

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
March 17, 2015**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Ken Mills. 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:** Ken Mills, Joe Della Penna, Councilman Joseph Creighton, Craig Greenwood, Robert Kennedy, Joseph Threston, Mayor William Brown, Councilman Joseph Creighton, Mary Lodato, Deborah Weaver, and Robert Martin.  
**Also Present:** Solicitor Tom Coleman, Planner Tamara Lee, Engineer William Kirchner, and secretary Ken Palmer.

**ABSENT:** Kerry Brandt, Richard Gaughan, and John Kohms.

**MINUTES:** A motion was made by Joe Threston and seconded by Bill Brown to adopt the minutes of the February 17, 2015, regular meeting of the planning board as distributed. The voice vote was unanimous.

**INFORMAL REVIEW APPLICATION by Joe Rainer for 301 South Broad Street, Block 1101, Lots 1&9 for proposed development of conditional use apartment(s) over business(es) and residential use.**

Ken Mills introduced the topic and asked Tom Coleman to review the process. Mr. Coleman reviewed the informal nature of the review and that the applicant would present his plans and that the board and its professionals would attempt to answer any questions from Mr. Rainer as well as provide informal guidance. Mr. Coleman stressed that this is an informal review and nothing is binding on either the applicant or board. No decisions can be rendered. It is an informal discussion only. Secretary Palmer reviewed that all jurisdictional requirements had been met regarding submissions and the payment of fees and escrows.

Walter Croft presented a brief review of the property and the preliminary plans to add a second floor to the existing businesses and seek a conditional use for accessory apartments over a business and to build a new duplex for two apartments. It is felt that a duplex would be in character with the several duplexes that already exist in the adjoining residential area. The two lots, one with the existing businesses and a vacant lot are used as a single property and are both owned by Mr. Rainer and he plans to continue owning both. Mr. Rainer realizes that the property is in the NB district but feels his plan will be a better use since there are already at least four commercial properties in the NB district that are vacant. Mr. Coleman and Mrs. Lee reviewed that while a conditional use for an apartment over a business is allowed, it is one apartment per floor. To put two apartments on one floor would require a D3 use variance. Since pure residential use in the NB district is not permitted, a D1 variance would be required. Mr. Kirchner spoke to the possible traffic flow conditions for the proposed new rental units due to the proximity to the light rail station and existing traffic flow. Mr. Kirchner also feels there will be bulk requirement issues. Given the enhanced proofs needed to justify use variances, Mrs. Lee and Mr. Coleman strongly urged that the applicant enlist the services of a planner to properly address the different proofs needed for the two types of use variances. They will also need to show that there is no impairment to the Land Use element of the Master Plan. Some ideas of helping the existing and proposed development provide a transition between the business and residential areas were also discussed. Asked if he felt that he had a good idea of what will be required to develop the site as planned, Mr. Rainer stated he did. Mr. Rainer also stated that he still feels he may want to proceed with the plans.

**OLD BUSINESS**

**Affordable Housing** – Tamara and Tom reviewed the NJ Supreme Court ruling that takes affordable housing out of the hands of COH and places it with the trial courts. The decision also invalidated the COAH third round

"growth share" provisions. It will be up to the courts to establish the number of affordable units for each community in their respective districts; however, both Tom and Tamara feel that won't happen and the courts will leave it for the communities to come up with a number and defend that figure in their new plan. There is also the strong possibility of appeals being filed. The courts have roughly 90 days to have things in place and then the municipalities will have 30 days to submit their plans. At this point it looks like around June 1st for the 30 day submission period to start. If a municipality does not file in time, they will become subject to builder's remedy suits. Tamara feels it may be best to revisit the housing and fair share plans created in 2009 without any growth share and to update them for the 2010 census. It was also noted that the notice requirements would also include the Fair Share Housing Center. It was suggested that a committee be formed of two board members and two governing body members to coordinate and work with Tamara. The committee will be Joe Threston and Deb Weaver from the board and Councilman Creighton and Mayor Brown from the governing body. They plan to meet before Council's first April meeting on April 1.

**Adopt & memorialize Resolution P2015-04, Case# 2015-01, variance application by Brian Fedgchin and Mitchell Pelekane, 4 Thomas Avenue, Block 204, Lot 12 for relief from maximum impervious coverage to construct an in-ground swimming pool and 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 six members present who approved the application and are eligible to vote on the matter.

**Council Matters of Importance to the Board** – Mayor Brown and Councilman Creighton reported that the topic of a "Dog Park" has come up again. The preliminary budget for the board is 10K, but there is concern that sufficient funds are budgeted for the affordable housing related work.

**Subcommittee for Accuracy of the Zoning and Related Ordinances** – There was no update.

**Environmental Commission** – Joe Threston stated there is an ongoing dialog regarding the rain garden at the school. The next meeting is Thursday, March 22nd.

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

#### **CORRESPONDENCE/ANNOUNCEMENTS**

None

#### **REVIEW/CONSIDER INVOICES & VOUCHERS**

1. 2/23/15, Environmental Resolutions, Inc., \$635.00, for work regarding approval of the release of the performance guarantee from 1/26/15 - 2/22/15, for Latimer & Lewis, 202 Broad Street project. (202 BROAD, 435 THOMAS ESCROW)
2. 2/23/15, Environmental Resolutions, Inc., (TWO INVOICES), \$195.00 + 65.00=\$260.00, for review and attendance at the hearing regarding the Fedgchin/Pelekane variance application. (FEDGCHIN/PELEKANE 4 THOMAS ESCROW)

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.

**NEW BUSINESS** – None

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

**Meeting adjourned at 8:00 pm. (motion by Threston, second by Kennedy)**

**Next meeting is at 7:00 pm on 4/21/2015**

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

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