new to report and that the next meeting is on 6/19.

Minor Site Plan Applications – Kerry Brandt reported there were none this past month.

Update on Latimer & Lewis Site Plan and Zimmerman Pool Variance – The secretary that the board's and applicant's professionals are continuing to work on satisfying the conditions established in the respective resolutions.

NEW BUSINESS

Invoices and vouchers:

1. 5/31/14, Burlington County Times, \$41.62, notice of decision for Latimer & Lewis site plan application approval. (LATIMER & LEWIS ESCROW)
2. 4/30/14, Environmental Resolutions, Inc., \$2,218.75, engineering services rendered during March 31- April 9, 2014 regarding the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
3. 5/31/14, Environmental Resolutions, Inc., \$1,195.00, engineering services rendered during May 2014 regarding the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
4. 5/31/14, Environmental Resolutions, Inc., \$562.50, engineering services rendered during May 2014 regarding the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)
5. 6/1/14, Tamara L. Lee, PP, \$210.00, planning services rendered during May 2014 regarding discussion with board regarding revised front yard definition ordinance and new COAH regulation review/impact. (BOARD BUDGET-PROFESSIONAL SERVICES)
6. 6/1/14, Tamara L. Lee, PP, \$105.00, planning services rendered during May 2014 drafting front yard definition ordinance with Tom Coleman and Bruce Gunn. (BOARD BUDGET-PROFESSIONAL SERVICES)
7. 6/1/14, Tamara L. Lee, PP, \$315.00, planning services rendered during May 2014 regarding the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
8. 6/1/14, Tamara L. Lee, PP, \$892.50, planning services rendered during May regarding the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)
9. 6/5/14, Raymond Coleman Heinold & Norman, LLP, \$39.00, general business advice, research, and correspondence during May 2014 concerning T-Mobile cell tower issues. (BOARD BUDGET-PROFESSIONAL SERVICES)
10. 6/5/14, Raymond Coleman Heinold & Norman, LLP, \$650.00, prepare resolution, research, correspondence, and continued services during May 2014 regarding the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)
11. 6/5/14, Raymond Coleman Heinold & Norman, LLP, \$1,274.00, research, correspondence, meetings, prepare for and attend hearing, and prepare resolution during May 2014 regarding the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)

The secretary reviewed that the Latimer & Lewis escrow account was current and the Zimmermann's have been notified their account has gone short with the current billings. A motion was made by Craig Greenwood, seconded by Bob Kennedy and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

Other New Business – Ken Mills asked if someone in the Borough has the authority to compel maintenance of the river wall and cleanup of the properties. It was answered that where any code violations are concerned, Mary Lodato has the authority to compel compliance. Regarding maintenance of the river walls court cases have decided that the Borough has no enforcement authority on portions that are on private property. There is a distinction between maintenance and rebuilding/constructing a wall. There are multiple authorities and layers of federal and state government involved regarding the permitting process.

PUBLIC COMMENT – Joe Threston motioned and Ken Mills seconded to open the meeting to general public comment. There was none and Ken Mills motioned and Joe Threston seconded to close the meeting to public comment.

Meeting adjourned at 8:32 pm. (motion by Mills, second by Threston)

Next meeting is at 7:00 pm on 7/15/2014

Tape is on file for one year.

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