

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**January 20, 2004**

The Public Session of the Planning Board was called to order at 7:35 PM. by Chairman Frank Siefert.

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 22, 2003.
2. Required Service of notice and publication in the Burlington County Times on January 26, 2003.

**PRESENT:** Frank Siefert, Eric Goldstein, Christian Hochenberger, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, Jose Talavera, and Donna Tyson.

**ABSENT:** None.

**INTRODUCTIONS:**

The chair recognized Tom Coleman, Board Solicitor as being present.

**REORGANIZATION - 2004**

Solicitor Coleman swore in Jose Talavera to a new term as alternate member and the new members (Mayor Robert Martin and Councilwoman Muriel Alls-Moffat).

The roll was called as noted above.

**Chairman:** Frank Siefert was nominated by Birnie O'Reilly and seconded by Jose Talavera to serve as the Chairman. A voice vote was taken and the vote was unanimous.

**Vice Chairman:** Eric Goldstein was nominated by Frank Siefert and seconded by Christian Hochenberger to serve as the Vice Chairman. A voice vote was taken and the vote was unanimous.

**Secretary:** Kenny Palmer was nominated by Frank Siefert and seconded by Councilwoman Alls-Moffat to serve as the Board Secretary for 2004. A voice vote was taken and the vote was unanimous.

**Solicitor:** Thomas Coleman, Esq. was nominated by Frank Siefert and seconded by Jose Talavera to serve as the Planning Board Solicitor for 2004. A voice vote was taken and the vote was unanimous.

**Planner:** Tamara Lee, PP was nominated by Frank Siefert and seconded by Eric Goldstein to serve as the Planning Board Planner for 2004. A voice vote was taken and the vote was unanimous.

**Engineers:** Mark Malinowski of Lord, Worrell & Richter, Inc. as primary engineer for subdivision, site plan and referrals, and general planning issues; and Dante Guzzi, Associates for street and road planning related issues were nominated by Frank Siefert and seconded by Jose Talavera to serve as Planning Board engineers for 2004. A voice vote was taken and the vote was unanimous.

**Administrative Officer:** Mary Longbottom was nominated by Frank Siefert and seconded by Councilwoman Alls-Moffat to serve as the Administrative Officer pursuant to N.J.S.A. 40:55D-3 for the Planning Board for 2004. A voice vote was taken and the vote was unanimous.

## **PUBLIC HEARING: THE COMMERCIAL PROPERTY MAINTENANCE CODE FOR THE BOROUGH OF RIVERTON.**

The Board conducted a public hearing on the proposed Commercial Property Maintenance Code for the Borough. The hearing was closed at approximately 10:00 PM at which time a recess was declared before the rest of the meeting resumed. A transcript of the public hearing portion of the meeting was prepared by Carolyn Gerber, Certified Shorthand Reporter, and is hereby included in these minutes by reference and is the official record of that portion of the meeting.

## **RECONVENE PUBLIC MEETING**

The meeting was reconvened at approximately 10:05 PM.

## **MINUTES**

A motion was made by Birnie O'Reilly and seconded by Christian Hochenberger to approve the minutes of December 16, 2003, as distributed. The vote was unanimous.

## **CORRESPONDENCE/ANNOUNCEMENTS**

1. 12/16/2003, Copies of the letter sent by Tom Coleman by regular and certified mail to Jan Levitt requesting additional escrow for the unpaid invoices from board professionals connected with the old Nu-Way/Dollarland hearing.
2. 1/6/2004, Cover note from Tom Coleman with copy of letter from Louis Colaguori, attorney for Dominic Flamini owner of the Cedar Lane Apartments concerning scheduling an informal presentation on his residential development proposal.
3. January 2004, announcement from the Urban Land Institute of 2<sup>nd</sup> Annual Regionalism Forum: Development Opportunities In the Inner-Ring Suburbs, February 4, 2004, Philadelphia; registration deadline is 1/29/04.
4. Two vouchers as presented under new business.

## **OLD BUSINESS**

### **Ongoing Major Activities and Goals for 2004:**

**Registration/Inspection of Rental Properties/Apartments** – The chair thanked Birnie and Michael for their efforts. The availability of the transcript for board review was discussed. Next steps were discussed. It was decided that any changes would be coordinated and that a reasonable timeline would be determined to properly review comments and changes. The timeline will be discussed at the next meeting. There is no fixed number of meetings and the board should and will make sure the proposal is thoroughly vetted before it goes to Council. The board will attempt to finalize the first parts and then address the standards. It was agreed that definitive steps would be established and that a reasonable deadline determined. The process should not be left to drag on forever. The board will attempt to finish its work and possibly present the proposal to Council by an April or May timeframe. Solicitor Coleman stated that April may be too aggressive given the depth of comments presented and their relevance to other existing codes. Jose motioned that the open forum form be continued next month, but there was no second. The board determined that no specific letter would be sent until the board was ready and that the next one or two meetings would be devoted to the board digesting the input and making revisions prior to re-presenting it to the public for comment. The board also suggested that the February through May meetings be held in a larger venue than Borough Hall. The secretary will look into reserving the availability of the Media Room through the May meeting.

**2004 Budget** – The chair stated that he would attempt to have input to Council by the end of the month to be in time for the beginning of the deliberation process in Council. Board members should e-mail Frank any suggestions or comments as soon as possible so Frank can get things done by the end of the month.

**Fence Ordinance Revision** – Donna Tyson reported that there had been no further meetings of the committee due to the holidays. The committee will probably meet after the holidays.

**Environmental Commission** – Christian Hochenberger reported on the activities of the commission. Publication of the educational bulletin on the Pompeston Creek is delayed for at least another month due to printing difficulties. It is based on the work done by the Rutgers Cooperative Extension. Work continues on the grant proposal to assist in creating a regional storm management plan. Former Mayor Gunn had written to the state DEP regarding the Borough's support for such a plan and hoped that DEP grant support would make such a plan a reality.

**Redevelopment** – There is nothing new to report.

**Class II Member** – There is no appointment as yet.

**Site Plan/Subdivision Application Procedures** – Solicitor Coleman reported they were still in work

**Old Invoices** – Tom Coleman reported that he had received a phone call from Mr. Levitt today, but that he had not been able to return the call.

**Possible Minor Subdivision/Site Plan Issues** – The secretary and solicitor confirmed that any minor subdivision/site plan application by Mr. Flamini concerning construction of other than a single family residence would be a matter for zoning since it involves a change of use. The same also holds true for Ms. Vee's possible application for a bed and breakfast in the NB zone since that would also entail a change of use.

**New Development in Cinnaminson Township** – Donna Tyson reported that she had heard that the developer was slated to appear before Cinnaminson's planning board next week to request to begin clearing operations.

**Light Rail Issues** – The chair reported that he had asked if Mr. Savidge from NJ Transit could attend a board meeting and Mr. Savage stated he would. The chair again requested that members supply him with questions or items that they would like to have addressed. Donna discussed whether maintenance standards for commercial property could be imposed on the line. The chair stated that he would ask if Mr. Savidge could attend next month's meeting.

## **NEW BUSINESS**

**Board Meetings for 2004** – Resolution P2004-1, the calendar of meetings for February 2004 through January 2005 was reviewed. A motion was made by Birnie O'Reilly, seconded by Councilwoman Aills-Moffat and passed unanimously to accept the resolution, to have it published in the Burlington County Times and posted in the Borough Hall.

**Appointment of Solicitor, Planner and Engineers** – Resolution P2004-2 announcing the appointment of a solicitor, planner and engineers was reviewed. A motion was made by Eric Goldstein, seconded by Jose Talavera and passed unanimously to accept the resolution, to have it published in the Burlington County Times and to notify the appointed parties.

### **Vouchers and Invoices:**

1/6/04, \$434.00 voucher and invoice from Tom Coleman for legal services during December 2003.

1/11/04, \$351.00, voucher and invoice from DeVece and Shaffer, Inc. for printing/preparing 1300 copies of the notice for the public hearing.

Following discussion that funds exist, a motion was made by Christian Hochenberger, seconded by Jose Talavera and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

## **MISCELLANEOUS**

Birnie O'Reilly wished to recognize the staff of the Riverton School for their efforts in setting up the room and their patience at the length of the meeting.

Donna Tyson wished to welcome the mayor and Muriel to the Board.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

Frank Cioci – suggested that control be exercised to prevent personal attacks on people. He feels the threat of personal attack suppresses open dialog on the issues and that comments of a personal or unrelated nature should be halted up front and shut down before they get out of hand. The chair stated he would continue to try and control things.

James Moffat – respectively disagrees with Mr. Cioci. He feels that as part of a democracy “you take your blows and you give them and if you are not willing to do that, don’t serve.” He feels the board must take tonight’s comments on the proposed code seriously and if warranted consider not passing it on to Council.

Bernadette Wilmot – expressed interest in reading the transcript and wanted to know when it would be available. It was explained that it would be available after the Board adopts it as part of the minutes at the next meeting.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 10:55 PM.**

**Next meeting is on 2/17/2004 at 7:30 PM. (Note Changed Location – In the Media Room of the Riverton School.)**

**Tape is on file.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
February 17, 2004**

The Public Session of the Planning Board was called to order at 7:30 PM. by Chairman Frank Siefert.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 26, 2004.

**PRESENT:** Frank Siefert, Eric Goldstein, Christian Hochenberger, Mayor Martin, Councilwoman Alls-Moffat, and Donna Tyson.

**ABSENT:** Birnie O'Reilly and Jose Talavera.

**REORGANIZATION - 2004**

At the January meeting, the appointment of the board member to the Environmental Commission was inadvertently omitted. The chair requested nominations. Christian Hochenberger was nominated by Eric Goldstein and seconded by Councilwoman Alls-Moffat to serve as the board member of the Environmental Commission for 2004. A voice vote was taken and the vote was unanimous.

**MINUTES**

A motion was made by Eric Goldstein and seconded by Christian Hochenberger to approve the minutes of January 20, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. December 2003, Vol. 64, No 6, issue of "The New Jersey Planner," the NJPO newsletter enclosing materials regarding upcoming planning and zoning education programs.
2. 1/9/04, Letter from NJ State Planning Commission, regarding the Cross-acceptance process and explaining an enclosed CD with PDF files of USGS registered quadrangle maps – two sets for each quadrangle: one the existing planning areas on the existing State Plan Policy Map; and, two the combined data from the Office of Smart Growth and other state agencies.
3. 1/21/04, Copy of letter from New Jersey Future enclosing "Impact Fees" which is Issue 4 – January 2004, of the Smart Growth Recommendations from New Jersey Future.
4. 1/27/04, Copy of letter from The Allegheny Society of American Foresters, New Jersey Division with an attached Position Statement on Land Use Planning and Stewardship.
5. 1/30/04, Letter from Bradley M. Campbell, Commissioner NJDEP, regarding the new stormwater management regulations which became effective 2/2/04.
6. Invitation from K. Hovnanian Companies to a Smart Growth Conference "New Visions in Redevelopment," at the Mansion in Voorhees, 2/24/04, reservations are due 2/19.
7. Contracts from Tamara Lee, Planner and Lord Worrell & Richter, Consulting Engineer.
8. Two vouchers and invoices as presented under New Business.

**INTRODUCTIONS:**

The chair recognized Tom Coleman, Board Solicitor as being present.

**OLD BUSINESS**

**Light Rail Issues** – The chair introduced Gerry Savidge, Community Relations Director, NJ Transit Southern New Jersey Light Rail Transit System who had been invited to address several concerns the board had concerning the project. Mr. Savidge in turn introduced Joyce Gallagher, Assistant General Manager Light Rail Contract Services and Mike Sullivan, Bombardier Corporation, general contractor for the project.

They explained the background, progress, and future of the traffic signals at the grade crossings. The new, yellow signal heads that were installed are temporary until the Hunter Green heads which are backordered are available. When the new traffic signals were first activated, all nine in Riverton and Palmyra were set to

full three-color synchronized operation. This quickly proved unworkable to best balance rail, vehicle and pedestrian traffic. The six new signals in the two towns were set to flashing and current plans call for the flashing signals to remain as such and only the crossings currently on full operating cycle will remain as such. At the crossings with blinking signals, the additional signal heads were installed to replace the pedestrian walk/don't walk signals.

Cameras have been installed at the fully operational signals such as at Main Street to provide additional timing for cross traffic instead of having to wait for the normal cycle even when there is no approaching traffic on Broad Street. To coordinate with the rail traffic and to clear the crossings when a train is approaching, the blinking signals will become green for the vehicles inside the crossing area, stopping all other traffic on Broad Street for a period prior to the crossing gates descending. Before resuming normal operation, all lights will briefly go red before returning to flashing yellow on Broad Street.

The board shared its concerns over the lack of full signals at Cedar Street specifically and the others as not having the desired traffic calming impact and pedestrian safety improvement. It was explained that the bump outs and limiting flow to one lane in each direction were made for traffic calming. The signals came later as part of the light rail project. There is concern by board members about the tight turning radius onto Broad Street. Specific issues concerning the street configuration are county issues and not related to the rail crossings and NJ Transit.

The illumination of the crossings is subject to standards. Concerning the brightness of the station lighting, it was reviewed that the Borough had requested the metal halide instead of the standard yellow high pressure sodium lamps. The possibility of extinguishing the promenade lights when the line is not operating as well as reducing the brightness of them can be looked into. The design of the promenade lights was also a special consideration to the Borough to honor the request for a more period style of lamp.

Concerning the possibility of "partnering" arrangements, NJ Transit does not or is not permitted to be involved in individual economic development activities. NJ Transit is however very involved with supporting "transit village" planning and bringing programs to interested communities concerning funding and grants related to transportation oriented initiatives.

There will be advertising in the rail cars as well as the wrapping of selected vehicles. There are standards that must be adhered to and they are enforced. There will be **no** advertising on the platforms.

Regarding right-of-way issues, maps defining the rail road right-of-way have been provided. More definitive maps are forthcoming to help clearly delineate adjoining property lines. The board asked and it was accepted that the board will act as a conduit for communication between NJ Transit and the town concerning ongoing issues. There being no further questions, the chair thanked everyone for taking the time to address the board's concerns. If there are additional issues that come up, they will be forwarded to Mr. Savidge.

#### **Ongoing Major Activities and Goals for 2004:**

1. **Registration/Inspection of Rental Properties/Apartments** – Since Birnie O'Reilly was absent, the chair asked if there were additional comments from the board. Councilwoman Alls-Moffat reported on a phone conversation with a Peter Carlyle who was very unhappy with the proposed code and had spoken with Eric Goldstein concerning the need for maintenance regulations on all properties commercial and private. If the commercial units are up to code with the state why duplicate the effort? The chair feels that many good comments were received and that they deserve more consideration. The overlap of state versus local code deserves to be examined. Councilwoman Alls-Moffat stated that commercial properties are currently inspected by the Fire Marshal but is not sure as to the relation between that inspection and the state. Solicitor Coleman confirmed that there are two inspections, but the state inspection is beyond the scope of the fire inspection. It was noted that the Borough is not normally informed of the occurrence or results of the state inspections. It was reviewed that the original purpose of the project was to provide the Borough with an accurate accounting of multi-unit properties through the registration requirement and the inspection provision was to ensure that problems were brought to light and hopefully addressed before serious deterioration occurs. The mayor feels more research is needed and feels that efforts in neighboring communities such as Moorestown be examined. The chair stated that he had contacted Haddonfield and Moorestown to obtain their ordinances. The chair distributed copies of Moorestown's ordinance. The chair stated that he had been told that thorough, even handed and on-going enforcement is the key to success. Eric Goldstein stated that he doesn't feel comfortable putting the ordinance forward and more research and work is needed. He feels that there are existing codes and regulations that would probably do the job and he urged the mayor to work with the code enforcement

officials to ensure proper enforcement of the codes currently on the books. Eric made a motion, seconded by Councilwoman Alls-Moffat, that the board not put the proposed code forward until further research is completed and further work is done with Council and the mayor. The vote was unanimous. Tom Coleman asked if the draft was to be returned to the established sub-committee. The chair stated that was what he thought was intended and that the concerns voiced at the meeting will be addressed. He felt, in reading the transcript of the hearing that many valid concerns were made by the public that need to be addressed.

2. **Smart Growth Grant for Site Plan/Subdivision/Subdivision** – The chair stated that despite repeated requests by the former mayor and the board's planner for a formal acknowledgement of the approval of the changed scope of the project covered by the grant, there still has not been any reply except a verbal approval received by the chair. The chair feels the issue should be removed from the agenda since despite good intentions he does not feel the Board can proceed especially given the short period left until the extended deadline of the end of the year. Eric Goldstein feels that absent any formal reply from the State the Borough should prepare a letter stating it does not intend to pursue the project and returning all grant funds received to date. Eric Goldstein made a motion, seconded by Christian Hochenberger and unanimously approved, that the board cease work on the project and request that Council or mayor prepare a letter to the State stating that the project has been rescinded and that all grant monies previously received, none of which have been expended, are being returned to the State.

**2004 Budget** – The chair reported that he had discussed questions with Mary Longbottom and would be dropping the proposed budget off tomorrow.

**Fence Ordinance Revision** – Donna Tyson reported that the committee is scheduled to meet on 2/18/04 following the zoning board meeting.

**Environmental Commission** – Christian Hochenberger reported there has not been a meeting since the last board meeting and that a meeting is scheduled for 2/19.

**Redevelopment** – The chair and Eric reported that aside from ongoing engineering work, there is nothing new to report.

**Class II Member** – Councilwoman Alls-Moffat reported that Anthony Dydek had accepted the position as the new Zoning and Code Enforcement Officer and that his first day was tomorrow the 18<sup>th</sup>. He was the former part-time code officer for Delanco until they made it a full-time position. He was selected from among nine applicants. There has been no action on appointing a Class II member to the board.

**Site Plan/Subdivision Application Procedures** – Solicitor Coleman distributed copies of the revised checklist. He quickly reviewed the changes and stated that as long as the board agrees, he feels it should be recommended to Council for consideration. He also requested that the secretary and Mary Longbottom continue to review it so that it meets their stated needs to be able to properly work with applicants so they understand the requirements of properly submitting an application. Donna Tyson wanted to know, given the reports of soil contamination areas within the Borough, if it properly addressed soil contamination issues where relevant. She suggested something along the lines of Mt. Laurel's requirements. Tom feels the checklist and ordinances address her concerns in that the Board can make specific requests. A requirement for formal environmental reporting would require a revision to the governing ordinance(s) which the board can research and recommend that Council consider. A motion was made by Eric Goldstein, seconded by Christian Hochenberger and unanimously approved to forward the checklist to Council for its consideration.

**Old Invoices** – The solicitor reported that he had not received anything in writing, but there had been several phone calls. Recognizing that Mr. Levitt was present at the meeting, he was asked if he would like to comment. Mr. Levitt replied that Mr. Coleman's letter was the first he had heard anything in over two years since the hearings concluded. He remarked that the other applicant has since gone out of business. He further stated that he had always complied with requests for additional escrow funds and that he thought he was current. The secretary reviewed that at the conclusion of the hearings there were outstanding invoices from the board's engineer and solicitor for which there were insufficient funds in escrow, but he was not aware if Mr. Levitt had been advised of this. The Borough would be able to give him an accounting of the funds deposited and disbursements. The unpaid invoices were left to ride and the parties did not pursue them for payment. Late last year the secretary received inquiries from the two parties and he referred them to the board for action. Mr. Levitt stated no one had contacted him before this about the outstanding bills and all anyone had to do was contact him. He stated he would contact the Borough to follow up.

**New Development in Cinnaminson Township** – Donna Tyson reviewed the large scale of the mixed use

development. James Moffat and Michael Heine have also been attending the Cinnaminson board meetings. The developer has been before Cinnaminson's planning board several times, has received preliminary approval for phase one and for clearing of the site. Donna has major concerns regarding the impact a project of that scale is going to have on the Borough given its close proximity to it. She feels that there will be extra strain/drain on the Borough's police and fire services since the development is closer to the Borough than to Cinnaminson's services. She is also concerned about impacts on the Pompeston watershed and about monitoring efforts by the DEP and EPA since it is close to the 400 acre superfund site across River Road. Donna stated that Cinnaminson's board meets twice a month and urged all interested parties to attend. She stated that she had also heard that the developer may be required to scale back the plans and has no idea how the actual development will go along with the concept plan. COAH needs are to be phased in. The chair thanked her as well as Mr. Moffat for their efforts on keeping the board appraised.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 1/27/04, \$735.95 voucher and invoice from Campise Reporting, Inc. for attending, transcribing and preparing the transcript of the public hearing portion of January's meeting.
2. 2/4/04, \$588.00 voucher and invoice from Tom Coleman for attending the January meeting and legal services to the board.

Following discussion that funds exist, a motion was made by Eric Goldstein, seconded by Christian Hochenberger and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

## **PUBLIC COMMENT**

The meeting was opened to public comment. The chair prefaced the opening with a statement requesting that comments are to be civil in nature and personal attacks directed to board members or other members of the public will not be tolerated and if necessary the offender will be removed from the meeting. He wants comments to be open and freely given without the risk of public disparagement.

Gene Bandine, Main St. – feels the problems with the light rail were not addressed. He feels the traffic lights at Broad and Main in the Borough as well as the signals at Reed and Taylors Lane in Cinnaminson are too short for traffic entering/crossing Broad Street/River Road at those locations. He wants to know why the Gates remain down after the train has passed and is stopped at the station. He feels there should be designated no parking times to allow for street sweeping. He is concerned about hazardous materials such as Freon being put out for bulk pick up. He was informed that these were Council issues and that the Environmental Commission had been looking into a hazardous clean up days or at least education efforts.

George Williams, Moorestown – commented as a multi unit owner in the Borough and as a former mayor of Maple Shade that he could sympathize with the Borough's efforts to resolve the multi unit issue. He thinks the state inspections are intense and reports are filed and violations/repairs must be corrected. He could possibly live with inspections every three years but thinks annually is too much of a burden. He realizes the difficulty of trying to enforce a town wide property maintenance code. He doesn't feel commercial property owners should be singled out and that all properties should be included. He explained Maple Shade's efforts through the creation of a Community Development/Redevelopment Commission (CDRC) to address the problem. It was comprised of volunteers and had various committees for specific issues and he feels it has been very successful. The annual inspection was done by the code officer and was, albeit subjective, a drive-by visual inspection. He feels that the Code Enforcement official needs to be diligent in enforcing the codes. The code official also quickly followed up on resident complaints. He believes the state inspection results could be made available by the owners to the Borough. Donna and Frank questioned him further and again expressed the concerns that if the inspections are so thorough, why are there properties that look like they are in serious states of disrepair. Mr. Williams explained Maple Shade's process to address such conditions. Donna and Frank stated they would try to look into Maple Shades efforts.

Bernadette Wilmott, Linden Avenue – remarked that the fire marshal asks to see the state certificate when he makes his fire inspection. Thus, the fire marshal knows whether a property is currently certified by the state.

Mary Ann Shea, Bank Avenue – appreciates the property maintenance issue going back to committee. She feels there are existing codes on the books such as 59-13 that if properly enforced can address the maintenance issue. She asked about the subcommittee and if it was open to talking to affected property owners. The chair told her to call Birnie. She feels that after the former maintenance code issue was



dropped, the whole issue was forgotten rather than an effort being made to address what was even then perceived as an issue that needed addressing. The chair and other board members commented that other towns have addressed the issue successfully and that if nothing else, the proposed code has finally opened a much needed dialog on the issue.

Gene Bandine – asked Councilwoman Alls-Moffatt about crosswalks on the streets. She replied that it was a county issue and could be pursued.

Michael Heine, Carriage House Lane – feels a dialog has been started and thinks a lot of good may come out of it. He proceeded to address a list of items that he felt the board's solicitor should follow up on including: legal orientation, a survey of existing codes, which laws are applicable for maintenance and habitation issues, what are the standards of the town's housing code, who is responsible for enforcing, are there registration codes on the books, what are the duties of the code enforcement officer, and can all this be consolidated. The solicitor needs to provide this information and guidance to the board.

Mary Ann Shea – asked if the subcommittee might be enlarged and perhaps it could gather much of the information mentioned by Mr. Heine with incurring the costs of the solicitor. The chair feels that a parallel approach may be needed and he stated that he feels the issue of rooming houses needs to be addressed also. It was discussed that there may be many types of multi unit properties that the Borough is not aware of and that the lists the town has are not considered accurate.

Bernadette Wilmott – feels the information is out there and you just need to know the right people to talk to.

Harvey Sklar, Lippincott Avenue – stated he used to have rental properties and feels the chair's frustration with some owners subverting the system and misusing their properties and making for a negative impact on other law abiding and dedicated property owners. He is concerned about conditions along the river bank. He also feels that, at times, frivolous issues receive more attention while the more serious problems are ignored because they may require a more concerted effort to rectify.

William Henry Harris – spoke about laws on the books and that there is too much government intrusion on private enterprise. He feels people should be left alone and that what's already on the books should be properly enforced. He feels there is selective enforcement that is wrong and made some strong comments as to his opinion of that. The chair once again pleaded for civility in the conversations and feels that a good dialog has been started and wants to see it continue.

Jodi Leslie-Eichfeld – thinks it is wonderful that there is an open dialog going on and that she feels it is an example of democracy at work.

Michael Heine – again stated the solicitor needs to provide a review. Donna Tyson agrees that there appears to be a lot of confusion and she would be grateful for a comprehensive starting point. The chair suggested that perhaps Tom could provide an estimate of the cost for the effort. Tom said it was certainly possible and that he thinks it should be coordinated with the subcommittee's efforts which may be directed along the same line.

Judy Goldstein, Lippincott Avenue – feels the state inspection requirements should be read to see if things are already covered. She feels the new code may amount to overkill and that the town needs to utilize, coordinate and enforce what may already be on the books.

Hank Croft, Woodside Lane – wanted to know if the issue of impact fees are part of the site plan. Tom Coleman stated that this was a good question and he feels Council needs to review the new regulations on them and ensure they are properly included in the salient ordinance(s).

Barbara Horner, Bank Avenue – feels the subcommittee needs more people. The chair asked her to contact Birnie. She also commented on the conditions along the river bank and discussed the involvement of the DEP and Army Corps of Engineers and the availability of a National Permit that she believes is free and would cover everyone. As she recalled, it was the property owner's stance that since the town caused the stoppage and refused to seek avenues to resolve the problem he would let it sit. Councilwoman Alls-Moffatt queried her on the National Permit. Ms. Horner understands that it is free and any town can apply. This is not a planning issue and should be looked into by Council.

George Williams – stated that if he was provided the contact on the board, he would be glad to assist in gathering information on Maple Shade's efforts.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 10:22 PM.**

**Next meeting is on 3/16/2004 at 7:30 PM. (Note Changed Location – In the Media Room of the Riverton School.)**

**Tape is on file.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
March 16, 2004**

The Public Session of the Planning Board was called to order at 7:35 PM. by Chairman Frank Siefert.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

**PRESENT:** Frank Siefert, Eric Goldstein, Christian Hochenberger, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, and Donna Tyson.

**ABSENT:** Jose Talavera.

**MINUTES**

A motion was made by Eric Goldstein and seconded by the mayor to approve the minutes of February 17, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 2/2/04, Announcement from Burlington County Dept. of Resource Conservation of a Stormwater Management Conference, May 4, 2004, 9 AM to 4 PM, at the Burlington County Ecocomplex, Columbus, NJ.
2. 2/13/04, ANJEC (Association of New Jersey Environmental Commissions), copy of publication *Pathways for the Garden State: A Local Government Guide to Planning Walkable, Bikeable Communities*.
3. 3/16/04, via e-mail, letter to the chair from board solicitor, Tom Coleman providing an estimate of time and effort to research the Borough Codes.
4. One voucher and invoice as presented under New Business.

**MINOR SITE PLAN APPLICATION, Michael Turley Photography, 523 Howard Street:**

The chair stated that he and the Zoning Officer had received an application by Michael Turly to open a digital photography studio in the commercial building at 523 Howard Street. In keeping with his stated desire to have all such applications reviewed in public, the chair had asked Mr. Turley and the Zoning Officer Tony Dydek to come to tonight's meeting. The chair introduced Michael Turley, 809 Morgan Avenue, Palmyra and asked him to explain the proposed business. Mr. Turley explained that it would be digital photography with no chemical processing involved. His business involves predominantly shootings of products and there would be very little pedestrian traffic in and out of the business. There are no retail sales involved. He does not plan to have any signage except perhaps on the door. He responded to questions from the board on how he plans to have products delivered and that there hopefully will be little impact on parking. He hopes that materials may be able to be delivered using the rear drive, but he is not certain if that is possible. In answer to questions regarding inspections and a certificate of occupancy, Mr. Turley stated that he was certain the owner was aware of any requirements and he himself was certainly prepared to meet all Borough requirements. He had been informed since his business involves a change of permitted uses; he needed this application and hoped all was compliant. The chair introduced the Borough Code Enforcement Officer, Anthony Dydek and asked him for his review of the application. Mr. Dydek feels it is a great use for the property given the low impact on parking and traffic and he feels it should be approved. The chair stated that if there were no further questions from the board he wished to approve the application. There were none and the application was approved. The chair thanked the applicant and Mr. Dydek for coming before the board.

## OLD BUSINESS

**Registration/Inspection of Rental Properties/Apartments** – Birnie O'Reilly stated that since the draft code had been referred back to the subcommittee, she wanted to announce a planned schedule of meetings to review existing ordinances and review the draft code. She wanted anyone who was interested including board members with comments to come out to the meetings and she wanted the secretary to find a room and times and to have notice of them published. There was discussion that she was actually requesting a series of special board meetings if she expected board members to be present. Members of the board felt it was best if the subcommittee met to digest and prepare their findings and report back to the board. The chair brought up the board's request at the last meeting that Tom Coleman prepare an estimate of his time and expense needed to review the Borough's codes and Mr. Coleman's letter on the same subject. Eric Goldstein, feels that based on Mr. Coleman's estimates, Tom should be authorized to complete his review and report back to the subcommittee and the board on his recommendations. The secretary stated that since he spends every working day in Philadelphia he cannot readily avail himself to make the calls needed to secure meeting location(s) and times as well as the repeated logistical calls needed to ensure everyone was agreeable to the schedule. Donna Tyson asked if there was a procedure for handling subcommittee meetings and it was explained that there is no formal policy. It is left up to the subcommittee members to agree on their own schedule and location. Subcommittee meetings are, by nature, not expected to be wide open public affairs; but, rather work sessions where the members can gather and prepare their findings which are then presented and discussed in the public forum of regular board meetings. Birnie feels the subcommittee meetings should be public affairs and they should be published and fully attended by interested board members. Councilwoman Alls-Moffat stated she thought a plan of meetings had already been agreed to. It was explained that the only agreement was to have further public discussion of the plan at as many board meetings as needed. It was again explained to Birnie that she was in essence requesting one or more special board meetings and board members feel it is best that the subcommittee, along with Mr. Coleman's input, conduct as much review as needed including seeking input from impacted commercial property owners. Councilwoman Alls-Moffat asked questions relating to codes from other communities and also asked Mr. Dydek to explain Delanco's rental inspection code. He explained that it was \$40.00 a year for any rental unit and that it required a current accurate inventory of the units involved. He understands that the Borough's draft code is different in impact and that the Borough was also trying to address the need to compile an accurate inventory of properties to be covered by the code. As to the suggestion that perhaps the Borough might wish to redirect its efforts along the lines of the Delanco code, it was quickly agreed that the effort should remain focused on the current direction of the draft code. Donna Tyson suggested that an agreed upon timetable for Mr. Coleman's review is needed and that the board should assist the subcommittee by establishing some clear parameters on where and how they wish the subcommittee to proceed including making sure the subcommittee has all relevant board input. Establishing clear parameters helps respect the time and effort of the subcommittee members as well as give guidance to the scope of their efforts. The chair feels that the subcommittee should thoroughly review the comments provided in the transcript and be prepared to address them at a future meeting of the board. If the subcommittee feels it needs additional members, it is free to do so. The mayor and councilwoman reiterated that they feel Council thinks it would be beneficial if some of the impacted property owners participated in the process. Eric Goldstein made a motion seconded by Christian Hochenberger that the board authorize Tom Coleman to proceed with the requested review of existing codes to be completed in an agreed upon reasonable period of time; that he provide the results to the subcommittee; that the subcommittee add members as it feels necessary including commercial property owners to help arrive at a consensus that properly addresses the concerns raised at the public hearing; and that the subcommittee report back to the board on their recommendations. Donna asked if there was a list of people who had expressed interest in serving on the subcommittee. Birnie wanted to ask the public in attendance if they were interested in serving. It was explained that there was a motion before the board for its discussion only and that members of the public could be solicited later. The mayor stated he feels it was Council's intent to include all interested parties. It was agreed that since Mr. Coleman was not present that the chair should contact him as soon as possible and relay the need for due diligence on completing the review and to contact the subcommittee with same. The chair agreed to this. Eric amended his motion as such and Muriel seconded the amendment. There being no further discussion, the chair requested the secretary call a poll vote of the board with aye signifying approval of the motion and nay disapproval. The motion carried 6 - 0 with one abstention as follows:

Mr. Siefert – aye, Mr. Goldstein – aye, Mr. Hochenberger – aye, Mrs. O'Reilly – aye, Mayor Martin – aye,  
Councilwoman Alls-Moffat – aye, Donna Tyson – abstain.

**Discussion with Mr. Dydek** – The chair asked if Anthony Dydek would, as the Borough's new code officer and by way of introduction, mind addressing the board and taking a few questions from the members. Tony explained that he was the zoning officer for Delanco for 3½ years; was trying to learn the Borough's rules;

and was preparing to take formal classes. He sees his job as more than the normal two hours a week at Borough Hall with some additional time as needed to follow up on issues presented to him as well as to garner a feeling of what is going on. Donna asked at whose direction he worked. Tony explained that if a complaint is made, that kicks off a formal process to see that it is properly followed up on. Applications have their own process that is followed. Tony is not aware that the Borough has a formal complaint process, but that he would follow up on any issues forwarded to him. Tony feels that complaints should at receive an initial follow up within several days to a week given that his is a part-time position. In response to how he felt he would handle a complaint, Tony explained that he preferred a multi-step process to problem resolution beginning with a voluntary meeting of the minds and if necessary proceeding through the process to formal court proceedings. He feels that most problems can be resolved way before the last step. Asked why some conditions seem to have not been fully followed up on, Tony stated he was still trying to learn. Muriel stated that he has the full support of Council. Birnie asked if he felt that he and the Borough were best served by good ordinances. He answered with a strong yes, but that it is also how you interpret them. Donna asked whose legal opinion he would solicit if needed. Tony is not sure yet. Asked if he would inspect fences, he didn't know whose duty it was in the Borough. He considers the state's housing code the minimum and it is best reinforced by ordinances at the local level as needed.

**Smart Growth Grant for Site Plan/Subdivision/Subdivision – Return of the Grant** – Councilwoman Alls-Moffat reported that she was not sure of the status and would get back to the chair as soon as possible.

**2004 Budget** – The chair reported that he had given the proposed budget to Mary. Muriel stated that the Council subcommittee was going over all the budgets. The mayor stated he hoped it would be ready for first reading at the April workshop.

**Fence Ordinance Revision** – Donna Tyson reported that several productive meetings had been held more are scheduled. It was an interesting but complicated process with some good strong opinions on either side of the issue among the members.

**Environmental Commission** – Christian Hochenberger reported on Commission activities. A letter has been sent to Council outlining activities including:

- the booklet produced from matching grants of \$2,500.00 from the Borough and state DEP which hopefully will be done by the end of April
- the regional stormwater management plan may be funded by the state DEP as part of the \$250,000 grant application
- there is a lack of capacity at the county recycling site as far as supporting certain types of hazardous waste such as batteries, tires and computer equipment. The commission will keep looking into this with the county in line with supporting recycling roundup programs in the Borough
- it appears that access to the river from the sewer plant area has been blocked. Muriel reported that Scott Reed stated there was never a road or ramp there that he can recall in over 25 years of work at the plant. Scott will try to improve the path, but there is no room. If a ramp ever existed, it has been reclaimed by the river. Once the riverbank issue including the possible permit is settled, the issue can be looked into further.
- the commission has recommended that Council consider adopting a streamwater corridor protection ordinance. The Pompeston Creek is a Class II stream and has limited setback protection and the commission would like to see it extended to at least 100 feet. Muriel reported that under the stormwater protection act there is the possibility that it may be extended to 100 to 150 feet. However, this is not yet definite.

**Redevelopment** – Councilwoman Alls-Moffat stated that she hopes Council will be able to get back to the subject once the budget process is concluded.

**Class II Member** – Upon being informed that Mr. Dydek is not by virtue of his position automatically the Class II member, the chair reported that he would continue to follow up on this. It is the mayor's appointment. Once an appointment is made, the person will be sworn in to the remainder of the one-year term for 2004.

**Site Plan/Subdivision Application Procedures** – The secretary reported that he and Mary were still trying to find time to thoroughly review the checklist which was prepared by Mr. Coleman and recommended to Council by the board. The secretary also reported that Council has not yet begun to consider it.

**Old Invoices** – The secretary reported that Mr. Levitt has not yet come to the Borough regarding the escrow and has stated he has never received notice of the shortages. The secretary reported that in all likelihood Mr. Levitt had not been informed since they arose after the conclusion of the hearings. If Mr. Levitt comes into the Borough, an accounting will be made.

**New Development in Cinnaminson Township** – Donna Tyson reported on the extensive clearing that has already occurred at the site. She understands that the developer is still seeking several DEP approvals. She also discussed and made available for review her copy of the conceptual plan of the project.

**Board Appointments** – The mayor discussed that while he desires input as to suitable candidates, he understands that it is his appointment to make. Mary Longbottom is looking into the issue to assure the board is properly constituted. It does not appear there is any problem but the research will continue to make sure.

**Parking Studies** – Donna asked if the mayor or Muriel were aware of Council's parking committee study. Muriel stated that it is an ongoing study and no conclusions have been reached. There is a traffic study in the works, but she is not sure where the police department is on this. Donna thinks the board should have the information so that it doesn't make any situations worse by its decisions. Donna asked the mayor if he could put the issue on Council's agenda.

**Jose Talavera's Appointment** – Birnie raised the issue of Jose's absence and feels he should be replaced. It was again noted that the appointment is the mayor's. The chair stated that he would contact Jose to ascertain if he wished to continue as a member and communicate those findings to the mayor. It was discussed that the state statutes are moot on the topic of a specific attendance policy and it appears that the Borough codes do not have anything. Birnie pursued her position that Jose should be replaced. The chair stated that he would contact Jose. The issue of importance of who is first or second alternate will be discussed with Mr. Coleman.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 3/2//04, \$442.00 voucher and invoice from Tom Coleman for attending the February meeting and legal services to the board.

Following discussion that funds exist, a motion was made by Eric Goldstein, seconded by the mayor and unanimously approved to pay the vouchers as presented. The secretary will have it signed and submitted for payment.

**Possible Minor Subdivision on Cinnaminson Street** – The secretary and Mr. Dydek briefly discussed the possible application for a minor subdivision of the property at Cinnaminson and 8<sup>th</sup> Streets. The property is in the R4 zone and is more than 8,000 square feet. There may be some bulk issues. An application has not yet been submitted.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

William Henry Harris, 502 Cinnaminson St. – wanted to address parking issues. He has complained for years about parking both with Council and the school board. The school board and Council have not been able to reach agreement. He thinks the present situation around the school is dangerous. He doesn't think anyone cares. Muriel stated that people have been approached but the property owners were not interested. The mayor stated parking would be on the next agenda. Donna stated that while it is a Council issue, the board is interested in what develops.

Mary Ann Shea, 205 Bank Avenue, feels the property maintenance subcommittee should be diverse to help it produce a good code. She would be glad to recommend possible members. Birnie revisited her feeling that public meetings should be held first. Donna feels agendas should be on the website prior to meetings. Mrs. Shea feels the chairman of the subcommittee or board should make sure that subcommittees are properly diverse to ensure a representation of interests. There was discussion on posting minutes before they are approved. It was deemed inappropriate to do so. The topic will be discussed with Mr. Coleman. Mrs. Shea wanted to know why no one has been taken to court over violations and hopes Mr. Dydek will pursue problems as needed.

James Moffat, 202 Fulton Street, stated that meetings used to be better covered in newspapers and the information was available as soon as it was published. He also wished to pay tribute to Michael Heine for his efforts on the draft code. The chair stated that the board had publicly thanked Mr. Heine several times for his efforts and his willingness to continue working on the project.

Michael Heine, Carriage House Lane – had two areas to address. He feels Mr. Dydek needs to have and take direction from Council. He feels the zoning ordinance clearly delineates the process of observation, notice, citation, and finally prosecution. The desire for courtesy does not relieve the need for a written notice and the zoning official is obligated to put the offender on notice so there is a public record of the issue. He went on in great detail as to how he feels the official is obligated to do his job. On the topic of the code work, he feels Birnie was right on with her comments and plans. As to the review of ordinances, he stated that he personally had already reviewed the three Borough ordinances as well as related ordinances from other municipalities. He thinks Birnie and the subcommittee were not given clear direction. He thinks Tom's review of the Borough codes should take very little time because he feels there is nothing on the books that addresses the issues covered by the proposed code. Muriel feels the process has gone on too long and needs to move forward. An energetic discussion ensued between the Councilwoman, Michael and other board members. The chair stated he feels it is the responsibility of the board to provide a code that has been fully vetted and he wants the comments that are in the transcript fully addressed. Mr. Heine requested that everyone put their specific comments in writing and get them to the subcommittee.

Mary Ann Shea – stated that, as far as she knew, anyone can call the county inspector and register a complaint as long as they are willing to identify themselves. Complaints can not be made anonymously. Michael Heine stated that complaints need to be grounded in the codes and he thinks that there is nothing currently in the Borough that would support such a complaint.

Craig Gaskill, Merchantville – stated he is a member of the Riverton Property and Business Owners Assoc. and he wished to speak to specific issues in the draft code. He also addressed Chapter 59 of the Borough's code and how he feels this and other ordinances as well as procedures at the county level if fully followed can address the kinds of problems the new code is being written to address. He discussed the process for going through the county level and that it can't be modified on the local level. The chair asked if Mr. Gaskill would be willing to submit his findings so the Board's solicitor can review them. Mr. Gaskill didn't have the material present but stated he could simply reference Chapter 59 if that was helpful. The chair replied that he would like to see his comments and that the entire board would have a chance to see them. Mr. Gaskill concluded that he feels the existing code is fairer, has teeth in it for enforcement, and that it applies to all properties.

Mary Ann Shea – spoke about a conversation with the ex-mayor of Maple Shade as to how he feels that the municipality's code enforcement officer has a way of encouraging compliance without immediately resorting to legal notices. She feels that similar means would prove helpful in the Borough.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 10:25 PM.**

**Next meeting is on 4/20/2004 at 7:30 PM at Borough Hall**

**Tape is on file.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
April 20, 2004**

The Public Session of the Planning Board was called to order at 7:30 PM. by Chairman Frank Siefert.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

**PRESENT:** Frank Siefert, Eric Goldstein, Christian Hochenberger, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, and Donna Tyson.

**ABSENT:** Jose Talavera.

**REORGANIZATION**

Anthony Dydek, the Borough Code Enforcement Officer, was introduced by the mayor and was sworn in by Tom Coleman as the Class II member of the board.

**MINUTES**

A motion was made by Christian Hochenberger and seconded by Eric Goldstein to approve the minutes of March 16, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 3/19/04, copy of letter to Jan Levitt, Nu-Way, from Betty Boyle, supplying an accounting of the escrow deposits, expenditures and outstanding vouchers from the Dollarland site plan application.
2. 3/5/04 (received 3/20), copy of letter to mayor from Mayor Gural of Palmyra concerning sending of COAH Regional Contribution Agreement credits.
3. 3/23/04, copy of letter to mayor from Michael Robinson of the Environmental Commission concerning possible development behind the Cedar Lane Apartments and the sensitive nature of the land in the area and the possible impact of any Stormwater Corridor Protection regulations.
4. 3/24/04, copy of the latest edition of the state Residential Site Improvement Standards (RSIS) for the use of the planning and zoning boards. (The secretary is retaining the book for now.)
5. 3/24/04, copy of letter from Dorothy Guzzo, Deputy State Historic Preservation Officer, to David Hawk, Federal Highway Administration, Trenton, NJ, stating that the state HPO has reviewed the proposed Riverton Streetscape Transportation Enhancement Project and feels it will have no adverse effect on the historical architectural properties in the area and does not constitute an encroachment on the properties.
6. Announcement from the county Department of Resource Conservation of a Stormwater Management Forum on May 4, 2004.
7. Announcement from NJ Planning Officials of a State Planning Conference, April 30, 2004 and enclosing a brochure on a book, Illustrated Book of Development Definitions.
8. Announcement from the county Department of Resource Conservation requesting nominations for the Historic Preservation Recognition Program and the History Recognition Program.

**OLD BUSINESS**

**Registration/Inspection of Rental Properties/Apartments** – Tom Coleman discussed his review of the existing codes and how they compared with the proposed code. He concluded that Section 59 while containing enforcement provisions did not seem to support the proactive features of the new code and the reliance on the thoroughness of the county officials to carry out inspections may not provide the Borough the up front ability to say on top of issues. Michael Heine, as a committee member, commented that no current ordinance deals with commercial properties. The state standards on multi-family units require rewriting to be made applicable to commercial properties. There is no current ordinance that provides for the registration of commercial properties or for dealing with unregistered multi-family units. Section 59 relies primarily on someone initiating a complaint. Current codes leave enforcement with the county and do not provide the ability of the town to have expenditures by the town become liens against the property



owner. Michael provided an analysis of what he perceives as shortcomings in the codes such as Moorestown's. Birnie O'Reilly again offered praise and personal thanks to Michael for his extensive efforts. She remarked that the Board had the latest copies of the draft and the public comments from the first meeting have been addressed except that Mr. Gaskill's recently provided comments were not seen until tonight by the committee. Tom Coleman stated that he had also received the second set of comments and that he had considered them in his response and review. Frank stated that he would make sure that copies would be provided to the board. The chair also felt it best if the board had a chance to review Mr. Gaskill's comments and include them in any comments they have. Birnie stated that no comments have been received from the board and, if they are forthcoming, are needed ASAP. Michael feels that the topic can be talked to death. Mr. Gaskill's previous comments have been, reviewed and addressed. He feels it is time for things to move forward and give it to Council for them to deliberate. He stated that he would be more than happy to respond to Mr. Gaskill's comments on a one to one basis either before this board or before Council if needed. The chair stated that unless there were objections from the board, all comments to the committee should be provided no later than 5/3. This should provide adequate time for members to review materials yet provide a needed deadline to allow the process to move forward. Birnie O'Reilly made a motion that the draft as presented tonight be forwarded to Council. The motion died for lack of a second. The chair reiterated that final board comments were due no later than 5/3. Unless there are substantive comments or changes, the board should be prepared to act on the draft on May 18.

**Smart Growth Grant for Site Plan/Subdivision Rewrite - Return of the Grant** – Councilwoman Alls-Moffat reported that the process is proving cumbersome. First, sign off from the state is required. After the state signs off on the return then Council must pass a resolution authorizing the return of the funds. Council is still waiting for the state's response. There does not appear to be any way to compel response from the state.

**2004 Budget** – Councilwoman Alls-Moffat reported that the proposed budget had been through first reading this month and would have a second reading at the May Council meeting.

**Fence Ordinance Revision** – Donna Tyson reported that meetings are continuing and that other fence ordinances are being reviewed. A resource list is being looked into and the ARC is in the loop since a member is part of the committee.

**Environmental Commission** – Christian Hochenberger reported on Commission activities. Ed Gilmore has set up a meeting of a subcommittee as the first step in considering an ordinance dealing with the setbacks for the Pompeston Creek. The educational booklet produced from matching grants of \$2,500.00 from the Borough and state DEP will hopefully be done by the end of April. Regarding access to the Delaware near the sewer plant, Christian passed along a map. Councilwoman Alls-Moffat has researched the area with Scott Reed. Mr. Reed does not recall any path to the creek or the river and she didn't see any evidence of anything there currently. Donna wanted to know what the concern was about. Christian replied that there is a sign directing people to the creek and river. Muriel stated that it is a large sign and she thinks it only appeared within the last year or so. Neither she nor Scotty Reed knows where it came from. Christian concluded that the commission was interested in knowing if a path could be opened. It was remarked that the Borough property extends to the river at the foot of each street ending at the river bank area.

**Redevelopment** – The mayor stated that there was nothing new to report.

**Class II Member** – Mr. Dydek was sworn in at the beginning of the meeting. The board now has a full compliment of regular members.

**Site Plan/Subdivision Application Procedures** – Council has not started considering the matter.

**Old Invoices** – Mr. Levitt, who was in the audience stated that he planned to talk with Betty Boyle on the 21<sup>st</sup>.

**New Development in Cinnaminson Township** – Donna Tyson remarked that she still had a copy of the concept plan. She has copies of the latest ads from the local paper. Dona also reported that the affordable housing was not slated for this phase of the development but the next phase.

**Annual Disclosure Forms** – The secretary reported that he had passed along Mary's request to those members who still needed to submit their forms to Mary.

**Jose Talavera's Appointment** – The chair stated that he had spoken with Jose and he had stated he planned to attend tonight's meeting. Donna feels that he should be asked to resign. Tom Coleman stated that the Borough provides no authority to discipline or reward member attendance at meetings and that except for

possibly recommending that the mayor take the subject under advisement, further comment by the board while understandable was not warranted. The mayor reported that the topic had come up at Council session but he is interested in the Board's concerns. Birnie O'Reilly made a motion that the matter be referred to the mayor and Council, that Jose not be reappointed to the board, that a substitute be selected, and that Donna be moved up to first alternate. The mayor stated that he would like to hear the consensus of the planning board on the matter. Donna stated she feels the board needs an effective member on the board. Muriel seconded the motion and the board approved it unanimously. Donna asked if there could be an attendance policy. The mayor asked if he could move Donna up to first alternate to which Tom stated he should talk to Bruce. An attendance policy is also something to be discussed with Bruce, the Borough's solicitor.

**Parking Studies** –Muriel reported that the parking committee had been recreated with Ron Cessaretti as chair and members included Ed Gilmore, James Moffat, Chief Norcross, and the mayor. It will meet at the chair's discretion. Blueprints for the traffic study which includes both "big" and "little" Broad Street have been received. Donna asked if other areas and concerns would be included and Muriel responded that those issues were part of the public safety area of responsibility.

## **NEW BUSINESS**

**Stormwater Management Forum on May 4, 2004** – Donna Tyson expressed interest in attending if no one else was going. The mayor stated that someone from Council might be attending, but Donna could also attend if she desired.

**Borough Representative(s) for Regional Planning Center Issues** – Tom Coleman discussed a letter from the state Office of Smart Growth requesting the designee(s) from the Borough on matters related to the to regional planning center designation under the state's plan which includes Riverton, Palmyra and Cinnaminson. The mayor stated that Council was considering designating one of its members and wanted to know who would represent the board. Frank stated that unless the board objected, he would be the representative from the board. There was no objection.

**Borough Web Site** – The chair reported that the agenda and previous month's minutes were up on the site. Frank stated that he will provide copies of all the minutes he has since he became a member and chair. The secretary stated he would begin supplying copies prior to that date. The chair will continue to supply the minutes from this point forward or delegate the task if needed.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

Mary Ann Shea, 205 Bank Avenue, wanted to know if copies of the responses to the comments would be available. The chair stated yes.

Marvin Gaskill, 102 Chestnut Ave., Merchantville – stated that the Riverton Property and Business Owners Assoc. had asked him to address issues concerning the draft code. He feels that pages of the state code were left out which address property owners rights and due process provisions of the state code. He went on to discuss at length where the stated position of the draft code adopting the state code does not do so. He feels the draft code does not provide for even handed and professional qualifications. He wants to know why the town does not properly enforce permits and feels that proper enforcement would do much to solve the problems. It was clarified that the state code only concerns multi-family dwellings of three or more units while the draft plan covers commercial properties. He feels the permitting process would guarantee adequate enforcement.

Gary Ford, Bank Avenue – interjected that many state deficiencies do not require a permit to correct.

Mr. Gaskill continued – the state regulations require the local municipality to maintain a list of properties and that all inspections must meet state requirements. He doesn't feel the draft code ensures this compliance. Board members corrected Mr. Gaskill's assumption that the new Code Enforcement Officer would be the inspector when in fact no such person has been designated and would not be unless the code was adopted. He feels the fees already paid to the state by the property owner should cover the fees needed by the town. There was confusion over whether the Borough was considering taking over the job of state enforcement. Mr. Gaskill feels the proposed code does not contain the state provision that requires tenants to do their part to maintain sanitary, clean and good repair of the units they rent and as such puts a serious extra burden on the property owner for improper actions by tenants. He wanted to illustrate a problem with the state's provision of "discretion not to enforce." While not specifically identified, the example was eluded to be a

resident's dwelling and was unrelated to the code being discussed. The chair at board council's suggestion suggested that Mr. Gaskill wrap up his comments. He stated that preservation of historic elements may require the use of the discretion provision where "full" enforcement conflicted with historic preservation. Michael Heine responded in detail to Mr. Gaskill's comments. If Mr. Gaskill feels the tougher of the two standards should be imposed on multi-family units, then that can easily be done. The provisions for compliance with state inspections is between the owner and the state and the town is only aware of things if the owner chooses to comply and follow local requirements. The proposed code will ensure that the municipality gains control over the problems.

Mary Ann Shea – stated that she feels it is an enforcement issue not an issue requiring more codes to be added. Donna Tyson asked Tom and the Board how Mr. Gaskill's concerns about the apparent non-enforcement of permits can be addressed. Complaints are the responsibility of the Code Enforcement Officer and Mr. Dydek stated he would look into items brought to his attention.

Robert Moscia, Fulton Street – feels there are many private residential properties that are in need of repair and there condition unfairly impacts neighboring commercial properties. The town needs help addressing these conditions, not duplication of efforts and additional layers of code. Mr. Moscia went on to offer a specific example to which he has personally lodged complaints. Birnie O'Reilly stated she feels that it is improper to spot enforce regulations or create code that addresses a specific site. She stated the board is trying to meet a charge by Council that the board come up with a piece of legislation. His concerns about specific properties need to start with Council and/or Borough officials.

Gary Ford, Bank Avenue – does not know how the proposed code addresses the perceived lack of enforcement of codes. Eric Goldstein responded that he feels that enforcement is an important piece that is missing and if that issue is addressed and the protections provided under the state are ensured, then perhaps Mr. Gaskill's concerns are addressed.

Michael Heine, Carriage House Lane – stated that there were two issues, enforcement and duplication. You can't address duplication unless you know what is there. You can't enforce something that does not exist. There is no ordinance that currently exists which provides for the type of enforcement being requested. Existing state enforcement is done by a patchwork of county or local officials contracted by the state to perform the inspections. The proposed code brings enforcement and inspection under the local municipality. Enforcement belongs in the municipal court. The new code will do this.

Marvin Gaskill – stated that local control of state inspections was possible as long as the requirements spelled out in the state code were met.

Mary Ann Shea – doesn't think there has ever been adequate enforcement of the existing codes on the books. She doesn't think the state has ever been approached concerning specific properties. She feels that correcting those two issues would help correct the situation. She doesn't feel that requiring registration will ensure compliance if the owner chooses not to. She obtained from the state a list of the properties currently subject to state inspection and wondered if the Code Enforcement Officer had the same list, it wouldn't provide the starting point for identifying enforcement issues and perhaps identifying properties the town was not aware of.

Robert Moscia – wanted to know if the annual fire inspection didn't do the job. The chair stated the fire safety inspection was not the same.

Marvin Gaskill – stated that many of the issues covered by the fire inspector served to identify the units involved. Birnie replied that the fire inspection was specifically directed and the inspector is not required to even identify let alone report other maintenance related issues. The draft code specifically addresses maintenance issues of commercial properties. Mr. Gaskill wanted to know why the Fire Inspector couldn't be authorized to inspect and or report those types of issues, to which the answer is there is a need for separation of powers.

Michael Heine – while acknowledging Mr. Moscia's record of maintenance of his properties and concern for the impact of poorly maintained properties on the town, stated that the current efforts are the result of a defined need to address commercial property maintenance problems and that the town had previously rejected attempts to create property maintenance for private properties. He stated that there are common law remedies to address the conditions on private properties pointed out by Mr. Moscia.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 9:35 PM.**

**Next meeting is on 5/18/2004 at 7:30 PM in the Media Room of the Riverton School**

**Tape is on file.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
May 18, 2004**

The Public Session of the Planning Board was called to order at 7:30 PM. by Chairman Frank Siefert.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

**PRESENT:** Frank Siefert, Eric Goldstein, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, and Jose Talavera.

**ABSENT:** Christian Hochenberger and Donna Tyson.,

**MINUTES**

A motion was made by Eric Goldstein and seconded by Councilwoman Alls-Moffat to approve the minutes of April 20, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 4/21/04, letter to board chairmen from William Connolly, Director, Division of Codes and Standards, State DCA, reminding that site plans should be reviewed with the construction official regarding site accessibility.
2. 5/04, announcement/invitation for DVRPC audio conference, "Suburban Place Making," 5/26, Bourse Building, Phila. PA.
3. 5/04, announcement by DVRPC of public comment period on the Draft FY 2005 Transportation Improvement Programs (TIPs) for NJ and PA, and the Amendments to *Horizons*, the 2025 Long-Range Plan.
4. 4/19/2004, letter from ANJEC to board chairs and Env. Comm. chairs covering release of the third edition of *Freshwater Wetlands Protection in New Jersey – A Manual for Local Officials*.
5. 5/5/2004, copies of letter to mayor for Birnie and Frank from Marvin Gaskill, with additional comments regarding the draft code.
6. One voucher and invoice as presented under New Business.

**OLD BUSINESS**

**Registration/Inspection of Commercial Properties/Apartments** – Birnie O'Reilly reported that all comments received had been turned over to Michael Heine for review. Michael reported that the efforts of the subcommittee are completed and the draft before the Board represents the subcommittee's best effort to fulfill the needs presented by Council. The existing standards and codes in the Borough are compromised and lack the authority to compel maintenance and upkeep. It gives the Borough the control over the matter it needs. It uses the state code as a basis and builds on the DCA inspection of commercial rental units and provides for property maintenance of all commercial units. It places the enforcement in the hands of the Borough by recommending that the Borough assume the responsibility of conducting the state mandated inspections as well conducting its own. It takes the bare minimum of the habitability standards and provides a realistic standard for gauging suitable standards. The limited appeal committee serves to present an avenue for resolution prior it going for formal review by Council. The subcommittee feels it is complete and ready for Council's consideration.

Eric Goldstein asked if there were new revisions since the last draft and Birnie replied no, that while many excellent comments were received, the subcommittee feels that all the comments are already addressed in the draft. Eric replied that he was therefore still uncomfortable with the draft for the same reasons he stated previously. Michael replied that the issue regarding the Borough conducting the state inspections was a minor item that can be resolved once the draft is in Council's hands. The chair stated that he still feels the timing of inspections based on lease terminations is onerous and having a set interval within the state's 5-year cycle is preferred. Frank further feels the interim inspections should concentrate on the exterior of the structure as that is the "face" presented to the community. Michael replied that inspections triggered by lease terminations are not unheard of in other community's ordinances and that he feels it is best to start with a

tight set of standards. Once enacted, if the Borough feels they should be loosened, that is easily done and usually much easier to accomplish than tightening standards that are too lax. Michael feels that the draft follows the state standards and that if the Borough intends to take over those inspections it should apply the standards to all inspections. In addition, both interior and exterior inspections are needed in order to establish a base line for measuring performance and hopefully, where needed, to at least prevent further deterioration and even raise the standards of the problem properties. The chair also voiced concern about a paid board versus a volunteer board. Michael responded that the attorney would always need to be paid since he is performing legal work not volunteer work as are all legal representatives in a town. While not essential, if the committee/board meets on a regular basis, the offer of at least a token appreciation might be beneficial since the group is acting as an administering agency of the Borough. This again is an issue for review and decision by Council. Birnie stated she felt the draft addressed Eric's concerns and that it should go to Council for their consideration and review. The mayor stated that he supported the chair's comments. The chair asked if the newly appointed code official shouldn't be given time, say a year, to see if the existing codes can be made to work. Michael responded that the only enforcement powers Mr. Dydek has are under the zoning code. Under the other sections such as Section 59 which deals with habitation issues, he has no enforcement authority. Mr. Dydek may be able to cite the owner, but enforcement lies with other agencies such as police, department of health, etc. Since the zoning code does not deal with the state inspection issues, Mr. Dydek does not have an enforcement authority over the state inspections. Tom Coleman concurred that the county board of health had the enforcement authority for Section 59 and suitability of habitation issues. Tony Dydek stated that he feels he has some enforcement authority but it is limited to the exterior of buildings only. Muriel asked if Council could amend the ordinances and Tom replied yes, but the new code goes beyond the old codes and places control and enforcement of the issues in one code. Michael stated that if the Borough wants to maintain local control, then the new code is the answer. Section 59 allows/requires inspection if complaints are made. However, everything beyond the inspection including enforcement is by the county board of health. While the Borough can amend its ordinances, that is an issue for Council and its legal council to deal with. In addition, when modifying codes one must be careful that a change in one code doesn't end up conflicting with others. The new code being considered places all the issues in one place since they do not currently exist in the other codes of the Borough. Birnie again summarized how she feels the proposed code fulfills the mandate that was given by Council. Many good ideas have been raised that she feels are addressed in the draft. It is Council's prerogative to revise the draft as it deems necessary. The ordinance can also be amended as needed after it is adopted. Continued tweaking now is only picking at the issue and it should go to Council now so they can begin considering it. The chair asked for clarification on the duties of the code official. It was explained that all complaints originate with Mr. Dydek. However if they are outside of the zoning ordinance, enforcement goes to the responsible authority. Violations of the housing code would go to the county health department.

Prior to opening the meeting to public comment on the draft code the chair entertained a motion that individual comments be limited to three minutes in length as timed by the secretary and be restricted to the matter at hand. A motion to same was made by Eric Goldstein, seconded by Birnie O'Reilly, and passed unanimously. The meeting was opened to public comment:

- William Henry Harris, Cinnaminson Street, commented that the new code is overkill and is not needed. Having enforcement outside of the town prevents personal conflicts clouding equitable resolution. The Borough does not enforce its codes now.
- Frank Cioci, Lippincott Avenue, wants to know if Mr. Dydek can initiate a violation. Violations of the zoning code are completely his responsibility. For other sections of the code he can initiate the process by notifying the proper authority of the complaint. Then it is in that authority's hands.
- Ed Gilmore, Main Street, feels the issue should be tabled for now. He feels it is too cumbersome and that there is too much against it. The town is taxed now to properly administer its current responsibilities and to require another administrative function is too much for a small town.
- Mary Anne Shea, Bank Avenue, wants to know why Section 59 is on the books if it can't be enforced. It can be enforced, but it is enforced by the county. She feels the code official be allowed to try and make the current codes work. Is the code as presented last month being left unchanged and the recommendations not incorporated? Birnie responded that her assumption was correct. The submitted comments were considered. Some were already in the draft; others were deemed not applicable; and others were felt better left for Council's review.
- Fred DeVece, Cedar Street, recollected that the code enforcement officer used to ride around the town and look for violations. He used the example of abandoned cars where violators were notified and if nothing done within a period of time the issue was forwarded to the police department for enforcement.
- Joe Rainer, Main Street, feels that a splitting of powers is needed to prevent conflicts of interest and/or personal vendettas. He cited an example where he had to appeal all the way to the superior court and won. He also feels there are many examples of where the existing codes are not being enforced.

- Barbara Horner, Bank Avenue, thinks the issue should be dropped. It is prejudicial against certain targeted people and is selective by not including single family dwelling's many of which are in worse shape.
- Jose Talavera, Thomas Avenue, has problems with Section Six of the draft dealing with administrative procedures, fees, and the appeals process. He feels the appeals fee would dissuade valid appeals. The appeals board should not be associated with the town. It should be independent. Who is going to pay the costs?
- Barbara Horner, wants to know why Mr. Heine wasn't timed if everyone else in the public is? The chair explained that up to this point Mr. Heine's remarks had been made as a result of his being a principal member of the subcommittee. If he wishes to address the issue as a member of the public, he would be timed like anyone else.
- Michael Heine, Carriage House Lane, stated that the ordinance needs to be approached as a legal issue not a lay issue. There is no enforcement authority now and legal guidance is needed to provide the control if it is wanted. If the town cares, it needs the new code to gain local control. He pleaded that it is time to let Council decide the issue. Council requested the code; let it decide if it is still wanted and in what form.
- Mr. Harris again commented that he felt there was unequal treatment of individuals and property owners going on and he resents it.
- Mr. Cioci agrees that the board needs to move on and either recommend the ordinance to Council or send it back to committee for further work.

The meeting was closed to public comment.

There being no further discussion, Birnie O'Reilly made a motion that the board send the draft to Council for consideration. There was no second and the motion died. The chair recommended that further efforts on the package be tabled until new/further direction is received from Council. Frank asked that the mayor and Council provide additional guidance on the issue and to let the Board know if Council desires the Board to continue to pursue the issue. The chair publicly thanked Birnie and Michael Heine for their extensive and professional efforts on the project all of which was done voluntarily.

**Jose Talavera's Appointment** – Jose's status as an alternate member of the board was discussed. The mayor and councilwoman stated that Jose had been properly reappointed following the rescission of the initial reappointment. It was their opinion that he was now a properly appointed member. There was discussion but no resolution on whether Jose had to be re-sworn into the position following the new appointment action. Birnie once again stated that she is against Jose's appointment to the board to which she was reminded that it was the mayor's appointment and that this was not a topic for discussion before the board. The mayor and Councilwoman Alls-Moffat commented that there was discussion in Council regarding attendance but the issue was not resolved yet. Tom Coleman suggested that, until he could resolve the issues with the Borough's solicitor, Mr. Talavera should abstain from any deliberation and action as a board member. However, his comments and opinions are still valued and that he should feel free to speak on matters like any other concerned citizen. Tom stated that this matter would be resolved by the next meeting.

**Smart Growth Grant for Site Plan/Subdivision Rewrite - Return of the Grant** – The mayor reported that the money had not yet been returned and that the Borough is waiting for a written reply from the state on how to proceed. Verbal conversations had indicated the Borough might be able to use the funds for redevelopment related activities. Until written directives are received the money will remain untouched.

**2004 Budget** – Councilwoman Alls-Moffat reported that the budget has been adopted.

**Fence Ordinance Revision** – Report tabled since Donna Tyson was absent.

**Environmental Commission** – Report tabled since Christian Hochenburger was absent.

**Redevelopment** – Councilwoman Alls-Moffat stated that a presentation on the plan was now scheduled for the June Council workshop meeting. It is designed to bring the new Council up to speed and start the process moving again.

**Site Plan/Subdivision Application Procedures** – Council has approved them and asked their solicitor to review them.

**Old Invoices** – The secretary reported that Mr. Levitt had made a partial deposit and that there should be sufficient funds to pay Mr. Hardt's invoices.

**New Development in Cinnaminson Township** – Report tabled due to Donna Tyson's absence.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 5/4//04, \$722.00 voucher and invoice from Tom Coleman for research on ordinances and attendance at the April meeting.

Following discussion that funds exist, a motion was made by Eric Goldstein, seconded by Councilwoman Alls-Moffat and unanimously approved to pay the voucher as presented. The secretary will have it signed and submitted for payment.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

- Alfred Devece, Cedar Street, wanted to know if the motion to forward the draft code to Council was seconded. It was explained that the motion died for lack of a second and the further consideration is tabled.
- Mary Ann Shea, 205 Bank Avenue, wanted to know if the draft plan was dead. It was explained that further action is on hold pending additional direction from Council.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 8:52 PM.**

**Next meeting is on 6/15/2004 at 7:30 PM in the Borough Hall**

**Tape is on file.**

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



**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
June 15, 2004**

The Public Session of the Planning Board was called to order at 7:32 PM. by Chairman Frank Siefert.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

**PRESENT:** Frank Siefert, Eric Goldstein, Christian Hochenberger, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, Jose Talavera and Donna Tyson.

**ABSENT:** None

**MINUTES**

A motion was made by Mayor Martin and seconded by Christian Hochenberger to approve the minutes of May 18, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. **Announcement from Sterns & Weinroth, PC of a redevelopment law seminar on June 24, hosted by Sterns & Weinroth.**
2. **Announcement from ANJEC of a workshop on June 29, on importance of having a Conservation Element in the Master Plan.**
3. **Announcement from NJLM of a League Seminar on June 22, on Transfer of Development Rights.**
4. **5/25/04, letter to chair and board from Tom Coleman regarding legality of Jose Talavera's appointment to the board following consultation with the Borough's solicitor Bruce Gunn. (Copies distributed to board.)**
5. **6/19/04, copy of letter to Tom Coleman from Borough Solicitor, Bruce Gunn regarding the status of Jose Talavera's appointment to the board. (Copies distributed to board.)**
6. **5/20/04, copy to chair of letter to Councilman Gilmore from Hank Croft, chair of the ARC regarding the ARC's comments on the plaza design for the intersection of Broad and Main Streets.**
7. **One voucher and invoice as presented under New Business.**

**OLD BUSINESS**

**Jose Talavera's Appointment** – Based on the correspondence from the solicitors for the Borough and the board, it was noted that Jose Talavera's appointment to the board was in order and he did not need to be re-sworn. Councilwoman Alls-Moffat wanted to know where Jose was since he had not yet arrived. (Note: Both Jose Talavera and Eric Goldstein were not present during discussion of this topic and the chair later recognized that they had arrived). Birnie wanted to know if everyone was comfortable with or how they felt about Jose's absence. The chair stated that appointments reside strictly with the mayor and it is not an issue for board discussion. The mayor stated that he and Council want to see how things progress and if needed Council would continue to address attendance issues. Muriel stated that attendance was being monitored and that Council has to decide on how it wishes to proceed regarding the issue. Birnie wanted to know how long the mayor intended to let things go. She commented that schools and businesses have attendance policies and that Moorestown Township had adopted an ordinance regarding attendance. The mayor asked that Birnie leave the issue alone for now and that it is an issue for Council to address. Birnie asked if it made sense to have an attendance policy. The mayor commented that while members of some groups may not always be able to regularly attend meetings they still contribute to the group. The chair again stated he felt that the issue is a Council concern and not appropriate for the board to dwell on it. Asked by the board, the secretary reviewed that he requests members to notify the chair if they will not be able to attend. Birnie commented that Jose's attendance history perhaps raises the need for Council to address the issue. She feels regular attendance is needed to fully participate in board matters. She further commented that since the board has a member who chooses not to attend or may be ill forces the issue of an attendance policy. The chair stated that he encourages members to e-mail or phone him directly if they have a problem making a meeting. The secretary commented to Birnie and the board, that attendance at board meetings both planning and zoning, is not a new topic, it has been raised before and that it was resolved satisfactorily between the respective chairs and members involved. The chair once more stated that attendance is a Council issue and

the board should move on to other business.

**Smart Growth Grant for Site Plan/Subdivision Rewrite - Return Grant or Use for Redevelopment –**

Councilwoman Alls-Moffat reported that there had been verbal discussions but nothing received in writing from the state on the Borough's request that the funds be redirected towards the Borough's redevelopment efforts. Nothing will occur until written direction or approvals are received.

**Registration/Inspection of Commercial Properties/Apartments –** Councilwoman Alls-Moffat reported that Council was still interested in the topic and it would probably be taken up again next year. Council intends to direct much of its efforts towards redevelopment this year and registration/inspection may be included as applicable and would probably be folded into that effort next year. Birnie O'Reilly inquired if it would be advisable to break out the registration portion of the ordinance since there is nothing on the books now and there are strong issues regarding safety, fire, and police concerns; issues regarding water and sewer charges and the concern the Borough may be not fully utilizing its ratables. Tom Coleman explained that registration is already in the codes. However, Tom later confirmed that it is limited to rooming houses of three or more units and doesn't deal with apartments or other commercial properties.

**COAH Administrator –** It was reported that the mayor and Council need to appoint someone to properly administer the responsibilities that go with COAH certification of the Borough. Council plans to discuss the topic of appointing an administrator at its next meeting.

**Environmental Commission –** Christian Hochenburger reported that the educational booklet on the Pompeston Creek has been published, is being proofed by Michael Robinson, and a copy should be available by the board's next meeting. The commission has until the end of the month to complete the project under the terms of the grant for the project. The commission continues to pursue its desire to have a new ordinance created expanding the creek setback to 100 feet and has supplied materials to Council on the issue.

**Redevelopment –** Councilman Ed Gilmore requested to be put on the agenda to discuss a redefinition of the redevelopment area to include 423 Lippincott Avenue. Ed discussed the historical significance of the property, the continued deterioration of the property, and how, through the concept of "scattered site" redevelopment, he hoped that the property could be included as a property in need of redevelopment. The construction official has informed Ed that he cannot do anything until the property is condemned and then the only avenue is usually demolition. Ed doesn't feel the town can afford to lose any more of its historically significant structures. Tony Dydek reviewed that he has visited the property and under what circumstances he could cite the owner(s) of the property as a means of compelling repairs and renovations needed to forestall further deterioration and possible condemnation of the property. The owner has been apprised of possible sources of funding to make repairs. Jose Talavera asked what the long term plans were. Ed stated that as he understands it, if put on the plan, the Borough could then exert greater efforts to compel the owner to maintain the property and also pursue additional avenues to rectify the problems including having needed repairs made and placing a lien on the property. Condemnation proceedings can be long and complicated. Tom Coleman reviewed that under the rehabilitation section of the Affordable Housing program, loans, etc. are available if the property owner chooses to go that route. Tom further reviewed that what is being considered is adding the property to the list of properties included in the redevelopment inventory. While he agrees with most of Ed's comments, Tom stated that what is needed, is a charge to the board by Council to amend the plan to include this or other properties. Donna Tyson commented that the property is an eyesore, but to ensure fair treatment, she feels the entire Borough should be examined and a list of suitable properties compiled. Eric Goldstein commented that he had seen an example in another town where the municipality paid to have the property fixed up and then placed a lien against the property that would be satisfied when the property was sold. Tom commented that the cooperation of the homeowner is needed for this to occur voluntarily. Tom stated to Ed that this is an example where a good residential property maintenance code ordinance would help by giving the code enforcement officer the power to cite and compel correction of the problems. Ed stated that residential property maintenance has previously proved to be too hot a topic to pursue. The chair asked if the unfit for habitation portion of Chapter 59 couldn't be brought into play. It was commented that the provisions are extreme and that usually things are too far gone to reasonably assume that rehabilitation is possible. Usually the only recourse by then is demolition. Ed agrees with Donna's proposal to review all properties in town. Before moving on, Birnie wished to point out for the record the irony of the discussion since Chapter 59 was cited as a primary reason for not pursuing the commercial property maintenance code. Yet here everyone concurs that Chapter 59 has little or no power to compel maintenance and only when the property begins to collapse does the code provide for any remedy which by then is too late to reasonably include preservation of the property.

**Fence Ordinance Revision –** Donna Tyson reported that Kerry Brandt was working on a draft of the

revisions. While some substantive changes will probably be included, the rewrite was attempting to change the format to make it easier to work with.

**Site Plan/Subdivision Application Procedures** – Council has adopted them. The item will be removed from the agenda.

**Old Invoices** – The secretary reported on progress of clearing the old invoices. On the Hardt invoices:

- A check for \$62.50 for a previously paid invoice will be reissued since it has never cleared.
- The Dollarland/Nu-Way escrow account contains sufficient funds to pay the three related invoices. The previously approved but held invoice of \$1831.50 will now be paid. If the board approves, the two other invoices for \$25.00 and \$564.50, never approved, can be paid. Following review of the two invoices, Councilwoman Alls-Moffat motioned, Christian Hochenberger seconded, and the board unanimously approved the payment of the two invoices against the escrow account. The secretary will make sure they are signed and submitted for payment.
- Two other invoices for general legal services are still being researched.

The secretary will also follow up with Mr. Hardt's office.

**New Development in Cinnaminson Township** – Donna Tyson's reported that she has the concept plan available if anyone is interested. She commented on the proposed mixed use plans and the size of the planned commercial area. Together with the other development and redevelopment efforts underway in Cinnaminson, the project can possibly have a major impact on the Borough from a traffic standpoint and on area roads.

**Borough Parking Study** – Birnie commented that given the Borough's concerns about parking she thought the vacant Sitzler property along Main Street would be a good choice to provide space. It was commented that a Mr. Brandenburger is scheduled to appear before the zoning board for use variances in conjunction with a site plan for developing the property in question and that any discussion on use by the Borough is premature at this time.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 6/2//04, \$400.00 voucher and invoice from Tom Coleman for attendance at the May meeting.

Following discussion that funds exist, a motion was made by Jose Talavera, seconded by Eric Goldstein and unanimously approved to pay the voucher as presented. The secretary will have it signed and submitted for payment.

**Minor Site Plan, 300 Broad Street** – The chair and Tony Dydek reviewed that they were reviewing a minor site plan application by Glen Smyth to operate a used furniture business on the property at 300 Broad Street in the Neighborhood Business district. To date they have not been able to contact the applicant to discuss or review the application with him and to have him appear before the board to informally discuss the application. Board members felt it was a good use but there were concerns about parking, proximity to the intersection of Lippincott and Broad Street, trash, and whether the neighbors were aware of the use since it has previously been used as an apartment house. Tom Coleman cautioned the board that it was not advisable to discuss a potential applicant or application without the applicant being present. While it is the discretion of the chair to consider the matter as a minor site plan not subject to a formal hearing, the chair wants the board to be aware of such applications and have the chance to comment on them. Eric is fine with the use, but is concerned about the appearance, lack of signage and the entire process involved since it appears the operation is already open. Other members again voiced concerns about parking near the intersection. Tom Coleman stated that the chair and/or the board could determine that the issues involved require the applicant to file a formal site plan application and go through a full formal site plan review. Concerning whether business is being transacted, Tony Dydek stated he was unable to determine this to date. He would continue to try and contact the applicant. A decision should be made by the July meeting. The feeling is that the application at present needs much more explanation. Birnie wondered if the process was at fault and if an undue burden was being placed on the applicant. The answer was no, the applicant needs to satisfy the requirements of the application, he does not appear to have done so, and he may be in violation if has opened for business prior to the application being granted. Frank and Tony stated they would revisit the site and continue to try and contact the applicant. If the applicant has already commenced operation, citations may be warranted.

## **MISCELLANEOUS**

The secretary noted that he would not be present at next month's meeting but would work closely with the chair to ensure there were no problems.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

- Councilman Ed Gilmore, Lippincott Avenue, thinks the COAH administrative issue is covered. The mayor does not think so and it will be reviewed at the next Council meeting.
- William Harris, Cinnaminson Street, feels the issue of excessive noise from the horns sounding on the River Line trains is an environmental problem and the Environmental Commission should be looking into it as part of the Commission's job.
- Michael Heine, Carriage House Lane, commented that Collingswood has a residential property maintenance code in place that has proved effective at dealing with problems such as 423 Lippincott. The proposed commercial maintenance code would have started to address the issue. He asked Tony if he thought there were citable issues concerning the business at 300 Broad. Tony reviewed the issues as he saw them. Michael feels he is raising some potentially serious legal issues and he should request or the chair should request that the legal issues be reviewed by either or both the planning and zoning solicitors. Michael was concerned given the age of Fred Hardt's invoices presented for approval tonight that there was enough documentation to permit the current board to sufficiently review them. The secretary assured him that Mr. Hardt's invoices were always fully documented and had essentially been approved except there were no funds to pay them.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 9:00 PM.**

**Next meeting is on 7/20/2004 at 7:30 PM in the Borough Hall**

**Tape is on file.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
July 20, 2004**

The Public Session of the Planning Board was called to order at 7:37 PM. by Vice Chairman Eric Goldstein.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

**PRESENT:** Eric Goldstein, Christian Hochenberger, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, Jose Talavera and Donna Tyson.

**Also Present:** Tom Coleman, solicitor.

**ABSENT:** Frank Siefert and Anthony Dydek.

**Also Absent:** Secretary Ken Palmer

**MINUTES**

A motion was made by Christian Hochenberger and seconded by Mayor Martin to approve the minutes of June 15, 2004, as distributed. The vote was six in favor and one abstention.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 6/18/2004, copy of letter and related resolution sent by mayor to office of Smart Growth regarding grant funds.
2. 6/28/2004, announcement from DVRPC of brochure on parking management strategies, Municipal Implementation Tool #6: Parking Management Strategies.
3. 7/8/2004, copy of e-mail from Tamara Lee briefing parties on COAH work and her concerns.
4. 7/8/2004, copy of COAH Monitoring report sent to the State by Tamara Lee.
5. 7/8/2004, copy of letter sent to COAH Director by Tamara Lee outlining her role and also explaining the status of development fees in the Borough.
6. One voucher and invoice as presented under New Business.

**OLD BUSINESS**

**COAH Administrator** – Councilwoman Alls-Moffat reported that there had been discussion on whose responsibility it was. She stated that she would make sure that it was discussed in Council's next workshop. Birnie asked that it be on the record that COAH administration is important and that whoever takes on the responsibility should receive proper guidance. Tom Coleman stated that he believed Tamara Lee, the board's planner hoped be able to come and discuss the latest COAH developments with the Board as well as Council. Birnie asked Tom if Tamara was qualified to advise on the legal aspects of COAH and Tom replied that the latest changes are new to everyone and will need to be studied. Birnie wanted it on the record that Tamara's efforts and opinions should be supported by legal council. Tom stated that it is the Borough's obligation and that it should be discussed with Borough's council Bruce Gunn. Mayor Martin stated that COAH related action would be reviewed with Bruce.

**Environmental Commission** –Christian Hochenburger reported that the educational booklet on the Pompeston Creek is being printed and should be completed and available in the next several weeks. Councilwoman Alls-Moffat stated she was under the impression that it was already completed and available at the library. Christian replied that there may have been a misunderstanding of his last report where he intended to convey that the booklet was complete and ready to be printed following a final proof by Michael Robinson. Donna Tyson asked what the commission's recommendation or thoughts were on the setbacks from the creek that Council is or intends to consider. Christian stated the commission feels the setback should be 100 feet and that information including legal support and sample legislation had been given to Council for its consideration. Birnie asked what the EPA and other bodies stated should be the setback. Christian replied that it varies by stream and that it is currently 50 feet for the Pompeston.

**Redevelopment** – Councilwoman Alls-Moffat reported that the committee had met to discuss the revised plan. Eric asked who was on the committee and Muriel replied it was Frank Siefert, herself, the mayor, Ed Gilmore, Tom Coleman and Dave Gherkins.

**Fence Ordinance Revision** – Donna Tyson reported that the committee has not met since last reported and that they were trying to meet in the next week or so. Hopefully a draft of the recommendations/changes would be completed shortly.

**New Development in Cinnaminson Township** – Donna Tyson reported that a lot of site work was going on. She understands that children are enrolling in the Cinnaminson schools for September. She also understands that building is behind schedule.

**Site Plan/Subdivision Application Procedures** – It was reported that Council has adopted them and the item should be removed from the agenda.

**Old Invoices** – Eric read the secretary's report on the progress of clearing Mr. Hardt's invoices: A letter has been sent to Mr. Hardt noting the "Dollarland" related invoices were either approved for payment by the board or a check would be re-issued for a previously paid but never cashed item. Follow up was requested by Mr. Hardt on the other invoices which had not been previously presented to the board at the time the services were provided and the possibility that they had been combined and paid under a later invoice. To date there had been no reply from Mr. Hardt's office.

## **NEW BUSINESS**

**Vouchers and Invoices:** There were none. Tom will have his submitted next month.

**Minor Site Plan, 300 Broad Street** – Mr. Glenn Smyth was present to discuss his Minor Site Plan Application for an antique shop at 300 Broad Street. Mr. Coleman reviewed the process of approval of such applications by the chair and Tony Dydek. With the absence of Frank and Tony, Tom suggested that they carefully review the minutes in reaching their decision on the matter. Mr. Smyth of 201 Howard Street presented a review of the plans. He hopes to sell used furniture, antiques, home crafts, architectural artifacts and such that he takes possession of in the course of his foreclosure business instead of just disposing of them. The planned hours of operation are tentatively set to be Monday through Friday from 10:00 or 11:00 AM until 6:00 or 7:00 PM and Saturdays from 9:00 until 1:00 or 2:00. It will be essentially a "hobby" type of business to start. It will not be a "junk" store. The items are of good quality and may have collectible value. The parking area is existing and has recently been paved by the owner. Glenn envisions the clientele to be mostly local and not predominantly out of town patrons. There will be no changes to the outside of the building other than cosmetic. A sign is planned but a design has not yet been finalized. Tom reviewed that as long as the sign met with Borough codes it would not have to come before the board. Otherwise a variance would be needed. In reply to questions about the parking, Glen replied that he thought that there were 18 spots to which he was allowed to use 2 of them. Donna Tyson voiced concerns about the use of hard paving versus stone which she thinks is more consistent with the character of the town. Mr. Coleman stated he thought approval of paving required an application for approval. No one is aware of such a plan being submitted or a permit being issued. Birnie is concerned that proper procedures have not been followed. It was discussed that parking does exist but it appears to have been expanded. The applicant is not aware of the owner's plans for striping, etc. Mr. Coleman reviewed the kinds of concerns the board has such as ADA access, etc. Councilwoman Alls-Moffat stated her concerns that the owner, Mr. Moscia, may have performed the paving work improperly. Mr. Coleman stated that these concerns are really outside of the application but perhaps can be noted as it may concern the operation of the store. Asked how long he had been open, Mr. Smyth stated they aren't officially open for business yet, but people had come up in the afternoons when someone was present. He has an office in back from which he conducts his foreclosure business. The shop is not part of his main business. Members of the board reiterated their general support for the type of business but also stated concerns about the parking, traffic and whether the items are to be stored inside or what. There is concern that about the items being left permanently on the porch or lawn. Realizing that the homes along Broad Street do not have the strictly residential appeal of other areas in the town, Donna Tyson stated her support for the mixed use concept rather than having the site deteriorate. She does not like the paving or the location of the parking lot. Asked if there was something the Board can do about the parking situation, Tom stated that it is not up to the board to police or enforce the Borough's regulations but that their concerns can be noted and he trusts the proper officials will look into them and they will be properly addressed. Birnie discussed that given the concerns about the condition of the property next door on Lippincott, it was incumbent on the applicant to go the extra mile to maintain good appearance and the collection of material on the porch. Birnie pointed out for the record that she feels the appropriate channels or procedures either do not exist or are not being properly enforced. The town needs a stronger

administration arm. Approvals of the operation should have been sought before things were set up. Mr. Smyth stated that he originally had been informed that he only needed to obtain a mercantile license and only later was informed about the need of the application for minor site plan approval. Birnie feels that everyone should be clear on what the procedures are and hopes confusing situations like this can be avoided. Glenn stated that he had spoken with Mr. Moscia last year and it wasn't until he came to the Borough to obtain his license that he was informed by Borough employees of the proper process that needed to be followed. Tom Coleman reviewed the process and what triggered the application and what was proper to consider with the application at hand. Tom suggested that, if the Board so desired, it was proper for it to grant its conditional approval for the chair and code officer to approve the application as long as they feel that all is proper. The issues surrounding the parking and other items that concern the owner are not part of the application of Mr. Smyth although they could possibly have some bearing on their decision. Mr. Smyth was reminded that he should contact Borough officials on Borough matters and not rely on someone else's opinion. Tom reviewed that perhaps the board had heard enough to address their concerns regarding the use applied for. Councilwoman Alls-Moffat feels that the issue should be tabled until more information is available. Jose Talavera motioned and Councilwoman Alls-Moffat seconded that the issue be tabled until next month when the chair and Mr. Dydek will hopefully be present and that the owner should also be present to answer the Board's concerns. Under discussion, the vice chair reviewed that the board is concerned that it doesn't have sufficient information needed to render a decision on approving the operation of such a business at this particular location and/or if additional requirements need to be met before properly rendering a decision. Perhaps if the issues can be satisfactorily resolved, the application can be approved before next month. Tom Coleman further stated that perhaps there may be sufficient issues that preclude the use of a minor site plan application. Again these concern the owner more than the applicant. Eric stated he would follow up with the chair. While the board does not wish to penalize the applicant, he has been placed in a difficult position by the actions or inactions of the property owner. There being no further discussion, the motion was passed by a unanimous voice vote. Donna Tyson asked if this application pointed up short comings with the process. Tom reviewed the process and as far as the applicant was concerned he was warranted in making the application. However there could be other issues regarding the owner and the previous use of the building that could impact the current application and warrant further research and consideration. Birnie commented that she would like to see the landscaping that was removed from the property restored since it provided character to the site that is now missing.

**Borough Parking Study** – After public comment, Donna discussed that she still believed it was important that the parking committee should review its plans with the board. Perhaps the chair can invite the committee to present its proposals to the board.

## **PUBLIC COMMENT**

The meeting was opened to public comment. The vice chair reminded the public that there was a five minute time limit on comments and to please include name and address.

- Maureen Miller, 608 Thomas Avenue stated that she and her husband want to make sure they follow the proper channels and they are interested in opening an authentic Victorian ice cream parlor at 529 Main Street. She has already been informed by Mr. Dydek that it is an approved use. She was advised to come into Borough Hall and speak with the clerk. Eric stated that listening to the comments concerning the previous application should provide a good idea of the kinds of concerns that she may be asked to address. Birnie was interested in how the process had worked so far and what steps Mrs. Miller had taken. She spoke with the leasing agent and was referred to Mr. Dydek. She stated she had dropped off a rough sketch of her plans. Tom Coleman advised her of the approved checklist that covers many of her concerns.
- Ed Gilmore, 103 Main Street, spoke of his concerns about the board should be familiar with the portions of the zoning code as it concerns the neighborhood business district and the use and impact on older buildings as businesses. He spoke of issues being considered by the parking committee such as time limits and the impact on businesses.
- William Henry Harris, 502 Cinnamon Street, wants to know if the County was approached on the proposed parking changes since Main Street is a county road. He was reminded that his concerns are an issue for Council and Mr. Harris stated he just wanted to be sure the board wasn't misinformed.
- Frank Cioci, 408 Lippincott Avenue, informed the board that the building mentioned by the Mrs. Miller for the ice cream store was actually on Howard Street not Main Street.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 9:00 PM.**

**Next meeting is on 8/17/2004 at 7:30 PM in the Borough Hall**

**Tape is on file.**

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



**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
August 17, 2004**

The Public Session of the Planning Board was called to order at 7:40 PM. by Chairman Frank Siefert.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

**PRESENT:** Frank Siefert, Birnie O'Reilly, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, and Donna Tyson.

**Also Present:** Solicitor Tom Coleman and Secretary Ken Palmer

**ABSENT:** Eric Goldstein, Christian Hochenberger, and Jose Talavera.

**MINUTES:**

A motion was made by Birnie O'Reilly and seconded by Councilwoman Alls-Moffat to approve the minutes of July 20, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 7/29/2004, copy of e-mail from Tamara Lee regarding using the Smart Growth Grant funds for Redevelopment project work.
2. 7/28/2004, copy of "Mayors Advisory" bulletin from NJLM regarding Cross Acceptance and the State Plan and the need for municipalities to ensure accurate data is in the plan especially as regards possible impact on COAH's proposed "3<sup>rd</sup> round regulations."
3. 7/20/2004, announcement from DVRPC of brochure on historic preservation, Municipal Implementation Tool #7: Historic Preservation.
4. 8/1/04, NJLM Announcement for early registration for annual league conference in November at Atlantic City.
5. 8/11/04, NJLM memo and Q&A sheets regarding the Smart Growth – Fast Track Law.
6. Five copies of the new Environmental Commission booklet.
7. Three vouchers/invoices as presented under New Business.

**OLD BUSINESS**

**Minor Site Plan, 300 Broad Street** – The chair reviewed that the issue was discussed last month. Mr. Coleman reviewed the discussion and the major issues concerning grading and permits regarding the parking lot, conversion from a residential apartment house to a business use, site lighting and ADA concerns. Tom feels that there are enough issues involved that in order to not set a precedent for doing things without official review that a full hearing is warranted. The hearing does not need to be a long drawn out affair, but the issues involved should be presented and reviewed in a public hearing for a site plan application. Code Official, Tony Dydek stated that a letter had been sent to the owner Mr. Moscia on 8/11/04 concerning the parking lot. He has received a phone message but has not yet spoken to Mr. Moscia. The chair stated that he concurred that while the original minor site plan may have been in order, the parking lot, change of use, etc. by the owner have precluded the original submission and that a full site plan was needed to address these issues. At a minimum, the increase in the parking lot size, change to hard paving, and size of stalls and handicapped access/spots should be reviewed. Donna wanted to know if the owner has been fined and if the paving performed wouldn't set a precedent. Tony stated he was not aware if fines were involved. Tom stated that fines are a Council issue and while not aware of specifics, feels Tony would be within his rights to at a minimum issue a violation notice with whatever penalties that may be involved stated in the notice. Tony stated that his primary goal at this time was to get the owner to submit and appear before the Board for site plan hearing. Birnie O'Reilly stated that she feels there is a process issue involved. She wants to know if all rights have been cut off, or is there some way of resolving the issues short of forcing things to be undone or levying excessive fines. She feels an investigation is needed. Tom stated that he does not know if an investigation will solve the problem. No one has said Mr. Moscia will or will not get the approvals needed. He needs to come in and do what is right by applying for and having a hearing on the issues. Birnie wants to know what the procedure is. Can people do whatever they want and then come in afterwards? There needs to be a clear process involved. Discussion ensued that Mr. Moscia is or should be aware of the issues

or processes involved as business man of long standing in the Borough. It is felt that the process is being followed in that it is being discussed in open forum and he is being asked to make the proper submissions and to appear before the Board. Muriel wanted to know if there was a time limit. Tony stated that Moscia has called and he returned the call but they have not spoken with each other. While there is agreement that time limits should be stated in any communication, it is realized some latitude is warranted in order to prepare the plan. Tony feels the dialog is open and that things are or will move forward. As to the hardships on the Smyths, while it is not the desire of the Board to worsen them, the Board must follow the proper procedures spelled out by law and the codes of the Borough. The Smyths have concurred that once they approached the Borough, procedures were clearly explained. They submitted the application, but the owner's actions have confused and complicated the whole issue. Birnie feels there needs to be a Certificate of Occupancy (CO) piece involved that will clearly define all these issues. While it is felt such a CO process may not currently exist, Councilwoman Alls-Moffat stated there is legislation currently before Council that will put some more teeth in the Borough's enforcement abilities. Birnie reminded the Board that such issues were among those that the proposed Commercial Property Maintenance and Registration ordinance addressed. The chair wanted to know if not paying required taxes on an apartment constituted abandonment. Tom stated this is not the same issue. It was concluded that the chair and Tony would continue to pursue the matter and see what develops by next month. While not present during the above portion of the meeting, Mr. Smyth did come into the meeting later. The above issues were reviewed for him and that there could be no approval until Mr. Moscia complied with the submission of a formal site plan application.

**Environmental Commission** – There was no report – the chair Christian Hochenberger was absent.

**COAH Administrator** – The mayor reported that Christian Hochenberger had been appointed to serve as the Borough's COAH Liaison for the remainder of 2004.

**Redevelopment** – Councilwoman Alls-Moffat reported that the committee had met at 6:30 tonight and was continued until next month. There has been no response from the state on the request to use the Smart Growth Grant funds. Donna wanted to know if the plan would address the large development in Cinnaminson on River Road. Tom stated the issue can be addressed. Donna feels the Borough does not reside on an island and that the potential impact of the Cinnaminson development should be addressed.

**Fence Ordinance Revision** – Donna Tyson reported that the committee has not met since last reported due to Kerry Brandt and Hank Croft being on vacation.

**New Development in Cinnaminson Township** – Donna Tyson stated that the sheer size and scope of this development means the town needs to be kept abreast of developments. Also, directions for the site take people through Riverton, which while of potential benefit to local business also presents an impact on traffic. Donna has several obtained various PR materials, sales brochures and floor plans. She reported that the Cinnaminson School system was now not accepting registrations from future development residents since the project is behind schedule and occupancy would not be before late spring at the earliest.

## **NEW BUSINESS**

### **Minor Site Plan Reviews:**

**Charles Caruso, at 531 Broad Street** – Mr. Caruso of 412 Lippincott, wishes to open a store in the area next to the Christian Science Reading Room. He would be selling antiques, photos he shoots and scarves made by his mother. He stated that his current hours would be at lunchtime and Saturday mornings. Birnie feels that regular hours should be encouraged at businesses and not just at the business owner's convenience. The applicant agrees and hope business will allow that to occur. Asked about parking, the applicant stated he believed there was parking in the rear of the building in a lot entered off of Cinnaminson Street. Donna asked if there were any changes to the store front and the applicant stated no just decorative. There being no further discussion, the chair stated he and Tony would approve the application and the applicant can come into the Borough office on Wednesdays, between 4-6 PM to pick up his approvals.

**Steven Skuder, at 525 Cinnaminson Street** – Mr. Skuder of 2168 Harbor Drive, Palmyra, desires to operate a storefront business that prepares, places, and handles items on internet sales sites. Customers drop off the items and, for a percentage of the sales proceeds; they will handle entire process of placing the listings on the web site through shipping the items when sold. The location is in the existing commercial building at the corner of Cinnaminson and Broad Streets. He wishes to erect a sign and will comply with all regulations. The types of items stored at the shop will not present a hazard in that they have to capable of being shipped using normal mail or shipping services. Parking will be in the existing lot. There being no further

discussion, the chair stated he and Tony would approve the application and the applicant can come into the Borough office on Wednesdays, between 4-6 PM to pick up his approvals. As a point of curiosity, Donna asked if there were ADA concerns with these types of applications. It was stated that that is a concern for the building inspector. And normally if there are no building renovations involved, it is not a concern.

**Vouchers and Invoices:**

1. 7/12/2004, Tom Coleman, \$400.00 for attendance at the June meeting.
2. 8/3/2004, Tom Coleman, \$400.00 for attendance at the July meeting.
3. 8/2/2004, Tamara Lee, LLC, \$212.50, for COAH Monitoring issues.

A motion was made by Mayor Martin, seconded by Councilwoman Alls-Moffat, and unanimously approved to pay the items as presented. The secretary will have them signed and submitted for payment.

**Miscellaneous:**

- Councilwoman Alls-Moffat stated she had approached Christian Hochenberger, about the Environmental Commission addressing the proposed cell tower on Lippincott. Christian was not aware of the issue. There was a question if the two new sheds on the property were part of this and it was stated the sheds are on another property, are unrelated to the issue and proper permits had been issued. The secretary reported that the potential site plan application by Omnipoint Communications to erect a tower on 601 Lippincott would come before the Zoning Board since use variances were involved and that currently the application had been placed on indefinite hold by the applicant. Ken further reported that he had received related materials regarding the filing of required impact analysis with the state for construction in or near registered historic areas.
- Birnie asked the chair if he knew of the absence of the three board members prior to the meeting and the chair replied he did not.

**PUBLIC COMMENT**

The meeting was opened to public comment.

- Ed Gilmore, 103 Main Street, asked Donna if she had more information on the development in Cinnaminson. He also called for it to be a Borough Redevelopment Plan issue. Donna reviewed details she had including projections submitted by the developer.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 8:45 PM.**

**Next meeting is on 9/21/2004 at 7:30 PM in the Borough Hall**

**Tape is on file.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
September 21, 2004**

The Public Session of the Planning Board was called to order at 7:30 PM. by Chairman Frank Siefert.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

**PRESENT:** Frank Siefert, Eric Goldstein, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, Jose Talavera, and Donna Tyson.

**Also Present:** Solicitor Tom Coleman and Secretary Ken Palmer

**ABSENT:** Christian Hochenberger and Birnie O'Reilly.

**MINUTES:**

A motion was made by the mayor and seconded by Councilwoman Alls-Moffat to approve the minutes of August 17, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. Invitation from Burlington County Dept of Economic Development and Planning to the Committee of 50 Annual Dinner Meeting and Golf Outing, 10/7/04
2. Bulletin from ANJEC announcing the 31<sup>st</sup> Annual Environmental Congress, 10/15/04, Mercer County Community College.
3. Announcement from Rutgers University of the Fall 2004 schedule of the Overview of Municipal Land Use Law for Planning and Zoning Board Members course.
4. Announcement from National Business Institute of the schedule of offerings of its Land Use Law Update in New Jersey seminar.
5. Bulletin from Steins & Weinroth, PC regarding Assembly Bills A-3155 (Realty Transfer Fee on purchase of real estate for over \$1,000,000) and A-3128 (payment of estimated income taxes on real estate transactions by non-residents).
6. Copy of Borough ordinance 2004-9 amending Chapter 22 to include the Planning Board Checklist
7. Two copies (Board and E.C.) of cover letter from State DEP, Division of Water Quality regarding a draft of the NJ Discharge Elimination System Stormwater Discharge New Master General Permit for Cat 13 – Mining and Quarrying.
8. Copy of parts of Moorestown ordinance regarding real estate signs.
9. Copy of memo from Tamara Lee to mayor and Council regarding responses to questions related to a meeting held on the cross acceptance process.
10. Copy of letter to mayor and Council regarding final draft of a letter sent to Paul Drake of the Office of Smart Growth by Tamara Lee as requested by the Borough which requests permission to change the scope of work to be performed under the grant to redevelopment related efforts and providing a proposed scope of work to be performed.
11. Announcement from Princeton Hydro, Environmental Consultants, of the opening of their office in South Jersey.
12. Announcement from the Delaware Valley Smart Growth Alliance of the launching of the Delaware Valley Smart Growth Alliance.
13. Received 9/21/04, a 9/11/04 letter from Fred Hardt regarding the destruction of client files older than seven years and requesting that clients make arrangements to retrieve them if they do not want them destroyed.
14. One voucher/invoice as presented under New Business.

## **Minor Site Plan Reviews:**

### **300 Broad Street, Parking Lot Issues and Commercial Use:**

**Parking Lot** – Tony Dydek reported that he had visited the site to measure the parking lot which is approximately 50 feet wide by 100 feet deep. He discussed the letter to Mr. Moccia stating he had to appear before the board regarding enlarging of the parking lot and that Mr. Moccia needed to check with County to see if they had any problems with the work. Mr. Moccia informed him he had sent a letter to the County. The survey included with the submission to the County was from 1981 showing a concrete strip driveway coming off Broad Street. There are varying stories as to when the parking area was created. Since Mr. Moccia is not prepared nor has he submitted a Site Plan application, Tony advised him to appear before the board to discuss what exactly was at issue and what needed to be done regarding formal submissions and reviews. Related to this issue, it appears that the Smyth's may back out of the plan to use the first floor of the building as a shop selling furniture and accessories reclaimed from Mr. Smyth's foreclosure business. The chair stated that he feels these are separate issues since the commercial use involves the Smyth's as potential tenants and the parking lot involves the owner. Tom Coleman stated that the issues are intertwined but should be considered separately. He reviewed that enhancing the parking lot requires a site plan review. Councilwoman Alls-Moffat discussed a letter from the County Engineer regarding the parking lot and his discussions with Mr. Moccia. The mayor stated he feels due to Mr. Moccia's long standing status as a major property owner/taxpayer and resident that a quick and hopefully favorable resolution to the issue should be reached and that he doesn't want Mr. Moccia to be treated unfairly. Eric Goldstein stated that this has no bearing, everyone needs to be treated the same and the rules must be followed by everyone. Councilwoman Alls-Moffat stated that she doesn't recall there ever being a parking lot of the size now existing. She doesn't have a problem with the lot's existence, but rather the fact that proper procedure has not been followed. The County Engineer is expecting details before a decision or opinion can be rendered. While there are latitudes for private property, this is a commercial site and the proper process has not been followed. Donna Tyson commented that public parking is a problem throughout the town; however paved areas concern her and she prefers stone where possible. She also wants to ensure fair treatment of everyone involved. Eric Goldstein stated that there is a relationship between use and form regarding number of spaces, lighting, ADA access issues, etc. and feels it is hard to separate the site use and parking lot issues. Jose Talavera concurred that the issues are closely related. Tom Coleman stated that the issues can be separated. The paving of the lot is one issue. The use of the lot is separate and should be considered as part of the commercial use. Donna asked if Mr. Moccia had made any application(s) to the County. Mr. Moccia stated no since in his mind he has not done anything wrong or that required an application and formal review. The chair asked Tom if this is a minor site plan or regular site plan issue. Tom replied that the issues involved required a formal site plan application and review with required service of notice, publishing, etc. The chair asked Mr. Moccia to discuss his concerns with the board. Tom Coleman advised Mr. Moccia and the board that any discussion at this time is informal and informative only. Until a formal application is made and a hearing conducted, the board cannot render any decision. This was understood by all sides. Mr. Moccia presented his side of the issue. He stated that he has owned the property for 30 years and the area in question has always been used as a parking lot. There is a continuing history of use by trucks and other vehicles for parking in the area. He cited the Borough code Section 126(sic)-65C regarding parking lots and stated it was his opinion he had done nothing more than ensure that the existing parking lot was up to Borough code. He feels that there are many instances of areas being illegally used for parking, that the areas are not to code, and that all he was doing was ensuring his area was to code. It is still used for parking as it has always been. He did not try to "sneak" in a new lot. Councilwoman Alls-Moffat stated she recalls that 30 years ago there was only a driveway shielded by shrubs from the house as well as the highway. There was no garage or parking lot. Mr. Moccia stated that parking has occurred there constantly for the past 10 to 15 years. Muriel stated again she doesn't object to a parking lot in itself. Rather, her concern is there was no application or plans or review concerning ADA or lighting requirements. The lot just appeared where there was never anything of that size before. Mr. Moccia contended that he didn't think he had done anything wrong. He had undertaken to bring an area used as a parking lot up to code standards. The chair stated he hoped to clarify the issue and have everyone leave with a clear understanding of what is needed to rectify the situation. Jose stated that the section of the code involved is 128 not 126. Jose also started to discuss the use of the lot, which Tom Coleman again stated was not open for discussion at his point. The chair asked Tom what is needed. Tom stated that a review and certification by an engineer as to the lot's location, construction, etc. needs to be submitted for site plan review. The chair stated that until the application is submitted and a proper hearing scheduled and held, further discussion should be tabled. Donna Tyson reiterated that she would prefer a "softer" surface such as stone. The chair reviewed discussions in Council regarding issuing of citations and penalties and he commended Tony Dydek and Mr. Moccia with trying to handle things without the need for citations.

**Commercial Use** – Discussion then moved to the application by Glen Smyth to operate a retail store on the first floor of the property. The chair asked the applicant to review the type of business planned. It would sell material obtained through his foreclosure business. The retail use is permitted in the NB zone. Mr. Smyth did not know how much traffic would be generated by the proposed business. He feels a certain

amount will be walk up. The chair asked if the foreclosure business was retail. Mr. Smyth stated that it is not and is operated as a separate entity. The chair asked Tom if the use, parking concerns, and other issues such as handicapped access which are related to the proposed operation require a full site plan review. Tom stated that while a permitted use, a change of use from residential to commercial requires a site plan review. Handicapped access to a commercial operation, handicapped parking, proper lighting of the site and parking are all also issues that properly require a full plan and review. Thus it is outside the realm of a minor site plan application. Mr. Smyth inquired as to why he had not been informed of all this back in July. Tony stated that it was mostly his fault in that he was unaware of the residential use history of the site and then the parking lot issue surfaced, etc. Mayor Martin asked if he was allowed to comment even though he needs to recuse himself from any deliberations. To Coleman stated that in his capacity as a board member, that would be unadvisable. Donna feels that it is unfortunate that things have dragged on; but she recalled that even in July there were concerns that needed to be answered by Mr. Moccia and that he had been asked repeatedly to make himself available. She hopes the issues can be quickly resolved and that the board will do whatever is legally possible to "fast track" the issues. Jose asked if they were not presently operating the business. The answer is no, not since they were informed that they could not. Muriel recapped that two separate site plan applications were to be filed. Jose stated that Mr. Smyth's application needed to address the handicapped parking and lighting issues for the business. The availability of a checklist to help the applicants was discussed and it was stated that the previously adopted checklist is now part of all packages.

**529 Main Street, Ice Cream Parlor** – Maureen and Mark Miller, 608 Thomas Avenue, wish to open an "authentic, Victorian style" ice cream parlor in the commercial structure at the above address. The location is currently vacant. It will feature authentic décor. It will feature inside seating; possibly up to six tables. Business hours would mostly be "after dinner" and other hours traditionally not in conflict with traffic generated by the more traditional business hours. They have a target date of March 2005 to open. Muriel asked if off street parking is a requirement for eating establishments especially those that feature seating. The applicants testified that they hoped that existing curb and the Borough lot parking would suffice the needs. The chair asked what the off street parking requirement was for this type of establishment. It is one parking spot for every three seats. The former use of the store was a consignment shop. Tom Coleman stated that unfortunately the matter could not be considered as a minor site plan unless there is testimony that sufficient off street parking is dedicated to the business' use. Again, the applicants stated they hoped to utilize the Borough lot and or Mr. Moccia's lot at 300 Broad. Tom Coleman related that similar issues arose with the restaurant at 517 Howard. Variances for the parking necessitated a full site plan review. This is even more of an issue here since the site has no off street parking. It was reviewed with the applicants that a plan showing the proposed seating was needed. They also need to be prepared to address trash, hours, lighting, etc. Muriel wanted to know if there was parking behind the building in the area entered off Cinnaminson Street. Yes there is but it is not available to the public; as it is for the residents along Broad Street. Mr. Moccia wanted to know if they can use the lot at 300 Broad Street. Tom stated that type of testimony is among the many things that can be considered at the time of the hearing. The applicants stated they would like a letter outlining what they need to do. It was explained that the checklist with the application should answer their questions. The applicant is concerned that every time they come in they are told something different and they want something in writing addressing their specific needs so they need to now what they have to do before the meeting. The mayor asked who they could talk with to get their answers. Muriel stated that the checklist should answer their questions. In answer to the question of why a minor site plan was submitted in the first place, it was determined that it was an accident and that better familiarity with the site would have helped prevent this kind of unfortunate occurrence. The chair asked who determines what type of application if any is needed. Tom stated it is not the clerk's job; it is the professionals such as Tony and others present on Wednesdays. The mayor feels that the ability of going through a walkthrough would be helpful; or at least some form of verbal review. The chair apologized for any confusion created as everyone learns the process. They will not be penalized for the incorrect submission that was the Borough's error to issue it to begin with. The chair reviewed the difference between a minor and regular site plan application. As to Donna's suggestion that there be cut and dry simple way of determining what is needed, Tom stated there are too many nuances to do that. The mayor stated that during some intervening discussion, he believes the Borough's Code Officer would be willing to go over some things after the meeting. It was stated, and it is mentioned on the checklist, that applicants are encouraged to seek professional assistance/representation when preparing and submitting a site plan or subdivision application.

## **OLD BUSINESS**

**Environmental Commission** – There was no report, Christian Hochenberger was absent.

**Redevelopment** – Councilwoman Alls-Moffat reported that members had attended the Cross Acceptance meeting which went well. Council's engineer was also present. The plan is moving forward with only

minor changes so far. The committee will be attending a County meeting later in the month.

**Fence Ordinance Revision** – Donna Tyson reported that the committee has not met since last reported due to scheduling conflicts. The chair, Kerry Brandt, stated he was going to speak with the zoning board's solicitor regarding what role the ARC can play if they are to be part of the fence review process. Councilwoman Alls-Moffat wanted to know why something as simple as a fence ordinance was taking so long. Perhaps if the committee cannot do it someone else should. Donna stated that work is almost finished and she feels good progress has been made on what is and has never been a simple subject to address in the town. The secretary related that Kerry's schedule has been very full and his job and zoning board position have made tremendous claims on his time. Muriel again stated she thinks the process is dragging on too long. Donna asked if the chair might contact Kerry to relay the sense of urgency developing over the project.

**New Development in Cinnaminson Township** – Donna Tyson reported that Cinnaminson Township has had the project's traffic study reviewed by its professionals. Donna wanted to know if the study included the impact on Riverton's streets especially since the developer directs traffic through Riverton to get to the site. She also wants to know if Riverton has access to the information since it does impact the town. She met with the engineer contracted by Cinnaminson Township to review the study. She also met with their traffic engineer. Main Street and Broad Street were considered in the study. The study is predicting 100 additional cars in the area during peak hours. Donna is not certain but feels this study only pertains to Section 1. The area will be considered a C or D level of service. The report did not state what the area is considered now. The developer is appearing before the Cinnaminson Planning Board on 9/28 to review the traffic study. The engineer who did the review will be there with many questions. Donna feels that Borough officials as well as concerned residents of the Borough should appear and make sure the Borough's interests are properly represented. People interested in any of the submissions and studies can obtain them or review them at the Cinnaminson Township offices. She is particularly concerned on the impact on Cedar Street and the park. Donna also is concerned that the study may pre-date operation of the light rail and thus did not consider its impact on traffic flow. Donna feels it directly impacts the Borough's considerations in the business district as well as the redevelopment area. Donna stated she would contact Council's streets and roads committee chair.

## **NEW BUSINESS**

**Fred Hardt, Old Records** – The chair requested the memo and stated he would contact Mr. Hardt regarding the old records.

### **Vouchers and Invoices:**

1. 9/9/2004, Tom Coleman, \$400.00 for attendance at the August meeting.

A motion was made by Jose Talavera, seconded by the mayor, and unanimously approved to pay the item as presented. The secretary will have it signed and submitted for payment.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

- Gene Bandine, 522B Main Street, has lived in his apartment since 2001 and lived in the area since 1969. He maintains a parking area has existed in the area discussed at 300 Broad Street. He wants to know who can tell Moccia how many vehicles he is allowed to have parked there. As for run-off, he stated water does not run off the property on to the street or neighboring property. There is plenty of lighting from street lights and now the station lights. Did the dance studio when it was present have to address parking issues? If not why now? Let's not get too up tight with everyone. Jose stated that many requirements are new laws and now must be enforced.
- Charles Caruso, 412 Lippincott Avenue, appreciates the board continually re-accessing itself and learning from its mistakes and thinks it is commendable when a professional stands up in public and says it was my error and will work to make the situation work.
- Frank Cioci, 408 Lippincott Avenue, wanted to know if Mr. Moccia kept the property as strictly residential would there still be the issue of the paved lot. The answer is yes, since impervious paving requires coverage and drainage review. Does this apply everywhere? As far as is known, for impervious paving, yes.
- Michael Heine, 206 Carriage House Lane, supports that applicants should seek professional counsel. While he understands the wish to help the applicant he feels it is unfair to the board and its solicitor to offer assistance since they have an obligation to the Borough and what happens if the advice is misinterpreted. It is healthier for everyone concerned if separate representation/assistance is used. As to the Moccia matter, the ordinances are clear and procedural tracks exist to guide the Borough and its officials. The process must be followed. A property owner is free to do what he wants with his property as long as it is not improper. He should not have to come before a board to determine this. If something improper is done, the zoning officer is obligated to notice the property owner of the violation and summons must be filed. This makes it clear to all concerned exactly what is at issue. When a notice is served it should serve to make sure there is no question on either side as to what is at issue. Once that has occurred, if there is a violation, it is up to the court not the board to decide. The board's solicitor should advise on what the procedural tracks are and the duties of everyone. The rules should be followed. Mr. Heine feels that when personal conflicts arise the board member should remove themselves from the dais until the discussion is over.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 9:22 PM.**

**Next meeting is on 10/19/2004 at 7:30 PM in the Borough Hall**

**Tape is on file.**

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



**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
October 19, 2004**

The Public Session of the Planning Board was called to order at 7:32 PM. by Chairman Frank Siefert.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

**PRESENT:** Frank Siefert, Birnie O'Reilly, Donna Tyson, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, Jose Talavera, and Robert Smyth.

**Also Present:** Solicitor Tom Coleman and Secretary Ken Palmer

**ABSENT:** None.

**REORGANIZATION:**

The chair announced that Eric Goldstein and Christian Hochenberger have resigned from the board. The mayor has appointed Donna Tyson to fill the remainder of Eric's term and Robert E. Smyth as a new alternate. Donna and Bob were sworn into their positions prior to the meeting by board solicitor Tom Coleman. A replacement for Christian has not been appointed yet. The new board representative to the Environmental Commission will be discussed at the Environmental Commission meeting on 10/21. The position of a vice chair was not discussed.

**MINUTES:**

A motion was made by the mayor and seconded by Tony Dydek to approve the minutes of September 21, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. Two copies of a brochure on the transfer of development rights, Municipal Implementation Tool#8: Transfer of Development Rights from the DVRPC Outreach series of publications.
2. Site Plan Applications from the Millers and Mr. Moccia – distributed to the board, and where applicable to board professionals.
3. Copy of proposed revisions to the Borough's current Development Fee Ordinance prepared by Tamara Lee for Council – distributed to the board for review.
4. 10/12/2004 follow up from Fred Hardt's office regarding two unpaid invoices.
5. 10/18/2004 e-mail from Mary Longbottom concerning need to reprint copies of the Borough Master Plan – costs come out of the board's budget.
6. Copies of the letters from the mayor to Donna Tyson and Bob Smyth regarding their appointments on the board.
7. One voucher/invoice as presented under New Business.

**PUBLIC HEARING:**

**APPLICATION FOR SITE PLAN APPROVAL WITH RELIEF FROM OFF STREET PARKING REQUIREMENTS AND ANY OTHER VARIANCES NEEDED TO OPEN AN ICE CREAM PARLOR AT 529 MAIN STREET, BLOCK 903, LOT 26, BY THE FOUR MMMM'S, L.L.C., 608 THOMAS AVENUE, RIVERTON NJ:**

**Continuance** – During review of the jurisdictional requirements, it was discovered that the published notice in the newspaper had not been completed in the prescribed time – it must be published no less than 10 days prior to the hearing date. All other jurisdictional requirements have been met. Tom Coleman informed the board that if they were satisfied all other requirements had been met; a continuance was in order so the applicant could re-publish the notice. After review with the applicant and applicant's counsel that the notice would have to be republished within the prescribed time, the applicants requested a continuance. Birnie O'Reilly made a motion seconded by the mayor that, at the request of the applicant, the hearing be continued conditioned that the notice is published according to statute. There being no further discussion, the question was called and the motion passed unanimously by voice vote to the effect that:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application of The Four MMMM,s for site plan approval is continued, applicants having requested an extension of time for consideration of the matter until the next regular meeting of the Board on November 9, 2004 at 7:00PM.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

## **OLD BUSINESS**

**300 Broad Street, Parking Lot Issues and Commercial Use** – Mr. Moccia stated he was in the process of securing additional engineering drawings as well as new counsel representation. If he can accomplish these items in time, he intends to publish and notice that his application will also be heard on November 9<sup>th</sup>. He will maintain contact with the secretary regarding scheduling and getting on the agenda.

**Environmental Commission** – There was no report.

**Redevelopment** – Councilwoman Alls-Moffat reported a first reading on the revised plan was tabled by Council until next month so everyone can thoroughly review it.

**Fence Ordinance Revision** – Frank reported that he had called Kerry Brandt. Donna Tyson reported that she had sent e-mails to other members of the committee, the chair Kerry and Hank Croft. The revised ordinance is close to being ready, but it has been a long and complicated process to review the changes given the delicate nature of the subject in the town. Muriel again stated she thinks the process is dragging on too long and doesn't think it is that complicated an issue. Donna reiterated that the review had been thorough; the format is being changed to make it easier to read, understand and follow; and hopefully the new revised ordinance will lessen the frequent need for variances for fences. Birnie commented she thought it was admirable that the committee was thoroughly researching the issue. On a related matter, Jose asked about the new fence being erected at 204 Broad Street. The secretary reviewed that the approval for the fence replacement was given to the owner as part of the approval of the site plan application to operate a bed and breakfast establishment.

**New Development in Cinnaminson Township** – Donna Tyson reported she had attended the last meeting of the Cinnaminson Planning Board, that there were only eight people in attendance, and none of them were residents from Cinnaminson Township. The developer was awarded final approval on 148 units. The township is under the gun from the court to approve the development and some feel they are almost reduced to rubber stamping the plans presented to it. There are concerns about trash removal plans and parks and recreation areas. There are three isolated wetland areas that are not clearly shown on the plan. Donna feels it is all about achieving the maximum density permitted. It appears it will be late next year before any units come on line. The traffic study does pre-date the light rail and Donna and others are concerned that all the changes due to the light rail make the study completely irrelevant to actual conditions that currently exist. Copies of the traffic study have been requested for review as it pertains to Riverton. Donna referred to articles describing the state's position that traffic issues transcend community boundaries and impact on neighboring towns need to be considered. The Borough needs to keep abreast of developments on this project. Bob Smyth feels the Borough should establish a rapport with Kaplan to ensure that the town gets its share of the pie since right now its promotional literature just refers to Cinnaminson and not the neighboring communities. It should be a regional approach. The mayor asked Tom Coleman if there was anything the Borough can do. Tom said that not much officially can be done. He reviewed that Kaplan brought the site from the developer who won the builder's remedy suit against the township. While the comments and concerns of the Borough and/or its citizens should be given consideration, Tom feels that due to the suit, Cinnaminson officials are almost paralyzed by the mandates handed down by the court. Donna asked if changes were possible if the approval was based on flawed information, i.e. the traffic study. Tom again stated that the township's discretion in the matter had basically been stripped by the court mandate. There was additional discussion of how a builder's remedy suit can strip a communities right to self decision and how the Borough is protected from same by its COAH Substantive Certification of its Affordable Housing Plan. It was again mentioned that the scope of the project and its impact on the Borough's housing and businesses must be monitored.

**Fred Hardt, Old Invoices** – The secretary reviewed the note from Fred's office and stated he would once more follow up on it.

## **NEW BUSINESS**

**November Meeting and Conflict with Annual League of Municipalities Conference** – The chair asked if there were conflicts with the regular meeting scheduled for November 16. There were conflicts and it was determined that the board would meet on a different date and time in an attempt to accommodate all interests. Following discussion, a motion was made by Birnie O'Reilly, seconded by the mayor, and unanimously passed to move the regular meeting to November 9, 2004 at 7:00 PM. The secretary will have the appropriate notice published in the paper and posted on the bulletin board.

**Informal Presentation by Vince Fumo on Development of 604 Broad Street** – Mr. Fumo presented his preliminary proposal to erect town homes on the vacant parcel at 604 Broad Street in the NB district. He was informed that the Borough would prefer to see commercial use of the site. In addition, Mr. Fumo was informed that town homes would require a use variance since town homes are not allowed anywhere in the Borough and that use variances must be heard by the zoning board. Board members also commented that the types of businesses adjacent to the site and the location on Broad Street would not be best suited to residential development. In addition it was discussed that the Borough has an issue with existing density and the desire to alleviate it where possible. Tom Coleman informed Mr. Fumo that a mixed use plan of businesses that have an upper level apartment are a conditional use that can be considered.

**Vouchers and Invoices:**

1. 10/7/2004, Tom Coleman, \$470.00 for attendance at the September meeting and general legal services.

A motion was made by Birnie O'Reilly, seconded by the mayor, and unanimously approved to pay the item as presented. The secretary will have it signed and submitted for payment.

**Review of Development Fee Ordinance Revisions** – Tom Coleman discussed the current ordinance and how the proposed revisions were made to track with the new substantive rules and regulations currently under review for COAH's third round. The revisions would become effective only if the state revisions become effective. The changes are not arbitrary but are based on COAH's proposed changes. The chair asked what action is required by the board and Tom replied the mayor and Council wished the board to review the changes and if the board's opinion was favorable, the changes could come back for a first reading in November. The board's recommendation should be in the form of a motion. Asked if the percentages in the ordinance could be deviated from, Tom stated that would not be a good idea and that all developers should be treated the same. Asked how the proposed numbers fit with other communities, Tom replied that they would be in line since most communities also take their lead from what comes down from COAH. Following discussion, a motion was made by the mayor, seconded by Birnie O'Reilly, and unanimously approved to recommend that Council consider the proposed revisions as prepared by the Board's Planner Tamara Lee.

**Reprint Copies of Master Plan** – The secretary reviewed Mary Longbottom's e-mail requesting permission to reprint and prepare 20-25 copies of the plan at an approximate cost of \$300.00. They copies are sold by the Borough to recoup the cost. It was asked if board members could/should have a copy and the answer was yes all members should have a copy. It was discussed that the Master Plan was adopted by Council and that it was due to be reconsidered soon. A motion was made by Donna Tyson, seconded by Tony Dydek, and unanimously approved to allow Mary to procure additional copies with the provision that all board members as needed obtain a copy. The secretary requested that if copies of this document as well as other ordinances are needed by the members that they contact Mary directly.

**MISCELLANEOUS**

**Costs of Reprinting the Master Plan** – Birnie stated she thought the cost was high and wanted to know if Mary had permission to shop the job around. No one knew for sure. The mayor stated he thought she had permission to shop around but could also use her discretion to ensure that the complete job of providing a finished product was done properly.

**Names on Agenda** – Birnie O'Reilly asked the secretary if the names of presenters of items could be included on the agenda. The chair replied that he would have them on next month's agenda.

**PUBLIC COMMENT**

The meeting was opened to public comment.

- Michael Heine, 206 Carriage House Lane, commented on the Cinnaminson development saying Borough missed the boat when the item was in the courts. The Borough must be represented at the Cinnaminson hearings by professionals. He cautions that although master plan and zoning protect Borough today from builder's remedy, if redevelopment opens door to any residential development it also opens door to builder's remedy. COAH agreements do not bind the court in its decisions. He

addressed fair treatment issues. He wants to know why the Millers have to go through a site plan approval if Moccia hasn't been cited for his parking lot. Muriel stated that the law was in action. She doesn't feel fines, etc. are the first stage, but if honest mistakes are made and steps are being taken to resolve them, then let things proceed. If that doesn't work then stronger steps can be taken. Mr. Heine disagreed. Tom Coleman stated that enforcement issues not appropriate before board, they are a Council issue. Donna asked how the board should address the parking issues on the Miller application to which Tom replied that he will guide the board as appropriate at the time of the hearing. Frank stated that he was pleased that attempts were being made to try and resolve issues in the least rancorous way possible. Mr. Heine later commented that underutilization of existing property is a problem that needs to be fixed first before changing zoning.

- Frank Cioci, 408 Lippincott Avenue, commented that he feels both personally and professionally that town homes are an appropriate use in town especially as they afford older citizens an alternative to the large homes they may wish to leave but don't want to leave the town. Jose asked what it takes to change the zoning laws and it was answered that it usually starts with a change to the Master Plan which is drafted by the planning board. The mayor agrees with Mr. Cioci.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 9:14 PM.**

**Next meeting is on 11/9/2004 at 7:00 PM in the Borough Hall (SPECIAL DATE AND TIME!)**

**Tape is on file.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
November 9, 2004**

The Public Session of the Planning Board was called to order at 7:05 PM. by Chairman Frank Siefert.

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 October 22, 2004.
2. Required Service of notice and publication in the Burlington County Times on October 29, 2004.

**PRESENT:** Frank Siefert, Birnie O'Reilly, Donna Tyson, Christopher Halt, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, and Robert Smyth.

**Also Present:** Solicitor Tom Coleman and Secretary Ken Palmer

**ABSENT:** Jose Talavera.

**REORGANIZATION:**

The chair announced that Christopher Halt had been appointed by the mayor to replace Christian Hochenberger and to also serve as the board's representative on the Environmental Commission. Christopher was sworn in as a member prior to the meeting by board solicitor Tom Coleman. The position of a vice chair was not discussed.

**MINUTES:**

A motion was made by the mayor and seconded by Councilwoman Alls-Moffat to approve the minutes of October 19, 2004, as distributed. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 10/21/04, copies of letter to mayor and Council from the Environmental Commission urging action on a Stream Corridor Protection Ordinance – copies distributed to non-Council/government members.
2. 10/21/04, letter to the chair, with copy to zoning board from the Environmental Commission requesting that the requirement that the boards make available informational copies of development applications be observed in the future – copies given to the board.
3. Copies of a brochure on Open Space and Resource Planning Services from the DVRPC.
4. Revised Site Plan submissions from Ott Engineering for the Moccia Application – copies distributed to the board.
5. Review letter from board engineer concerning the Moccia Application – copies distributed to the board.

**PUBLIC HEARINGS:**

**APPLICATION FOR SITE PLAN APPROVAL OF A PARKING AREA PAVED AND EXPANDED AT 300 BROAD STREET, BLOCK 801, LOT 13, BY MOCCIA PROPERTIES, LLC, 530 MAIN STREET, RIVERTON, NJ:**

**Continuance** – The chair and secretary reviewed a letter from the applicant's attorney requesting a continuance so they could properly review and address as needed the site review submitted by the board's engineer. Councilwoman Alls-Moffat made a motion seconded by the mayor that, at the request of the applicant, the hearing be continued. There being no further discussion, the question was called and the motion passed unanimously by voice vote to the effect that:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application of Moccia Properties, LLC for site plan approval is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on December 21, 2004 at 7:30PM.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

**APPLICATION FOR SITE PLAN APPROVAL WITH RELIEF FROM OFF STREET PARKING REQUIREMENTS AND ANY OTHER VARIANCES NEEDED TO OPEN AN ICE CREAM PARLOR AT 529 MAIN STREET, BLOCK 903, LOT 26, BY THE FOUR MMMM'S, L.L.C., 608 THOMAS AVENUE, RIVERTON NJ: (CONTINUED)**

**Introductions and Housekeeping** – The mayor recused himself from the matter and stepped down until the conclusion of the hearing. Joe Threston, attorney for the applicants was introduced. Board solicitor Tom Coleman reviewed that with the re-publishing of the notice all jurisdictional requirements have been met and the matter could be heard. The applicants were sworn in.

**Testimony and Board Questions** – The applicants testified under questioning from their attorney and reviewed the plans to operate an ice cream parlor at 530 Main Street under the name of Four MMMM's, LLC. The business will have 24 seats. There is no off-street parking available at the site and they are seeking a variance from the eight off-street parking spaces required for their type of establishment. They feel that there is sufficient on-street parking as well as space in the nearby municipal lot. While classed as a restaurant, the applicants plan to serve only ice cream related items and will operate as an ice cream parlor type of business. There will be no outside seating. The shop will initially operate on a seasonal basis from March through October. Tentative hours are: Monday – closed; Tuesday-Thursday – 2-10:00 PM; Friday – 2-11:00 PM; Saturday – 12-11:00 PM, and Sunday – 12-10:00 PM. No exterior renovations or alterations are planned except perhaps an approved sign and hopefully an awning that will not interfere with the public right of way. Donna Tyson noted the sensitivity over noise and parking issues related to Tony's Seafood restaurant and feels the board should be aware of that and consider it in their decisions. Mr. Coleman asked if the applicants or their attorney knew how many spaces were in the municipal lot. They were not sure but thought it was greater than 10 and less than 20 and feel more than enough spaces exist. Donna Tyson stated she feels the lot should be used for down town businesses and that use by residents of nearby apartments discouraged except in evenings. Councilwoman Alls-Moffat stated she thought there were two handicapped spaces and 16 or 18 regular spaces in the lot. Tom Coleman stated that there appeared to be more than enough spaces in the lot to meet the requirements of the applicants and the board could consider this if it so wished. Donna wanted to know if parking was permitted in the small lot in front of the hair salon across the street. It was stated that the lot is private and supposedly reserved for the patrons of the salon and the residents of the upstairs apartment. It appears that the lot is used by others, even if it is posted otherwise. It was asked if the lot by the Borough Hall and Fire House could be used. It was stated that this lot is also posted and is supposed to be for fire or Borough business only. It is supposed to be kept clear other wise to allow for emergency response personnel to have a place to park when necessary. The board asked if there was any concerted effort by the businesses in the area to coordinate their hours. It was not known but is most likely case by case and depends on the type of business. Mr. Coleman stated that as he recalled, the hours at Tony's may have been set as part of the approving resolution. It was asked if the applicants felt a fair amount of business would be walk up and the answer was yes. Trash would be stored in the rear until placed at the curb on normal collection days. The amount of trash is not contemplated to exceed the normal amount permitted for regular collection. Donna feels that any businesses in the area need to be sensitive to the residents in the area and that deliveries, noise and other related items need to be considered. Tom Coleman stated that delivery hours and location can be considered in any approvals. Birnie O'Reilly stated that any lighting should be downcast only and she hopes that all design considerations for the entire building be coordinated and unified. As to the location of any awning, it was stated that plans would only have it extend over the planters and not the sidewalk. Most likely it will be a small fixed type.

**Public Comment** – The hearing was opened to public comment:

- Laureen Lewonski, 515 Howard Street, has parking concerns. She feels that any new businesses that don't have parking should only be allowed if she and other residents have dedicated parking. She has issues concerning hours of operation, noise, kids, etc., and feels that Borough officials are not responsive. She stated she is tired of acting as a de facto code enforcer since nothing appears to be done by the appointed officials. She doesn't want to be forced to take things further. The chair and Tom responded that problems or enforcement of the hours of operation or designation of parking spaces are not board issues. The board can set the hours but not enforce them. It is Council's responsibility to deal with parking issues. Code Officer Tony Dydek responded that he has dealt with any issues concerning Tony's that have been referred to him and is not aware of any outstanding items. Birnie stated that the owner of Tony's and the owner of the property

should come before the board to petition for a change of hours if needed. Muriel wanted to know if Tony's Seafood was relevant to this hearing since it is not the same business. Tom Coleman stated it was relevant if the same people appear to be effected; but that this application should stand on its own merits and not be tied to the operation of another business. Donna stated that it appears specific parking needs are addressed in other towns and she does not have a problem with that. Donna feels the Borough needs to address the issue. Everyone needs to work together. Limits are okay as long as they work for all concerned. Bob Smyth asked Tom if the board can stipulate hours and parking. Tom replied the board can suggest hours if they are not submitted and can certainly work with applicants if it feels hours of operation present a significant factor in considering the application. The board cannot grant designated parking as part of its approval; that is a Council/town matter to be addressed. The board is charged with crafting a resolution that is coexistent with the applicant's desires and the resident's concerns. Birnie feels that the board could make a pledge to the people experiencing problems and who have been made promises that it would champion or support their cause if they take it to Council. It was mentioned that hours of operation are an enforcement issue and have been presented to Council. The chair stated that the board needs to stick to the issue at hand; the application. Birnie stated she feels the issue warrants further discussion among the board.

- Michael Heine, 206 Carriage House Lane, applauds initiatives to create new businesses in town especially where such businesses are permitted and serve to promote the goals of the master plan. The proposed business is not the issue, parking is the issue. It is not realistic to keep counting the same parking spaces. A survey is needed to establish use of parking. The board does not connect with the Council. There appears to be no enforcement of complaints. Tony Dydek stated he was not aware of any complaints that had not been addressed. Mr. Heine, referring to "Cox" stated the application violates case law in that variances of the type being requested must be grounded in conditions peculiar to the site and if the problem is generic to all properties, the remedy is a revision of the ordinances. Mr. Heine stated that the parking problem is not peculiar or limited to the case before the board but to all the shops in the area. Nothing should be done on this application unless the board has the exact approval granted to the owners of the property occupied by Tony's Seafood. Parking and business issues should be separated. He went on to discuss how he feels the board should address the issue and how to pursue the matter further with Council. Muriel asked Michael how he would solve the parking problem since Council has tried to solve the problem for three years. She went on to state that land is not available to provide for more municipal parking; this is a perfect type of business for the town; the police department has stated that localized dedicated parking is not feasible; she applauds Michael's thoughts regarding parking, but she does not see a solution at hand. The chair asked that the public be heard and discussion be held until the public was done.
- William H. Harris, 502 Cinnaminson Street, recalled a previous similar type of business and is concerned with the generation and removal of trash. The applicant stated that much of the material is recyclable and/or reusable. Mr. Harris feels the awning is a nice idea.
- Ms. Lewonski, feels there is no acceptable response to the monitoring issue. She was informed that it had been stated that monitoring and enforcement are not board issues. Tony Dydek stated that such issues were his in his capacity as Code Enforcement Officer and were addressed when he was notified of them.
- Mr. Heine, replied to Muriel that the board does not solve the parking problems of the town so he would not answer her at this meeting. He stated he has serious disagreement with her facts, her judgment, her prognosis and her planning capabilities. The chair stated that comments should be restricted to the application and personal remarks had no place. Mr. Heine stated the only issue before the board tonight is whether to allow seating. There is a recognized relationship between seating and parking. He urges the board allow the use but limit seating. The chair responded that comments must be kept to the subject and to please refrain from comments of a personal nature which are inappropriate.
- Frank Cioci, 408 Lippincott Avenue, asked if the board planned on voting on the matter tonight. The answer was yes.
- Ms. Lewonski, stated there are noise ordinances in the town and wants the issue considered.

There was no further comment and the hearing was closed to public comment.

**Deliberation and Vote** – The board deliberated on the matter. Donna asked if the hours for Tony's Seafood were only to 9:00 PM. Tony Dydek responded that was true; however, from an enforcement point of view, he does not feel he can enforce that a business be closed as of a stated time as long as the business takes steps, i.e., last serving, etc. that attempts to have the business able to close at its stated time. He stated you can't enforce that

they have to ask patrons to leave on the dot of closing time. That's unrealistic. Donna feels that if the hours are different, the two businesses won't be in that much direct competition for the same parking spots. The chair feels Tony's is more a destination type of business while the Miller's business will be more a local related business. Muriel is concerned that if the later hours are granted it will set a precedent for Tony's to plead for later hours. The applicant's attorney Joe Threston summarized that parking is a bigger issue than the application before the board. The law requires a variance for parking and that is why it is being requested. He doesn't see the primary clientele of the shop as the driving type. He envisions a predominantly walk-up clientele. Granting the variance without seating would unnecessarily hamstring the owners. The master plan encourages businesses in the Neighborhood Business zone. The applicants have done the right thing and tried to get the application correct. The applicants cannot resolve the systemic issues of the town. Does the board and the town want to encourage business in the area or not? The request is reasonable. The prior occupant of the site had exactly the same parking requirement as now but it was calculated differently because it was a different type of business. Bob Smyth asked if there was a net increase in the parking requirement and the answer was no. Donna feels resident's parking issues should be addressed. She feels the municipal lot should be used for business related parking and not by the residents of the neighboring apartments. She is not inclined to extend hours when the business is immediately adjacent to a residence, but that is not the case before the board. Birnie has a problem not adhering to the code regarding parking. If Val's was not required to meet the requirement it is an insight to a problem that will only grow if it is not addressed. The chair feels that a lot of good points have been made; but, he would like, if the board is inclined, to entertain a motion regarding the application. Tom Coleman advised the board that if they were inclined to approve the application and based on the facts presented, such a motion would be to grant preliminary and final site plan approval conditioned on: that the business would operate between say March 20<sup>th</sup> and October 31<sup>st</sup> at the hours stated by the applicants, that there would be no outside seating, that trash be stored in the rear until placed for collection, that there will be no deliveries before 12:00 PM or after 5:00 PM, that any signage must comply with the Borough ordinance, that the awning not exceed the setback requirement, and that the variance for parking be granted. The chair asked if a motion could be made as so stated by Tom and Tom replied yes and, if approved, he would prepare a confirming resolution. Birnie asked if the board was being asked to consider approval of a motion based on the suggestions made by Tom unless the Board wished to modify them, and Tom replied that was correct and proper and whatever the Board approved would be reflected in the resolution. The chair asked if the Board could make an up or down decision tonight and Tom stated yes if a motion to that effect was made and seconded. The chair stated he would like to entertain a motion. Donna stated she was concerned if the site was to later be changed into a restaurant and wanted to know if the Board could consider this. Tom stated that while the planned use is an ice cream parlor and not a full service restaurant, that distinction cannot be made since eating establishments are a permitted use in the district. The chair again asked if a motion was forthcoming. Tony Dydek motioned that the board approve the application as stipulated by Tom Coleman and Councilwoman Alls-Moffat seconded the motion. After confirming that all members seated could vote, a poll vote of the members was taken and the application was approved by a vote of 6 ayes and 1 nay as follows:

Mr. Siefert – aye	Mrs. O'Reilly – nay
Mrs. Tyson – aye	Mr. Halt – aye
Councilwoman Alls-Moffat – aye	Mr. Dydek – aye
Mr. Smyth - aye	

The mayor resumed his position on the Board.

## **OLD BUSINESS**

**Environmental Commission** – Christopher Halt reported that Michael Robinson had made a very good presentation to Council on the commission's concerns and proposal for the wetlands encroachment and that the commission hopes Council will take action to approve the request. Copies have been provided to the board.



**Redevelopment** – The mayor reported that Council planned to discuss the subject at the meeting on December 10<sup>th</sup>. Information submitted by board planner Tamara Lee regarding possible COAH impact of the plan will also be discussed.

**Fence Ordinance Revision** – Donna reported that the committee planned to meet on the 22<sup>nd</sup> or 23<sup>rd</sup> to work on finalizing the draft. The committee is very close to finishing its work.

**New Development in Cinnaminson Township** – Donna Tyson reported she had today called and spoken with Cinnaminson's code officer Mr. Marshall. Their planning board was meeting tonight to codify the resolution approved last month and there would be no public comment. The developer has submitted plans for phases 2 and 3. Since DEP approval has not yet been received, they may withdraw the application until approval is received. Mr. Marshall stated the board is not comfortable hearing the application until DEP approval is granted. Donna asked if Bob Smyth would be willing to help obtain information from Cinnaminson and if she and Bob could work on developing plans to ensure Riverton gains access to all plans so as to continue to monitor impact on the Borough. Bob is interested in helping. Bob feels that due to the size and scope of the development and the potential impact and proximity to the Borough, that the Borough is entitled to meet and discuss concerns with the developer. Donna concluded that repeated attempts to obtain a copy of the traffic study from Rick Arango were still unsuccessful. Even though it is pre-River Line, there may be useful information.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

None presented.

## **MISCELLANEOUS**

**Development of 604 Broad Street** – Donna stated that she wished to be on record as not supporting the perceived opinion of the board that supports commercial development of the site. She feels the size and location does not really support any type of development.

**Parking** – Donna is very concerned about the parking problems in the town and wants to see things work for the town. She feels the parking spaces or lack of same created for/by the Light Rail and the impact on the town's plans for commercial redevelopment needs to be examined. The secretary recalled that during planning of the stations, the Borough had stipulated to NJ Transit that it was not willing to give up any of its property for station parking since parking in the downtown area was already at a premium, and that, as far as he remembered, the spaces created were all within the right of way of the rail line. The proximity of the right of way to the Collins building and subsequent loss of parking next to the building was also discussed. Birnie recalled that during discussions and plans for the Farmer's Market, the exact location of the right of way boundary seemed to be in question. If rider ship projections made by some organizations come true, there are serious concerns over the impact of parking in the downtown area. The matter needs additional research. Birnie feels that the job of the board is to look ahead and plan for the future. She feels the board needs to gather information and formulate possible solutions to needs created by future development within the town.

**Environmental Commission Request for Information on Development Applications** – Donna stated she supported the request. The chair asked if she wanted to make a motion on this. The secretary commented that a motion was not needed since it is a requirement that the commission is just requesting be fulfilled. Secretary Ken Palmer stated that while he was not aware of the requirement, he believes that in actuality the development related issues currently before the zoning board are the first development related applications that have been submitted since the commission's inception. While copies of all applications are available in the Borough office, Ken stated he would make sure that it was known to the boards and their secretaries that the commission is to be included on all development related applications.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

- Michael Heine, 206 Carriage House Lane, commented that everyone who comes before the board should be treated equally. He feels that the application heard before the board tonight is an example of unequal treatment since they have been delayed and made to follow the process while, in his opinion, Mr. Moccia is allowed to treat the process with disdain. It has been five months since the Moccia matter arose and he feels that Mr. Moccia has been allowed to flaunt his perceived preferred status in the town. He reiterated his opinion that Mr. Moccia should be cited on the parking lot at 300 Broad Street and the issue remanded to Municipal Court. He feels this is an example of favoritism on the part of the Borough and the Board and ignores the basic rules of law. It is his opinion that if one person is allowed to skirt the law, all should be afforded the same chance, either that or enforce things to the full extent of the law. Mr. Heine feels that what has occurred is “akin to fixing a parking ticket” for one and not another. It was commented that Mr. Moccia has been served notice and that he has taken steps to rectify the matter by applying for site plan approval. Mr. Heine stated that was insufficient under the law and Mr. Moccia is required to be summoned. Mr. Dydek replied that was not the case and asked if Mr. Heine was accusing him of fixing things. Mr. Heine stated he felt Mr. Dydek was simply not doing his job and would state publicly that in his opinion it is scandalous and he feels that individuals in position of authority have essentially gone on record as feeling that it is okay for persons in the town be afforded preferential treatment based on amount of taxes provided to the town. The chair thanked Mr. Heine for his thoughts and asked if there were further comments related to board matters.

There was no further comment and the meeting was closed to public comment.

**Meeting adjourned at 8:52 PM.**

**Next meeting is on 12/21/2004 at 7:30 PM in the Borough Hall**

**Tape is on file.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
December 21, 2004**

The Public Session of the Planning Board was called to order at 7:38 PM. by Chairman Frank Siefert.

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, 2004.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2004.

**PRESENT:** Frank Siefert, Donna Tyson, Christopher Halt, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, Jose Talavera, and Robert Smyth.

**Also Present:** Solicitor Tom Coleman, Engineer Mark Malinowski, and Secretary Ken Palmer

**ABSENT:** Birnie O'Reilly.

**MINUTES:**

A motion was made by Councilwoman Alls-Moffat and seconded by Dona Tyson to approve the minutes of November 9, 2004, as amended at the meeting – minor change of wording regarding the Moccia application. The vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 11/17/04, Draft of Borough of Riverton Municipal Stormwater Management Plan, November 2004, from Remington, Vernick & Arango Engineers, Inc. – copies distributed to the board.
2. 11/17/04, copy of letter to mayors from Susan Bass Levin, Commissioner NJ Dept. of Community Affairs concerning the Statewide Transfer of Development Rights Act and a questionnaire to be completed if interested in implementing a transfer of development rights program.
3. 11/24/04, copy of "Mayor's Fax Advisory" from NJLM, concerning 1) COAH Adopts Round 3 Methodology and 2) Build-Out Analysis, A-3254.
4. 12/8/04, copy of memo to mayor concerning COAH response/concerns regarding the Development Fee Ordinance – copies distributed to the board.
5. 12/8/04, copy of 2004 budget expenses to date from Betty Boyle.
6. 12/20/04, Four MMMM's Resolution from Tom Coleman – copies e-mailed and distributed to the board.
7. 12/18/04, fax copy and letter from Mark Malinowski, board engineer regarding review of additional submissions regarding the Moccia site plan application – copies distributed to the board.
8. Two vouchers/invoices as presented under New Business.

**PUBLIC HEARING:**

**APPLICATION FOR SITE PLAN APPROVAL OF A PARKING AREA PAVED AND EXPANDED AT 300 BROAD STREET, BLOCK 801, LOT 13, BY MOCCIA PROPERTIES, LLC, 530 MAIN STREET, RIVERTON, NJ:**

**Introductions and Housekeeping** – Board solicitor Tom Coleman reviewed that all jurisdictional requirements have been met and the matter could be heard. Mr. Jerald Cureton attorney for the applicant was introduced and he swore in the applicant Robert Moccia, Walter Croft the applicant's engineer, and Andrew Ott the applicant's engineer.

**Testimony and Board Questions** – Following qualification by Mr. Cureton, Mr. Ott the applicant's engineer reviewed that the applicant had previously paved and expanded a gravel/stone area used for parking on the property without realizing that a site plan review was required. A site plan application has been filed and several submissions made and reviewed by the board's engineer. The paved lot is approximately 6,000 +/- square feet, contains 12 spaces, and is intended to serve occupants of the property as well as adjacent small businesses owned by the applicant. Following initial review by the board's engineer in November, revisions were made and

submitted for subsequent review. Mr. Ott reviewed and responded to the board engineer's subsequent review and report of 12/17/2004 which included references to pertinent sections of the Borough's code. The points are referenced by their code numbers below:

- Section 109-6D, details of the signage and pavement markings will be added to the drawing as well as recommended location of signs.
- Section 109-6F, applicant requests a waiver from providing a detailed lighting study and maintains there is more than adequate lighting provided by offsite sources including adjacent street lighting and the rail station that exceeds the ½ foot candle needed.
- Section 109-8A, (8), a waiver for a true and accurate survey to be supplied to the engineer is requested, the 1981 survey included with the application, while old is true and accurate. (9), a waiver is requested from preparing and submitting a detailed parking schedule, an explanation of the use and benefits has been provided. (19), a waiver is requested from preparing and providing a contour grading plan, testimony as to the direction of and lack of impact on adjacent public or private property by runoff from the site has been provided. The hydrology report should suffice. (20), a waiver is requested from developing and submitting a detailed landscape plan. No landscaping was removed and mature trees were maintained.
- Section 109-10, a written agreement for professional review and inspections is not a problem.
- Section 109-11, the lot is built so a performance bond should not be needed.
- Section 128-34, a waiver is requested to provide area and bulk requirements information. Only a parking lot was constructed and testimony has already been provided that the coverage of 41% is less than the 75% permitted.
- Section 128-64, testimony has already been provided as to who will use the lot. Mr. Ott will defer to Mr. Moccia regarding testimony as to the types of business.
- Section 128-65A, a waiver is requested to allow 9'x18' stalls rather than the 10'x20' stalls since their envisioned use does not require that size. The smaller size is widely accepted for downtown areas and where shopping carts are not utilized. It is agreed to designate and provide for a handicapped space (one is all that is required) and provide all the applicable markings and signage for the space. Mr. Croft will be better able to determine and show where that space will go.

Mr. Ott also discussed the general comments and related them to the points already discussed. The applicant will testify as to use of the garage and suitability of the two spaces in front of it. The relocation of the spot in the southwest corner is not a problem and will be addressed by the architect. There is no problem and it is agreed that County Planning Board as well as other approvals will be obtained as needed. This is usually and is expected to be a condition of any approval granted by the town.

Mr. Croft was qualified by Mr. Cureton and addressed the board. He testified as to using a 1981 survey to prepare his drawings. The North arrow was added to the plan. He replied to Tom Coleman's question that the 1981 survey did accurately portray the location of the buildings on the site.

Mr. Moccia testified as to the history of the use of the site. The site has a two unit apartment. The garage is used solely for storage by the applicant and he will utilize the spots in front of it. The parking area has always been used for the apartments and for overflow parking on the site and by the adjacent businesses. To his knowledge, the area has always been used for parking since he owned it and it is intended to be used as such in the future. The area is not used for the storage of vehicles. Lastly, Mr. Moccia responded that he did not know he needed to file a plan for what he thought was simply an improvement to an already existing use. Mr. Cureton stated that concluded their testimony and they hoped to obtain preliminary and final site plan approval.

Donna Tyson thought that detailed information was missing that is needed before approval is granted. Tom Coleman suggested that Mark Malinowski respond and perhaps that would address some of the board's concerns. Mark stated that intent to comply with Section 109-6D was sufficient to grant conditional approval. Mark stated that the ½ foot candle of lighting is adequate but he thinks it is a good idea that measurements be taken to ensure that the levels testified to in fact exist. In answer to the chair's question, Mark replied that the ordinance does not specify a specific level of lighting only that it is adequate, and in his opinion the level testified too is adequate as long as a test confirmed this. Mr. Ott commented that businesses using the lot are usually closed by early evening except for holiday periods and then are closed while the adjacent lighting is present. In reply to Donna's question,

Mark replied that adjacent lighting from public (municipal and light rail) sources is generally okay but not if it was relying on other private sources. The use of the old survey was sufficient as long as it accurately represented the site and unless the board required one, he did not think a new survey was needed. Donna asked that if the applicant was relying on natural drainage, is the old brick walkway to the apartments in that area still present and the answer was yes. Mr. Ott stated that all onsite observations during and after heavy rainfalls had not demonstrated any standing water problems. Jose wanted to know if there were ADA requirements related to the walkway and access to the apartment building and the answer was no since no modifications to a pre-existing structure were being made at this time. Mr. Moccia commented that there was also other access to the building. Mark stated that a waiver from the parking schedule is okay since there is adequate parking for the residents on the site. It might be advisable to provide reserved signs for the spaces used by the residents to ensure their access to them. Mark replied to Muriel's question that a parking schedule provides proof that there are sufficient spots for the intended use of the building and since there are more than the required number being provided, the condition is satisfied. If the use of the building is changed then a schedule would probably be needed, but that is not part of this proceeding. Contour plans go to ensure that there is no impact on the surrounding area. Mark feels there should be some grading information to reassure that there is no adverse impact on adjoining property from stormwater runoff. This is more relevant since a pervious type of surface has been replaced by impervious material. As to the chair's concern for a landscape plan, Mark stated this is more an esthetic issue and he defers to the board on that point. Mark replied to the chair's concern regarding bulk coverage that since coverage is within allowable limits, a variance is not needed and that was his concern in his report. As to the smaller stall size and the chair's observation of the trend towards larger vehicles, Mark stated the requested size is the minimum acceptable. In addition smaller parking spaces permit lower coverage and environmental impact of impervious materials. He feels they are acceptable for the use intended, but it is up to the board. In summary, Mark feels: there is a need for one handicapped space; that stormwater impact is a major concern; that reserved signage for the residents should be provided and the same for the spot(s) in front of the garage is desirable; and that since there is access to a county road, all approvals should be contingent on obtaining county approvals.

Muriel is concerned that the space adjacent to Broad Street is too close to the sidewalk and opened vehicle doors might interfere with pedestrian traffic. It was determined and agreed that the architect would attempt to adjust the spaces to provide additional clearance. In reply to Donna's concerns over entry and egress from the lot and the narrow drive, it was explained that the drive is one way and traffic only exits onto Broad Street. Entry is from the adjacent alley and signage and arrows would indicate this. Chris Halt feels that unless required he doesn't want to see lighting added since there appeared to be so much already present. Tom stated that the board should focus on the board's needs and to verify what is there is adequate lighting first before considering alternatives. Mr. Ott stated that tests could be done and results provided. Muriel wanted to know if the handicapped space needed to be lighted and the answer was no if lighting on the site was adequate. There was a lot of talk among the board, professionals and applicant concerning the status of the lighting at the station and impact on the site. It was determined there have been no complaints of inadequate lighting on the site. Donna stated she preferred stone over asphalt paving. She also feels the existing walkways should be uncovered and maintained. Mr. Moccia stated that can be done. She feels it would be desirable to add some landscaping to soften the site. She asked if the lot was for any use other than the tenants and it was stated there are private parking signs. She asked about enforcement and it was stated that was up to the owner. The chair summarized that he felt the engineer was satisfied with the plan except for handicapped parking, grading calculations, lighting calculations and landscaping. Muriel stated a better survey was needed to which the engineer stated he was satisfied that the one provided accurately portrays the site. Tom replied to the chair that he would guide the board through all the issues. Donna asked about all the proofs mentioned and it was stated the engineer had agreed that some of the waivers were appropriate. Tom asked Mark his position on the performance bond and Mark stated it was for the signage and possible landscaping or other items that may be required. He feels it could be made a condition of approval that a bond provided to guarantee that additional work on the site is done. Mr. Cureton replied to Tom's question regarding the grading that since professional testimony has been provided as to the adequacy of drainage at the site, nothing more was needed. Mark replied he had nothing additional at this time.

**Public Comment** – The hearing was opened to public comment:

- Michael Heine, 206 Carriage House Lane, questioned why the applicant is even present since the new lot has been present for many months, is used every day and the applicant doesn't seem to want to make any changes. Mr. Heine favors parking improvements in the area because he feels the neighborhood needs them. However, procedure was not followed and he feels the application as submitted is substandard. Available lighting should not be a consideration when the applicant can properly light the site with out nuisance spill over lighting. Total perimeter landscape buffers should be provided and not have the site be a glaring blotch on the area. There should be professional calculations on runoff and percolation tests. He wants the 9'x18' stall size rejected as too confined and not applicable to this site. He supports having a stone surface rather than impervious paving.
- Glen Smyth, 201 Howard Street, has been on the site during inclement weather and can attest drainage is into the grassy area and does not interfere with pedestrian traffic or flow onto neighboring property. He feels the paved surface is a big improvement over the previous conditions.

There was no further comment and the hearing was closed to public comment.

**Deliberation and Votes** – Tom Coleman suggested the board go through Mark's letter point by point and address the waivers requested.

Regarding including details of the traffic control signs on the plan and additional signs, the applicant has agreed to provide same. Donna asked if special permits were required and the answer was as probably not as long as any signs complied with sign ordinance for private property.

The applicant has stated it is reasonable and that they will provide as a condition of approval a lighting test.

Regarding the survey, the board can accept the provided survey or request a new one. The engineer has stated that as long as the one provided is an accurate portrayal of the site, he was satisfied with it. There were mixed opinions from the members. It was explained that the survey supplied met the site plan application requirements for a true and accurate survey and that it was up to the board to determine if it deemed that a more current survey was needed given the age of the one provided. Tom and Mark both reiterated that if the survey provided was a true and accurate representation of the site prior to the paving of the lot, the board could grant the waiver for a current survey. The chair asked if there was a motion to accept the survey submitted and waive submission of a new one. A motion was made by the mayor and seconded by Chris Halt to accept the survey submitted. A poll vote of the members approved the waiver of submitting a new survey by a vote of 4 to 3 as follows:

Mr. Siefert – aye	Ms. Tyson – nay
Mr. Halt – aye	Mayor Martin – aye
Councilwoman Alls-Moffat – nay	Mr. Dydek – aye
Mr. Talavera – nay	

Regarding the requested waiver of submitted a grading plan, it was discussed that the engineer felt one is needed. Donna felt that for all concerned the grading plan should be provided. Following an interjection from Mr. Heine in the audience that the mayor should recuse himself since the mayor was related to a tenant at the site and it presented appearances of impropriety; there was intense discussion among the board and between the mayor and attorneys for board and applicant. Except for the possibility that there might be an appearance of a conflict since there was no relationship with the applicant, both attorneys stated they didn't see a legal reason to require the mayor recuse himself. The decision was the mayor's to make and the mayor stated that he was capable of rendering informed and non-biased decisions and felt there was no conflict of interest. At one point during the discussion Mr. Talavera left the meeting stating he resigned. Tom advised the chair that Mr. Smyth was now eligible to vote at which point there was a similar interjection that he also was related to the same tenant. Mr. Smyth reiterated opinions similar to the mayor's, that any conflict would be related to issues not before the board and that he also did not see a need to recuse himself. At the conclusion of discussion on the waiver request, the chair motioned and Donna Tyson seconded that the requirement for a grading plan not be waived and one be provided. A poll vote of the members approved denial of the waiver request to submit a grading plan by a vote of 7 to 0 as follows:

Mr. Siefert – aye	Ms. Tyson – aye
Mr. Halt – aye	Mayor Martin – aye
Councilwoman Alls-Moffat – aye	Mr. Dydek – aye
Mr. Smyth – aye	

A motion was entertained to grant a waiver for a landscape plan. There was no motion forthcoming so there was no waiver granted. A plan should be provided.

Concerning the parking schedule, following a discussion as to what was involved, it was discussed and determined that including a schedule on the plan which indicates the requirements for the site as well as the uses intended was not a major deal since all requirements were being met. When entertained, there was no motion made to grant the waiver, so none is granted. The schedule should be added to the plan.

The applicant has agreed to post a performance bond if needed.

When entertained, there was no motion to waive including the area and bulk requirements on the plan. There was no motion and the requirements should be added to the plan.

Regarding the waiver for the size of the parking stalls, there was discussion that the 9'x18' size maximized the number that could be provided and pro and con opinions that the smaller size was adequate for the site. The mayor motioned and Tony Dydek seconded that a waiver be granted to permit 9'x18' stalls instead of the required 10'x20' stalls. A poll vote of the members approved the waiver of the stall size by a vote of 5 to 2 as follows:

Mr. Siefert – aye	Ms. Tyson – nay
Mr. Halt – aye	Mayor Martin – aye
Councilwoman Alls-Moffat – nay	Mr. Dydek – aye
Mr. Smyth – aye	

Discussion on what form of approval was warranted ensued and agreement was reached that at the most only preliminary approval was proper based on information provided and contingent on additional requirements being made prior to considering final approval. As to the purpose of granting such approval, it was stated that it formalizes the findings and decisions to date and provided the direction the applicant needs to seek final approval. The chair reviewed and the attorneys and professionals agreed that perhaps the board would entertain a motion to the effect that grants preliminary site plan approval based on the information provided and contingent on or resulting from:

- traffic signage and controls be shown on the plan
- completion and submission of a lighting study
- providing a parking schedule on the plan
- conducting and supplying a grading and stormwater runoff report proving that what exists works
- providing a suitable landscape plan
- adding area and bulk requirements to the plan
- relocating the stall near the garage
- adjusting the size of the stall next to the Broad Street sidewalk
- the need for a new survey is waived
- the requirement for 10'x20' stalls is waived and 9'x18' stalls is permitted.

The mayor made a motion to grant preliminary site plan approval as stipulated and Bob Smyth seconded the motion. Under discussion, Donna feels the application is incomplete and no approvals should be granted. It only provides private not public parking. Councilwoman Alls-Moffat voiced similar opinions. The mayor feels it is beneficial if it frees up public spaces that would otherwise be taken. The applicant agreed to waive time requirements during which the board must act. Asked why the applicant should not just resubmit the site plan and begin the process anew, Mr. Cureton stated that the applicant's opinion was that the area had always been used for parking and that he had thought he was simply improving the site for everyone's benefit and feels the application should be approved as submitted. The applicant has already invested considerable time and funds to getting the process to where it is now. Granting preliminary approval allows the applicant to move forward from this point

whereas denial ends the process and requires the applicant to start all over. It was explained that preliminary approval did not require county approvals and that it is possible that the county could require things that could in essence require submitting an amended plan even following final approval. There being no further discussion, a poll vote of the members approved the motion to grant preliminary site plan approval as defined above by a vote of 4 to 3 as follows:

Mr. Siefert – aye	Ms. Tyson – nay
Mr. Halt – nay	Mayor Martin – aye
Councilwoman Alls-Moffat – nay	Mr. Dydek – aye
Mr. Smyth – aye	

Following the vote, Donna Tyson wished to state that personally she felt that the mayor and Bob Smyth should have recused themselves from the matter. Later in an additional comment, she stated the process had been rewarding, educational, and she was impressed with how professionally the members had conducted themselves.

**Continuance** – The applicant’s attorney requested a two month continuance so they could properly review and address as needed the results of tonight’s hearing. Councilwoman Alls-Moffat made a motion seconded by Tony Dydek that, at the request of the applicant, the hearing be continued. There being no further discussion, the question was called and the motion passed unanimously by voice vote to the effect that:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application of Moccia Properties, LLC for site plan approval is continued, applicant having requested a two month extension of time for consideration of the matter until the next regular meeting of the Board in February 15, 2005 at 7:30PM.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

## **OLD BUSINESS**

**Adoption and Memorialization of Resolutions** – The following resolution was reviewed, considered and adopted by the Board:

### **Resolution 2004-03** for:

Application For Site Plan Approval With Relief From Off Street Parking Requirements And Other Variances Needed To Open An Ice Cream Parlor At 529 Main Street, Block 903, Lot 26, By The Four MMMM’s, LLC., 608 Thomas Avenue, Riverton NJ: Following explanation of the resolution by Tom Coleman and review of the resolution by the members and there being no further discussion or changes or corrections a motion was made by Councilwoman Alls-Moffat and seconded by Toy Dydek to adopt the resolution as distributed. The vote was unanimous to adopt the resolution. The secretary will have the resolution signed and a brief notice published in the newspaper.

**Environmental Commission** – Christopher Halt reported that the commission had testified before the zoning board regarding the Cedar Lane Mews site plan with use variances application and made their views known concerning the serious reservations they have regarding the plan. The commission has again reiterated their concerns to Council as to the need for a 100 foot setback along the Pompeston Creek.

**Redevelopment** – Councilwoman Alls-Moffat reported she and Councilman Gilmore had brought the revised plan before Council but it was withdrawn due to lack of information on part of other Council members. Regarding zoning matters, she mentioned the Cedar Lane Mews hearing and her desire copies of the minutes be available to members of planning board. The secretary reviewed the status of the application and informed the members that the zoning minutes are posted on the Borough’s website after they are adopted.



**Fence Ordinance Revision** – Donna reported that the committee had met and was working on clearing up some issues and plans to meet after the first of the year. The revised ordinance will hopefully eliminate much of the questions, problems and confusion surrounding the current ordinance. Hank Croft, also a member of the committee and a member of the ARC, backed up Donna's report.

**New Development in Cinnaminson Township** – Donna Tyson reported she continues to monitor the issue and is corresponding and working with Bob Smyth to gather information. There is nothing new this month. Donna reported on the demolition going on along the street the light rail station is located on. She spoke with the broker involved and it appears that 80,000 square feet of office and retail space is planned at the site with a planned 2005 occupancy. There is hope that the copy of traffic study prepared for Kaplan is close to being received.

## **NEW BUSINESS**

**Minor Site Plan Hearing, 6-10 Broad Street** – Tom Ward owner of Ward's Fuel was sworn in and the chair asked him to discuss his application. Mr. Ward wishes is relocating his business from 213 Broad Street, Palmyra, to the site formerly occupied by JAMCO Transmission. The other occupants of the site remain including Stan's garage. He will use the space for storage of HVAC materials used in that portion of his business and for office space. No hazardous materials will be stored onsite and no materials will be stored outside. He plans to utilize existing signage space reworded for his business and to have it comply with all Borough codes. After answering several questions from the board to qualify and further understand Mr. Ward's testimony, the chair asked if the board had any additional questions or concerns and there were none. Tony Dydek stated he had visited the site and did not see any problems. The chair announced that he and Tony Dydek would approve the application.

**Draft Municipal Stormwater Management Plan** – The secretary reviewed the attached explanation memo from Mary Longbottom which outlines the board is required to review and make a recommendation to Council. This must be completed by April 2005. There was talk of having the board's engineer review and/or have the Borough's engineer address the board. Further discussion was tabled until the January meeting. In the interim, members should review and be prepared to discuss at the next meeting. Tom Coleman stated the plan was part of the new DEP stormwater management rules, is a land use requirement, and in the opinion of the NJLM the provisions are cost prohibitive to most municipalities. It requires that an ordinance be in place and will apply to all new development and redevelopment. While it may not apply to most of the Borough it may apply in some instances. Tom feels that if the board's engineer was asked to review it for the board, he would work with the Borough's engineer to expedite the process for the board's purposes without duplicating efforts. It was agreed to table the matter until after the January reorganization. Donna wanted to know if was related to the regional stormwater management plans. It was suggested the Council member in charge of that issue be asked.

### **Vouchers and Invoices:**

1. 11/2/2004, Tom Coleman, \$442.00 for attendance at the October meeting and matters related to the Moccia application. (\$400.00 – general services, \$42.00 – Moccia escrow)
2. 11/15/2004, Mark Malinowski, Lord Worrell & Richter, \$287.50 for October services concerning the Moccia application. (All from Moccia escrow)

A motion was made by Councilwoman Alls-Moffat, seconded by the mayor, and unanimously approved to pay the items as presented. The secretary will have them signed and submitted for payment.

## **PUBLIC COMMENT**

The meeting was opened to public comment.

- Michael Heine, 206 Carriage House Lane, commented that he felt the board had done some admirable work tonight regarding the Moccia application by recognizing that it needed more information and taking steps to obtain that information. However, he feels the conditional approval was wrong and went on to call into question the intentions of the member who made the motion, the mayor. He feels the actions of the mayor and Bob Smyth by refusing to recuse themselves sullied the board. He feels there is a lack of respect for the behavior of a public body and their actions brought things to a low point. As Mr. Heine continued such comments, the chair interjected that he would allow the board and its members to be disrespected by such

comments and asked Mr. Heine to move on. The chair stated he applauds the efforts of the board and the motions made in conjunction with the hearing. Not willing to move on, the chair cut him off and asked for additional comments from the public.

- William Henry Harris, 502 Cinnaminson Street, stated that while he wouldn't go into detail on the Moccia application since the applicant and his representatives are not present; feels Mr. Moccia hired an architect to do an engineer's job and the board's acceptance made a mockery of things.
- Jodi Leslie-Eichfeld, 502 Cinnaminson Street, agrees with things stated in the public forum and is disappointed by what she feels was unethical behavior demonstrated tonight.

There was no further comment and the meeting was closed to public comment.

## **MISCELLANEOUS**

Donna Tyson asked Tom Coleman if there were guidelines on what professionals can do. Tom Coleman stated that he believed that Mr. Ott was retained as Mr. Moccia's engineer. He asked if Donna and the board wished to reopen discussion of the application if they were questioning Mr. Ott's qualifications. The chair stated that he felt the two disciplines present and representing the applicant were qualified and doesn't feel the time is appropriate to reopen discussion on that.

**Meeting adjourned at 10:40 PM.**

**Next meeting is annual reorganization meeting on 1/18/2005 at 7:30 PM in the Borough Hall**

**Tape is on file.**

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