

RIVERTON BOROUGH PLANNING BOARD
MINUTES
May 19, 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, Ken Mills, Robert Kennedy (7:45pm), Mary Lodato, Robert Martin and John Kohms.

Also Present: Solicitor Tom Coleman, Planner Tamara Lee, and secretary Ken Palmer.

ABSENT: Joe Della Penna, Craig Greenwood, Joseph Threston, Mayor William Brown, Councilman Joseph Creighton, Deborah Weaver, and Richard Gaughan,.

MINUTES: A motion was made by Ken Mills and seconded by John Kohms to adopt the minutes of the April 21, 2015, regular meeting of the planning board as distributed. The voice vote was unanimous.

PUBLIC HEARING:

Case#2015-02, Variance Application by Penny Biehl, 616 Elm Terrace, Block 1005, Lot 1 for relief from corner lot setback requirements for a rear yard fence.

Introduction: The secretary reviewed that all jurisdictional items were complete. Mr. Coleman concurred the application was jurisdictionally complete and the hearing could proceed. Mr. 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 applicant Penny Biehl and Ken Marshall were sworn in.

Testimony and Board Questions: Mrs. Biehl explained that she recently purchased the home and wishes to provide privacy and a nice exercise area for her dogs in the rear yard of the home. The lot is only 50 feet wide and complying with setback requirements for corner properties would severely limit the size of the rear yard that can be utilized. Mrs. Biehl wishes to install a 5 or 6 foot high fence from the rear of the building out to 18" from the sidewalk and then along Harrison Street to the rear of the property and then back to the fence along the side yard lot line with 618 Elm Terrace. There would be a 14 foot split gate across the driveway entrance off Harrison Street which would open out to the street. The location of the fence along the rear lot line will be held back 1 to 2 feet from the lot line to allow plantings placed by the neighbor to remain. Mrs. Biehl asked and was permitted to comment on the pictures of neighboring properties in the area with rear yard fences that she had submitted with her application to show that her request did not appear to be uncommon occurrence. Several members of the board expressed concern about the closed in wall effect of a approximately 130 foot long high fence along Harrison Street and thought it should be set back further from the sidewalk. Concerns were also raised about the impact on sight lines by the proposed driveway gates and perhaps at the rear of the property where the neighbors drive way is located. Asked if a shorter fence perhaps 4 feet high was possible, Mrs. Biehl stated she wished to have it no less than 5 feet high to provide both privacy and protection for her large dogs. Asked about having the fence set back further from the sidewalk than the proposed 18 inches, Mrs. Biehl stated she feels that would be a hardship especially where the existing decks are located and would restrict the use of the open area of the back yard beyond the two-car garage. The review report from the ARC was discussed which also expressed similar concerns about the sight lines and impact of the mass of a tall fence along Harrison Street. The recommendations of the ARC were reviewed. The board spent some time going back and forth with Mrs. Biehl discussing possible options. Mr. Coleman expressed concern that it was not entirely appropriate for the board to design the plan for the applicant and the discussion cannot be clearly heard by everyone present. Additionally it is possible there are members of the public present who having reviewed the application as submitted may have comments and it is not proper that the plan being discussed is not what they had a chance to review. The chair and Mr. Coleman reviewed the proofs the applicant needed to provide in

support of the application. Asked by the applicant what were the ramifications if she did not wish to change the plan and proceed to a decision, it was explained that they could request that; but, if the application was denied and they wished to resubmit, they would need to go through the entire application process from the start and that the plan submitted had to be substantially different from the current plan. Tamara Lee stated that the applicant might wish to approach the ARC for input since that group has both the latitude and is charged with working with property owners on their plans. Mr. Coleman suggested that the public be heard so the applicant had the benefit of any comments that might aid the applicant in her decision on how to proceed.

Public Comment: Mr. Mills motioned and Mrs. Lodato seconded to open the hearing to public comment. All people speaking were sworn in

- Larry Davis, 404 Harrison Street, Palmyra, NJ. stated that he lives on the property adjoining the rear of the Biehl property. Mr. Davis is concerned that a high fence that close to the sidewalk and the rear property line would present serious sight line problems to him for both vehicular and pedestrian traffic when exiting his driveway. Mr. Davis asked to read his comments and to present exhibits that propose a solution to his concerns. Mr. Davis read his comments concerning the problems with adequate sight lines and the recommendation that the fence should have a six foot long 45 degree cut back at the corner to permit an adequate line of sight to the street and sidewalk. To aid in understanding his suggestion Mr. Davis presented two photos of his driveway area and the street/sidewalk that were overlaid with a representation of the fence with his proposed angled cutback. The two exhibits were marked P1 and P2. and presented to the board for their review.

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

Deliberation and Continuation: The board with little deliberation concurred that the members have some serious reservations with the plan as submitted especially with the apparent mass of that long fence and the sight line issues. It was also thought that Mrs. Lee's suggestion that the applicant avail herself of the services of the ARC was excellent advice. Mr. Coleman suggested that the applicant consider the option of requesting a continuation with no tolling of time to the next meeting of the board which will be on June 16. It was again explained that all is needed to continue is to ask for a continuance and if granted it is announced to all present and a notice posted on the bulletin board. Mrs. Biehl was asked to submit any revised plans at least 15 days prior to the hearing so they could be distributed to the board and professionals. The applicant requested that the hearing be continued with no tolling of time until the next meeting so they could review the board's concerns and to seek out input from the ARC on possibly preparing a revised plan. A motion was made by Ken Mills and seconded by Bob Martin to continue the matter until the next meeting of the board. 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 Penny Biehl, 616 Elm Terrace, Block 1005, Lot 1 for corner lot setback requirements to erect a fence in the rear yard is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on June 16, 2015.

OLD BUSINESS

Affordable Housing – Tamara Lee explained that she was present to participate in any discussion the board may wish to have concerning the draft revised housing plan she had distributed and also provide background on how she prepared it and where things are going. She recommends the board take the time to review and digest the plan between now and the next meeting. She stated that after June 8, the courts are supposed to provide direction if any and that the Borough needs to submit the plan to the court by the July deadline. Tom Coleman commented that he has heard that there will most likely be no direction from the court since they have received no guidance from the State Supreme Court and there has been no legislative action taken. The court is looking to have a Court Master appointed to guide the justices in their decisions. Tamara explained the updated census data using the 2010 data and the models used to update the data every year. She used the "the most accurate/current 2013 data" available. She feels she is on the right track by basing it from the prior decisions

for the Borough including the prior vacant land adjustment and what the current numbers indicate. This should be very helpful where the rehab portion is concerned. She has also tried to demonstrate that during all this time when things have been in limbo, the Borough has not just sat on its hands, but has actively proceeded to address the issue such as the agreements with Quality Management and Habitat for Humanity. She also reviewed the current affordable housing district and the golf course overlay. The status of development fees was also discussed. Tamara also reviewed why the National Casein property has not been considered. Some possible alternatives were also mentioned. Meanwhile, Tamara will incorporate the changes suggested by Joe Threston.

CORRESPONDENCE/ANNOUNCEMENTS

None

REVIEW/CONSIDER INVOICES & VOUCHERS

1. 5/1/15, Tamara Lee Consulting LLC, \$1890.00, for work on the draft housing element and fair share plan during April. (COAH/AFFORDABLE HOUSING BUDGET)
2. 5/4/15, Raymond Coleman Heinold & Norman, LLP, \$140.00, for services rendered during April preparing for and attendance at Board's April meeting. (PLANNING BOARD PROFESSIONAL SERVICES)
3. 5/4/15, Raymond Coleman Heinold & Norman, LLP, \$98.00, for review and attendance at committee meeting plans to comply with affordable housing/COAH mandates. (COAH/AFFORDABLE HOUSING BUDGET)

A motion was made by Ken Mills, seconded by Robert Kennedy, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

OLD BUSINESS

Council Matters of Importance to the Board – Tabled.

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

Environmental Commission – Tabled.

Minor Site Plan Applications – Mary Lodato discussed an application for a home occupation at 407 Seventh Street for a musical instrument repair business. There were no concerns from the board and the chair announced he and Mrs. Lodato would sign off on the application.

NEW BUSINESS – None

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

Meeting adjourned at 8:50 pm. (motion by Mills, second by Brandt)

Next meeting is at 7:00 pm on 6/16/2015

Tape is on file for one year.

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