

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**May 20, 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, Councilman Armand Bianchini, Mary Lodato, Richard Gaughan, and Robert Martin.  
**Also Present:** Solicitor Chuck Petrone for Tom Coleman, Planner Tamara Lee, Engineer William Kirchner, and secretary Ken Palmer.

**ABSENT:** Mayor William Brown and Deborah Weaver.

**MINUTES:** A motion was made by Robert Kennedy and seconded by Kerry Brandt to adopt the minutes of the April 15, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**PUBLIC HEARINGS:**

**Case#2014-05, Variance Application 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.**

**Introduction:** The secretary reviewed that all the items needed to deem the matter jurisdictionally complete had been satisfied. Chairman Brandt introduced the matter and asked if any members needed to recuse themselves from hearing the application. There were none. The chair reviewed the application and the owner Nick Coletti and the builder Bud Lemunion were sworn in.

**Testimony and Board Questions:** Mr. Coletti submitted three photographs of the front of the house which were marked as exhibits A1 - A3. It is planned to erect a permanent roof structure over the front yard 7x22 foot cement pad patio. The structure will be compatible with the existing home. With prompting and questions from the board, Mr. Coletti and Mr. Lemunion provided additional information. The home is in the R8 district. The home is on a cul-de-sac and they and the neighbors tend to congregate in their front yards. The home has a small back yard which is not used that much. The addition would be a sloping roof with no side walls and supported by vinyl clad columns. There would be a gutter along the front to channel runoff from the roof. The ordinance requires a 25 foot front yard setback. Due to the irregular shape of the lot on the cul-de-sac, the planned roof will extend approximately four feet into the setback. Asked about the setbacks of the neighboring properties, it was testified that all the homes had similar setbacks. Without some form of cover the use of the patio is very limited and there is no other shade available. Rather than some form of awning, a more permanent covering is desired. The proposed roof will not extend beyond the existing patio with no resulting increase in impervious coverage. The applicant feels there is no negative impact on the area or adjoining properties and it will allow he and his family to better enjoy the neighborhood and neighbors. There was no further testimony and the board had no additional questions.

**Public Comment:** Mr. Mills motioned and Mr. Threston seconded to open the hearing to public comment. There was none and Mr. Threston motioned and Mr. Mills seconded to close the hearing to public comment.

**Deliberation and Decision:** There being no additional board comment, Mr. Brandt summarized that he feels the shape and size of the lot, and the location of the structure do represent a form of hardship as well as it appears some form of covering is the only way to shade the patio. The application does not appear to have a negative impact on the property or area and is in keeping with the character of the neighboring homes. Mr. Threston motioned that the application be approved as presented and the applicant be granted a variance. The motion was seconded by Mr. Della Penna. Mr. Brandt commented that the approval should be worded to allow for the gutter to extend slightly more into the setback by probably six inches or so. The motion was amended to include this stipulation by Mr. Threston and seconded by Mr. Della Penna. 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. Kennedy	aye	Mrs. Lodato	aye
Mr. Della Penna	aye	Mr. Threston	aye	Mr. Gaughan	aye

**Case# 2014-06, Variance Application 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.**

**Introduction:** The secretary reviewed that all the items needed to deem the matter jurisdictionally complete had been satisfied. Chairman Brandt introduced the matter and asked if any members needed to recuse themselves from hearing the application. There were none and Mr. Brandt asked the applicant to present the application.

**Testimony/Presentation:** Jeffrey Baron, Esq. of Barron & Brennan, P.A. attorney for the applicants, introduced himself and asked that Harold Zimmermann - applicant, Neil Johnson - architect, and David Zimmerman - planner all who would be testifying be sworn. They were and Mr. Baron reviewed the application for the board and the need for variance relief because the proposed location in the yard facing Second Street is, under the current code, deemed a front yard and that he agrees with Board Planner Tamara Lee's, review that after the recent appeal decision, the property has essentially two front yards. Referring to exhibit A1, a mounted copy of the site plan as submitted, Mr. Baron discussed the location of the proposed pool and improvements and why variances were required. The proposed pool and aprons as well as the proposed shed will be well beyond the required 40 foot setback for front yards in the district. Fencing is required for swimming pools. The proposed location of the pool was made following the determination of the appeal filed by Mr. Latimer. The shed exceeds the permitted 150 square feet. The proposed shed will be used for pool and related equipment. There is existing fairly dense landscaping along Second Street and between the adjoining properties which will shield the pool from the neighborhood. The only structure directly facing the property along Second Street is a garage for another property across Second Street. Mr. Threston asked why a 200 sq. ft. shed and Mr. Zimmermann stated he wanted the extra space provided by the 200 sq. ft. and he thought the size of the lot would not cause a negative impact. Mr. Brandt asked where the pool could be placed without a variance and it was explained it could only be placed in the side yard that now serves as the front entrance to the residence and provides the driveway access. The orientation of the pool at its proposed location was designed to lessen the proximity to the setback line, to preserve existing trees and vegetation, and not create parking concerns. Mr. Bianchini asked for clarification as to why the application is referring to two front yards since he thought the result of the appeal declared the yard facing the river to be the front yard. It was explained that, a literal interpretation of the current zoning code defines the yard facing Second Street as a front yard. Mrs. Lee's review also mentions this fact and that it is similar to through lots.

The applicant's architect, Neil Johnson, whose professional credentials were okayed by the board, reviewed the proposed location of the pool and the functioning of the various parts of the property and the desire to minimize disturbing/removal of existing privacy landscape buffering along Second Street. Mr. Johnson described the proposed fencing to be a black wrought iron look, four-foot, picket style fence. While the site plan shows the fence to be located within the Second Street landscape buffer, Mr. Johnson stated he has been informed the fence will be relocated along the inside of the landscape buffer further from the street. He and the applicant will also work with the Mrs. Lee to resolve any landscaping concerns. The design and materials of the shed will be consistent with the garage. The shed will be a 200 sq. ft. "portable building" trucked in and placed on the site and such sheds are allowed by construction codes. There will be no plumbing or other use of the shed. The pool will be a rectangular in-ground gunite pool with designer paving aprons. Mr. Kennedy asked about the proposed plantings along the adjoining property lines on the riverfront side of the property and if they are/should be considered fences. Mr. Baron and applicant Zimmermann explained that they are very low planting beds that are not meant to serve as a fence but more of an indication that this is private property and hopefully serve to deter incursion on the applicant's property. Mr. Baron stated that the applicant would work with the board's planner to develop suitable plantings that serve the intended purpose but not be considered an

obscuring fence. Mr. Brandt asked Mr. Baron to enumerate what he considers the variances that the application is requesting. Mr. Baron stated he feels they are:

- the pool closer to the street than the established building line
- the shed between the house and the street, unless the definition of a through lot applies
- the fence, which is required under borough and building codes, closer to the street than the building line, unless the definition of a through lot applies
- the size of the shed
- additional fill-in landscaping in the Second Street facing yard that is considered a fence

David Zimmerman, who is the applicant's planner and was recognized as being previously qualified, reviewed the planning issues. The location of the pool is the only viable and best location to lessen impact on the applicant's property and neighboring properties, as well as, impact on the streetscape. The shed location is partially shielded from view by the applicant's garage and the neighbor's garage. Regarding the positive and negative criteria, Mr. Zimmerman concurs with Mrs. Lee's report that all of the variances are C bulk variances and he feels they are C1 hardship variances due to the location and physical features of the property and narrow shape of the lot. The proposed relocation of the fence along Second Street at least 10 feet further into the property will allow the existing buffering vegetation to be supplemented and in-filled providing further screening and thus lessening any perceived negative impact of the pool on the streetscape. The fence location also still permits the grass area desired by the applicant. The proposed black wrought iron look fence is both architecturally consistent with the neighborhood and its color minimizes its appearance. Fencing is required and the intent is minimize its appearance as much as possible. He feels the variances are justified, provide no detriment to the public good and no substantial detriment to the zoning code. The variance for landscaping, if not permitted under the through lot concept is justified as providing more of a positive than negative impact. Mr. Petrone interjected for the board's benefit, that the proposed fence is without question a fence and that the supplemented vegetation along Second Street and along the property lines is intended to and acts as a fence. It was discussed that the new proposed planting beds along the property lines in the riverfront yard need to be carefully qualified if they are not to be considered a fence. It was agreed that as long as the planting beds were not elevated and the height of the plantings was designed and maintained to be less than what could be considered to constitute a fence then a variance probably was not required. It was also agreed that if the application was approved, approval be conditioned on a landscape plan being submitted and approved by Mrs. Lee. Mr. Baron stated the applicant is willing to stipulate that the new planting beds would not form a berm and that the height of the plantings is the mature height. Mr. Zimmerman concluded that he feels there is no substantial impairment to the ordinance or master plan, that it is a uniquely shaped and located property, and that the spirit/intent of the ordinances are being satisfied. Mr. Kennedy asked if there had been new plantings along the riverside of the properties in the area and the answer was I don't know.

**Board Questions and Professional Review:** Mr. Petrone stated he had no additional questions or comments at this time. Mrs. Lee was asked by the chair to speak to the issues of front yard versus through lot. She stated that technically she doesn't feel this property is a through lot under the code since it is not between two streets. She raised the issue since planning policy for through lots allow for use of one side to be treated as a rear yard with fencing allowed if approved by ARC review. The fact that there is existing buffering and the proposed fencing will be inside the buffering may make the distinction moot. The current code and recently decided appeal results in the property having two front yards; however, she felt the property could possibly be considered as analogous to a through lot. Mr. Brandt asked if it was safer and more prudent to consider the Second Street as a front yard. Mr. Baron stated that the applicant and the testimony have always proceeded that the Second Street side was the front yard. Mr. Kennedy is concerned that allowing these variances in a front yard sets a precedence for allowing fences in front yards. Mr. Petrone stated that each case must be considered and decided on its own merits and unique conditions. Mr. Brandt stated he wished to proceed as the Second Street facing yard is a front yard but only if all the professionals and applicant and board agreed. There was no disagreement. Mrs. Lee summarized that she felt the proposed location of the pool was the best location, the applicants are doing the best to protect the neighborhood, pulling the fence back inside the buffer is a good idea, supplementing vegetation where mature trees exist should be treated carefully, and she has no concerns

regarding the fencing along the driveway. Mr. Brandt stated he feels the infill vegetation along the property line between the rear of the actual house and the neighboring property should be permitted and does not require a variance. He is concerned about any infill or new landscaping occurring where the vegetation extends beyond the building lines either towards the street or river. Mr. Petrone stated he felt the only areas being supplemented being an issue are the areas along the property lines going toward Second Street, along Second Street, and along the driveway in the Second Street facing yard. Board engineer Mr. Kirchner stated he did not feel the plans presented any engineering impacts.

**Public Comment:** A motion was made by Mr. Mills and seconded by Mr. Threston to open the hearing to public comment. All persons making comments were sworn in before speaking.

- Mike Kearney, 309 Bank Ave., is concerned about noise from the pool and asked if there will be an engineered sound system and would the pool be used for business use. Mr. Baron stated he did not feel the use of the pool is something that should be legislated and that the existing noise ordinances of the Borough would certainly be applicable in this case.
- John Latimer, 601 Bank Ave., commented that he was pleased with the proposed pool location. He stated that both 601 and 603 Bank Ave., were subdivided from the property at 605 Bank Ave. and were subject to the old deeds that contained language to maintain site lines and access to the yacht club. Also the concept of the green lawn nature of the riverfront yard and access to the river wall should be maintained. Mr. Latimer stated that kids today use the river wall and adjoining lawn to traverse to and from the Pompeston Creek and he contends that the "V6" area plantings are intended to deter this. Mr. Baron stated that the applicant has already stipulated that no plantings will occur in this area that effectuate a fence. Regarding through lots, Mr. Latimer stated that it was the intent of the drafters of the current code that these river front lots be treated as through lots and treated as through lots anywhere else in the Borough. He provided an example of the properties along both Thomas Ave. and Lippincott Ave. that back onto Maple Ave. These are all through lots and based on the existing and long standing use, the rear yard is the yard facing Maple Ave. Similar conditions exist with the use of the river front properties along Second Street where the accepted use of the Second Street facing yards is as a rear yard. Mr. Latimer further commented that there exists a deed restriction that no manmade structures may exist closer than 25 feet of Second Street and that includes fences. He requests the deed restrictions be honored and the fence be no closer than 25 feet to the street. Mr. Latimer asks that the pool ordinance be adhered to and that any DEP requirements be met.

There was no further comment and Mr. Mills motioned and Mr. Threston seconded to close the hearing to public comment.

**Summaries, Deliberation and Decision:** Mr. Baron asked and was allowed to present his summary. Mr. Baron stated that they are seeking variances to enhance the landscaping in the Second Street facing yard and install the fence at proposed amended location. They are seeking approval of the fence design without further delay from ARC review. They are requesting a variance to supplement existing vegetation within the Second Street front yard area. A variance is requested for a 200 sq. ft. shed and its location. And finally, a variance is requested for the location of the pool. Mr. Brandt asked for board comments and questions. Mr. Martin stated he agreed with Mr. Latimer that the fence be moved back from the street as much as possible. Mr. Brandt asked if it was appropriate to have Mr. Croft of the ARC who is present comment. There was no objection and Mr. Croft commented that he feels the ARC would agree with him that it is better that the fence has been moved back from the street and behind the living fence and that the final setback be left to others. Mr. Martin stated he feels the river side of the property should remain open and green grass as originally designed and sight lines retained. He supports denser vegetation along Second Street. Mr. Zimmermann stated he also wants some flowers and feels there are already features that exist on other neighboring properties that aren't green grass. They are not proposing any structures, they just want some additional color. There being no further comments, Mr. Threston motioned that the board approve the variances as provided in the application, in Tamara Lee's review, and as agreed to be amended in the hearing concerning location of the pool, location of the shed, all fencing variances, and landscaping variances. Approval should be conditioned that all applicable ordinances and codes be followed, that the location of the existing garage be reaffirmed, and that a landscaping plan be required and approved by Tamara Lee. He does not feel a variance for the shed size is warranted since he does not feel the sufficient justification was provided. Mr. Mills seconded the motion. Under discussion, Mr. Brandt stated he had no problem with a 200 sq. ft. shed on the property and that it should be clarified where the

fence will be located. Mr. Petrone stated that he would use the marked up exhibit to define the fence issues. Mr. Baron asked if it was possible that Dave Zimmerman and Tamara Lee might be able to meet within the next two weeks and resolve the landscape issues. Mr. Brandt asked if there was agreement and the board was comfortable with the proposed plant height of the proposed riverfront yard plantings. Mr. Petrone stated he felt that it was agreed that the mature height of any plantings be no higher than 18 inches. Mr. Baron concurred that was agreed to. Mr. Threston amended his motion to include a variance for the size of the shed and the amended motion was seconded by Mr. Mills. Mr. Petrone suggested that the motion might include that the architectural style of the shed be consistent with the garage and that the fence be of a black aluminum picket style. A landscape plan is to be prepared and approved by the board's planner otherwise the applicant will need to appear back before the board. Likewise the final location of the fence inside of the landscape buffer will be indicated on the plan and approved by Tamara or the applicant needs to reappear before the board to resolve the issue. Finally, revised plans should be prepared and provided to the board. Mr. Threston amended his motion to include Mr. Petrone's suggestions and Mr. Mills seconded the amendment. 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. Kennedy	aye	Mrs. Lodato	aye
Mr. Della Penna	aye	Mr. Threston	aye	Mr. Gaughan	aye

Mr. Brandt commented he felt the positive and negative criteria requirements had been met. Mr. Mills seconded Mr. Brandt's comment. Mr. Della Penna feels the plans enhance the neighborhood. Mr. Kennedy commended the applicant for attempting to satisfy the needs of everyone. Mr. Threston and Mr. Bianchini concurred with the prior member's comments. Mr. Gaughan commended Mr. Zimmermann's efforts.

The meeting resumed after a five minute pause to allow the room to clear of all wishing to leave the meeting.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 3 vouchers/invoices received as of 5/20/14 to be presented under New Business.

**OLD BUSINESS**

**Adopt & memorialize Resolution P2014-07, 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.** – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. There were a few minor typographical corrections noted. A motion was made by Bob Martin and seconded by Joe Della Penna 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.

**Front Yard Definition Zoning Code Change Ordinance** – Councilman Bianchini reviewed that following the public hearing on the proposed ordinance to amend the zoning code concerning the definition of a front yard for riverfront properties, Council wished the board to consider a revision to the proposed ordinance which removes the language that certain riverfront properties should be treated as having two front yards, the yard abutting the river and the opposite yard abutting a street. Kerry Brandt stated that he feels the lots should be treated as through lots if possible. He asked Tamara why the two front yard language was included. Tamara stated the sentence was included out of concern for the streetscape and to offer the town the ability to preserve and protect the streetscape. Kerry stated his concern that if the sentence was removed, there would be no control over the impact of a rear yard on the streetscape. He feels the sentence should be kept. Tamara reminded the board that even for riverfront properties where Bank Avenue bisects the property, Bank Avenue is not considered a street, rather it is defined as an easement on those properties. She feels the borough needs the protection by requiring a variance where the yard opposite the side abutting the river abuts a street. There was vigorous debate pro and

con among the board. There was a consensus to hear from the public and a motion to open the discussion to public comment was made by Joe Della Penna and seconded by Bob Kennedy.

- Mike Kearney, stated that the wording should be changed to apply to any lot not just residential dwelling unit. He does not feel the last sentence should be retained and makes all existing properties along the river nonconforming. Joe Threston stated he does not feel he has enough information to make an informed decision. Kerry Brandt stated he want to make sure the town is protected; but, also doesn't think it is proper to force any impacted property owner to seek a variance for anything they wish to do in that yard. Bob Kennedy feels the sentence should be retained. There was additional discussion regarding the impact on certain properties and pros and cons of retaining the sentence. It was requested to either continue with public comment or close the public comment.
- John Latimer, feels the whole thing works if the river is consider a right of way and street for the purpose of the code. This makes the lots through lots with functional rear yards subject to mandatory ARC approval of fences and the board's discretion regarding accessory structures.
- Harold Zimmermann, stated you need to be careful regarding decisions regarding the riverfront. He feels there is the possibility of lawsuits.
- Scott Zimmermann, asked if Riverton has the authority to call the river a street. Kerry Brandt stated he felt that kind of definition would only be applicable to how the borough treats the riverfront for its application in the code.

There being no further public comment, Ken Mills motioned and Joe Threston seconded to close public comment. Tamara feels the professionals need to look further at the entire zoning code to make sure there are no other conflicts and that any change doesn't create conflicts. She also feels it would be helpful that a subcommittee of the board take a look at all through lots and riverfront lots and mark them up on the tax map to see how many different situations exist. This information would be helpful to the professionals in developing a workable revision. Chuck Petrone stated all sections of the ordinance that reference front yards, location of structures, through lots, etc. need to be examined and inconsistencies resolved. Kerry stated he agrees with Tamara and Chuck that a subcommittee to identify the scope of properties impacted and perhaps come up with some suggested solutions. Perhaps they could be prepared to at least offer a progress report next month. Joe Threston, Rich Gaughan, and Bob Martin volunteered for the subcommittee. It was suggested the chair keep the mayor and Council informed of the board's decisions and progress. Joe Threston motioned, Joe Della Penna seconded and the board unanimously approved by voice vote the suggested course of action regarding formation of the subcommittee and follow up activity.

**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. Council feels that an application process should be formalized that includes appropriate fees and escrow requirements. Joe Threston stated that to date the recent appeal has cost the borough upwards of \$12,000 and feels there has to be some form of protection for the town and the taxpayers against this type of unplanned expense. Also it is apparent that most other communities have a process with fees and/or escrow requirements in place to handle appeals and/or interpretation requests. There was continued discussion and the chair stated he would like to poll the board and that he would communicate the results to the mayor and Council. The results of polling the members was as follows:

Kerry Brandt	Small fees for both	Escrows for both (refunded if less than 1 hour of board time for an interpretation)
Ken Mills:	Fees for both	No escrows at all
Joe Della Penna:	Fees for both	Escrows for both (concerned about what other towns are doing)
Craig Greenwood:	Fees for both	No escrows at all
Bob Kennedy:	Fees for both	Escrow for Appeals only
Joe Threston:	Fees for both	Escrows for both
Bill Brown:	absent	

Armand Bianchini: Fees for both          Escrows for both  
Mary Lodato:          No comment at this time  
Deb Weaver:          absent  
Rich Gaughan:          Fees for both          Escrows for both  
Bob Martin:          No comment at this time

**Affordable Housing** – No report.

**Council Matters of Importance to the Board** – Councilman Bianchini reported there was nothing additional to report.

**Environmental Commission** – Joe Threston reported that the commission had met last month and are continuing the process of identifying projects for which the Borough can receive credit under the Sustainable Jersey program. He also reported on a meeting at the school regarding the "Safe Routes to School Program."

**Minor Site Plan Applications** – Mary Lodato reported that an application for a small photo studio in the NB district had been approved on Broad Street.

**Update on Latimer & Lewis Site Plan** – Bob Kennedy reported on behalf of the ARC that they have no major issues with the plan. There is some concern about a small addition on the Thomas Ave. side for a porch. They did not get into the HVAC noise issues and type of units. Tamara Lee and Hank Croft are continuing to work on the HVAC issues. John Latimer asked if he could apply for permits and it was explained why not until the final plans have been signed off and all conditions of the approval satisfied.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 5/1/14, Tamara L. Lee, PP, \$2,388.75, planning services rendered during April 2014 regarding the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)
2. 5/5/14, Raymond Coleman Heinold & Norman, LLP, \$599.00, general business advice, research, and correspondence concerning: appeal of zoning officer's decision regarding 603 Bank Ave.; revised front yard ordinance; and possible parking issues during April 2014. (BOARD BUDGET-PROFESSIONAL SERVICES)
3. 5/5/14, Raymond Coleman Heinold & Norman, LLP, \$1,371.50, general business services, research and correspondence, and prepare for and attend public hearing concerning the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)

The secretary reviewed that the Latimer & Lewis escrow account was current. A motion was made by Joe Threston, seconded by Craig Greenwood and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**Consistency and Accuracy of the Zoning and Related Codes** – Joe Della Penna feels the board needs to be much more proactive in making sure the codes are consistent especially as they impact the Zoning Officer and the board's ability to render fully informed and accurate opinions and decisions. He is willing to spearhead this and suggests that it be done in manageable chunks perhaps starting by making sure the definitions in the code are consistent and don't conflict. Mary Lodato she appreciates this concern and that the proposal is similar to the basically dormant Ordinance Subcommittee formed several years ago to perform a essentially the same function under the leadership of Councilperson Suzanne Wells. Mary Lodato suggested that any findings or suggestions be communicated to Suzanne. Tamara stated that one of the other towns she advises has a standing committee to review the ordinances.

**PUBLIC COMMENT** – Joe Threston motioned and Craig Greenwood seconded to open the meeting to general public comment:

- Mike Kearny commented that he felt appeals and interpretations were part of the established governing and operating process of a community and should therefore be treated as part of the normal cost of the normal costs of the town and paid with taxes. He agreed that a fee to cover administrative costs was warranted similar to those that currently exist for similar matters.
- John Latimer agreed with Mr. Kearney's comments. He also supports the board being more proactive regarding the codes.

There was no further comment and Joe Threston motioned and Bob Martin seconded to close the meeting to public comment.

**Meeting adjourned at 10:55 pm. (motion by Mills, second by Kennedy)**

**Next meeting is at 7:00 pm on 6/17/2014**

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

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