

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
September 15, 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, Craig Greenwood, Robert Kennedy, Joseph Threston, Mayor William Brown (excused at 8:00pm), Councilman Joseph Creighton, Deborah Weaver, Robert Martin and John Kohms.

**Also Present:** Solicitor Tom Coleman and Associate Erin Campbell, Planner Tamara Lee, Engineer Harry Fox for William Kirchner, and secretary Ken Palmer.

**ABSENT:** Joe Della Penna, Mary Lodato, and Richard Gaughan.

**MINUTES:** A motion was made by Mayor Brown and seconded by Joseph Threston to adopt the minutes of the August 18, 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.**

**Introduction:** Mr. Brandt introduced the matter and reviewed that the matter had been continued from the previous month. The chair asked if any members needed to recuse themselves. Mr. Kennedy and Mrs. Weaver recused themselves. The secretary reviewed that all jurisdictional items were deemed complete at the last meeting. The applicant, Phyllis Rodgers was sworn in. Mr. Coleman asked if the issue over ownership of the property had changed and Mrs. Rodgers explained that at the time the application was submitted, it was technically owned by the executors of the estate for the property of her deceased parents. Since that time Mr. and Mrs. Rodgers now own the property. Mrs. Rodgers was asked if she wished to amend the application at this time to reflect the change and she stated yes. She stated she did not have a copy of the deed with her but would be glad to produce it. Mr. Coleman stated that she should get a copy to the secretary as soon as possible following the hearing and that her statements under oath could be accepted by the board.

**Testimony and Board Questions:** Mrs. Rodgers explained that they wished to demolish the existing one-car garage and replace it with a larger 24x34 foot, 816 sq. ft. garage that would hold their multiple vehicles and provide shop space and storage space. The planned structure will also have loft space for storage. It was noted by the board that the application stated the property was located in the R4 district when in fact it is actually in the R8 district. It was also noted that the total impervious coverage with the proposed changes was still under the lesser amount permitted in the R8 district. Asked if she wished to amend the application to reflect the corrected district, Mrs. Rodgers agreed. The code only permits garages up to 500 sq. ft. in the R8 district, thus the need for a variance. Testimony was offered that there were no coverage issues and that the lot size of approximately 15,000 sq. ft. could easily accommodate the proposed building. Testimony was offered that the applicants own multiple vehicles some of which are antique vehicles which Mr. Rodgers works on. Additional driveway space will also be provided to minimize on-street parking. The applicants feel the new structure is more aesthetically pleasing and in keeping with the main house and is not a detriment to the property or neighborhood. The large corner lot easily accommodates the new building. The ARC has approved the proposed building and feels it is an improvement over the current plain nondescript structure. The proposed garage will be located in the rear corner of the property as shown on the marked up survey. The garage will match the builders picture as provided in the application and will be painted/sided to match the house. The applicants feel it would be a hardship if they did not have a garage that provides both the storage space as well as he desired workshop space. There was no further testimony or board questions.

**Public Comment:** Mr. Threston motioned and Mr. Mills seconded to open the hearing to public comment. There was none and Mr. Threston motioned and Mr. Creighton 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. Coleman reviewed that the board would be voting to grant approval to approve an amended application to replace an existing garage with a new 816 sq. ft. garage. Mr. Brown motioned and Mr. Threston seconded that the amended application be approved as testified to. The motion passed by a unanimous poll vote of eight ayes as follows:

Mr. Brandt	aye	Mr. Mills	aye
Mr. Greenwood	aye	Mr. Threston	aye
Mr. Brown	aye	Mr. Creighton	aye
Mr. Martin	aye	Mr. Kohms	aye

Mr. Brandt, Mr. Mills, and Mr. Threston offered comments as to why they voted approval of the application. The next steps were reviewed with the applicants.

**Adopt the Amended Housing Element and Fair Share Plan and Spending Plan to Amend the Master Plan of the Borough of Riverton in Conjunction With the Petition to the Superior Court for Affordable Housing Certification.**

The secretary attested that all required notices were mailed and published as required. The chair introduced Board Planner Tamara Lee and Board Solicitor Tom Coleman. Tamara and Tom explained the purpose of the hearing to allow for public input and they reviewed that the purpose of the revised housing element, amending the Master Plan, and the process for petitioning the court for certification of the borough's affordable housing plan. Once approved, the Borough will continue to be certified. It was reviewed that because of multiple court rulings and subsequent revisions to the rules, the borough has made multiple submissions for continued certification in 2009, 2012, and now 2015 first to COAH and now to the Superior Court which following a decision by the State Supreme Court is now tasked with certifying plans submitted by municipalities. Tamara reviewed the updated statistics used to support the borough's revised plan and the salient points of how the Borough planned to satisfy its existing obligations as well as any new obligations. The chair asked the board if there were any comments or questions. There were none. A motion was made by Joe Threston and seconded by Ken Mills to open the hearing to public comment. There was none and a motion was made by Joseph Threston and seconded by Councilman Creighton to close the hearing to public comment. The chair asked if board members had any further questions or comments and there were none. Tom Coleman explained that the board needs to adopt the element and plan by resolution. A copy of draft resolution P2015-10 was distributed prior to the meeting. There was no discussion and Joseph Threston motioned and John Kohms seconded that Resolution P2015-10 referenced by title be adopted and memorialized. A roll call vote was called and the motion was approved by a vote of 9 ayes and 0 nays as follows:

Mr. Brandt	aye	Mr. Mills	aye	Mr. Greenwood	aye
Mr. Kennedy	aye	Mr. Threston	aye	Mr. Brown	aye
Mr. Creighton	aye	Mrs. Weaver	aye	Mr. Martin	aye

Tom Coleman reviewed that the secretary will need to send via certified mail a copy of the signed resolution along with a copy of the adopted element and plan to everyone on the service list he has provided as well as the county planning board. The element and plan goes to Council for its endorsement and then will be filed with the court.

**INFORMAL REVIEW APPLICATION by Keith Fencel for 601 Lippincott Ave., Block 1100, Lot 1 for proposed project for a townhome development.**

Kerry Brandt introduced the topic and 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. Fencel as well as provide informal guidance. Kerry 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. Kerry asked Tom Coleman if anything further needed to be said and Tom replied he had covered everything regarding the process. Secretary Palmer reviewed that all jurisdictional requirements had been met regarding submissions and the payment of fees and escrows. Mr. Rick Cureton and Mr. Fencel presented a brief review of the use of the property and the preliminary plans to convert the current commercial lot to a 12 unit townhome development. By discussion as well as answering questions from the board, Mr. Cureton and Mr. Fencel explained why they felt that with the current limited commercial interest in developing the underused site, the size of the lot would support a townhome concept. They explained the plan for two 6-unit structures with the individual units being owned fee simple and common ownership of the common areas operated by a condominium type association. Also explained was that the project would probably be built in two phases. The type of units and their construction was also discussed.

The board's engineer and planner discussed their issues. From an engineering position it was discussed that major issues such as environmental conditions and impact, traffic flow impact, and drainage impact would need to be addressed. Regarding planning issues it was discussed that one or possibly more D1 use variances would be required before the project could proceed. Also discussed was possibly requesting that the property be rezoned or an overlay zone be established. It was explained that rezoning or an overlay zone would have to initiate from the governing body and not the board; but, the board would be charged with considering any zoning related changes to the master plan and zoning code. Tamara also explained that regardless of the approach taken to allow such a project the impact on the goals and objectives of Master Plan would have to be considered. Tamara also feels the economic impact needs to be considered especially the widely studied issue that residential development uses more tax dollars than are generated while commercial developments are the opposite or revenue neutral. Board members concurred that they feel the project would face many major hurdles. They feel there could be environmental issues regarding if the site is even buildable for residential use. There is concern over master plan issues and the loss of commercial zoned space; and that the type of residential development proposed does not fit in with what is currently permitted in any district. The board feels there are density issues although the proposal is roughly equivalent to R4 requirements. The impact on ratables needs to be considered. The question was also raised that what happens if the developer abandons the project midstream and the borough is left with a half completed project. It was suggested that the applicant should discuss the issues with a professional planner. The applicant thanked the board for its input and guidance and stated that the issues raised would be considered as to whether pursue the idea and/or the approach to take.

**OLD BUSINESS**

**Case #2015-04 a request by the Bettens if the condition of the approval of their variance application can be reconsidered** – The chair asked Tom Coleman to review the issue. Tom reviewed that the approval of the variance request included a condition that the board receive a copy of any post demolition survey the applicants testified would be done in order to set markers on the property to accurately define the property lines. Rather than have a new survey prepared, the Bettens, following demolition of the old garage contracted with a professional surveyor to set markers based on the existing accurate survey and provided a certification of the work performed. The Bettens wish to submit the verification of the manner and scope of the work performed by the surveyor as a suitable substitute to satisfy the condition of approval. Tom explained to the Bettens and the board that once the board approves the application and has adopted and memorialized a resolution of the approval, it no longer has jurisdiction over the matter. The board cannot arbitrarily amend the resolution. Rather it is a borough matter and if the Code Official/Zoning Officer is satisfied the property is suitably marked and verifiable, it can accept that the action taken is satisfactory. To change the resolution would involve the Bettens filing an amended application and going through the entire hearing process again.

## **CORRESPONDENCE/ANNOUNCEMENTS**

None

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

1. 9/2/15, Burlington County Times, \$52.20, for publishing on 8/26 notice of master plan hearing on 9/15. (PLANNING BOARD PROFESSIONAL SERVICES)
2. 8/6/15, Raymond Coleman Heinold & Norman, LLP, \$4,332.00, for services rendered during July regarding filing the Affordable Housing material with the court. (PLANNING BOARD PROFESSIONAL SERVICES - AFFORDABLE HOUSING)
3. 8/6/15, Raymond Coleman Heinold & Norman, LLP, \$63.00, for services during July for the Comerford variance application, preparing the resolution. (COMERFORD 712 LINDEN ESCROW)
4. 8/6/15, Raymond Coleman Heinold & Norman, LLP, \$63.00, for services during July for the Betten variance application, preparing the resolution. (BETTEN 404 MAIN ST. ESCROW)
5. 9/4/15, Raymond Coleman Heinold & Norman, LLP, \$499.40, for services rendered during August regarding the Affordable Housing court filing and board public hearing. (PLANNING BOARD PROFESSIONAL SERVICES - AFFORDABLE HOUSING)
6. 9/4/15, Raymond Coleman Heinold & Norman, LLP, \$80.00, for services during August for the Rodgers variance application. (RODGERS 104 MAIN ESCROW)
7. 9/4/15, Raymond Coleman Heinold & Norman, LLP, \$340.00, for services during August for the Kinzler variance application. (KINZLER 209 LIPPINCOTT ESCROW)

A motion was made by Joe Threston, 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**

**Adopt & memorialize Resolution P2015-09, for 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** – 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 Deb Weaver and seconded by Joe Threston that reading of the resolution be suspended and the resolution referenced by title be adopted and memorialized. There was a unanimous approval by voice vote of the five members present who approved the application and were eligible to vote on the matter.

**Council Matters of Importance to the Board** – There was nothing new to report. Council will be considering the Housing Plan at its October meeting.

**Subcommittee for Accuracy of the Zoning and Related Ordinances** – There was no report. It was the consensus of the board to remove the item as a recurring item on the agenda.

**Environmental Commission** – Joe Threston reported that commission now has a Facebook page. The next meeting is on September 17th.

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

## **NEW BUSINESS**

None

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

**Meeting adjourned at 8:35 pm. (motion by Threston, second by Mills)**

**Next meeting is at 7:00 pm on 10/20/2015**

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

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