

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
August 18, 2015**

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 January 21, 2015.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2015.

PRESENT: Kerry Brandt, Joe Della Penna, Craig Greenwood, Joseph Threston, Mayor William Brown, Councilman Joseph Creighton, Mary Lodato, Deborah Weaver, Robert Martin and John Kohms.

Also Present: Solicitor Tom Coleman and secretary Ken Palmer.

ABSENT: Ken Mills, Robert Kennedy, and Richard Gaughan.

MINUTES: A motion was made by Craig Greenwood and seconded by Joseph Threston to adopt the minutes of the July 21, 2015, regular meeting of the planning board as distributed. The voice vote was unanimous.

PUBLIC HEARINGS:

Case#2015-05, Variance Application by Phyllis Rodgers, 104 main St., Block 307, Lot 9 for relief from maximum permitted size for a new garage to replace the existing structure.

Continuation: Mr. Brandt stated that he had been informed by the secretary prior to the meeting that the applicant wished if possible to continue the matter, and asked the secretary to brief the board. Board Secretary Ken Palmer reviewed that he had received an email from the applicant that due to personal conflicts they would be unable to attend the hearing and needed to reschedule the matter or proceed as dictated by the board. After conferring with the board's attorney, the secretary informed Mrs. Rodgers that to reschedule the matter, she would have to re-notice the new date in the newspaper and re-notify the neighboring property owners. However, Mr. Coleman had suggested that Mrs. Rodgers could request a continuation from the board. To do so, she would, in addition to the email request need to provide the required proofs that the matter is jurisdictionally complete and can be heard. If deemed complete, the board may consider a request to continue the matter at the applicant's request. Mrs. Rogers provided the proofs prior to the meeting and upon review Mr. Coleman concurred the application was jurisdictionally complete and the board could act on the request to continue the matter at the applicant's request until the September meeting. Mr. Brandt asked if there was any discussion or if there was a motion to continue. Mr. Threston motioned and Mr. Della Penna seconded to continue the matter until the next meeting of the board at the request of the applicant with no tolling of time. The motion passed by unanimous voice vote. The secretary read the continuation notice and will post it on the Borough office bulletin board:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the variance application by Phyllis Rodgers, 104 Main St., Block 307, Lot 9 for relief from maximum permitted size for a new garage to replace the existing structure is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on September 15, 2015.

Case# 2015-06, Variance Application by Michael and Jane Kinzler, 209 Lippincott Ave., Block 601, Lot 22 for excess impervious coverage to install an in-ground swimming pool.

Introduction: Mr. Brandt introduced the matter and asked if any members needed to recuse themselves. Mayor Brown, Councilman Creighton, and Mrs. Lodato recused themselves to avoid the appearance of conflicts of interest since Mr. Kinzler is a council member. Mr. Martin recused himself for personal reasons. The

secretary reviewed that all jurisdictional items were complete. Mr. Coleman concurred the application was jurisdictionally complete and the hearing could proceed. Mr. Brandt asked the applicants to introduce themselves and anyone who would be testifying. The applicants, Michael and Jane Kinzler, and Mr. McNambe from Budd's Pools were sworn in.

Testimony and Board Questions: The applicants testified that they wish to install a 20' by 40' in-ground swimming pool in their rear yard. The existing impervious coverage is at 32%. Maximum permitted coverage in the R15 district is 30%. The new installation would increase the coverage by 7.85% to a total of 39.85%. Asked what was behind the property, Mr. Kinzler stated there was an alleyway that provided access to the rear of the neighboring properties. Asked if the distances shown on the plan were okay, Mr. McNambe stated they complied with all codes. Asked about pool construction, Mr. McNambe explained it would be a reinforced "shotcrete" (sprayable concrete) in-ground pool with surrounding hardscaping. Asked to address the coverage concerns and possible drainage issues, Mr. McNambe explained that the pool is not designed to be filled to the brim and would absorb a large volume of water before it overflowed. Mr. McNambe noted that in some municipalities, the water surface area of an in-ground pool is not included as impervious coverage for that reason. Asked about any existing drainage problems, Mr. Kinzler stated that except for the rare extreme downpours where minor puddles occurred, the exiting pervious pavers absorbed the water. Asked about the amount of new coverage, Mr. McNambe stated that it would be approximately 1,280 sq. ft. or 7.85%. Asked if the pool could be shorter, Mr. McNambe explained that for a pool providing safe diving and good exercise use, it is usually at least 32' in length with 40' being very common. It was noted by the board that the town is fairly wide open in the neighboring area so shouldn't be considered congested. Asked about back flushing, it was stated that it would be to the street out front similar to the neighboring property. There was no further testimony or board questions.

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

Deliberation: Mr. Brandt asked if the board had any further questions or discussion or if the board was ready to make a decision. Mr. Greenwood motioned and Mr. Threston seconded that the application be approved as testified to. Mr. Coleman reviewed that the board would be voting to grant a approval to construct an in-ground pool with a variance to permit an excess of impervious coverage not to exceed 39.85%. The motion passed by a unanimous poll vote of six ayes as follows:

Mr. Brandt	aye	Mr. Della Penna	aye
Mr. Greenwood	aye	Mr. Threston	aye
Mrs. Weaver	aye	Mr. Kohms	aye

Mr. Brandt, Mr. Della Penna, Mr. Threston, and Mrs. Weaver offered comments as to why they voted approval of the application.

The next steps were reviewed with the applicants.

CORRESPONDENCE/ANNOUNCEMENTS

None

REVIEW/CONSIDER INVOICES & VOUCHERS

1. 7/1/15, Raymond Coleman Heinold & Norman, LLP, \$70.00, for services rendered during June. (PLANNING BOARD PROFESSIONAL SERVICES)
2. 7/1/15, Raymond Coleman Heinold & Norman, LLP, \$563.00, for services rendered during June regarding the Affordable Housing filing with the court. (PLANNING BOARD PROFESSIONAL SERVICES)
3. 7/1/15, Raymond Coleman Heinold & Norman, LLP, \$252.00, for services during June for preparation and conducting the Biehl variance application hearing, and preparing the resolution. (BIEHL 616 ELM TERRACE ESCROW)
4. 7/1/15, Raymond Coleman Heinold & Norman, LLP, \$266.00, for services during June for preparation and

conducting the Comerford variance application hearing, and preparing the resolution. (COMERFORD 712 LINDEN ESCROW)

5. 7/1/15, Raymond Coleman Heinold & Norman, LLP, \$266.00, for services during June for preparation and conducting the Betten variance application hearing, and preparing the resolution. (BETTEN 404 MAIN ST. ESCROW)

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

OLD BUSINESS

Affordable Housing – Mr. Tom Coleman reviewed the developments and the plans that the board would hopefully conduct a public hearing at the September meeting to adopt the proposed Housing Element and Fair Share Plan. The matter would then be considered by Council at their October meeting and all activity completed and submitted to the court within the 5 month time frame. Tom has supplied the required notice to the secretary to be published and sent to the neighboring municipalities and County Planning Board. Tom reviewed that he had examined the independent expert's report that some municipalities are retaining but the Borough has decided not to retain. Tamara will be present at the meeting and will provide the hopefully to be approved resolution that is needed to memorialize the adoption. There was some discussion and review of why the board's professionals feel the proposed plans are very defensible.

Council Matters of Importance to the Board – It was reported that the borough is having a movie in the park event on 8/29.

Subcommittee for Accuracy of the Zoning and Related Ordinances – Joe Della Penna reported that there was nothing new to report.

Environmental Commission – Joe Threston reported that the next meeting of the commission is not until 8/20.

Minor Site Plan Applications – Mary Lodato reported there were none in the last month.

NEW BUSINESS

None

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

Meeting adjourned at 8:03 pm. (motion by Threston, second by Greenwood)

Next meeting is at 7:00 pm on 9/15/2015

Tape is on file for one year.

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