

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
JANUARY 18, 2005

1. Call to order and roll call
2. Annual reorganization, swear in new/returning members, elect positions and professionals, announce appointments, and adopt resolutions defining the calendar of meetings and the appointment of professionals
3. Adopt December 2004 minutes
4. Review correspondence and announcements
5. Minor Site Plan Applications (if any submitted)
6. Old Business:
 - Environmental Commission report – Chris Halt
 - Redevelopment – progress report from Council/mayor
 - Fence ordinance review progress report – Donna Tyson
 - Cinnaminson Development issues – Donna Tyson
 - Other old business
7. New Business:
 - Adopt and memorialize resolution granting preliminary site plan approval to Mr.Moccia for the parking area at 300 Broad Street
 - Discuss 2005 goals for the board
 - Review of the Draft Municipal Stormwater Management Plan – Board review and approval
 - New vouchers/invoices
 - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
FEBRUARY 15, 2005

1. Call to order and roll call
2. Adopt January 2005 minutes
3. Review correspondence and announcements
4. Moccia Site Plan Application – request for additional time to be considered – Tom Coleman
5. COAH Development Fee Ordinance
6. Old Business:
 - Goals and objectives for 2005 – chair
 - Review of Master Plan – chair
 - Review of the Draft Municipal Stormwater Management Plan – board review and approval
 - Environmental Commission Report – Chris Halt
 - Redevelopment – progress report from Council/mayor
 - Fence ordinance review progress report – Donna Tyson
 - Cinnaminson Development issues – Donna Tyson
 - Other old business
7. New Business:
 - Review of the Revised Development Fee Ordinance and recommendation of action to Council – chair, mayor and Tom
 - New vouchers/invoices – Ken Palmer and chair
 - Discuss professional contracts presented to board
 - Other new business
8. Public comment on general Planning Board matters
9. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
MARCH 15, 2005**

1. Call to order and roll call
2. Adopt February 2005 minutes
3. Adopt February 2005 Executive Session minutes
4. Review correspondence and announcements
5. Moccia Site Plan Application – resumption of hearing for final site plan approval – Mark Malinowski and Tom Coleman
6. Minor Site Plan Applications (if any submitted)
7. Old Business:
 - Review of Master Plan and presentation by Tamara Lee – chair, Tamara Lee and Tom Coleman
 - Goals and objectives for 2005 – chair
 - Environmental Commission Report – Chris Halt
 - Redevelopment – progress report from Council/mayor
 - Fence ordinance review progress report – Donna Tyson
 - Cinnaminson Development issues – Donna Tyson
 - Other old business
8. New Business:
 - New vouchers/invoices – Ken Palmer and chair
 - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
APRIL 19, 2005

1. Call to order and roll call
2. Adopt March 2005 minutes
3. Review correspondence and announcements
4. Minor Site Plan Applications (if any submitted)
5. Old Business:
 - Moccia Site Plan Application – adoption and memorialization of the resolution granting final site plan approval – chair and Tom Coleman
 - Review of Master Plan proposal by Tamara Lee and discussion of next steps with Council– chair, mayor and Tom Coleman
 - Goals and objectives for 2005 – chair
 - Environmental Commission report – Chris Halt
 - Redevelopment – progress report from Council/mayor
 - Fence ordinance review progress report – Donna Tyson
 - Cinnaminson Development issues – Donna Tyson
 - Other old business
6. New Business:
 - New vouchers/invoices – Ken Palmer and chair
 - Other new business
7. Executive session
8. Public comment on general Planning Board matters
9. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
MAY 17, 2005**

1. CALL TO ORDER AND ROLL CALL
2. ADOPT APRIL 2005 MINUTES
3. REVIEW CORRESPONDENCE AND ANNOUNCEMENTS
4. MINOR SITE PLAN APPLICATIONS:
 - Lila Hart, Inc., 531 Main Street, Suite C, for bookstore/information center
5. OLD BUSINESS:
 - COAH mandated Revised Spending Plan Resolution and impact on master plan following COAH review – Tom Coleman, chair and mayor
 - Review of Master Plan proposal by Tamara Lee and discussion of next steps with Council– chair, mayor and Tom Coleman
 - Goals and objectives for 2005 – chair
 - Environmental Commission report – Chris Halt
 - Redevelopment – progress report from Council/mayor
 - Fence ordinance review progress report – Donna Tyson
 - Cinnaminson Development issues – Donna Tyson
 - Other old business
6. NEW BUSINESS:
 - New vouchers/invoices – Ken Palmer
 - Other new business
7. PUBLIC COMMENT ON GENERAL PLANNING BOARD MATTERS
8. ADJOURN

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
JUNE 21, 2005

1. Meeting called to order at 7:00 PM
2. Call to order and roll call
3. Adopt May 2005 minutes
4. Review correspondence and announcements
5. Tamara Lee presentation on COAH changes
6. Minor Site Plan Applications:
 - Lila Hart, Inc., 531 Main Street, Suite C, for bookstore/information center
 - Presentation by Carol Jones regarding 519 Howard Street
7. Old Business:
 - Reexamination of Master Plan – subcommittee, chair, mayor, and Tom Coleman
 - COAH mandated Revised Spending Plan Resolution update on progress following COAH review – chair, mayor, and Tom Coleman
 - Goals and objectives for 2005 – chair
 - Environmental Commission report – Chris Halt
 - Redevelopment – progress report from Council/mayor
 - Fence ordinance review progress report – Donna Tyson
 - Cinnaminson Development issues – Donna Tyson
 - Other old business
8. New Business:
 - New vouchers/invoices – Ken Palmer and chair
 - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
SPECIAL MEETING
AGENDA
June 8, 2005

1. Meeting called to order at 6:00 PM
2. Call to order and roll call
3. Motion to defer all normal business and proceed to the stated purpose of the meeting – review need for changes to the Master Plan during the required reexamination of the plan with Borough Council
4. Reminder that meeting must adjourn promptly at 7:00 PM for the regularly scheduled Borough Council meeting.
5. Entertain comments and ideas from members of the Borough Council on the Borough's Master Plan.
6. Public comment on the current master plan – with notation that comments can be delivered to the subcommittee and/or made during regular planning board meetings.
7. Adjourn no later than 7:00 PM

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA**

JULY 19, 2005

1. Meeting called to order at 7:00 PM
2. Call to order and roll call
2. Adopt June 2005 regular meeting minutes
3. Review correspondence and announcements
4. Presentations:
 - Carol Jones, on 519 Howard Street (tabled at June meeting)
5. Old Business:
 - Petition to COAH for third round certification – chair, mayor, and Tom Coleman
 - Reexamination of the Master Plan – subcommittee, chair, mayor, and Tom Coleman
 - Redevelopment – progress report from Council/mayor
 - Environmental Commission report – Chris Halt
 - ARC report – Chris Halt
 - Fence ordinance review progress report – Donna Tyson
 - Cinnaminson Development issues – Donna Tyson
 - Other old business
6. New Business:
 - New vouchers/invoices – chair
 - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
AUGUST 16, 2005

1. Meeting called to order at 7:00 PM
2. Call to order and roll call
2. Adopt June 2005 and July 2005 regular meeting minutes
3. Review correspondence and announcements
4. 304 Broad Street Minor Site Plan Application: Cynthia Brooks (Cynthia Brooks Designs)
5. Concept Site Plan Application:
 - Brandenburger/Sheridan, Inc. on the Nu-Way site
6. Old Business:
 - Petition to COAH for third round certification – chair, mayor, and Tom Coleman
 - Reexamination of the Master Plan – subcommittee, chair, mayor, and Tom Coleman
 - Redevelopment – progress report from Council/mayor
 - Environmental Commission report – Chris Halt
 - ARC report – Chris Halt
 - Draft Fence Ordinance – board review/comment – chair and board
 - Cinnaminson River Road Development issues – Donna Tyson
 - Other old business
7. New Business:
 - New vouchers/invoices – chair
 - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
SEPTEMBER 20, 2005

1. Meeting called to order at 7:00 PM
2. Swear in Robert E. Smyth (full), Alan Adams (Class II), and Suzanne Cairns Wells (alternate) members
3. Call to order and roll call
2. Adopt August 2005 regular meeting minutes
3. Review correspondence and announcements
4. Old Business:
 - Petition to COAH for third round certification – Tamara Lee, chair, mayor, and Tom Coleman
 - Possible change to Section 128-29 (bulk requirements in the GB zone) – Councilman Gilmore, chair, Tom Coleman, and Tamara Lee
 - Reexamination of the Master Plan – subcommittee, chair, mayor, and Tom Coleman
 - Redevelopment – progress report from Council/mayor
 - Environmental Commission report – Chris Halt
 - ARC report – Chris Halt
 - Draft Fence Ordinance – board review/comment – chair and board
 - Proposed Ordinance Revisions for Informal Reviews – Tom Coleman
 - Cinnaminson River Road Development issues – Donna Tyson
 - Other old business
5. New Business:
 - New vouchers/invoices – chair
 - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA**

OCTOBER 18, 2005

1. Meeting called to order at 7:00 PM
2. Call to order and roll call
2. Adopt September 2005 regular meeting minutes
3. Review correspondence and announcements
4. Old Business:
 - Petition to COAH for third round certification – Tamara Lee, chair, mayor, and Tom Coleman
 - Possible change to Section 128-29 (bulk requirements in the GB zone) – Councilman Gilmore, chair, Tom Coleman, and Tamara Lee
 - Reexamination of the Master Plan – subcommittee, chair, mayor, and Tom Coleman
 - Redevelopment – progress report from Council/mayor
 - Environmental Commission report – Chris Halt
 - ARC report – Chris Halt
 - Draft Fence Ordinance – board review/comment – chair and board
 - Proposed Ordinance Revisions for Informal Reviews – Progress report on Council action, mayor or Muriel
 - Cinnaminson River Road Development issues – Donna Tyson
 - Other old business
5. New Business:
 - Request by Council to review Section 128-64 concerning off-street parking
 - New vouchers/invoices – chair and secretary
 - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
NOVEMBER 15, 2005**

1. Meeting called to order at 7:00 PM
2. Call to order and roll call
3. Adopt minutes of the October 18, 2005 Regular Meeting and November 3, 2005 Special Meeting
4. Review correspondence and announcements
5. HEARINGS
 - Revised Housing Element of the Master Plan and Petition to COAH for Third Round Substantive Certification
 - Site Plan Application for Preliminary Site Plan Approval by Brandenburger/Sheridan, Inc. to redevelop Block 1501, Lots 20, 21, 22, and 23
6. Old Business:
 - Petition to COAH for third round certification – Tamara Lee, chair, mayor, and Tom Coleman
 - Reexamination of the Master Plan – subcommittee, chair, mayor, and Tom Coleman
 - Environmental Commission report – Chris Halt
 - ARC report – Chris Halt
 - Draft Fence Ordinance – board review/comment – chair and board
 - Request by Council to review Section 128-64 concerning off street parking
 - Proposed Ordinance Revisions for Informal Reviews – Progress report on Council action, mayor or Muriel
 - Other old business
7. New Business:
 - New vouchers/invoices – chair and secretary
 - Other new business
8. Public comment on general Planning Board matters
9. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
SPECIAL MEETING
PRELIMINARY*
AGENDA
NOVEMBER 3, 2005

1. Meeting called to order at 7:00 PM
2. Public Meetings Notice and roll call
2. Motion to suspend normal business until the next regular meeting and move straight to the business matter at hand.
3. Old Business:
 - Petition to COAH for third round certification – Tamara Lee, chair, mayor, and Chuck Petrone
 - Other old business deemed critical to be conducted at this meeting
4. New Business:
 - Motion to conduct public hearing on the Housing Element on November 15, 2005 – chair, Tamara Lee, and Chuck Petrone
5. Public comment
6. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
DECEMBER 20, 2005**

1. Meeting called to order at 7:00 PM
2. Call to order and roll call
3. Adopt minutes of the November 15, 2005 Regular Meeting
4. Review correspondence and announcements
5. HEARINGS
 - Site Plan Application for Preliminary and Final Site Plan Approval by Brandenburger/Sheridan, Inc. to redevelop Block 1501, Lots 20, 21, 22, and 23
6. Old Business:
 - Status Report on Petition to COAH for third round certification – mayor, and Tom Coleman
 - Reexamination of the Master Plan – subcommittee, chair, mayor, and Tom Coleman
 - Environmental Commission report – Chris Halt
 - ARC report – Chris Halt
 - Draft Fence Ordinance – status and board review/comment – chair and board
 - Other old business
7. New Business:
 - New vouchers/invoices – chair and secretary
 - Other new business
8. Public comment on general Planning Board matters
9. Adjourn

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
January 18, 2005**

The Public Session of the Planning Board was called to order at 7:35 PM by Acting Chairman Mayor Martin. In the absence of the chair, and no vice chair appointed, the mayor acted as the chair until a chair and vice chair had been elected by the board.

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.

REORGANIZATION - 2005

Solicitor Coleman swore in reappointed full and alternate members Christopher Halt, Birnie O'Reilly, Councilwoman Muriel Alls-Moffat, Tony Dydek, and Bob Smyth. Joseph Katella was sworn in as a new alternate member.

The roll was called.

PRESENT: Birnie O'Reilly, Donna Tyson, Christopher Halt, Mayor Martin, Councilwoman Alls-Moffat, Anthony Dydek, Robert Smyth, and Joseph Katella.
Also Present: Solicitor Tom Coleman and Secretary Ken Palmer

ABSENT: Frank Siefert.

Chairman: Frank Siefert was nominated by the mayor and seconded by Councilwoman Alls-Moffat. Donna Tyson was nominated by Birnie O'Reilly and seconded by Chris Halt to serve as the Chairman. The nominations were closed. A voice vote was taken and Frank was elected by six votes with two votes for Donna.

Vice Chairman: Donna Tyson was nominated by the mayor and seconded by Birnie O'Reilly to serve as the Vice Chairwoman. A voice vote was taken and the vote was seven in favor and one opposed.

Secretary: Kenny Palmer was nominated by the mayor and seconded by Bob Smyth to serve as the Board Secretary for 2005. A voice vote was taken and the vote was unanimous.

Solicitor: Thomas Coleman, Esq. was nominated by the mayor and seconded by Councilwoman Alls-Moffat to serve as the Planning Board Solicitor for 2005. A voice vote was taken and the vote was unanimous.

Planner: Tamara Lee, of Tamara Lee Consulting LLC was nominated by the mayor and seconded by Chris Halt to serve as the board's Planner for 2005. Following a lengthy discussion, including tabling the matter, concerning the process of selecting and appointing officials and the realization that the time for considering presentations or proposals by professionals was better suited to the latter portion of the year prior to the annual reorganization meeting and that the board was free to appoint additional professionals as needed to serve specific purposes, it was decided that a professional should be appointed at least temporarily at this meeting. It was acknowledged that Tamara's expertise had been sought out by other bodies in the Borough and that she is the zoning board's planner, has advised the environmental commission and Borough Council and its committees on matters. It was discussed that perhaps the board should seek out and request proposals by professionals before deciding on selection in the future. It was noted that some of the things being discussed were typically the kind of things requested by a professional once they were selected. It is appropriate to ask a professional to present their opinion on what they consider appropriate for the Borough and to provide what they feel are their qualifications for the position and how they will best serve the board or Borough. It was noted that Tamara is paid by Borough for general matters and from escrow on specific applications. The mayor motioned and Muriel seconded to end

discussion and call for a vote. The motion passed. Chris Halt withdrew his second of the nomination and Bob Smyth seconded the nomination. There were no additional nominations and the nominations were closed. A voice vote was taken and the vote was five in favor and three opposed.

Engineer: Mark Malinowski of Lord, Worrell & Richter, Inc. was nominated by the mayor and seconded by Councilwoman Alls-Moffat to serve as the board's primary engineer for subdivision, site plan and referrals, and general planning issues for 2005. It was reiterated that the board is free to seek the services of other professionals as it feels is needed during the year. Birnie wanted it on the record that the board can seek additional professional assistance during the year. There were no further nominations. A voice vote was taken and the vote was unanimous.

Administrative Officer: Mary Longbottom was nominated by the mayor 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 2005. Tom reviewed that the position dovetails with Mary's position as Borough Clerk, is normally considered part of her duties, is required by the Municipal Land Use Law, and that Mary is the logical choice. A voice vote was taken and the vote was unanimous.

Environmental Commission Representative: It is the mayor's appointment and the mayor announced that Chris Halt would continue as the board's representative.

Borough COAH Official: Tom reviewed that there was no requirement that the appointment be a board member, that it was the mayor's appointment. The mayor asked if there was someone willing to take on the responsibility. The mayor stated he had no idea if Christian Hochenberger was willing to continue in the position. Councilwoman Alls-Moffat stated she would assume the responsibility and the mayor stated it was hers. Muriel stated she had picked up materials at the annual league convention. As to a statement that perhaps this is an example where the board's planner was not being proactive with the board, Tom commented that in this case, Tamara's responsibility was to the Borough. Both the mayor and Muriel commented that Tamara had been more than helpful and proactive; including stepping in to make sure the Borough complied with COAH's annual monitoring requirements. Muriel stated she will contact Christian Hochenberger for details as well as work with Tamara Lee as needed. The secretary gave a packet of material concerning annual COAH monitoring reports to Muriel.

Donna Tyson assumed chairing the meeting.

MINUTES:

A motion was made by the mayor and seconded by Bob Smyth to adopt the minutes of December 21, 2004, as distributed. The vote was six in favor with one abstention.

CORRESPONDENCE/ANNOUNCEMENTS

1. 1/5/05, copy of memo from Mark L. Husik, Exec. Director, NJ Society of Professional Land Surveyors concerning a Division of Consumer Affairs Notice – regarding that only professional land surveyors can prepare Topographical Surveys and Existing Conditions Depicted on Site Plans. The full text of the notice is included. It was commented that engineering firms retain licensed surveyors to ensure that things are properly prepared.
2. 1/5/05, brochure from New Jersey Planning Officials regarding 2005 Basic Accreditation Programs in Planning and Zoning being offered.
3. 1/18/05, the Moccia resolution which was distributed to the board.
4. Two copies of the reprinted Master Plan were distributed to Birnie and Joe Katella.
5. Four vouchers/invoices as presented under New Business.

OLD BUSINESS

Environmental Commission – Chris Halt reported that a good dialog had been established with Cedar Lane Mews and the proposed town homes. The commission is still waiting for Council action on the proposed revised setback from the creek. The commission is also analyzing available data on Erin Cleaners and possible clean up issues. Bob Smyth asked if the commission has a roll in the Stormwater Management Plan. Chris stated he was not aware of any official roll; but the commission was more than willing to become involved especially as it pertains to the setback issue. Donna mentioned she thought there were two stormwater plans, a regional and local. Chris was aware of the Pompeston Creek study produced by the commission. Donna feels the commission should be involved with the local plan. Birnie asked Chris if the commission was aware of the leaking underground oil storage tank problem that caused a house in Palmyra to be demolished. Chris stated no one was aware of it until it happened. Chris stated that even officials he contacted in Palmyra were not aware of it until it occurred. Birnie wants to know if the commission was considering any follow up on this type of potential problem. Chris stated not yet but at Birnie's suggestion he would bring it up at the next meeting. The commission's roll is to solicit sources of government help in studying a problem and or to assist in clean up efforts. Donna stated she felt a State DEP department has information on underground tanks. Bob Smyth suggested they find out who the environmental consulting firm was that handled the situation and talk to them about efforts in the area or related issues.

Redevelopment – The mayor reported that there was nothing new to report at this time; but that Laurie Villari wants to be involved with Muriel and Ed.

Fence Ordinance Revision – Donna reported that the committee had met and was going to meet again on the 24th. The committee is close to producing a draft.

New Development in Cinnaminson Township – Donna Tyson reported she and Bob Smyth continue to monitor and try and stay abreast of developments in the area. She reviewed the previously reported meeting she and Bob Smyth had with the broker handling the leasing of the commercial development near the Cinnaminson station. Copies of materials were obtained and are available. Copies of some population studies were also obtained and are available for review. Bob Smyth stated he would like to see the Borough able to capitalize on the increased business generated and get some of it into the town's businesses. Muriel commented on the COAH impact of all the new construction. There is concern about how the new business if it is similar to businesses in the Borough will impact those businesses. Donna has also finally obtained the traffic impact study done by Rick Arango for the developer. She will review it with Bob Smyth and report. She tried to explain the impact of the change in "level of service" figures. Laurie Villari has requested that Rick Arango keep us in the loop as things develop.

NEW BUSINESS

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

Resolution P2005-01 for:

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: Discussion on this topic started while the correspondence was being reviewed. That discussion as well as further discussion is contained here. During the review of correspondence it was discussed that perhaps the issue should be tabled. It was explained that there is a clock running on the matter and that action needed to be taken prior to the board's next scheduled meeting. Under new business, discussion resumed. It was explained that only the four members who voted to approve of the action at the last meeting could act on this resolution. Three are present tonight. Tom Coleman explained the resolution to the board. Birnie O'Reilly stated that the board should not consider action until the issue concerning conflict of interest was resolved. She referred to a handout given to board members. The secretary did not receive a copy and none was offered. It was stated that it was excerpts from the Cox publication which referenced the Municipal Land Use Law and cited cases concerned with conflicts of interest decisions. Donna asked that Tom read the highlighted portions and give his opinion. Tom replied that he had provided his opinion last month when the issue arose during the hearing. He still considers it a matter for the people involved

to decide if there is a personal conflict. Not having directly questioned the members in detail, Tom still feels the members are capable of making an informed decision as to whether there is a personal conflict. Muriel wanted to know if there was a violation of any local ethics laws. Tom was not certain but following the state laws it is incumbent on the individual to abstain if they feel they have a conflict and to not abstain if they don't. Birnie asked that the mayor and Bob Smyth read the material and explain how they are not conflicted since they are related to Glen Smyth who commented on the issue as either a current or former tenant. Tom explained that the issue didn't really apply to adopting the resolution. Birnie stated she was not concerned with the resolution so much as wanting the approval granted last month set aside because two of the members who voted for approval should have recused themselves from the matter. She asked if they wished to reconsider. Bob Smyth stated he was fully aware of the issue, understood the implications, and still does not feel he has any conflict and does not intend to recuse himself. There was discussion on the section of the resolution referring to public comment and the use of the term testimony vs. comment by the public. Donna stated if there was a difference of opinion on wording it should be resolved. Donna summarized the board's opinion that the wording should be changed to reflect that the members of the public commented not testified. There was continuing discussion on who did or did not benefit and who was a party to the application. Tom instructed Donna that things were out of order and perhaps she should entertain a motion on the resolution and then continue discussion. Birnie still feels that the approval should be rescinded. Michael Heine interjected several times from the audience and was reminded the meeting was not open to the public. Referring to the wording of the resolution, Tom concurred that the choice of wording on the section regarding public comment should be changed to reflect that the public commented and not testified and he apologized for the confusion since he wrote the resolution. Donna stated that she had made her feelings regarding conflicts of interest known at the last meeting and she still thinks the same. There was a continued vigorous discussion on the length of meetings, personal opinions, and whether people were out of order. Donna asked Tom how to proceed and Tom again advised that she should entertain a motion to adopt the resolution and if a motion and second are made, then continue discussion from there. Donna asked if there was a motion to adopt the resolution as amended in the section regarding public comments granting preliminary site plan approval. Tony Dydek motioned that the resolution be adopted as stipulated and it was seconded by the mayor. A voice vote of the three members present and eligible to vote was unanimous. The secretary stated he would have the changes made, the resolution signed and distributed, and the notice published in the paper. Bob Smyth asked when the applicant would come back before the board. It was explained that the applicant had requested a continuance until the February meeting at the earliest. Tom stated, the preliminary approval is good for three years, but hoped things would be concluded long before that. At this point, Birnie made a motion that Resolution P2005-01 be set aside due to conflicts of interest from members of the board pursuant to NJSA 40:55D-69. The motion died for lack of a second. Following the public comment portion of the meeting and at the chair's call for any other new business, Birnie again motioned that Resolution P2005-01 be rescinded due to conflicts of interest from members of the board pursuant to NJSA 40:55D-69. She asked and was informed by Tom that her motion was certainly in order and her right to make. She explained that she feels such conduct is not proper for the board and opens the board and town to problems now and in the future. This motion also died for lack of a second.

Goals and Objectives for 2005: Given the length of time of the meeting and the absence of the chairman, it was suggested the topic be tabled until next meeting. Bob Smyth stated that this should be a documented topic for discussion at each meeting and measurements kept as to how the board was progressing. He proposed that before the next meeting, the members get their ideas in writing to the chair and then they can be presented and voted on at the next meeting. Among the topics that might be included were items already discussed at length. It was discussed that perhaps Tamara should be invited to address the board on things at the next meeting. During the reorganization process, there was lengthy discussion concerning the process of appointing professionals. Tom advised the board on possible procedures for seeking and considering professionals including having a committee charged with the process. Birnie had volunteered to head up such a committee. It was reiterated that the board is never locked into its use of professionals. The mayor had discussed how Council usually handles the process. It was also discussed that perhaps the entire process can be documented. Birnie volunteered, if wanted, to collect and distribute the material. It was agreed to table the discussion until the next meeting.

Draft Municipal Stormwater Management Plan – Donna restated her position that she did not feel qualified to review the document and she asked if there had been any progress on comments by the engineers. Tom commented that most engineers are preparing comments but didn't know the status here. He hoped that Rick

Arango, Council's engineer, who drafted the plan might provide comments for review. It was stated that the cover letter on the draft may have done just that. Bob Smyth commented that he had experience with these types of plans and reviewed important points as he saw them. He has read through the plan and has two issues of concern. He also has questions related to regional plans, waivers and the big one – what it is going to cost. How can the board approve something this big with all the issues involved without more information? He wants to know if there can be a presentation on the matter by the engineers. He also feels the environmental commission should review the plan. Birnie wanted to know who the commission would use for professional input. Donna wants to know if there is a tie-in to the regional plan. Bob stated that the board needs to know what it has to do. The mayor stated that realistically Council needs the board's recommendation by its March meeting. Chris stated he would look into it from the commission's side. There was discussion on what had been approved and spent on the plan so far and what was left to be done. There was discussion on from what sources information can be obtained. It was suggested the board contact Councilwoman Villari for information. Donna stated she would help gather information. Until further fact finding is done, no one is being invited. Bob Smyth reviewed as he saw it, that the board needed to file with the County Planning Board before April 1, 2005 and then have until January 2006 where the county reviews things and approves or disapproves the local plan. Chris is going to spearhead the research and Donna again stated she would help. Birnie wanted to know if the town can apply for an extension of time and Tom responded he was not aware of such a process. He is aware that there may be an option to apply for an exemption but he is not familiar with the details and whether the county can impose on the Borough to adopt a plan. Regarding the availability of grants, no one knew for sure. Donna asked if the regional plan was done. It was suggested that Laurie Villari and Scott Reed be contacted.

Vouchers and Invoices:

Four items all from Tom Coleman were discussed. Tom explained that one was not the board's and should be forwarded to Mary. Tom asked that another dealing with his meeting attendance be held pending research on the details on the item. The following two items were presented to the board for payment:

1. 1/5/2005, Tom Coleman, \$280.00 for work on the Four MMMM's hearing and resolution to be paid out of escrow.
2. 1/5/2005, Tom Coleman, \$308.00 for work on the Moccia hearing and resolution to be paid out of escrow.

A motion was made by the mayor and seconded by Councilwoman Alls-Moffat to pay the items as presented. Tom responded to a question from Donna that he does charge his time spent on applications separately. Payment was approved unanimously. The secretary will have them signed and submitted for payment.

Review of the Master Plan – Tom Coleman commented that it appears the Master Plan was adopted in April of 1998. Since state law is clear on the subject that plans be reexamined every six years, the board should make it a mandate not just a goal that this process takes place. If a plan is not reexamined it can be presumed to be unenforceable. Tom does not think the board, mayor or Council desires this. He assumes that a directive has or will come from Council that the board undertakes this reexamination. Donna feels it should be a primary topic for discussion next month. Tom stated that decisions concerning the master plan need to be made sooner rather than later especially if the board intends to use another planner for the process. The board has been fairly fortunate in not having a lot of applications on its plate so it may have the time to devote to the plan; but that could change any time and the board should give itself as much lead time as possible to complete the process. Birnie feels Frank should call Tamara and have her provide direction to the board on what the process is and what is involved and what options are available to complete the process. Bob Smyth feels that clear cut objectives and deadlines need to be made to make the process work.

Board Meetings for 2005 – Resolution P2005-02, the calendar of meetings for February 2005 through January 2006 was reviewed. A motion was made by Chris Halt and seconded by the mayor to adopt the resolution that meetings will be held on the third Tuesday of the month at 7:30 PM. Under discussion the board came to a conclusion that it would like to move up the time to 7:00 PM. It was discussed that this resolution did not preclude the scheduling of special meetings. It was also discussed that more than three members of the board cannot conduct board business without calling a public meeting. The motion was amended and seconded and the board unanimously approved that the resolution: be adopted, published in the Burlington County Times and posted in the Borough Hall. Meetings will now commence at 7:00 PM.

Appointment of Solicitor, Planner and Engineer – Resolution P2005-03 announcing the appointment of a solicitor, planner and engineer was reviewed. A motion was made by Birnie O'Reilly, seconded by Bob Smyth and approved unanimously to: adopt the resolution, publish it in the Burlington County Times and notify the appointed parties.

PUBLIC COMMENT

The meeting was opened to public comment.

- James Moffat, 202 Fulton Street, understands and wants the members to realize that they have until February 8th, two days after the Super Bowl and one week before the meeting for the board to get their comments to the chair.
- Michael Heine, 206 Carriage House Lane, commented thinks it is regrettable that the board appointed Tamara. There was no legal reason to do so. He feels the board has good reasons not to appoint her. He feels she now disrespects the plan. She has supported a recent use variance granted for the Sitzler property that is contrary to the code and the master plan and she did this by providing technical excuses for overcoming density issues. Her actions do not show respect for the plan. He stated Tamara was asked to “whitewash” the proposed draft of the redevelopment plan. He feels her actions regarding language dealing with multi-family housing in the redevelopment area are another example of her disrespect for the master plan and may be directly related to the fact that the plan has once more been withdrawn from consideration. He feels she succumbed to perceived political influence on this and feels this is not what the town needs in a planner. He referred to the material he had given to the board and went on to present his personal and legal opinions on what constituted conflict of interest and his feelings that the participation of the mayor and Bob Smyth jeopardized the process. He feels the Moccia application has been mishandled and Moccia is taking advantage of the town and the process. He went on to allude that friendships or other relationships with public officials allowed people to do what they wanted in the town without regard for the law. He urged the board to reconsider the issue after public comment and make a motion to rescind the approval granted Moccia last month and that the mayor and Bob Smyth should not participate in the process. He feels Moccia should be summoned in court by the code enforcement officer and fines of up to the \$600.00 a day allowed imposed going back to the date of the repaving.
- William Henry Harris, 502 Cinnaminson Street, stated that overhead fuel tanks are as much a concern as underground tanks and recalled large overhead commercial tanks that have probably caused more problems than the private one discussed earlier. He is concerned about Ward Fuel moving to Riverton. It was explained they are only locating offices and storage of heating and air conditioning materials at the Riverton location. Nothing related to the storage, handling or transporting of fuel oil is moving to the Riverton location. Mr. Harris is also concerned about the town being required to spend money on unfunded mandates of the State or County.

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

Meeting adjourned at 10:30 PM.

Next meeting is on 2/15/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
February 15, 2005**

The Public Session of the Planning Board was called to order at 7:15 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, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Birnie O'Reilly, Donna Tyson, Mayor Martin, Councilwoman Alls-Moffat, Tony Dydek, Robert Smyth, and Joseph Katella.

Also Present: Solicitor Tom Coleman and Secretary Ken Palmer

ABSENT: Christopher Halt.

MINUTES:

A motion was made by Councilwoman Alls-Moffat and seconded by Tony Dydek to adopt the minutes of January 18, 2005, as distributed. The vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. Announcement from Burlington County Department of Resource Conservation of Fourth Annual Stormwater Management Conference on May 5, 2005.
2. 1/20/05, memo from Robert K. Smyth, Finance Committee Chairman, to department heads concerning the 2005 budget review process.
3. 2/5/05, copy of letter from Burlington County Soil Conservation District regarding a resolution passed concerning review, certification, and inspection requirements for single-family dwelling construction under Chapter 251, Soil Erosion and Sediment Control Act.
4. January 2005, announcement and application form from Association of New Jersey Environmental Commissions (ANJEC) concerning 2005 Smart Growth Planning Grants for Municipalities
5. January, 2005, copy of "Mayor's Fax Advisory" from New Jersey State League of Municipalities, stating their opposition to pending state action on A-1683/A-3254 which would mandate Master Plan Build-Out Analysis during plan re-examination but does not define the requirements nor provide funding for this mandate.
6. 2/3/05, "Mayors Fax Advisory" from New Jersey State League of Municipalities, regarding State Planning Commission's Cross Acceptance Process for updating the State Plan.
7. 2/2/2005, copy for board of Tom Coleman's letter to Bruce Gunn, Borough Solicitor, concerning I. Michael Heine, Esq. letter of 2/1/2005 and fax copy of said 2/1/05 letter. Copies prepared and distributed to the board at meeting.
8. 2/8/2005, fax copy of 2/8 and 1/13 letters to Tom Coleman from Jerry Cureton concerning additional continuance until March of the Moccia application so their engineer can complete his work. Copies prepared and distributed to the board at meeting.
9. 2/9/2005, copy of revised COAH Development Fee Ordinance along with Tamara's detailed e-mail concerning the revisions. Copies of both made and distributed/mailed on 2/9/05 to the board and Tom Coleman.
10. Professional contracts from solicitor, engineer and planner.
11. Five 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:

Continuance – The applicant's attorney through the board's solicitor requested a one month continuance so their

engineer could complete the revisions to the plan as laid out at the December 2004 hearing. Tom Coleman stated that it was up to the board to grant or not grant the continuance. If not granted they would need to re-file, mail and notice since they have the preliminary approval. However, if the board feels the applicant is acting in good faith to comply, the board can grant the continuance. Birnie asked if a continuance was not granted, does the whole application go back to the beginning. Tom replied no, that they have their preliminary approval and denial of the continuance means they have to re-file for final approval. Everything granted to date remains. Birnie stated she wanted to talk about the application in light of related matters and Tom stated that any discussion regarding those issues needs to be discussed in closed session. Tom feels that discussion should occur at the end of the meeting rather than asking everyone to leave the room and then have to come back after the board returns to public session. The chair stated that there was discussion on continuing the hearing and asked for a motion on same. Councilwoman Alls-Moffat motioned and Tony Dydek seconded that the continuance be granted. Under discussion, Tom Coleman stated he wanted it reflected in the record that he had discussed the conflict situation with the mayor and that he understood, and the mayor confirmed this, that the mayor would recuse himself from further participation in the hearing. Frank stated he understands that the decision to recuse is up to the member with, of course, the advice of counsel. Tom discussed with Donna that since her spouse has threatened litigation on the matter that she also should recuse herself. Mrs. Tyson stated that she would also recuse herself. Bob Smyth commented on the document he had received a copy of at the meeting regarding possible litigation by stating that anytime he is mentioned in litigation by anyone in the town he wants a certified copy delivered to his home at least 48 hours ahead of time so he has sufficient time to review it, think about it, and consider his decision before he has to make a decision at a meeting. Other members of the board concurred that such advance notification was proper. Bob stated that he was prepared to comment and that he was still convinced he has no conflict and that he does not intend to recuse himself from the matter. Birnie again started to address the issue and Tom again stated any discussion concerning possible litigation needed to be in closed session. Muriel stated that things need to be properly documented and it was stated that that is what the tape is for. There being no further discussion, the question was called and the motion passed by voice vote of five ayes and one nay of the six members participating in the matter 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 one month extension of time for consideration of the matter until the next regular meeting of the Board in March 15, 2005 at 7:00PM.

This notice will be posted on the bulletin board and is the only official notice required of the continuation. Tom stated he would advise the applicant's attorney of the continuance.

OLD BUSINESS

Goals and Objectives for 2005 and Review of the Master Plan – The board reviewed and commented on the list provide by the chair as well as a list distributed by Birnie. It was discussed that there should be target dates and milestones and assignments given to committees to work on items to be presented to the board. Tom Coleman stated that review of the master plan must be the number one objective and needs to be started as soon as possible. Review of the master plan plus normal business that will come before the board will probably consume all the board's time. Frank stated that he has requested that Tamara come to next month's meeting to discuss the master plan review process and reviewed the issues he had asked Tamara be prepared to address. This will give the board a clearer idea of the scope of this task. Donna feels the members have the best feeling as to the needs of the town. It was discussed that Tamara is not going to recommend what the board does but is the facilitator of the process and guides the board to a successful conclusion making sure the end result meets legal requirements. Donna recommended that the members review the master plan before the meeting so as to have specific points they might want to discuss with Tamara. Birnie feels it would be helpful to have input from the zoning board and how issues it has acted on impact the master plan. It was commented that input from the zoning board should be part of the review process. Frank requested that the members provide additional comments and review for the next meeting to be discussed during and following the meeting with Tamara.

Draft Municipal Stormwater Management Plan – Discussions the chair and Donna had with Terry Vogt of Remington Vernick Engineers who drafted the plan were reviewed. The draft is a local plan reviewed by the county on behalf of the DEP. The draft is based on a DEP model tweaked for the Borough's unique requirements. Terry was not aware of any municipalities not going through the process except those towns exempted from doing it. As to the relation of a regional plan versus a local plan, the regional plan should be done first with the local plans following the regional plan. However the regional plan is nowhere near completion and the local plans are being done first. Local plans may need to be amended to comply with any regional plan that is eventually adopted. The focus of the plan is on remaining buildable land in the town and for Riverton is essentially an exercise demanded by the state and may not have a major impact. However costs are an issue. The board needs to review and pass on the draft which is then reviewed by the county. The plan has a 2006 effective date. It will be made part of a town's master plan. The board needs to act on the matter so Council can complete its work by the April 1st deadline. While board members have reservations about the final impact of the draft, it concurs that the Borough must act and concluded that it should recommend the plan as a draft plan. There will be a chance to comment on further hearings on the plan at the county level. Bob Smyth feels the board should recommend adoption of the draft plan by Council; but, the board and town officials need to stay involved and on top of developments concerning the plan. He also stated that it needs to be a 2006 budget issue. The chair entertained a motion on the matter. Councilwoman Alls-Moffat motioned and the mayor seconded that the board pass the draft plan and pass it to Council for further action. The motion passed unanimously.

Environmental Commission – The topic was tabled due to Chris Halt's absence.

Redevelopment – Councilwoman Alls-Moffat and the mayor reported on developments. There is an effort to bring the issue back before Council. There is possible interest by Kaplan and/or Mr. Brandenburger in the Nu-Way property but there is nothing definite known at this time. Efforts are continuing to find out more information.

Fence Ordinance Revision – Donna reported that the committee had met and a draft is being reviewed. Hopefully it will be ready to present in the near future. On a related issue, Donna wondered if permits were required for the fence erected by NJ Transit between Cedar Street and the creek. It is not known if the fence is on Borough property or the line's right-of-way. Tom stated that if it was on the right-of-way they probably could erect it without permits. Tom stated he would look into the matter and any plans to erect a similar fence throughout the Borough. Mrs. Martin commented that she believed the fence was erected as amore permanent solution to the temporary fence erected by PAL/RIV AA during T-Ball season.

New Development in Cinnaminson Township – Donna Tyson reported Kaplan has submitted Phases Two and Three which have undergone informal professional review. Donna commented on the traffic study for the project which has finally been received. The study done before the light rail showed a projected increase in traffic at Broad and Main with a decrease in level of service. Donna and others feel this effect has probably already or will be worsened by the impact of light rail especially during rush hour operations. Donna gave the copy to Bob Smyth. Donna stated she feels she has also established an ongoing dialog with Rick Arango, Cinnaminson Township's engineer on the project.

NEW BUSINESS

Review of COAH Development Fee Ordinance Revisions – Frank asked if the matter needed to be acted upon tonight. Tom Coleman said that board action was required before Council could act further on the issue. Frank and Tom reviewed the details provided by Tamara of her work with Borough Solicitor Bruce Gunn on the matter as well as Council's changes from the version originally endorsed by the board last year. Donna wanted to know if the opinions presented were proper coming from a planner rather than a lawyer. Tom stated it was his opinion on review of the materials that the ordinance was done in close consultation and review with the Borough's solicitor and was thus appropriate for the board to consider. It was further discussed that the new revisions were at the request of COAH. Donna stated she would be more comfortable if the material had come with something from Bruce rather than just Tamara. The mayor reviewed that Tamara and Bruce had reviewed the matter in detail at the last Council meeting and that Council feels comfortable with the ordinance as revised. Council has approved the ordinance at first reading and Council needs the board's recommendation that Council consider the

ordinance before final adoption can occur. A chronology of the matter was discussed. Tom stated that it was the board's charge to review the legality of the ordinance as well as the practicality. Based on the detail from Tamara, COAH has problems with the "payment in lieu of at the discretion of the Borough" section added by Council and approved by Council at the time of first reading since payment in lieu of clauses can only be at the discretion of the developer. This section was added against the advice of Bruce Gunn and Tamara. Tamara is recommending that the board endorse the ordinance without the "payment in lieu of" section added by Council since COAH had given approval to the rest of the ordinance. Tom further stated that there is nothing strange or unusual in the ordinance as originally rewritten, that it meets COAH regulations, is similar to other town's ordinances and provides the most flexibility in the issue. Tom stated that he feels the ordinance is legal and believes it has already been endorsed by COAH as recommended by Tamara and that all is need is for Council to adopt it based on the board's recommendations. It is Tom's opinion that the board can in good conscience recommend to Council that they adopt it as recommended by Tamara. Birnie wanted to know if the board should be brought into the picture earlier so it can understand and not just react. It was mentioned that the issue arose in Council, was considered in detail in Council and was properly brought to the board. Donna hopes the ordinance as explained by Tamara is legal and would feel more comfortable if a legal opinion was attached. Under discussion whether it is important who, planner or lawyer, writes the ordinance, Tom stated that it was not unusual that ordinances may be drafted by a planner and then reviewed by a lawyer before it is presented for consideration. It was discussed that board action tonight was not the end of the matter. If the board recommends the ordinance to Council, there is a second reading in Council and full discussion and public input before it is voted on. All ordinances go through this process. There being no further discussion, Councilwoman Alls-Moffat made a motion seconded by the mayor that the board recommend the ordinance without the payment in lieu of section to Council. The motion was approved unanimously. The chair stated he would send a letter to Council.

Vouchers and Invoices:

1. 1/20/2005, Idea Patio Creative Services, \$332.00 for preparing 15 copies of the Master Plan including printing in color and B&W, assembly and binders.
2. 12/6/2004, Tom Coleman, \$400.00 for general service and the November meeting (resubmitted, never paid – secretary stated it was never submitted – his error)
3. 1/5/2005, Tom Coleman, \$400.00 for general service and the December meeting (corrected and resubmitted).
4. 2/7/2005, Tom Coleman, \$400.00 for general service and the January meeting.
5. 2/7/2005, Tom Coleman, \$280.00 for work on the Moccia hearing and resolution to be paid out of escrow.

Donna wished to know if the board/town had to make up escrow shortfalls. Tom answered no, that it is part of professional contracts that the professional understands such funds are due from the applicant. A motion was made by Birnie O'Reilly and seconded Councilwoman Alls-Moffat to pay the items as presented. Payment was approved unanimously. The secretary will have them signed and submitted for payment. The secretary will follow up separately with the chair on the two older invoices, have them signed and submitted.

Professional Contracts – The secretary reviewed the contracts with the board. There is no change from 2004 for Tom's or Tamara's. The engineer's reflected a \$5.00 increase/hour in his fee plus some similar increase in other fees. It was asked if travel time was included and the answer was not known. The professional can be asked.

Miscellaneous:

- Councilwoman Alls-Moffat reported that Ed Smyth long time member of the zoning board and currently in the final year of his term had graciously stepped aside as vice chair to let "new blood" take over.

PUBLIC COMMENT

The meeting was opened to public comment. The chair requested that comment be kept to five minutes and to planning board issues.

- Michael Heine, 206 Carriage House Lane, complimented the mayor for recusing himself from the Moccia matter. He thinks Bob Smyth's refusal to recuse is regrettable, is based on bad advice from the solicitor, the

objective standard is not being met, and it is a stain on the town. The litigation issue referenced is not the kind that should be discussed in closed session. He reiterated that he feels the board should vacate its prior granting of preliminary site plan approval to Moccia. He repeated his opinion that while Tamara may have done a good job on the master plan she has recently shown serious disloyalty to the town. When she consults on issues she must follow the spirit and letter of the plan and zoning ordinances. She paved the way for the use variance for the Sitzler property and he feels that goes against case law that use variances should only be granted in the most extraordinary circumstances. The work she did on the redrafted redevelopment plan flies in the face of the master plan and zoning ordinance. He thinks the current master plan is a good plan, but he feels it is time for fresh blood without the history of these compromises.

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

Executive Session – The chair entertained a motion under Section 8 of the Open Public Meetings Act, C231, P.L.1975, which permits the exclusion of the public from a meeting in certain circumstances, to discuss possible litigation matters. Councilwoman Alls-Moffat motioned that the board go into closed session under Section 8 of the Open Public Meetings Act, C231, P.L.1975 to discuss legal advice concerning possible litigation. The motion was seconded by Tony Dydek and a voice vote was unanimous. At this time Birnie O'Reilly motioned to return to public session. Tony Dydek seconded the motion and a voice vote was unanimous. Several additional items under Miscellaneous were discussed prior to adjournment.

Miscellaneous:

Following the return to public session:

- Donna Tyson feels holding public comments to five minutes per person is unfair. The chair stated that this could be discussed further at future meetings.
- Birnie feels things being discussed that aren't private should be passed out to the audience. The secretary replied that in good conscience he tried to not misuse the copier privileges at his employment to copy the world on things. Tom Coleman stated he receives copies as needed when he was asked the question and he also commented that in his experience providing extra copies of everything is a nice luxury that may not be practical. The chair stated this could be discussed at another meeting when it can be opened to public discussion.

Meeting adjourned at 9:55 PM.

Next meeting is on 3/15/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
March 15, 2005**

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 January 21, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

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

Also Present: Solicitor Tom Coleman, Planner Tamara Lee, Engineer Mark Malinowski, and Secretary Ken Palmer

ABSENT: None.

MINUTES: A motion was made by Councilwoman Alls-Moffat and seconded by Robert Smyth to adopt the minutes of the February 15, 2005, regular meeting as distributed. The vote was unanimous. A motion was made by Councilwoman Alls-Moffat and seconded by Birnie O'Reilly to adopt the minutes of the February 15, 2005, executive session as distributed. The vote was unanimous with Donna and the mayor abstaining.

CORRESPONDENCE/ANNOUNCEMENTS

1. 3/2/2005, revised plans and reports for the Moccia site plan application from the applicant's engineer – copies mailed to everyone 3/2/2005.
2. 3/14/2005, response/review from board engineer of revised materials for the Moccia site plan application – copies provided to the members.
3. 3/15/2005, copy of letter plus a subsequent correction letter to Tom Coleman from Michael Heine regarding the Moccia matter and board actions.
4. Three 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:

Testimony continued – The chair introduced the applicant's attorney Mr. Cureton and asked if they were ready to proceed. The secretary reviewed for the record that Birnie O'Reilly and Joe Katella had listened to the tapes of the previous portion of the hearing and attested to same. Tom Coleman stated that as such both could participate in the matter. The mayor recused himself from the matter and stepped down for the duration. Mr. Cureton started his presentation. The applicant who had previously testified was not present and had been informed by Mr. Cureton that since this portion was related to the satisfaction of professionally related conditions did not need to be present since no additional testimony by him was planned. Chris Halt asked if he could bring up an issue related to the previous granting of preliminary approval at the December, 2004 hearing. He is concerned due to the mayor's recusal if the prior approval should be rescinded. Asked by the chair, Chris made a motion that the board rescind the preliminary approval granted by the board. Tom Coleman explained that such action would require the applicant to reestablish their entire testimony to get preliminary and final site plan approval. Further, Tom feels the time limit of 45 days since date of publication in January to take action against the prior approval has expired and cautioned that this action may give cause to the applicant to expose the board to litigation. However, the decision is his to make the motion. Muriel regretfully seconded the motion due to the climate surrounding the matter. There was discussion as to the impact of rescinding the approval. Mr. Coleman stated the applicant has established the preliminary approval which arguably at this point cannot be challenged. Tom

referenced Michael Heine's letters to him and Council, but still feels that the 45 day right of challenge has expired and the action being discussed could potentially result in removal of what is now an unappealable approval. Donna asked if the preliminary approval was improper since a member voting on that approval has now recused himself from the matter. Donna asked if Bob Smyth had also reconsidered and he replied he was reserving his decision until he heard additional testimony on the matter. Tom asked Donna if she was going to participate given her relationship to Mr. Heine. Donna replied that she would recuse only if case law supported that decision. Tom replied that as with the other members, it is her decision based on her conviction as to whether she has a conflict. Donna stated she would not recuse. Tom reminded her as he had others that the decision to participate potentially jeopardizes the vote of the board as well as applicant's approval or denial. There was discussion that at this stage litigation has only been threatened not initiated. Muriel is concerned about how can the board proceed if it appears that the board has to do things Mr. Heine's way or he will sue. Bob Smyth stated that you can't let intimidation stop you from doing your job. Donna feels a vote to rescind wipes the slate clean, removes any cloud over the approval and allows the board to proceed. After additional discussion, Tom asked Mr. Cureton for his feeling on the matter. Jerry feels the 45 day period to appeal the approval has expired. He does not feel a conflict of interest exists. He feels the board cannot arbitrarily take the approval away without infringing on the applicant's rights and he will stand on those rights. Mr. Cureton wishes to proceed. The chair asked if there was a motion to end discussion. Birnie feels the applicant has no right to offer an opinion on what she feels is strictly a board procedural matter and there is nothing to say that the board can't rescind the prior approval and then go onto resolve the entire matter tonight. Tom that the applicant has a right to comment on matters that directly effect the application and he also stated that since there is no guarantee that Bob Smyth or Donna Tyson will step down, the cloud as Birnie calls it still remains. Frank feels the period to appeal or reconsider the approval has expired. Tom stated that anyone can challenge a decision of the board within 45 days after publication of the decision or the time can be expanded in the interest of justice. Frank again asked if there was a motion end discussion and act on the motion. Donna asked if a member has recused his- or herself from further participation what does that do to actions previously taken when the member participated. Tom stated it potentially exposes the board just the same as if she or any other member participates who if, in the future, is found to have had a conflict. Muriel at this point withdrew her second of the motion to rescind since she is not sure she can proceed with all the confusion over the matter. Donna started to make a new motion; but, when informed that Chris' motion to rescind the prior approval was still on the floor, instead seconded Chris' motion. Tom clarified that Bob Smyth as first alternate was eligible to vote, but if he recuses, then Joe Katella becomes eligible as second alternate. Tom asked if Mr. Smyth wished to recuse himself. Mr. Smyth stated he abstained. Tom informed him that an abstention is treated with the majority and asked if he was participating to which Bob stated he was. A poll vote was called with aye a vote to rescind and nay a vote to let the preliminary approval stand. A poll vote of the members initially approved the call to rescind the prior approval by a vote of three ayes, two nays, and two abstains as follows:

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

Mr. Cureton stated he felt there was confusion over the effect of a member abstaining. Tom replied that members of the board have an affirmative obligation to vote on issues unless they have a conflict of interest. Therefore if a member abstains, case law has established that the abstention is treated as agreeing with the majority decision. When discussed, the members who abstained stated they were confused as to what their action implied. Mr. Cureton asked if the board would consider a revote. Asked what the procedure is, Tom stated that if it wishes, the board needs to motion to rescind the last vote and if approved then start over. Birnie motioned to rescind the prior vote on rescinding the approval which was seconded by Muriel and passed unanimously. Chris Halt remade his motion to rescind the previous preliminary approval and it was seconded by Birnie. There was no further discussion and after making sure the members fully understood the results of their actions, a poll vote was called with aye a vote to rescind the preliminary approval and nay a vote to let the approval stand. A poll vote of the members defeated the motion to rescind the approval by a vote of four nays and three ayes as follows:

Mr. Siefert – nay
Mrs. Tyson – aye
Councilwoman Alls-Moffat – nay
Mr. Smyth – nay

Mrs. O'Reilly – aye
Mr. Halt – aye
Mr. Dydek – nay

Mr. Cureton was asked to resume his presentation. He reviewed that at the end of the prior hearing the applicant was left with several matters to resolve before a final approval could be considered. Mr. Ott, the applicant's engineer was re-sworn. Mr. Ott introduced new exhibits:

B-1 New topographical survey
B-2 Revised Site Plan
B-2 Zoning schedule which will be added to the plan

He testified that:

- A new survey has been prepared and submitted.
- The handicapped space has been moved back from the sidewalk vicinity and a space has been removed to make room for that adjustment.
- Landscaping has been provided for and added to the plan.
- The lighting survey was done and the site found wanting. Plans have been made to install additional site lighting using the garage and a neighboring building owned by the applicant to mount the fixtures.
- The zoning schedule was omitted from the site plan by accident and will be added per the exhibit provided if approved.

Mark Malinowski began his review by stating the zoning schedule submitted was satisfactory. Asked if the stall size should be on the schedule it was answered that that is a design issue and a waiver was granted at the prior hearing. As to concerns of mounting lighting on a building adjacent to the site, the applicant's engineer stated, if the board concurred, he would have the applicant enter a lease agreement with PSE&G to hang a light on the utility pole that is at the edge of the site. Concerning details of the traffic markings on the pavement, Mr. Ott stated that they would be provided. Concerning placement of any traffic signs, Mr. Cureton stated the applicant would ensure that any signs required would meet all approvals and requirements. As to the concern that any reserved signs be placed at the correct height, it was agreed they would be. Donna asked if any signs concerning the use of the property needed ARC approval. Such signs have not been discussed and are not a part of this application. Donna stated she wants all signs to be properly reviewed. Since no commercial space is proposed, the notation should be removed from the parking schedule. Mr. Ott agreed. Mr. Cureton stated that all reviews and approvals would be obtained as required by the Borough. The contoured grading plan has been provided as required. Concerning the written agreement for professional review and inspections, the applicant's professionals stated that was not a problem. A waiver for a performance bond was again requested. It was stated that the bond assured the improvements were done and if not the Borough could have them done using the bond proceeds. Asked if there was any method of guaranteeing the shrubbery would be maintained as part of this matter, it was stated that was beyond this application. The zoning schedule's area and bulk requirements will be added to the plan as discussed earlier. The stormwater runoff calculations were discussed. The figures supplied were based on a 100 year storm and the calculations were determined to be within acceptable limits. Asked how the developed figures compared to what they would be if the parking lot was still gravel, Mr. Ott supplied calculations based on no parking area at all and stated that instead of using the accepted limits he used even more conservative figures. The differences were deemed within acceptable limits by the engineers. Birnie wondered if the board should be concerned about the effects of any snow remediation efforts such as salt on the landscaping. While it was discussed that it is up to property owner to maintain the shrubbery, it is somewhat beyond the scope of the hearing. There was discussion that the planned species was known to be hardy; however, Mr. Ott stated he would check with landscape professionals in his firm. Concerning using the county inlet to capture excess runoff, Mr. Ott stated he doubted that the county would permit it and that is why he used the conservative calculations to show it should not be necessary. Mark concurred that the calculations supplied indicated that there should not be a problem. It was decided that the inlet issue should only be pursued if problems do arise. The applicant has submitted for county review and approval but has not heard anything yet. Maintenance of the public sidewalks

along the site is responsibility of the owner as is the same with all properties in the town. Birnie asked questions about where the spaces near the garage would be and feels that the spaces need to be properly marked to ensure that only the approved spaces be used. It was agreed the plan would indicate the markings and the lot would be stripped as appropriate. There being no further questions from the board or testimony, the chair indicated he would open the matter to the public.

Public Comment – The hearing was opened to public comment:

- Gene Bandine, 522B Main Street, noted the Borough's tree contractor would be trimming the trees near the site and that should improve lighting. He doesn't feel there are any lighting problems. He feels any runoff problems are not from the site but from Broad Street and Church Lane. He has not seen any problems in the lot. He feels the planned choice for the landscaping is a good choice.
- Charles Caruso, 412 Lippincott Avenue, appreciates the board's diligence but notes that parking is sorely needed.
- Michael Heine, 206 Carriage House Lane, questioned if asphalt had not been used is the paving that has been done the preferred way to improve the lot. Mark replied that most parking areas are hard paved and that asphalt is a good durable way to provide a paved surface. Mark feels the applicant has properly addressed the runoff concerns based on the state's new requirements. As to alternative materials, that is up to the applicant as long as they are suitable. Michael feels the assessment from a landscape architect should be supplied before the board considers any approval. Mark replied that there are no specific requirements by ordinance. He has stated he will review what is supplied by Mr. Ott's landscaping professionals. Mark stated that any approvals can be conditioned on such review being completed. As to his letters, Michael stated they were not directed to this application but rather addressed conduct by the board in general concerning conflicts of interest. He feels that the mayor having recused himself is a positive point but feels it is most unfortunate that Bob Smyth continues to sit on the matter.
- Mary Anne Shea, Bank Avenue, thinks paving is better than gravel as far as maintenance, safety, etc. Plus you cannot easily plow gravel and there is also a dust issue with gravel and stone.
- Phyllis Rogers, 405 Lippincott Avenue, feels the lot is a significant improvement and the town should thank Mr. Moccia for his efforts.
- Frank Ciocci, 408 Lippincott Avenue, feels the lot is needed. If the proper procedure had been followed perhaps there would not have been all the problems that have occurred. He wondered why Riverton was not included in the articles concerning the river front towns that had recently appeared in the paper.
- Bill Koltonic, 404 Lippincott Avenue, feels the lot is a plus for the town. He feels the town should do all it can to free up area for parking in town.

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

Deliberation and Vote – The chair asked if there were additional comment by the board. Chris Halt feels the lot itself is good. It is the process that was the problem. He feels the prior approval is also questionable. Bob Smyth feels the lot is a good thing and that the end process is good. The way it was started was wrong and it is right that the applicant has been made to follow the proper procedure. Donna Tyson agrees with the comments made and feels the applicant should have followed the proper process from the start and not caused the ill feelings and wasted time that has resulted from having to go back and work through the process after the fact. There is no excuse for either not knowing the proper procedure or at least inquiring before major improvements are made. Birnie also concurred with the prior comments and feels that it is unfortunate that because the proper process wasn't followed from the beginning that the process has become one filled with contention and bad feelings. She feels enforcement was lax and that Mr. Moccia should have been fined. She doesn't want there to be a feeling among people that it is okay to do the wrong thing and then seek forgiveness, but that people should know there is a process to be followed and consequences for not following process. Muriel stated she had been the first to call attention to the problem and pleaded that the proper process be followed. Birnie raised concerns about existing signs. It was mentioned that that there were no signs there. It was stated that all procedures will be followed. The chair stated it has been a painful process and that the applicant has not gotten away with anything. In fact it has been a long and expensive process for him and in the end a good process that has assured it is being done correctly. Donna again raised the issue concerning signage and Mr. Cureton stated he would ensure that his client follows all the proper procedures. The chair asked Tom if it was appropriate to call for an up or down vote at this time and there was discussion as to the format of the motion. Tom advised the board that a motion to grant final

approval was appropriate and that it was also appropriate to lay out conditions surrounding the approval. With guidance by Tom and Mark the board arrived at a motion.

A motion was made by Muriel Alls-Moffett and seconded by Tony Dydeck to grant final site plan approval for the parking lot project located at 300 Broad Street subject to certain conditions. The conditions associated with the final site plan approval are as follows:

- a. The "stop" and "do not enter" signs will be relocated;
- b. An existing flood light will be relocated off of the existing building to a pole to be erected or leased from PSE&G;
- c. The landscaping plan is approved, however, the same is subject to an approval from the planning board's engineer's office as to the species of the shrubs and trees to be utilized within the landscape plan;
- d. The applicant will enter into a professional review and inspection agreement with the planning board's engineer;
- e. A performance bond in an amount to be determined by the planning board's engineer, will be required to be delivered by the applicant to insure that all on-site improvements to be constructed by the applicant are completed;
- f. The area and bulk requirements for the applicant's lot as the same apply to the particular improvements undertaken by the applicant will be shown on the final plan;
- g. Specific details of the handicapped pavement marking will be provided on the final plan;
- h. The applicant will eliminate one parking spot from the final plan;
- i. Striping will be added to the pavement, in front of the garage so that there is a clear designation that no parking is permitted in this area; and
- j. The applicant's approval from the Riverton Planning Board will be subject to the Burlington County Planning Board approval and any other state or county agency or authority.

A poll vote was called with aye signifying approval and nay denial of approval. The result was unanimous approval of seven ayes as follows:

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

Following a five minute recess, the mayor rejoined the board and the meeting continued with old business.

OLD BUSINESS

Presentation on the Master Plan – While waiting for the applicants to arrive for the continuation of the application hearing before the board, the chair stated he would move forward to the discussion of the master plan on the agenda. The chair reviewed that the master plan must be reviewed. This involves a straight forward reexamination or can include a major revision. The effort and budget involved for the two options are vastly different. He had requested Board Planner Tamara Lee to prepare and make a presentation to the board. The chair introduced Tamara. Tamara explained that the master plan forms the foundation of the town's land use ordinances and the decisions made by the planning and zoning boards. State law requires that the master plan needs to be reexamined every six years to make sure the ordinances are in keeping with appropriate planning policy. Unlike other requirements such as COAH's, the six year requirement is not as unforgiving and it is more important that the reexamination be done correctly rather than quickly. Given that during the last review the plan was completely rewritten and the ordinances revised accordingly, it is not as if the town has totally ignored the process and the danger of being sued by a developer is probably minor. There are two basic options. One is a simple reexamination and re-adoption of the current plan with documentation updated as required. The board can also decide that a complete rewrite is needed. There are various steps in between these two decisions that are also appropriate. Given the comprehensive nature of the review and changes during the last review, Tamara feels a reexamination of the current plan is probably sufficient. However, that is up to the board to decide. Tamara stated she was not there nor is it appropriate for her to tell the board what it should do. She is there to help facilitate the process, provide professional guidance along the way and to help assure the finished product will

satisfy the legal requirements and conform to the goals and objectives of the plan. Under reexamination, each of the goals and objectives need to be reviewed to determine whether they are still applicable or should be revised or new ones added. Have things changed legally or otherwise that dictate revisions to the plan? There have been major changes to the COAH regulations that should probably mean a change in local planning policy. Changes in demographics, business or economic realities, and even the mindset of the community all can determine whether or not revisions are needed. Redevelopment potential and plans can also impact the plan. Tamara feels the housing element definitely need to be looked at because of the COAH changes. Ideas for the general business zone and redevelopment zone may indicate a need for revision of the plan. In each section, the planning recommendations need to be reviewed for appropriateness. In the land use element the makeup and uses of each zoning area needs to be reviewed for possible changes. Changes are made by amendments to the various sections.

A reexamination report can be satisfied by recognizing that there are specific areas needing review and establishing a definitive plan to complete that process. If a dialog has already been established and a consensus is close on the direction to be pursued, it is also possible to adopt a reexamination report with amendments to the plan included. Again, this is up to the board and the town to decide. Tamara stated that there is a lot that can be done without professional involvement which will save money without jeopardising the process or plan. Tamara stated that if the housing element could be amended as part of the reexamination process it would go far to complete the work needed for COAH recertification which comes up next year. Having the housing plan element done would leave the Fair Share review and revisions. Tamara explained that the master plan belongs to the board. What it develops is the plan. However this does not and definitely should not occur in a vacuum. The results of the board's efforts should represent a meeting of the minds as to what is best for the town. That is why there is a hearing process involved when the report with or without amendments is prepared and ready to be considered. Before that, it is recommended that the board undertake whatever processes are needed such as joint meetings, surveys, or similar methods to gather opinions and develop a course of action. A comprehensive schedule is needed and the time frame is tight; so it behooves the board to get the process moving as soon as possible. Tamara felt that a joint meeting with Council might be the best method for the board and Council to come to a consensus. If nothing more, a consensus is needed concerning the revised rehabilitation requirements of COAH and the possibly changed feelings about redevelopment of the general business district. The board discussed with Tamara how best to proceed with a joint meeting and the requirements for same. It was agreed that hopefully following next month's Council sessions and the board's next meeting a special meeting devoted to just the topic of the master plan can be held as quickly as possible so the board could begin the process needed to complete the reexamination. The need for or possibility of conducting a survey similar to that done during the last review was discussed. Tamara stated that what was needed first and foremost was to develop a realistic schedule and have the ability to show that the board is moving forward with due diligence towards its goals. That should prevent unnecessary challenges to the plan. The chair asked if there could be assistance in developing a task list and Tamara stated she would include that in her scope of work. It was determined and agreed to that the chair would agree to act as the point person to work with Tamara. It was discussed that perhaps a Monday meeting would be best. Council will try and have a selection of dates available for the board to consider at its next meeting. Tamara stated she would be happy to prepare a proposal based on her presentation and to have it available before Council's next meeting so that it can be discussed at the board's next meeting. Hopefully, decisions on how things will proceed can be decided. Asked if she could work within the discussed \$3,000.00 budget target, Tamara stated she thinks the reexamination report is definitely doable. As to any major amendment work, she needs to consider that and get back to the board. Concerning COAH, Birnie asked Tamara if she kept the Borough in mind when she attended COAH related meetings. Tamara stated she has always attempted to keep the Borough informed and has approached Council whenever she thought possible action was needed.

Goals and Objectives for 2005 – The chair reviewed that he had prepared and distributed a revised list and asked that the members look it over and be prepared to discuss them at next month's meeting.

Environmental Commission – Chris Halt reported that he did not believe Council had taken any action on the commission's proposed revised stream setback requirements. He will be attending the stormwater management group meeting at Palmyra Cove on the 16th.

Redevelopment – Councilwoman Alls-Moffat stated that the previously reported interest by Kaplan and/or Mr. Brandenburger in the Nu-Way property has not proved to be a real issue. The mayor reported that Kaplan has been trying to meet with Council and may be looking into purchasing the Nu-Way and National Casein properties. Bob Smyth remarked that Kaplan is a major developer and has been looking to make possible acquisitions on both sides of his Cinnaminson site. He is looking in Riverside and Riverton.

Fence Ordinance Revision – Donna reported that a draft has been completed and is being reviewed by the attorney. The secretary reviewed that at the last zoning board meeting, Kerry Brandt chair of the committee had stated he wanted the zoning board members to give a preliminary review since the primary purpose of the revision is to hopefully reduce the number of fence issues that come before the board.

New Development in Cinnaminson Township – Impact on Riverton – Donna Tyson reported that she has spoken with Rick Arango for an update. He reported that the Cinnaminson Planning Board is waiting for revisions to phase II and phase III to be submitted. The commercial construction on the former Centron Coatings site is underway. Bob Smyth reported that he is reviewing the traffic study and will report to the board. There is concern among the board that the town can exercise proper control over any major redevelopment plans by major developers. It was mentioned that the draft redevelopment plan did contain design criteria. However if the plan is not on the books then it falls to the current ordinances and the master plan. These issues need to be part and parcel to the master plan review. It was mentioned that any joint meetings also include zoning. Donna stated the negotiations over the Post Office should be part of any consideration and perhaps be part of any future negotiations with Kaplan or any other developers interested in the properties in Riverton. The impact of COAH also needs to be kept in mind when consideration is made on commercial vs. residential use. The new COAH requirements now tie together commercial and residential development requirements. The entire issue of types of ratables, mixed use development, trade offs with developers has been and will continue to be a major issue. The board and Council need to continue look to all possible means to make the best of the situation and to assure that the best results for the town are obtained.

NEW BUSINESS

Vouchers and Invoices:

1. 3/15/05, Kenny Palmer, \$20.00, for creating duplicates of the 12/21/04 meeting tapes.
2. 2/28/2005, Lord Worrel & Richter, Mark Malinowski, \$1,437.50, for work on the Moccia application, 11/3/04-12/17/04. To be paid from escrow.
3. 2/28/2005, Lord Worrel & Richter, Mark Malinowski, \$150.00, for meeting attendance 12/21/04 for the Moccia application hearing. To be paid from escrow.

Donna wished to know if the escrow accounts were current and the secretary replied that they were prior to the new submissions. A motion was made by Birnie O'Reilly and seconded Councilwoman Alls-Moffat to pay the items as presented. Payment was approved unanimously. The secretary will have them signed and submitted.

PUBLIC COMMENT

The meeting was opened to public comment.

- William Harris, Cinnaminson Street, mentioned that the site of the former Lippincott Boat Works is for sale in Cinnaminson Township across the creek from the Borough.
- Anthony Fratto, 205 Fulton Street, spoke about Palmyra's redevelopment efforts in Palmyra and the grant program efforts in the town including the streetscape improvements. He serves on committees in Palmyra and encouraged the board members to perhaps seek out and become familiar with how things are progressing. It was mentioned that Riverton does not yet have a redevelopment plan in place.

- James Moffat, 202 Fulton Street, was surprised that when a member abstains that it is not considered as a straight forward non-vote but is instead considered as if the member agreed the majority result. He also wished Bill Harris a happy birthday.

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

Meeting adjourned at 10:23 PM.

Next meeting is on 4/19/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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

RIVERTON BOROUGH PLANNING BOARD
MINUTES
April 19, 2005

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 January 21, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Birnist 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: Joseph Katella.

MINUTES: A motion was made by Mayor Martin and seconded by Chris Halt to adopt the minutes of the April 19, 2005, regular meeting as distributed. The vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 4/6/05, Burlington County Department of Resource Conservation, announcement and registration form for the Stormwater Management Forum & Award Program, May 5, 2005.
2. 4/6/05, Spring 2005, issue of the "Rancocas Reflections" newsletter which is for and about the Rancocas Creek Watershed.
3. 4/6/05, Delaware Valley Regional Planning Commission, announcement of audio seminar 4/20/05, on "Planning for Safe Growth" at their offices in Philadelphia.
4. 3/31/05, Report from Tamara Lee regarding work effort needed, her scope of work, and suggested schedule for conducting the Reexamination of the Master Plan.
5. 4/18/05, Resolution for Moccia Site Plan Approval.
6. Three vouchers/invoices as presented under New Business.

OLD BUSINESS

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

Resolution P2005-04 for: Application of Moccia Properties LLC Requesting Approval Of A Site Plan For An Existing Paved Parking Lot at 300 Broad Street, Block 801, Lot 13:

The chair asked if there were any comments on the resolution distributed to the members for review. Councilwoman Alls-Moffat made a motion that the resolution be adopted and memorialized as presented and the motion was seconded by Tony Dydek. Chris Halt made a motion to table the resolution which was seconded by Birnie O'Reilly. The motion to table taking precedence over the motion to adopt, that motion was considered first. Donna Tyson wants to make sure that everything was done correctly in fairness to the board, the Borough and the applicant. She feels time should be taken to reflect and research the matter. Chris Halt stated he made the motion based on receipt of a letter with an opinion by a lawyer that outlines with examples of case law how this lawyer feels the board was given bad legal advice by the board's solicitor as it pertains to the Moccia matter. Chris asked that the receipt of this letter and its availability to the board and secretary be included in the public record. He is questioning the legal advice given the board. Councilwoman Alls-Moffat feels all procedures have now been followed and it is time to move on with the application. She feels the advice given the board is adequate. There was rigorous discussion among the board supporting both sides of the question: that the case law cited in Chris Halt's letter represented the last word on the subject; or it was the opinions of one attorney based on the cases he cited; or as to whether the board needs to seek a second opinion with everything tabled until that opinion is provided; or as to the impact of whether a waiver or variance was granted if it achieved the same result. The

members feel they want to make sure things were done correctly, but some feel it wasn't done correctly and other s think it was done correctly. Personal opinions and feelings were interjected and the chair asked that discussion stay on the motion. The chair stated that he feels that sound advice was provided on the matter by the engineer and solicitor. Mr. Coleman stated he could not comment on Chris' letter since he had just seen it. Chris Halt stated he also spoke with an official of New Jersey Planning Officials who agreed with the opinions as cited in the letter. With discussion not producing any definitive results one way or the other, the question was called and a roll call vote was called for on the motion to table the resolution. The motion to table was defeated by a vote of 4 to 3 of the members eligible to vote (participated in the hearing) as follows:

Mr. Siefert	nay	Mrs. O'Reilly	aye
Mrs. Tyson	aye	Mr. Halt	aye
Mrs. Moffat	nay	Mr. Dydek	nay
Mr. Smyth	nay		

Discussion returned to the motion to adopt and memorialize the resolution. Bob Smyth asked if the resolution simply memorializes the unanimous action taken by the board on the matter at the March meeting. The answer was yes. Birnie is of the opinion that if the process was illegal, the vote to approve was thus illegal. She feels the legal opinion given to Chris should be reviewed by Bruce Gunn and guidance given the board. Asked if there was any new discussion and not hearing any, the question was called on adopting and memorializing the resolution. A roll call vote was called on the motion to adopt and the motion was carried by a vote of 4 to 3 of the members eligible to vote (participated in the hearing) as follows:

Mr. Siefert	aye	Mrs. O'Reilly	nay
Mrs. Tyson	nay	Mr. Halt	nay
Mrs. Moffat	aye	Mr. Dydek	aye
Mr. Smyth	aye		

The secretary stated that he would have the resolution signed, distributed and required notice published. There was some additional discussion regarding the point that while the members may not be able to agree on everything it doesn't mean that some members are not supportive of the process. It means that differences of opinion will exist and that all the members do want to do the right thing.

Reexamination of the Master Plan and 2005 Goals and Objectives – The chair asked if the members had a chance to review Tamara's proposal regarding review of the master plan. Apparently some members had not received the material until tonight. It was felt that the topic should be tabled until the members can review the material. Regarding the possible special meeting on May 2nd, it was determined that no meeting should be held until everyone is on the same page. There is also a difference of opinion as to the value of a joint meeting and that results may better obtained by other methods such as committees, etc. The chair asked and it was agreed that discussion on this topic as well as the Goals and Objectives be tabled until next meeting.

Environmental Commission – Chris Halt stated there was nothing new to report on stormwater management. It is not certain if anything is underway concerning the commission's request to Council that the wetlands buffer along the creek be increased from 50 to 100 feet. There was discussion that the issue of riparian rights might impact on this area. Chris stated he attended the stormwater conference at Palmyra Cove and that the County Freeholders have been appointed to be the organizers of the information for the regional stormwater management program. Bob Smyth commented that perhaps there might be grant money available for these projects. Donna asked if there were maps other than included in the master plan that might show if riparian rights exist. The answer was that no one is sure but they don't think so. Perhaps Councilwoman Villari is aware of something in this area.

Redevelopment – Councilwoman Alls-Moffat stated that there was nothing new to report on the plan. The mayor reported that he and Councilwoman Villari had met with officials of the new development going up in Cinnaminson along Broad Street and the river to discuss how they approached business as regards redevelopment. In short, they appear to favor eminent domain as a means of getting projects moving.

Fence Ordinance Revision – Donna reported that she has not spoken with Kerry Brandt since the last planning board meeting but she thought a draft was close to being or was being reviewed by the zoning board's attorney. She will contact Kerry. The secretary reported that he had heard nothing from the zoning board since they had not met since February.

New Development in Cinnaminson Township – Impact on Riverton – Donna Tyson reported that she is trying to get an update from Rick Arango. She has also tried to contact the secretary of the Cinnaminson Planning Board. The project was not on the agenda this past month. She discussed the website for the project and referred to the information available on the website. Bob Smyth commented on his review of the traffic study which was done in 2003 and revised in 2004; but, is essentially pre-light rail. The findings for Main Street projected a decline in level of service for the Broad and Main Streets area. The traffic impacts in the Borough's master plan should take these figures into consideration.

NEW BUSINESS

Vouchers and Invoices:

1. 4/6/05, Tom Coleman, \$400.00, preparation and attendance at the March meeting.
2. 4/6/05, Tom Coleman, \$574.00, for work related to the Moccia Site Plan application. To be paid from escrow.
3. 4/19/05, Kenny Palmer, \$20.00, for creating duplicates of the 3/15/05 meeting tapes for Birnie O'Reilly.

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

Miscellaneous:

- The chair commented on the apparent success of the new ice cream parlor. Birnie asked about the awning and it was stated they still appear to be finishing the project.
- Chris and Donna commented on remediation efforts being done at the site on 4th and Morgan in Palmyra to remove the fuel oil contamination from a leaking in-ground tank.

PUBLIC COMMENT

The meeting was opened to public comment prior to the board going to closed session:

- James Moffat, 202 Fulton Street, suggested that important communications be sent regular mail rather than using e-mail since some members may not have received things. The secretary stated that he follows up on distributions including mailing items to people who do not have e-mail or placing items in the Borough mail box for Council members and officials.
- Michael Heine, 206 Carriage House Lane, finds the mayor's name calling in his comments regarding board members Halt, Tyson, and O'Reilly lamentable. He feels it is worsened by the actions of board member Smyth who didn't recuse himself from the Moccia matter. He took issue with Councilwoman Alls-Moffat's comments regarding legal action stating that he did not threaten a lawsuit but noticed action taken regarding the issue. He feels the actions of the board members who sought independent legal opinion is laudable while other members were not interested in hearing case law on the subject. Not reviewing the letter is not in the best interest of Riverton. He feels these actions disrespect the law and breed contempt for the process. The mayor responded that the atmosphere of voting everything down and not getting anything done is not beneficial to the town. Councilwoman Alls-Moffat commented that Mr. Heine, as a lawyer and officer of the court, has a responsibility to uphold certain standards that she feels he has not done so on numerous occasions. She feels that Mr. Heine's comments to Council and the planning and zoning boards are never positive, are often threatening, condescending, and insulting and Mr. Heine thinks he can get away with it because he is a lawyer. She asked it to be on record that she is going to file a complaint with the court since she feels the way Mr. Heine conducts himself is not in the best interest of the judicial system.
- Leslie Lewis, 429 Elm Avenue, feels Mr. Heine has a right to speak as a citizen. She feels the board not addressing Mr. Halt's letter is incorrect. She feels that there has to be a policy that supports the right to agree

to disagree on matters and persons should not be faulted or disrespected for it. Muriel stated that there is a process of disagreeing on things that doesn't include threats and that is what she objects to. The chair requested that all on both sides of the table please keep their comments civil and on topic and leave personal and inflammatory comments out. The mayor stated he understood Leslie's feeling but that the type of comments made tonight are not a single meeting event. Birnie feels there is a split and polarization on the board and feels that there are members who do not believe the process is important. Birnie feels the board is new and is not getting proper guidance. Birnie thinks the letter clearly demonstrates that the advice provided on at least four occasions was incorrect. Chris feels the board just wants to do things correctly. Muriel objected to the inference that she doesn't care since was the one who blew the whistle on Moccia. Mrs. Lewis stated she objects to the board not considering the letter. The chair stated that the board cannot stop to consider every single "legal" opinion on a subject or nothing will get done. The board retains counsel to do that and needs to let counsel do his/her job. Birnie maintains the board received bad advice on four issues. Donna stated she enjoys being on the board and wants to do things correctly and that she is not against the parking lot. But, and she included the NJ Transit fence and the Farmer's Market as examples, she wants everyone to follow the same process and there not be any signs of favoritism because someone feels the end justifies the means.

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

Executive Session – At 8:30 PM, the chair entertained a motion to enter closed session under Section 8 of the Open Public Meetings Act, C231, P.L.1975. After discussion with counsel as to what constitutes proper circumstances, Councilwoman Alls-Moffat motioned that the board go into closed session under Section 8 of the Open Public Meetings Act, C231, P.L.1975 to discuss professional contractual issues. The motion was seconded by Tony Dydek and a voice vote was unanimous. At 9:15 PM Councilwoman Alls-Moffat motioned to return to public session. Bob Smyth seconded the motion and a voice vote was unanimous.

Meeting adjourned at 9:15 PM.

Next meeting is on 5/17/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
May 17, 2005**

The Public Session of the Planning Board was called to order at 7:00 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, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Birnist O'Reilly, Donna Tyson, Christopher Halt, Mayor Martin, Councilwoman Alls-Moffat, Robert Smyth, and Joseph Katella.

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

ABSENT: Anthony Dydek.

MINUTES: A motion was made by Councilwoman All-Moffat and seconded by Mayor Martin to adopt the minutes of the April 19, 2005, regular meeting as distributed. The vote was unanimous. A motion was made by Councilwoman All-Moffat and seconded by Mayor Martin to adopt the minutes of the April 19, 2005, executive session as distributed. The vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. "Mayors Advisory" bulletin from NJLM, announcing a hearing on S-2118 which would modify the "time of decision" rule by rendering any application once deemed complete immune from any subsequent changes in State statutes or regulation and from changes in municipal ordinances which occur prior to a final decision being rendered by a planning or zoning board.
2. Announcement by Delaware Valley Regional Planning Commission, of audio seminar on 5/25/05 "Development Finance and Pro Formas."
3. Announcement by Delaware Valley Regional Planning Commission, of public review of the commission's Draft Long Range Plan: Destination 2030 and Draft Transportation Improvement Program for Burlington, Camden, Gloucester and Mercer Counties.
4. Five vouchers/invoices as presented under New Business.

MINOR SITE PLAN APPLICATIONS

Minor Site Plan Hearing, 531 Main Street, Suite C – Lila Hart of Lila Hart, Inc. wishes to open a book store/information center. Ms. Hart was not present. The chair stated he could not contact her and stated the hearing would need to be tabled until June. There was discussion about the impact of the business going from a non-profit to profit business and the appearance of a sign in the window. Tom Coleman was asked his opinion and he stated that he has not seen the application. In addition code enforcement issues belong with Council and the Council's solicitor. In his opinion, if it is an improper sign, Tony Dydek may have an issue with it as the Borough's Code Officer. He wants to hear testimony from the applicant. Donna wanted it on the record that she feels the signage should be removed as it is presumptuous and premature. She wants Tony Dydek to look into it. The chair stated he would follow up with Tony and try again to contact the applicant regarding an appearance next month.

OLD BUSINESS

Development Fee Ordinance and the Spending Plan – The chair introduced board planner Tamara Lee. Tamara reviewed the purpose of the development fee ordinance and why it was revised – to meet revised COAH rules. Tamara explained that COAH had approved the revised ordinance with a few conditions. The one of urgency is that COAH stated the Borough had 60 days to revise the Spending Plan which is part of the Housing Plan element of the master Plan. Because the new rules dictate that development fees can accrue from any

development/redevelopment in the Borough, the money that may go into the housing fund could change. The part of the plan that needs revision is the projections part of the spending plan. While the Borough is certified under COAH until April 2006, COAH wants the revisions made to the projections portion of the spending plan. The board had questions regarding unmet needs and Tamara explained the concept and how the Borough is not in danger of being found not in compliance since no COAH development has occurred. It is not that the Borough must develop; rather, it is if development occurs, then a COAH related funding obligation is incurred and the Borough needs to project this in its plan. COAH now has developed a new model spending plan and wants the Borough to follow it even though the Borough is still certified until next year. Tamara stated that she has essentially complied by stating that there is no projected change since there are no approved applications involving development/redevelopment applications "in place" as of when the projections were revised.

Apparently COAH also wants projections for applications that are before a board but not yet approved. Tamara feels this puts an unfair burden on the Borough. She reasoned this by explaining that if a current application is included and then it is subsequently denied, the projections now include something that will not occur. Therefore, she has not done this and thinks it is advisable to let COAH force the issue and at least we can be on the record for opposing this new burden. Asked why COAH would require this, Tamara stated because they are trying to get commitments for as many units as possible. Tamara feels the board should approve the proposed revisions, pass it on to Council so it can meet the 60 day deadline and hold off actually amending the master plan until COAH approves the revisions. Asked about the impact on the reexamination of the master plan, Tamara stated they more or less go hand in hand and she emphasized to the members that April 2006 is closer than you think when the efforts and requirements to review, revise, notice and conduct hearings is concerned. While the Borough once had considered a "payment in lieu of development" alternative; that is not in place now since the Borough does not want to be placed in the position of having to undertake the building of affordable housing. Birnie wanted to know if the Borough should make sure developers/redevelopers are aware of the Borough's position. Tamara stated she will do that; and, in fact has done so in her review letters for two applications currently before the zoning board. Even if units are not built the town will still get the development fees.

Tamara also stated that the issue of how an applicant will meet its obligation can only be raised in these two instances because there are use variance(s) involved and a board can thus consider the COAH issues when deciding on the merits of the application. Councilwoman Alls-Moffat moved that the board approve the revised spending plan and forward a resolution to Council of their action. Birnie O'Reilly seconded the motion and it was unanimously approved. Tom Coleman stated he would prepare a resolution to be signed by the secretary and forwarded to Council.

Donna asked what happens if COAH changes the rules again and the impact on anything the town approves. Tamara stated there is always a chance of change; but, feels that given the effort and time expended by COAH to revise the rules, the growth share rules now in place will probably be around for some time to come. Tamara stated that any development/redevelopment in the town will probably trigger a growth share obligation under COAH's new rules. Donna stated that the town needs to carefully consider any approvals. Chris asked about the impact of commercial development and Tamara stated there is a formula developed by COAH based on jobs created and/or square footage developed to calculate the obligation. Tamara stated that the only time the town's hands are tied is where a "buy right" plan (one where a plan involves no variances) is approved, since any development will trigger a growth share obligation under COAH's third round rules. Under such a plan the Borough could collect the fees but has no means to exact the units from the developer. Asked if senior housing goes into COAH, Tamara stated yes but affordable senior housing can only satisfy 25% of the total COAH obligation. There is also a limit on how much can be rentals. Birnie asked if the information was available on line and Tamara referred her to the NJ DEA website where the COAH rules and regulations are available. The mayor asked the impact if National Casein was redeveloped as over 55 housing. Tamara replied there would be an obligation generated. Even assuming there was an affordable component, and regardless of the number of "affordable" units available, the number counted towards the COAH obligation still could not account for any more than 25% of the total obligation. Asked is there any way to assure that a developer will handle the COAH component, Tamara stated that a town can designate inclusionary zones which require that any development must include an affordable housing component. This is what was done with the Martha's Lane area as well as the golf course overlay.

Reexamination of the Master Plan and Tamara's Proposal – The chair asked if everyone has had a chance to review Tamara's proposal. The chair asked Tamara if the Borough was at risk not having the reexamination already completed or scheduled to be completed until possibly next year. Tamara reviewed the concept of due diligence and why she did not think the town was at risk. She further stated that reexamination had the benefit of demonstrating a best scenario schedule which is very different than the rigid schedule imposed by COAH. The chair asked for board feelings on the matter commenting that the proposal represented a significant scaling back on the possible costs involved to complete the review process. Tamara stated that there are a lot of things going on including the smart growth grant for redevelopment and the recertification of the housing plan. All of these things require that zoning be reviewed and that it is a good opportunity to coordinate planning policy efforts with Council and even the zoning board. Chris Halt asked about a joint advisory group and/or citizen advisory groups, and Tamara stated that is one way that has been used in other towns. Every town is different. Tamara recommends using the Council representatives on the board as the liaisons. The more open the process the better. But, it can get bogged down if not carefully orchestrated. Tamara recommended that the board initially meet with the entire Council in a joint meeting to see what they have in mind. Hopefully there is a meeting of the minds. Birnie asked if there is a lack of agreement does the board go back to Council. Tamara stated the board owns the master plan and is charged with adopting a plan that they feel represents the best for the town. When it goes to Council, it is their job to enable the ordinances to insure the master plan is enforced. Not having an agreement only complicates the matter. So it helps if there is at least basic agreement on the direction to go. Asked about focus groups or citizen groups and other methods, Tamara stated all can work; but, it is important not to lose focus and momentum. The format can be as formal or informal as desired – "whatever works." Tamara stated she may still have some of the exhibits that might help in any meetings. There being no further discussion on Tamara's proposal, Councilwoman Alls-Moffat moved that the board accept Tamara's 5/9/05 proposal. Birnie seconded the motion and it was passed unanimously. The chair asked if there were volunteers to make up the subcommittee. There was the reminder that no more than three members of the board could be on the subcommittee. Bob Smyth, Birnie O'Reilly, and Joseph Katella volunteered to form the subcommittee. Under discussion of the joint meeting with Council, it was mentioned that Council would hold their normal two sessions in June but only one session each in July and August. The board stated they would like to meet with Council as soon as possible. It was discussed that the meeting be the same night Council meets and to have it before the Council session. The board decided they wanted to have it on June 1st. Reminded that both the board's and Council's decisions regarding a special meeting must be made in an open meeting and be properly noticed, the board agreed to hold the special meeting on June 8th unless Council can't make that date. The time period between Council's June 1 and June 8 sessions allows sufficient time to provide the 48 hour notice of the special meeting. If the meeting cannot occur June 8, the mayor will attempt to get agreement on the date for the July 6 session. Birnie asked about the smart growth grant and it was explained that Council had authorized Tamara to approach the State about revising the scope of the plan to use it to finish the redevelopment plan, generate concept plans and soliciting bids from developers.

2005 Goals and Objectives – The chair asked if the members objected to tabling discussion on the goals and objectives since Tamara is present to discuss the master plan and redevelopment. Bob Smyth stated that the board should review Chapter 22 of the Borough's code which discusses the duties and responsibilities of the board.

Environmental Commission – Chris Halt reported that Michael Robinson was still trying to work with Council on the proposed increased setback from the creek. Nothing has changed on the advancement of the stormwater management plans and the next update is postponed until June. Birnie asked if there was anything known about the "blue oil drum" on the river bank at the foot of Linden Avenue. Public works has been reluctant to touch it if there is anything hazardous in it. The next option was to contact state DEP. Donna stated she is willing to contact the DEP hotline. It was agreed that public works would be contacted once again and if no action was going to occur, the DEP be contacted.

Redevelopment – Councilwoman Ed Gilmore was given the floor and he asked to address some thoughts on the master plan and zoning. He feels some tweaking is in order but to otherwise leave it alone. He feels the provision of apartments over stores should be removed since there are already enough apartments in town. In the recreation plan, the number of tennis courts should reflect three not two. National Casein's property should be rezoned as future park land as well as other Borough parcels should be designated as park land. The bulk of the Neighborhood Business zone especially along Broad Street should be changed back to residential. Concerning

redevelopment, Ed stated that the plan has been in Council's hands since 2002. The redevelopment committee has attempted several revisions to garner Council majority which has still not been obtained. Tamara has been asked to further tweak the plan for the committee. Muriel stated she was disappointed in the committee meeting. She objects to the removal of provisions that will discourage residential development in the General Business zone. She thinks the plan should be left alone until the master plan, COAH, etc. issues are resolved. Tamara stated that the redevelopment plan does impact zoning. Tamara feels that the redevelopment plan should not be revised until the Housing Element is revised and approved by next year. The Housing Element consists of the Housing Plan and Fair Share Plan. The Housing Plan defines the state of housing in the town and COAH has very detailed guidelines on the form this part takes. The Fair Share Plan explains the town's obligations and how it plans to meet them. Ed Gilmore asked if we are allowing COAH to dictate the town's plans. It was explained that COAH is the law and towns must comply if they are to be certified and thus protected from unplanned development as it concerns COAH. Tom Coleman concurred that it is best not to jeopardize the certification currently in place and before changing the zone(s), it is best to have the revised and approved Element in place. There was additional discussion and the conclusion that the board as well as Council and its committees must be very careful with changing things until the ramifications as far as COAH are fully understood.

Public Comment to Tamara Lee on COAH, the master plan and redevelopment:

The meeting was opened to public comment regarding the topics addressed by Tamara Lee.

- Michael Heine, 206 Carriage House Lane, asked if the spending plan revisions proposed by Tamara compromised the Borough's leverage concerning new development, to which Tamara explained why it did not. Tamara explained what she thought were the various mechanisms that are in place. She explained how the Borough has fulfilled its unmet need for new units by providing for their construction if the opportunity arises. Concerning a question on new obligations between now and recertification, Tamara explained how the need would be calculated, how the planning or zoning boards have leverage where variances are requested and how for "buy right" plans the Borough is currently limited to just collecting the fees since nothing is in place as to how the Borough will discharge any obligation it must assume.
- William H. Harris, 502 Cinnaminson Street, wanted to clarify Michael's use of the term duplex. It was clarified that semi-detached side by side was intended; however, as regards COAH, the issue is moot since erecting any regular residential units will generate a corresponding COAH obligation.
- Tom Ehrhardt, 410 Thomas Avenue, asked for clarification concerning the redevelopment plan. Muriel stated that the issue is currently stalled and there is a version available for review at Borough Hall. She hopes things will move forward at the next Council meeting. COAH and its impact is a primary issue of concern. Donna Tyson asked if there was a COAH component for the proposed residential and commercial construction for the Sitzler property. Tamara replied there was and she had included the generated obligation in her review of the application.
- Frank Cioci, 408 Lippincott Avenue, wanted to know if the redevelopment plan and/or the revised master plan will change the Neighborhood Business zone and if the changes will impact the ability of business owners to have apartments over businesses along Main Street between Broad and Fifth Streets. Tamara replied that this among the types of policy questions that need to be addressed. The redevelopment plan establishes policies and they may be different than the intent of the master plan and current zoning. These types of concerns need to be conveyed to the board and or redevelopment committee since either plan can impact the current status of zoning. Nothing forces the planning board or redevelopment body to make a decision; but, they need to be aware of these impacts. Frank feels the business owners in town should be involved in the review process since the changes he hears being discussed could have a major impact on them. Ed Gilmore stated that the revised redevelopment plan will probably be discussed at the June 1st Council session. Birnie asked when the redevelopment committee meets. Muriel explained it meets as the committee feels necessary. Birnie asked if Tamara would be coming to the joint meeting. Tamara stated that she would attend if the board feels it is necessary. However, as presented in her proposal, since funds are limited, she feels this is the type of fact gathering that the board can handle without her presence. She will generate material to help facilitate these types of meetings but does not feel her presence is needed unless the board feels differently. Birnie wanted to know since the master plan and redevelopment plan work appear related, could Tamara's charges be considered under the revised smart growth grant for redevelopment plan work. Other board members asked similar questions. The possibility of making it a joint master plan redevelopment plan effort was mentioned. While it is true the two efforts are related, the mayor feels there may be legal

ramifications. Tom stated that since the redevelopment plan was forwarded to Council from the planning board, the board at this time has no official say in redevelopment plan efforts. It is up to the redevelopment committee and Council to consider the plan. If Council made the decision to send the plan back to the board for reexamination and reconsideration, that is a completely different issue. Tamara stated the State will not fund work on the master plan. Michael Heine, feels that given Tamara's courtesy rate for her time and services, the board should avail it self as much as needed. A few hours shouldn't break the budget. There were no further questions for Tamara and public comment was closed.

Fence Ordinance Revision – Donna reported that she had e-mailed Kerry Brandt and he had e-mailed her a preliminary draft. The committee is reviewing the revised draft. She feels this may be the final review before the committee releases the proposed revisions.

New Development in Cinnaminson Township – Impact on Riverton – Donna Tyson reported she had spoken with the broker leasing the commercial space being developed near the Cinnaminson light rail station and the first phase is fully leased. She has been informed that the DEP is going to mandate that Kaplan provide an easement for the heritage trail through the Cinnaminson development. Kaplan has met informally with the Cinnaminson Planning Board to review Sections 2 & 3 of the development. Bob Smyth asked that if there was any plan to update the old traffic study. Donna stated she did not know. She also stated she had asked Rick Arango, the Cinnaminson board's engineer if a traffic study had been done for the 80,000 square foot commercial development and he had replied he did not recall seeing one. Donna asked if there was one, she would like to see it as it impacts Riverton. She also feels the old plan should be revisited because of the changes since it was done. She reiterated her concerns about the major impacts on Riverton and the degradation in service that is projected to occur. Donna stated she understood a town can set a level of service and mandate a developer maintain that level. Bob replied that the old study had projected a downgrade in Riverton's level of service and it did not factor in the impact of the light rail since the plan predated the light rail operation. Birnie stated she would like to know what the procedure is to allow a town to mandate a level of service. Bob stated the traffic study is a factual study and does not provide that type of procedure. He suggested the board should find out if approval of the first phase considered the impact of the traffic study and if approval of the subsequent phases also needed to consider the traffic impact on the area. If the board and town missed their chance to raise the issue during the initial approvals, perhaps they have a chance to raise their concerns during the new round of approvals. Bob and Donna will look into this. Birnie feels the board should put the wheels in motion. It was generally agreed that there should be some way the Borough can have a say in the probable continued degradation of service by development outside of the town.

NEW BUSINESS

Vouchers and Invoices:

1. 3/7/05, Tom Coleman, \$596.00, preparation and attendance at the February meeting and general legal research and advice.
2. 3/7/05, Tom Coleman, \$42.00, for work in February on the Moccia Site Plan application. To be paid from escrow.
3. 5/4/05, Tom Coleman, \$512.00, preparation and attendance at the April meeting and general legal research and advice.
4. 5/4/05, Tom Coleman, \$98.00, for work in April on the Moccia Site Plan application. To be paid from escrow.
5. 5/17/05, Lord Worrell and Richter, \$150.00, for board engineer Mark Malinowski to attend the meeting for the Moccia Application. To be paid from escrow.

The secretary apologized to the board and Mr. Coleman for the late submission of the two March Bills. A motion was made by Birnie O'Reilly and seconded by Councilwoman Alls-Moffat to pay the items as presented. Payment was approved unanimously. The secretary will have them signed and submitted.

Miscellaneous:

- Donna asked Tom if there was a resolution regarding the Ward application moving into the “Stan’s Auto” site? Tom and the chair stated that it was a minor site plan and no resolution is involved. There have been concerns over the parking of fuel oil trucks on the site. Bob Smyth commented that he had heard of the problem at a Council session. It was determined that it is properly an enforcement issue residing with Council and the Code Enforcement Official. Tony Dydek was not present to discuss the issue. The chair replied he had discussed the matter with Mr. Ward. Asked if there was anything from the review regarding the fuel oil business and it was commented that Mr. Ward had stated at the time that his occupancy of the site involved the HVAC side of his firm and not the fuel oil side.

PUBLIC COMMENT

The meeting was reopened to general public comment:

- Charles Caruso 412 Lippincott Avenue, apologized that Lila Hart had not been present for her application, but a family emergency had arisen. He stated he would be pleased to answer any questions. The board thanked him, but stated they needed to discuss their issues with the applicant.

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

Meeting adjourned at 9:23 PM.

Next regular meeting is on 6/21/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
June 21, 2005**

The Public Session of the Planning Board was called to order at 7:00 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, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Birnist O'Reilly, Donna Tyson, Christopher Halt (arrived after roll call), Mayor Martin, Councilwoman Alls-Moffat, Robert E. Smyth, and Joseph Katella.

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

ABSENT: Anthony Dydek.

MINUTES: A motion was made by Councilwoman All-Moffat and seconded by Mayor Martin to adopt the minutes of the May 17, 2005, regular meeting as distributed. The voice vote was unanimous. A motion was made by Councilwoman All-Moffat and seconded by Mayor Martin to adopt the minutes of the June 8, 2005, special meeting with Borough Council as distributed. The voice vote was six ayes and one nay.

CORRESPONDENCE/ANNOUNCEMENTS

1. Announcement from DVRPC, of audio seminar "Planning, Environmental, and Land Use Law" on Wednesday, June 29, 2005 in Philadelphia.
2. 5/24/05, Copy of "Legislative Alert" bulletin from the NJLM concerning S-2133/A-3803, Education Requirements for Zoning and Planning Board Members. The League opposes the proposed implementation of the requirements if they are adopted.
3. 5/24/05, Copy of open letter to Council, boards and officials concerning New Leaf.
4. 5/31/05, copy of letter from County Engineer to Andrew Ott, Moccia's engineer concerning the parking lot and their concerns with it before they will grant approval.
5. 6/1/05, copy to chair of letter to mayor from Lucy Voorhoeve, Executive Director of COAH, regarding review of the Development Fee Ordinance by the State Attorney General's office.
6. 6/13/05, copy of memo from Mary to Council members requesting review of the current goals and objectives of the master plan for discussion at Council's July meeting.
7. May 2005, Copy of latest edition of the Residential Site Improvement Standards.
8. Four vouchers/invoices as presented under New Business.

MINOR SITE PLAN APPLICATIONS and PRESENTATIONS

Minor Site Plan Hearing, 531 Main Street, Suite C – Lila Hart of Lila Hart, Inc. wishes to open a book store/information center. Ms. Nitya Fiorentino was present for the applicant. She was sworn in and explained the proposed business. The use is similar to the former use. Asked by Bob Smyth asked about the astrology reports and tarot card reading mentioned on the advertising in the window. Nitya replied that those services are provided for entertainment purposes only and will be on the lighter side of things appropriate for all ages. Donna was concerned that the description in the window doesn't match what was submitted on the application and the application should match what the applicant is seeking. Bob Smyth was concerned that all the planned services complied with the zoning code. Tom Ehrhardt the attorney for the applicant stated that he had reviewed the ordinance and he feels all is in compliance. Tom Coleman concurred that things appear in order. Birnie stated that the application needs to reflect what business is going to occur and that the business can't continually morph after it is opened. The applicant answered questions as to the proposed customer base, that all signs would meet approval and that the hours would be similar to the old business. Nitya stated there are no plans to physically connect the business to the adjacent business. There are no exterior changes or changes in the footprint planned and only minor interior decoration related changes planned. Handicapped access may not be an issue since there is no change of use, but there is access from the rear that does not involve steps. The applicant agreed to amend

the application to reflect the revised scope of the business. The chair stated that if the board concurs, he feels the application should be approved. Birnie felt that there should be some provision for continuity of hours. The applicant stated she doesn't feel the hours would be outside of the other businesses and probably shorter. The chair and Tom stated that if the board wishes to make contingencies then that falls outside the realm of the minor application. The application as made falls within the scope of a minor application and unless the board feels differently the chair feels it should be approved. There was no further discussion and no disagreement and the chair announced he would approve the resolution and have it given to the Code Enforcement official.

Presentation by Carol Jones on 519 Howard Street – The chair explained that Carol Jones had been invited to present to the board ideas for the property at 519 Howard Street. She elected not to come because her architect was not available. There is no application as yet and things are just in the planning stage. There was other discussion but there was nothing definite and the matter was tabled until Ms. Jones could appear.

OLD BUSINESS

Attendance Policy – Birnie raised concerns about the absence of Tony Dydek. The chair stated that Mr. Dydek had informed him he would not be able to attend and the secretary reviewed that at the April meeting Tony was ill and at the May meeting he was out of town. While recognizing the concern, the chair commented that he doesn't believe the borough has instituted an attendance policy. Councilwoman Alls-Moffat informed the board that Tony is resigning as the Code Enforcement Official effective the end of the month.

Development Fee Ordinance, Spending Plan and COAH – The chair introduced board planner Tamara Lee to review the latest developments with the board. Tamara reviewed the e-mail previously sent to the members as well as the steps taken to date including the revision of the Borough's Development Fee Ordinance and the revisions to the Spending Plan. COAH approved the development fee ordinance conditioned on the Borough revising its Spending Plan which was also done and submitted to COAH. However, COAH subsequently has changed their policy such that approvals of the development fee ordinance modifications would be granted only for towns that have petitioned COAH for third round certification before the end of the year. The date for submitting petitions is before 12/20/2005. Tamara had wind of this change and had contacted COAH. Tamara had been informed by COAH that since Riverton's ordinance had already been approved there should be no problem. Subsequently, COAH lost that decision when the Attorney General's Office informed COAH that since they have established this policy they cannot approve the Borough's ordinance unless the Borough complies with petitioning for third round approval prior to the 12/20 deadline.

Thus the Borough has two choices. They can revert to the old ordinance which only applies to one small area of the town or they can go ahead and prepare the petition. Complying with the deadline only moves up the submission by several months; since the Borough is due to submit its petition for recertification by the middle of April 2006. If the Borough commits to COAH they will submit before 12/20, COAH will not retract its approval of the Development Fee Ordinance. To do this, the board must make a decision it wants to do submit the petition by the deadline. The Board's decision needs to be passed on to Council and Council needs to pass a resolution submitted to CAOAH that the Borough will petition for recertification under third round by the deadline. Donna asked for clarification and Tamara reviewed the chronology of what she had explained. Donna asked if it was worth while trying to fight the ruling. Tamara stated that such a fight may well be a losing battle and it doesn't really buy that much time since a petition needs to be filed in April 2006 anyway. This has all been communicated to the town. COAH's letter was included in the correspondence. Tamara stated that there are only two or three towns including the Borough caught in this dilemma where they are current certified under the old rules and are close to resubmitting under the new rules. Asked by Donna for his opinion, Tom Coleman replied that while there probably is an appeal process it is probably wasting much needed time if nothing is done while an appeal is made. He is not certain an appeal is winnable. Tamara stated there is a lot of work to prepare the revised Housing and Fair Share Plan submissions. Tom concurs that he board should probably go ahead and begin the process since the two items are essential parts of the master plan and the work needs to be done anyway. The board can decide to go ahead regardless of Council's action; however, without the resolution from Council, the revised development fee ordinance cannot be approved by COAH. Birnie asked what the impact is. Tamara explained that the revised development fee allows the Borough to obtain development fees for all new development where an obligation will be generated under the new COAH standards. Once fees are collected,

COAH requires that a town provide plans on how it will spend those fees. This is why the revised spending plan was prepared. Asked by Donna if she knew the other towns, Tamara replied she did not but could find out. Donna feels the other towns should be sought out and asked how they are planning to deal with the situation. Tamara stated she wasn't sure but she felt one of the other towns may be involved in litigation and thus their actions may not be applicable. COAH has not rejected the spending plan, they haven't reviewed it. They have rejected the development fee ordinance and without a method to collect fees, the revised spending plan is moot. Tamara feels COAH is going to be really hard pressed to quickly resolve any of the submitted plans since they will be inundated with petitions, most likely arriving near the deadline. Donna wanted to know if assistance is available and Tamara and Tom stated not from COAH.

Tamara reviewed the changed process for calculating the potential obligation. Where previously, COAH told a community its obligation; now with growth share, a town must calculate its own. Using formulas provided, the town needs to generate and justify a projected obligation out to 2014. This projection is subject to review at 3, 5, and 8 years and can't be more than 10% off the original projections. It involves reviewing demolition and building permits, redevelopment plans, pending and projected site plan applications, etc. since 1996. Chris Halt asked if history is relevant since there has been negligible development in the last 10 to 15 years and the only substantial development/redevelopment is only now in the proposed stages. Tamara replied she had stated as much to COAH and their reply was in essence to give it her best shot. Birnie asked if it made sense for the town to put the brakes on everything in town and not issue any permits. She was informed that it can't be done. If a redevelopment area has been identified, it must be considered. The town probably cannot put off legitimate applications. Applications deemed legally compliant have to be heard and considered in a diligent fashion. And if there is an application with no variances required, it will by right probably go forward. Thus there is no way to make time stand still. Chris asked if there was a way to fast track things or past models to follow. Tamara stated this is new for everyone. She will follow the formulas as closely as possible. She feels the best method is to make sure the minimum requirements are met and make the submission by the deadline. In her experience it is always a give and take process no matter how good a town thinks the plan is. There are always revisions and with the number of petitions COAH is going to be reviewing, Tamara doesn't see it as a speedy process. She feels it could take up to a couple of years. Once the petition is submitted a town is safe as long as it continues to participate in the process. Bob Smyth asked how this work impacts the work the subcommittee is already doing and he feels that they just need to move things like compiling the census data to a faster track. Tamara concurred. As to the projections, Tamara stated someone, probably her, needs to go through the construction files etc. to develop the projections. Asked if a lot of this was simple number crunching or data collection, Tamara replied there is a lot of analysis that must also be done and that is why she is proposing she do the work. Not only does the data need to be properly sifted and organized the planning policies that go into the Fair Share Plan have to be done. She feels she can generate some strategies as to how the Borough can meet its Fair Share Plan and then the board debates and decides the best strategy to follow. Then Tamara develops the revised Fair Share Plan incorporating those strategies. The board approves the Housing Element and Fair Share Plan and passes it to Council. Council has to decide they endorse them and then they are submitted to COAH for review. The two elements are supposed to be adopted as part of the re-adoption of the master plan. This does not mean the master plan needs to be complete by December. Tamara recommends that the board hold back on the formal hearing and adoption of the master plan until they get at least some initial feedback from COAH; otherwise they might find themselves having to make amendments to the master plan based on COAH's review.

Donna feels that Tamara should not be doing what Donna terms clerical work and that Tamara should give the building inspector guidelines as to what information she needs and shame on him if it isn't organized such that he can readily extract it. Tamara stated she would love it if it was that simple. However, from experience she has found that the paper work that is generated for permits is not designed for COAH. Many times a careful review of the material is required to pull out the information that is applicable to COAH. The chair asked what kind of crunch the board is under. Tamara feels, given that Council needs to be able to act prior to December 20th, the research probably needs to be finished by August to allow time to develop the Housing Element and Fair Share Plans and have the board review, hold hearings, and adopt. Tamara feels the board needs to pass it Council no later than the board's November meeting so Council can act on it prior to December 20th. Donna suggested Tamara should give guidance to the building inspector as to what exactly she needs. Asked what other sources need to be tapped, Tamara stated she also would need information from the boards on applications and the county and regional (DVRPC) information. All of it must closely relate to each other. Board members encouraged

Tamara to work closely with the building inspector, the boards, the county, and regional organizations to request as much information as possible be supplied to her so Tamara can put her efforts into the analysis and development of the official documents. Members of the board stated that if they can gather the information for Tamara, they would be glad to do so. Tamara stated that if the census data and related tables can be completed that would be very helpful. The board continued to try and see if the whole process could be reduced to simply plugging information into a series of formulas supplied by Tamara. Tamara stated that COAH has mentioned that they are trying to generate some model formats and methodologies; but she doesn't think we can sit around and wait. Things need to be started sooner rather than later. Asked if he worked with any other communities in a similar situation, Tom Coleman stated he is not working with any other town that is inside of a year of recertification and none that would be helpful or similar to the Borough's case. Tom concurs that the Borough needs to get the petition submitted to safe guard the town and let the process run its course. He agrees with Tamara that he wouldn't be surprised if it takes several years before things are finally approved. Asked again about models, Tamara stated that look what happened with the development fee ordinance. That was done by the book and look where things are at. The chair asked Tamara for her recommendation on how to proceed. Tamara stated that there needs to be agreement on the board to move ahead with things. She has presented a proposal to the board. She realizes it is not in the budget; but the sooner she is permitted to start the better. Donna doesn't feel comfortable making a decision tonight since she doesn't yet understand all that needs to be done and she still feels that Tamara is proposing too much of what Donna calls clerical work for herself that possibly can be done by others. Tamara doesn't feel there is a lot of clerical work. She has to double check all the data supplied and at times that means reviewing the raw data it was extracted from. She has to personally verify the data since COAH will and she has to be able to defend the data for the town. Donna doesn't think there is enough of a breakdown of things in the proposal. The mayor asked Tom for his recommendation. Tom stated that if there is no clarification by the end of July from COAH or the State Attorney General's Office, the board needs to move forward to make sure the town is not left exposed come December. The mayor stated that a re-appropriation can be worked on by Council. Tamara thinks there is not a lot more the board can do that she hasn't already anticipated. Donna doesn't feel Tamara has provided enough scope of work for the fee she has proposed. The mayor clarified that since the board does not have the funds in its budget, if the work is to proceed, Council needs to be approached to re-appropriate the funds from elsewhere in the budget if possible. The mayor stated that perhaps the board could approve things tonight and then that would allow Council to look at the finances and hope Council could approve things in July. Asked his opinion, Tom stated he understands it is an approval based on Council coming up with the appropriation. Donna again stated she doesn't see enough breakdown of the costs to justify the proposed expenditure. She isn't questioning the fee, she just doesn't see the breakdown. The chair stated that perhaps it can be made as a not to exceed basis with all attempts made to reduce the costs where possible. Tamara stated that it is very difficult to provide an hour by hour breakdown at this point. Bob Smyth stated that there is probably not an hour for hour comparison of the work if done by others and feels a not to exceed basis is a way to go. Asked by the chair, Tamara stated her proposal is based on her hourly rate not on a percent completed basis and she could work on an hourly basis with a not to exceed limit and make all attempts to shift her costs and work where possible. However, if there are substantially more meetings than projected, they eat up time rapidly. The chair recognized Michael Heine who suggested it might be useful, with the board's attorney's concurrence, to have Tamara's work have a penalty attached if it is not completed. He feels the budget is a big issue and asked again what the downside is if the deadline is missed. Tamara explained that if a resolution is not sent to COAH that a petition will be filed by the deadline then the revised development fee ordinance has to be revoked. If that is done, any development that occurs in town outside of the area covered under the old ordinance will generate an obligation under COAH third round and the Borough will not be able to collect any fees to pay for it. Thus the burden of meeting the generated obligation will have to be satisfied without any contribution by the developer. The chair stated that the board needs to consider a motion to proceed with the petition based on a not to exceed basis contingent on Borough Council's approval of the revised budget. The mayor made a motion seconded by Councilwoman Ails-Moffat that the board agrees to develop the petition based on Tamara's proposal on a not to exceed basis of the proposed amount and contingent on Council approving the revised budget. There was no further discussion and the motion was passed unanimously by voice vote. Donna asked and Tamara agreed to find out which other towns are in a similar situation.

Reexamination of the Master Plan – The chair asked if Bob Smyth would report on the subcommittee's progress. Before he began, Birnie requested that there be a clarification of the members of the subcommittee. She requested that Tom Coleman read the portion of the May minutes relevant to the formation of the subcommittee. He read them and agreed that the minutes reflected that Bob Smyth, Birnie O'Reilly and Joe Katella had volunteered to form the subcommittee. Tom further confirmed that a maximum of three members of the board can be on the subcommittee and can hold meetings as a subcommittee without being subject to the sunshine laws and open meetings act since no official board business can occur at such meetings with only three members present. Birnie contends the subcommittee deliberately bypassed her in favor of Muriel being on the subcommittee. Bob Smyth stated there was some confusion on his part as well as others who was actually on the subcommittee since it had also been mentioned that Muriel, as a member of Council, would have a roll on the effort. It was stated at the special meeting on June 8, when the issue was discussed then, that they would wait to resolve the issue until the minutes were distributed and that there had been no deliberate attempt to exclude Birnie. Tom stated that only three members of the board could be on the subcommittee unless they intended to notice all meetings, conduct them as formal meetings and provide minutes of the meetings. Tom stated that Muriel has to be considered as a board member. Birnie and Muriel continued to heatedly debate the presence of Birnie on the subcommittee, who excluded who and whether Birnie was a suitable candidate to be a member of the subcommittee. The chair repeatedly called for order and requested the members keep it civil. The mayor stated that given the good work by the subcommittee to date, perhaps the membership be amended. Donna made a motion that the board recognizes the subcommittee being made up of the three people who were recognized at the meeting as having volunteered to form it. Chris seconded the motion. Joe Katella stated it is important that there be representation from someone on Council familiar with the board's work and involved with the redevelopment plan. He is willing to step aside if needed to allow Muriel to be on the subcommittee and he would continue to help wherever needed on an ad hoc basis only not participate in the subcommittee meetings. Birnie thinks Councilwoman Villari as discussed at the special meeting would be a good Council representative. The mayor asked Bob Smyth what he felt. Bob stated that no matter who is on the official subcommittee there is a ton of work to be done and the more volunteers the better. Mrs. Alls-Moffat stated she couldn't work with Mrs. O'Reilly and left the meeting. The debate continued over who had done what to whom or if any of the work done had any value. The chair noted that a motion has been made and seconded. The question was called and Donna's motion was approved by unanimous voice vote. Birnie asked it be noted that she considers it an illegal subcommittee. Chris Halt stated that all the recriminations aside, he feels there may have been an honest mistake and the board should move on. Bob Smyth went on to review the handout detailing the subcommittee's efforts to date and feels the board needs to continue its work with due diligence. Bob and the board discussed who on the subcommittee or on the board were willing to take on the tasks the subcommittee has identified with Tamara's input that needed to be done. Several members spoke up to say they will take on the tasks. Bob requested that the mayor proceed to make sure that Council completes its review of the existing goals and objectives and report on the accomplishments in their findings as soon as possible since this is a requirement of the review process. An early draft of the revised goals and objectives was distributed for board consideration. As to due dates, it was agreed that the sooner the better and that a July 15 deadline was suggested for getting the tasks done if possible. The subcommittee will attempt to have rough drafts of items available by the next board meeting. Birnie asked if Laurie Villari was going to be asked to be on the subcommittee and the mayor said he would approach her.

2005 Goals and Objectives – The chair and members agreed that the board has more than enough on its plate for this year and the topic will be dropped from the agenda.

Environmental Commission – Chris Halt reported that the setback ordinance for the creek may be being drafted by Bruce Gunn. There was a meeting over the nerve gas dilution proposed to be dumped in the river. The Borough has become a model for other towns wanting to take action on this proposal. Regarding the "blue drum" nothing has been done. The county was called, but they have not looked into it. Chris Halt went on the record that he would call the county and if no results he would contact the state DEP. The remediation of the lot where the house was demolished in Palmyra is completed. The commission is revisiting the Erin Cleaners site and seeking approval with the DEP to move up the cleanup of that site. Stormwater management remains on course with the County Freeholders involved.

Fence Ordinance Revision – Donna stated she was not sure where things were at present and asked the secretary if there was anything new. The secretary reported that a draft had been given to the zoning board members for

their “informal review and comment” to make sure zoning’s concerns have been addressed.

Redevelopment – The mayor reported that Jim Brandenburger had made an informal presentation of his ideas for the Nu-Way site with a CVS Pharmacy as the primary tenant. There was concern that CVS had been negatively received previously. There is also concern of national or regional tenants coming in and then leaving. Donna stated she has marketed the center and has some ideas that would work an anchor. However, no one has come forth to buy or redevelop the property and Jim’s presentation is the first time there seems to be a serious proposal that may move forward. The board discussed some ideas they had that might involve the existing tenants to help revitalize the property.

New Development in Cinnaminson Township – Impact on Riverton and Parking – Donna Tyson reported that she had contacted the Cinnaminson Planning Board and the development was not on the agenda for the board’s meetings this month. Donna talked about how a proposed development in Bordentown was dealt with by neighboring Fieldsboro. Concerning Light Rail parking, Donna commented that Riverside’s large lot has very little occupancy while Riverton’s is overflowing. Chris Halt wanted to know if the board can request Council move on considering restrictions on parking in the vicinity of the station as it impacts use of retail parking by rail users. He also thinks the town needs to pursue the possibility of acquiring additional parking from the River Line. There needs to be better enforcement of the use of the “drop off” spaces by all day parking.

Miscellaneous:

- Bob Smyth reported that the business being considered at 300 Broad Street by Glen and Barbara Smyth was a dead issue. Bob feels it is a shame that a potential business opportunity got caught up in all the problems surrounding the property. The secretary reported that there were also issues involved with the change of use from a grandfathered apartment to a business with an apartment over a business.
- Birnie asked about ARC activity and having it discussed at board meetings. Chris Halt is on the ARC and he briefed the board on recent activity. A report on ARC proceedings will be added as a regular old business agenda item for future board meetings.
- Chris Halt reported there was a rumor that a half way house was going into a home on Elm Avenue.
- Birnie wanted to know if there had been any effort by the town to secure a “lock” on the Borough’s standard for traffic level of service. Donna stated she would follow up with the County on the procedures involved.

NEW BUSINESS

New Leaf Letter – Donna Tyson feels the board should not ignore the letter about the flower shop at the New Leaf property even though it is unsigned and at this point unsubstantiated. She read it out loud. It was agreed that it is a Borough issue for the Code Official to pursue. It was noted that there had been no application before the planning or zoning boards. It was also stated for the record that the board is concerned about the matter. Birnie feels the board should send a letter to Council making sure they are aware of the matter. It was noted that Council had received the same letter. Birnie asked how Council would know that the board is concerned about the allegations and it was stated that the board’s concern would be a matter of record in the board’s minutes. It was commented that without first hand knowledge, the board can’t really lend credence to an unsigned letter containing unsubstantiated allegations. Birnie made a motion that Council receive a letter from the board stating that the board had received the letter and recognizes that concerns raised are valid and the board wants the matter pursued and the outcome reported back to the board. There was no second. Donna and other members stated their feelings. Donna made a motion that Council be informed the board has received the letter, that the use never came before the board for approval, that alleged possible violations should be looked into, and the board wishes to be kept apprised of the outcome. Chris Halt seconded the motion. A roll call was called for and the motion was adopted by a vote of six to one as follows:

Mr. Siefert	aye	Mrs. O’Reilly	aye	Mrs. Tyson	aye
Mr. Halt	aye	Mayor Martin	aye	Councilwoman Alls-Moffat	nay
Mr. Smyth	aye				

Vouchers and Invoices:

1. 6/27/05, Tamara Lee, \$297.50, preparation and attendance at the May meeting to explain the revised spending

plan.

2. 6/2/05, Tom Coleman, \$400.00, preparation and attendance at the May meeting and general business advice.
3. 5/31/05, Lord Worrell and Richter, \$520.95, professional services March through April 2005 concerning the Moccia application. To be paid from escrow.
4. 6/21/05, Kenny Palmer, \$30.00 for charges to have three copies of the April 29, 2005 regular meeting prepared upon a request under the Freedom of Information Act and the fee paid to the Borough.

The secretary reported that all matters concerning escrow are under control. A motion was made by Birnie O'Reilly and seconded by the mayor to pay the items as presented. Payment was approved unanimously. The secretary will have them signed and submitted.

Miscellaneous:

- The secretary informed the board that due to a personal conflict, he would not be present for the July meeting and would make arrangements with the chair.
- There was a report that Mr. Doleky had lost his lawsuit against the Borough and had been given a limited time period to make an application to the Army Corps of Engineers regarding repairs to the seawall on his riverfront property.

PUBLIC COMMENT

The meeting was opened to general public comment:

- Michael Heine, 206 Carriage House Lane, had a question concerning the Attorney General's Office rejection of COAH's approval of the Borough's development fee ordinance. He asked and was allowed to see the correspondence on the subject.
- Mark Lewis, 429 Elm Avenue, asked if the Lila Hart minor site plan application had been approved. He was informed that it had. He wonders if they will be dispensing holistic medications or herbal remedies and other "new age" things. He was informed that that would constitute a change of use since it was not discussed or listed on the application. A business cannot simply morph from its originally approved use.
- Michael Heine, suggested that the board pass a resolution requesting a legal opinion on the COAH matter by the board's counsel before the matter is passed onto Council. He is troubled by the way the whole matter has progressed, that a deadline requirement may have been missed, and he made a thinly veiled inference that perhaps Tamara had dropped the ball and a burden had not been met that should have been. Given the budget impacts, Michael feels all possible avenues of approach need to be researched and an opinion issued as to the impacts of each. He feels the Brandenburger application has a long way to go with many things to be cleaned up before it becomes a done deal. He thinks things need to be sorted out. The chair asked Tom if the matter needs to be addressed as suggested. Tom feels it may be irrelevant in that a decision at the State level has been made. Tom further stated that if the board wishes him to find out if the Borough as a whole or the board has acted the way it was supposed to act, he has no problem doing that. However, it appears from the letter that the board has an obligation to submit a petition by the December deadline or go back to the old development fee ordinance which does not allow the Borough to collect fees to help offset the obligation generated by the development. Bob Smyth asked if the board needs a resolution or can the chair just request Tom to follow up on concerns. The chair stated he wasn't sure and would like some guidance. Tom stated that he wasn't sure what Mr. Heine was getting at. If Mr. Heine feels the board or Borough should be appealing the rejection of the ordinance and do nothing until the appeal is resolved, the Borough runs the serious risk the petition will not be filed in time and the protection of the revised development fee ordinance will be lost. Tom has no problem doing what the board wants. Tom is also inclined to accept Tamara's explanation of the events and the consequences of not doing what has been directed by COAH. Mr. Heine again stated his feelings that research is need as to the legality of COAH's and or the State Attorney General's Office rulings, that the research include the possibility that the planner "screwed up," and the Borough needs to be on a sound footing before approving a \$10,000.00 expenditure that was not budgeted for. Tom stated he does not know the authoritative basis for the state level decisions and opinions and he thinks the board needs to find out that basis. Donna feels Tamara is "grading her own paper" and thinks another opinion is warranted. Asked if the research and the work on the petition were exclusive of each other, the answer is no they can go on concurrently. Tom stated he would research the matter further.

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

Meeting adjourned at 9:50 PM.

Next regular meeting is on 7/19/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
SPECIAL MEETING WITH BOROUGH COUNCIL
MINUTES
June 8, 2005**

The special joint meeting of the Planning Board and Borough Council was called to order at 6:00 PM by Chairman Frank Siefert.

The secretary for the board and the mayor for Borough Council read the following:

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 June 2, 2005.
2. Required Service of notice and publication in the Burlington County Times on June 5, 2005.

PRESENT for the Planning Board: Frank Siefert, Birnist O'Reilly, Christopher Halt, Mayor Martin, Councilwoman Alls-Moffat, Robert Smyth, and Joseph Katella.

Also Present: Secretary Ken Palmer

Absent: Donna Tyson and Tony Dydek.

PRESENT for Borough Council: Mr. Cesaretti, Mrs. Alls-Moffat.

Absent: Dr. Daniel, Mrs. Villari, Mr. Smyth, and Mr. Gilmore.

Borough Clerk, Mrs. Longbottom, announced that Council did not have a quorum present and it was therefore a planning board meeting only

MOTION TO SUPEND REGULAR BUSINESS: The chair entertained and a motion was made by Joe Katella and seconded by Mayor Martin to suspend all regular business and proceed directly to the advertised topic. The vote was unanimous.

FACT GATHERING FOR REEXAMINATION OF THE MASTER PLAN

The chair reviewed that tonight's meeting is basically a listening session for the board in order to hear Council's concerns about the current master plan and to solicit ideas or direction the board might consider in it's reexamination. The floor was opened to the mayor and members of Council. The mayor stated he feels the plan at most may require some tweaking. He wants Council members present to please offer their opinions. He also feels the board should solicit comments from the zoning board. Councilwoman Alls-Moffat stated that she, as a Council representative, and the board members of the subcommittee formed by the board to head up the process had started their work. They have been reviewing things in the plan that they don't feel are appropriate any longer. They also have begun putting together a list of things in town that could be improved such as the NuWay property, National Casein, the Collins building, etc. They have begun a review of the goals and objectives of the plan and possible revisions of them. Muriel feels that revisions are needed. She would like to review her ideas with other Council members. She agrees that tweaking the plan is the way to go. Joe Katella, a member of the subcommittee, seconded much of Muriel's comments and added that the subcommittee feels it is important that everyone stay on the same page concerning the master plan and the pending redevelopment plan.

Birnie O'Reilly, a subcommittee member, raised the issue that she had not been included in the meeting and wanted to know why. Following a protracted discussion, it was concluded that the other members thought Birnie could not make it, were unaware that she did not receive notice, and that all the members would endeavor harder to make sure that all the members know of future meetings and are properly contacted. The mayor motioned and Muriel seconded that the board please move on given the limited time for this meeting and the issue regarding membership of the subcommittee be considered at the board's next regular meeting. It was reviewed that Bob Smyth, Birnie O'Reilly, and Joseph Katella for the board and Muriel Alls-Moffat for Council appeared to be the current members of the subcommittee.

Bob Smyth, a subcommittee member, reviewed that the board had begun reviewing the goals and objectives and determining what has been accomplished and what issues still need work or new issues that need work. The members had also discussed the efforts needed to obtain the statistical data needed to update the numerous tables in the plan related to traffic, land use, and housing. This data is required to be updated. The mayor feels a major issue is the redevelopment of the NuWay site. He feels that apartments over businesses are a good thing if they help the Borough meet its COAH obligations but otherwise should be reconsidered. He feels the Borough may wish to look into the methods or advisability of entering RCA's (Regional Contribution Agreements) with other towns when considering methods to satisfy COAH obligations. Chris Halt asked if the Council members had discussed their concerns over the plan. The answer was there is no formal consensus yet, but informal conversations have occurred. The mayor stated he knew Laurie Villari had concerns, especially regarding the NuWay site. The mayor asked other Council members present to please jump in with their opinions. Chris Halt asked the mayor if general concepts had been discussed. The mayor replied he believed the general consensus of Council is the current plan could use tweaking but overall it was a good plan. Asked what was meant by tweaking, the mayor thought the examples mentioned were a good start. On a more general level regarding say the goals and objectives, they haven't really been discussed and no consensus reached. Bob Smyth reviewed that there are four goals and about twenty objectives that the subcommittee has begun to review. He feels the board is asking for direction and input from Council as to whether they feel the goals and objectives are still valid and or if there should be additions or other revisions. This input will help the board in their deliberation as to what they feel is the direction the town should head from a planning perspective. Chris Halt asked if Council had set any goals. The answer was no. Councilman Cesaretti stated that apartments were an issue of concern and he was confused over the objective in the current plan and in Tamara's letter to Council and the board concerning issues for the joint meeting. He wondered how this objective meshes with the fact that conversions of single family homes to apartments is not permitted and if a dwelling with apartments was converted back to a single family home it could never go back to being apartments. It was explained that the objective in question is limited to the Neighborhood Business zone only and arose as one method for possibly helping meet COAH's rehabilitation needs. It was also proposed to help business owners in the zone; many of whom have second stories that are not used for the business. Councilwoman Alls-Moffat mentioned this is also a concern with redevelopment. Chris Halt asked when direction or decisions on this and similar fundamental issues might occur. Muriel feels there is little changed in the concerns raised in the current plan and today. She has reviewed the "Constituent Outreach" section of the plan and feels that many of the opinions, concerns, etc. raised during the last review of the plan are still valid among Council and the town as a whole today. The chair commented that he thought that Tamara's letter to Council and the board provided a good reference for initiating and reaching some form of consensus. He feels the general planning issues are still pertinent.

Birnie feels the purpose of the meeting has been sidetracked. She felt the board would be hearing the conclusions of Council and then the board could move on. She feels this has not occurred. The mayor feels the subcommittee is off to a good start and if Council members have comments, they should get back to the subcommittee. Birnie feels the board should hear it from one source that represents the consensus of Council. The chair feels this is what has been started and that an ongoing discussion will be helpful. Concerning the location in town of COAH obligated needs, Muriel stated in her opinion she would prefer to see COAH mandated housing be spread throughout the town and not concentrated in one place. Muriel feels this may also be the consensus of Council as a whole. Birnie objected to Muriel's personal opinions and Ron Cesaretti stated that Muriel should be allowed to speak her opinions. Further, since Muriel is on the subcommittee Ron is willing to let Muriel lead and that her opinions probably also represent some consensus among Council. Ron feels that if there are only a few units such as three or four units involved they might be localized but not if it involves 18 or 20 units. The mayor feels it will be situational based on development and redevelopment as it occurs. Chris Halt feels the board should seek guidance from Tamara. Ron Cesaretti wonders if additional units can be added to the overlay zone.

Joe Katella feels Council's opinions on the pedestrian vs. traffic vs. parking issues are important. He feels the impact of the River Road development in Cinnaminson will have a major impact on the town and needs to be addressed. The mayor agrees the issues need addressing. Pedestrian is nice but people, even in Riverton, like to drive and he wonders if it is possible to satisfy both. Joe thinks that this is one of the items that the board must stress and try to address in the plan. Chris Halt feels the Borough is more of a village and will never be a Haddonfield or Collingswood and thus the town has unique problems regarding traffic flow through the town that need to be addressed. Joe Katella concurred especially as regards the Cinnaminson development that is projected

to be about the same size as Riverton. Chris Halt feels Tamara's suggestion that the town could possibly seek to have its traffic patterns and flows rated and desirable levels determined and locked in should be followed up on. As he understands, this process give the town a firm footing in mandating that major development even if in a surrounding town must not prove a detriment to that rating and the town. Joe Katella concurred that this issue needs to be discussed further and he thinks all the changed issues need to be looked at. Bob Smyth thinks many of the objectives need to be addressed more clearly. Joe asked if this kind of session was going to occur again. Bob Smyth thinks the goals and objectives are not that large and he feels every Council member should review them, attempt to develop a consensus, and get back to the board. Birnie feels Tamara should review and help decipher the input from Council. The mayor stated he felt it a good idea to have the review of the goals and objectives of the master plan on Council's next agenda and to make sure all Council members had a copy of them for review and development of opinions prior to the meeting. Bob Smyth feels that the subcommittee and the board are seeking broad direction in their efforts. In the interim, the subcommittee can continue tasking the gathering of the numerous statistical related things necessary to update the plan. Chris Halt suggested the board can utilize the Borough's website. Birnie stated that perhaps questionnaires should be used. The chair stated that he feels that specific milestones should be developed and this should be discussed at the board's next meeting; however, time is up and the board needs to adjourn. Muriel motioned and the mayor seconded that the meeting be adjourned

Meeting adjourned at 7:00 PM.

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
July 19, 2005**

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 January 21, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Birnist O'Reilly, Donna Tyson, Christopher Halt, Mayor Martin, Councilwoman Alls-Moffat, Robert E. Smyth, and Joseph Katella (arrived after minutes were adopted).
Also Present: Solicitor Tom Coleman.

ABSENT: Secretary Kenny Palmer.

MINUTES: Bob Smyth asked that the statement concerning a halfway house on Elm Avenue be corrected to show he did not make the statement. While it was remembered the statement was made, no one could recall who made it. It was agreed to amend the minutes to reflect only that the statement was made.

Birnie O'Reilly made a motion to strike from the record the entire section dealing with "Reexamination of the Master Plan" pending a review of the tape as she contends it is filled with inaccuracies and innuendo and a new report should be substituted in its place. Birnie also said she would like to formally request a copy of the tape from the last meeting. Bob Smyth stated he had read the section and feels it was fine to him. The chair asked if there was a second and Donna Tyson seconded the motion. Under discussion Bob Smyth stated that since most of the report was made by him it seems accurate to him. Birnie stated the previous correction requested by Bob Smyth shows that inaccuracies get into the minutes and she contends the body of the text in question is riddled with inaccuracies and innuendo and needs to be reviewed and redone. Donna asked if the section can be carved out. The chair stated a motion had been made and seconded and should be voted on. A poll vote was taken of the regular members present and the motion did not carry because of a tie vote as follows:

Mrs. O'Reilly	aye	Mr. Martin	nay
Mrs. Tyson	aye	Mrs. Alls-Moffat	nay
Mr. Halt	aye	Mr. Siefert	nay

A motion was made by Councilwoman Alls-Moffat and seconded by Mayor Martin to adopt the minutes of the June 21, 2005, regular meeting. The motion did not carry because there was a tie voice vote of 3 to 3. The minutes were not adopted. Birnie stated she wanted it shown on the record that she was asking for a copy of the tapes of the last meeting.

CORRESPONDENCE/ANNOUNCEMENTS

1. 7/7/05, letter to chair from Lucy Voorhoeve, Executive Director of COAH, regarding Frank's designation as the municipal liaison/housing officer for the Borough and materials related to that position.
2. 7/13/05, letter to the board from Tamara Lee regarding allegations that she has missed deadlines for COAH and a timeline of what transpired. The chair reviewed the contents of the letter with the board. He read statements from the letter for the record. The letter is attached to the minutes as part of the record.

The chair reviewed the correspondence:

- Regarding the COAH liaison letter, the chair stated the letter is in error since the minutes and records reflect that Muriel is the designated liaison. COAH will be contacted to correct this.

- Regarding Tamara's letter, the chair reviewed the salient points of the letter with the board. Frank stated he supported her actions and further stated the letter should be part of the record. It is attached as such. In a related matter, Donna stated she had not yet received a response from Tamara regarding the towns in a similar situation as Riverton. Tom Coleman stated he had written COAH seeking clarification of the issue; but, he had not yet received a response. The board reserves comment until further information is received. Asked his opinion of Tamara's explanation, Tom Coleman stated, on the face of it, it seems reasonable; however, he wished to wait for a response from COAH.

PRESENTATIONS

Presentation by Carol Jones on 519 Howard Street – The chair explained that Carol Jones had requested to make a presentation to the board at the last meeting but had asked to postpone it until this month. Ms. Jones was not present and the chair stated the item will be tabled for this month. Donna asked if it was procedure that the person should advise the board if they were not going to appear. The chair responded that he had attempted to contact her but had lost her number.

A discussion regarding informal presentations followed. In the Borough, there are no procedural guidelines and nothing in the codes for informal presentations, only applications. After some discussion, a motion was made by Donna Tyson, seconded by Chris Halt to have Ken Palmer work with Tom Coleman to create specific requirements for the type of information and timing prior to presenting to the Board and to inform Ms. Jones of the board's action. The motion was seconded and passed unanimously. The chair will call Ms. Jones to inform her that we are generating guidelines that will be forwarded to her prior to any presentation.

OLD BUSINESS

Petition to COAH for Third Round Certification – The mayor reported that Council had approved Tamara to move forward and as far as he knew she was proceeding. Council will realign funds in November, with any balance to be carried forward to 2006 budget.

Reexamination of the Master Plan – Bob Smyth distributed to the members copies of the revised Goals and Objectives which reflect comments from Planning Board and Counsel for further review and comment. Birnie O'Reilly opened discussion regarding revised goals and objectives, alleging that she was not informed of meeting. Meeting was disrupted by Birnie O'Reilly, who refused to recognize Chair's request for order and to continue with the substantive issues of the report. A motion was made and seconded to proceed with report presentation and Bob completed his report by asking for input from the board.

Redevelopment – There was nothing new to report.

Environmental Commission – Chris Halt reported that Bruce Gunn has asked the commission to generate an outline for setback coordinates. Donna Tyson reported that a person has been assigned to the Erin Cleaners site, but a caseworker has not yet been assigned. Donna stated that her contact suggested that Council write to the DEP. A sample letter was prepared approximately a year ago by the environmental commission to be sent by Council to Bradley Campbell, Commissioner of the DEP asking that the DEP move up priority of the issue. Chris Halt stated that the State is now reimbursing 70% of cost of solar panels and offered to provide information to anyone interested.

Architectural Review Committee – Chris Halt reported that there had been no applications this month.

Fence Ordinance Revision – Donna introduced Kerry Brandt who chaired the subcommittee. Kerry reported on the progress of looking at revising the fence ordinance. Kerry reviewed the highlights of the subcommittee's work. He distributed copies of the draft ordinance prepared by the subcommittee. There was discussion regarding the revision to allow front yard fences which currently are not permitted unless they are grandfathered. Teeth have been put into any required/binding review by the ARC by providing an appeal process which does not currently exist. There was additional discussion on what has been changed and not been changed in the draft.

Kerry stated that the sub committee was officially turning over the draft to the planning board for its review and consideration. Tom Coleman advised the board that it is now the board's obligation to consider the draft revisions and if and/or when it so determines, pass the revisions on to Council with a recommendation that Council consider them. Kerry offered to prepare revisions if the board desires them. Board members should review the draft and be ready to get their comments to Kerry. Kerry stated that he would appreciate the members providing a rewrite of the changes they want. If changes can be sent to Kerry a week before the next meeting, he will attempt to have them prepared for the meeting.

River Road Development in Cinnaminson Township – Donna Tyson reported that the application was not on the July 12 agenda of Cinnaminson's Planning Board, but is scheduled for the July 26 meeting. Donna reported that Phase II will have 345 apartments, containing some COAH units. Phase III will be 65 luxury town homes. Bob Smyth suggested that any information regarding traffic that can be obtained would be helpful in preparing the master plan revision. Donna referred to updated traffic information she had obtained from the county.

NEW BUSINESS

Vouchers and Invoices:

1. 7/1/05, Tamara Lee, \$340.00, for Master Plan Reexamination Report work in June.
2. 7/1/05, Tamara Lee, \$233.75, General Planning – COAH Coordination work.

A motion was made Councilwoman Alls-Moffat, seconded and passed unanimously to pay the items as presented.

Money Magazine Study – It was mentioned that Riverton was identified as a contender in the top 1,321 towns out of 40,000 considered.

PUBLIC COMMENT

The meeting was opened to general public comment:

- Michael Heine, 206 Carriage House Lane, feels that comment on the content of Tamara's letter before legal opinion has been obtained is premature and discussed his reasons for feeling that things may have been ignored or missed and that the Borough now being put in a financial burden to meet COAH's deadlines. Muriel discussed the matter with Tom Coleman and she doesn't feel a deadline was missed. Tom stated he feels there are a number of issues involved and he has asked COAH for an explanation and hopes he will have some clarification on the issues by the next meeting.
- Kerry Brandt, 719 Main Street, feels it is important that the town stays on top of the COAH issue so it doesn't run the risk of either a builder's remedy suit or the Borough is left holding the burden of meeting any obligations generated by pending or future development. He also feels that any extra burden placed on Tamara concerning defense of her actions that detracts from her efforts to guide the town through the petition and reexamination process not only slows the process, it costs the town money.

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

MISCELLANEOUS

- Donna stated she has turned over the traffic information to Joe Katella because he feels he is able to look at it and has more experience with it. Donna asked if the traffic study done for the Brandenburger application on the Sitzler property was available. Ken Palmer will be asked about it.
- Birnie O'Reilly requested that she be provided notice at least 24 hours prior to any meeting of the Master plan committee. She also requested the Chair identify who is on the Master plan committee. The Chair explained that Muriel, Bob Smyth, Birnie and Joe Katella were on the committee for the Planning Board and Councilwoman Laurie Villari is the Borough Counsel liaison. No more than three persons from the Planning Board will meet at any time, without complying with the Sunshine provisions of the Open Public Meetings Act.

Meeting adjourned around 9:00 PM (not mentioned on tape or notes – based on length of the tape recording).

Next regular meeting is on 8/16/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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

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July 14, 2005

Riverton Borough Planning Board
505A Howard Street
Riverton, New Jersey 08055

RE: Recent Allegation of a Missed Deadline

Dear Planning Board Members,

At a recent Borough Council meeting allegations were made against me, suggesting that I missed a deadline and therefore I am responsible for the Borough's current COAH situation. Unfortunately, the allegations were made in my absence, forcing me to clarify the situation with this letter after the fact. I did not miss any deadline that would have applied to Riverton. These are the facts:

In January of this year COAH announced that the State would require any towns that were pursuing Second Round Certification, but had not yet received it, to submit a petition for Third Round Certification by December 20, 2005 because the new growth share regulations became effective this year. Those same towns were required to notify COAH of their intention to make the Third Round Submission by February 20, 2005. Since Riverton's Second Round Certification was fully approved in 2000, this notice did not apply to Riverton. Indeed, had I suggested that Riverton submit for Third Round Certification by December 20th, the Borough might have correctly asked why it should submit four months early; the Borough's Third Round Certification is due in April of 2006.

On the other hand, at the same time, the Zoning Board of Adjustment was engaged in the review of two significant development applications, both of which would generate an affordable housing obligation for the Borough under the State's new growth share regulations. Unprotected at the time by its limited development fee ordinance, I proactively advised the Borough to revise its development fee ordinance so that Zoning Board would be in a position to require development fees from the prospective developers, if their applications were approved. Eventually, the Borough was successful in amending its development fee ordinance when Riverton secured an approval of that ordinance from COAH.

Unfortunately, after that approval was granted by the State, the Attorney General's office reversed its own opinion, to the surprise of both the Borough and at least one COAH staffer. The AG further advised COAH that the agency had to revoke the State's recent

approval of our new ordinance. There was no way that anyone could have anticipated this reversal by the Attorney General's office.

Having reversed their approval of our development fee ordinance, the State then offered Riverton an option that would allow the Borough to maintain its new development fee ordinance rather than revert to the old one. If Riverton submits a Third Round Petition for Re-Certification before December 20th of this year, the Borough may continue to utilize the new ordinance. By submitting a resolution from the Governing Body, assuring the State of the Borough's intention to submit by December 20th, the State has said that the Borough may continue to utilize the revised development fee ordinance. This is important since the Zoning Board continues to review two sizable applications.

This option, offered by the State in response to our development fee ordinance situation, while identical to the requirements made by the State of towns lacking Second Round Certification, is not related to the February deadline imposed on uncertified towns. Therefore, any suggestion that I missed a deadline is inaccurate.

Unfortunately, this is not the first time false allegations or inaccurate representations have been made about my work or advice to the Borough. Such incidents are becoming cumbersome to manage, particularly since I discount my billing rates for Riverton.

My customary billing rate is \$125/hour. Out of respect for the Borough, the residents have I come to know and admire and the long history we have shared, I continue to accept \$85/hour from Riverton and Riverton is the only client to whom I extend this courtesy.

However, my billing rates cannot support distractions like this one. Therefore, from this time forward I will charge the Borough for letters of explanation such as this and the innumerable phone conversations that incidents like this precipitate. Of course, it is my sincere hope that future incidents will be minimal. I suspect many misunderstandings can be avoided if statements such as the ones made in this case were expressed while I am in Riverton attending a meeting. When I am present, I am always happy to answer questions and address concerns as they arise. Your support would be greatly appreciated.

Sincerely,

Tamara L. Lee, PP, AICP, CLA, ASLA

Cc: Mayor and Council
Riverton Zoning Board
Bruce Gunn, Esq.
Tom Coleman, Esq.
Janet Zoltanski Smith, Esq.

COAH deadline issue.7-1305

RIVERTON BOROUGH PLANNING BOARD
MINUTES
August 16, 2005

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 January 21, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Donna Tyson – arrived during old business, Christopher Halt, Mayor Martin, Councilwoman Alls-Moffat, Robert E. Smyth, and Joseph Katella.
Also Present: Secretary Ken Palmer, Solicitor Charles Petrone for Tom Coleman, and Board Engineer Mark Malinowski.

ABSENT: None.

MINUTES:

A motion was made by Councilwoman Alls-Moffat and seconded by Bob Smyth to adopt the minutes of the July 19, 2005, regular meeting as distributed. The voice vote was unanimous.

The secretary reminded the board that the minutes of the June 21, 2005 meeting were not adopted in July. He further reviewed that a correction was requested as to who made a statement concerning a half-way house. Chris Halt stated he had made the comment and was okay with the minutes being corrected to reflect this fact. A motion was made by Councilwoman Alls-Moffat and seconded by the mayor to adopt the minutes of the June 21, 2005, regular meeting as amended. The voice vote was unanimous.

REORGANIZATION

In a letter dated August 16, 2005, and hand delivered by Chris Halt, Birnie O'Reilly submitted her resignation from the board. The secretary read the letter to the board and members of the public present at the meeting.

CORRESPONDENCE/ANNOUNCEMENTS

1. 7/19/05, copy to board of letter dated 7/1/05, from Tom Coleman to Lucy Voorhoeve, Executive Director, COAH, seeking clarification regarding COAH's and the Attorney General's Office actions regarding the revised development fee ordinance and third round petition timing issues. (COPIES PROVIDED FOR BOARD)
2. 7/25/05, resolution from Council seeking board review and input on a proposed revision to Chapter 128-29 providing a further definition of lot coverage in the NB Zone. (COPIES PROVIDED FOR BOARD)
3. 8/3/05, 7/27/05, fax of letter to secretary and Tom Coleman from Richard Haws of Cureton and Caplan, regarding the Moccia application and the County Land Use Board waiver regarding the driveway onto Broad Street. (COPIES PROVIDED FOR BOARD)
4. 8/3/05, 7/1/05, copy of "Mayors Fax Advisory" bulletin from the NJLM concerning S-2133/A-3803, Education Requirements for Zoning and Planning Board Members – was signed into law July 7, 2005; and, updating activity on S-2118 which would modify the "time of decision" rule. (COPIES PROVIDED FOR BOARD)
5. 8/15/05, faxed copy of Mark Malinowski's review of the Brandenburger Concept Plan for the Nu-Way site. (COPIES PROVIDED FOR BOARD)
6. 8/16/05, notice from Mark Malinowski of Lord Worrell and Richter, concerning action on the Stormwater Management Plan and related ordinances. (COPIES PROVIDED FOR BOARD)
7. 8/3/05, copy to chair of letter to mayor from Robert Kull, Regional Planning Director, County Board of Freeholders, regarding availability of FY2006 Smart Future Planning Grants.
8. 8/3/05, copy to chair of letter to mayor from Robert Kull, Regional Planning Director, County Board of Freeholders, regarding availability of TCDI Grants (\$100,000) from DVRPC.
9. Issue 3, 2005, "New Jersey Future Newsletter" (of note is that the cross acceptance of the state plan is on hold)

10. 8/17/05, Letter of resignation from Birnie O'Reilly.
11. Three vouchers/invoices as presented under New Business.

MINOR SITE PLAN APPLICATIONS and PRESENTATIONS

Minor Site Plan Hearing, 304 Broad Street – Cynthia Brooks wishes to open a shop/studio devoted primarily to designing and assembling materials for floral and other events. Her business is more professional than retail and she envisions only limited retail business. It is not a new business since she is relocating from Cinnaminson, will be utilizing 100% of the space, and would like to begin operations in September. Most of her event work is done on the event site. A professional type sign is planned. There were no objections from the board and the chair stated he approved the application. The application needs to be signed by the Code Enforcement Officer and then it will be final.

Presentation by Jim Brandenburger on the Nu-Way Site – (Occurred after old business.) Jim Brandenburger of Brandenburger/Sheridan has presented a concept plan for the Nu-Way Center in the General Business zone. The plan calls for the construction of a 13,000+ square foot CVS pharmacy as the primary tenant on the site and an 8,000+ square foot strip of four or five stores adjacent to the main store. All existing structures will be demolished and the site brought into full compliance with current regulations. Jim reviewed that attempts to obtain a prime tenant such as a super market type of operation had not been successful. CVS has previously shown interest in the site and is still interested. They are willing to commit to a long term lease, are a highly rated business and Jim feels they will make an excellent addition to the town. Jim and his engineer Mr. Ott reviewed the concept plan in detail and commented on the review supplied by the board's engineer and comments and suggestions from the board's planner. There was discussion between the board and Jim as to why he and CVS feel the plan as presented, especially concerning store location on the site, parking in front, and the need for a drive-thru are needed. Jim feels CVS will be able to meet the needs of the Borough's design guidelines. Jim stated that the plan envisioned would generate more tax revenue with less density. CVS also is willing to foot all common area maintenance costs and regularly pays its tax obligations early rather than late. The Riverton Motors site is not part of the property and Jim stated he is actively trying to acquire that site since as it exists, it will detract from his plans. That site is the source of gasoline contamination in the site area, the tanks have been removed, and while results are not yet in, it appears that the contamination has not reached ground water. Mark Malinowski discussed his review and his primary concern that the applicant needs to carefully review the plans and receive County approval since the entrance is on a County road. The concern that a traffic study be done was agreed to as well as all requirements will be included if a formal site plan application is made. The hours of operation would be similar to the Morrestown store and have a 10:00 PM closing. A 24 hour operation is not contemplated. The proposed drive-thru would not be on the street side. The general consensus of the board was that the plan has a lot of merit, that CVS is probably at the top of the list as good businesses, and the impact on the tax situation will be positive. It was commented that apparent initial opposition to a CVS store has gone away once the store is opened.

The matter was opened to public comment.

- Jim Gross, Fulton Street, is concerned about the existing tenants. Jim stated that there has been a mix of some wanting to move to his planned development on Main Street on the old Sitzler property as well as remaining. Jim commented that he plans only 4 or maybe 5 stores in the strip area and the size of the proposed stores would dictate the businesses occupying them. Jim feels the new building and improved appearance will generate increased business at the stores. The existing businesses are used to paying a rent rate more suited to the condition of the site and those rents don't really cover the taxes. Increased business should cover the increased rents.
- Tom Ehrhardt, Thomas Avenue, asked about the Riverton Motors site and Jim stated he envisioned a standalone pad site and was not certain as to the impact on the plans if he acquired it.
- James Moffat, Fulton Street, asked and received clarification on the taxes for the site.
- Jim Gross wanted to know what would happen to Martha's Lane if the properties on the street are developed and the impact on Jim's plans. Jim stated he was not prepared to go there as he wasn't aware there were any plans to develop the area. Muriel stated she was not certain of the impact of Martha's Lane if the lots were developed.

- John Laverty, Main Street, feels a comprehensive traffic and parking study should be done to properly determine the needs for site rather than simply relying on the zoning requirement. It is possible that the study may demonstrate a need for less parking allowing for more open space.
- Nancy Siefert, Main Street, would like to see the CVS closer to Broad Street. She asked how long it might take to develop the site. Jim feels it would be around four months or so following demolition. He envisions developing the entire site as one project.
- John Laverty commented that the car lot is an old issue, is not in keeping with the best use of the site, and if the Borough had its redevelopment plan in place, the Borough would have the increased leverage needed to encourage redevelopment of the site.

The matter was closed to public comment.

Asked if he does move forward, when a site plan might be presented, Jim stated he would hope within 4 to 5 months, perhaps by December. As to clean up of contamination, it is the responsibility of the owner of the property which caused the contamination. Jim stated his period of due diligence regarding purchasing the Nu-Way site expires within a week. A question regarding the drive-thru being governed by ordinance was answered by the solicitor that the ordinance appears silent as to such use. Mr. Ott stated in his experience that the drive-thru, while being a desired feature by the business, is not heavily used. While a parking study may show that less parking than required by the ordinance is possible, the Borough's need for parking especially for special events such as parades is sorely needed. If Mr. Brandenburger doesn't object, the Borough can use all the tastefully planned parking it can get. Jim didn't see a problem with that especially if the study shows that the space needed is less than proposed. Muriel stated the town is at a crossroads and needs to actively consider all good proposals to redevelop the site. In answer to a question from Donna, Jim stated that underground utilities are planned for the site. The board thanked Jim for a well thought out presentation and wished him luck with his plans.

OLD BUSINESS

Presentation by Carol Jones on 519 Howard Street – The chair explained this item was no longer pending as it was his understanding that Carol Jones had not acquired the property.

Code Enforcement Officer/Class II Board Member – Councilwoman Alls-Moffat announced that Alan Adams will be the new Code Enforcement/Zoning Officer and Class II member of the board. Since the oath and bible were not available, Alan cannot officially join the board until next month. Alan was welcomed by the board.

Reexamination of the Master Plan – Bob Smyth reviewed progress of the subcommittee to date. Copies of "Worksheet C" were distributed to the board and discussed by Bob. Progress on other items was reviewed and the request for continued input from members of the board, the zoning board and Council was made. A draft of the constituent outreach was distributed for review and comment. The subcommittee feels they are making good progress on the project. Joe Katella thanked Donna for all her input concerning traffic materials and he stated he is taking as much responsibility as possible for the traffic impact section. The secretary commented that the requested copy of the Brandenburger traffic study for main street project had been given to Joe Katella.

Petition to COAH for Third Round Certification – Muriel reviewed the latest from the state regarding use of the smart growth grant funds. Tamara Lee plans to address the board in September on continuing COAH changes and progress on the certification petition. Charles Petrone reviewed that Tom Coleman had still not received any response to his July letter to COAH or several telephone follow up calls, regarding the chain of events and how they occurred. Donna stated she still had not received a response from Tamara regarding other towns caught in the similar situation as Riverton regarding the timing of third round submission for certification. Tamara's request to hold a special meeting regarding COAH was discussed and a decision was reached to not conduct a special meeting but to make it the principal topic of the regular September 20th meeting.

Redevelopment – Muriel reported the plan was still on Council’s agenda. She and Ed Gilmore plan to present the topic in September. Muriel also reported that there appears to be renewed interest by Tom Weber to develop his seven lots on Martha’s Lane.

Environmental Commission – Chris Halt reported that Michael Robinson was still putting together a draft proposal supporting the commission’s request that Council consider increasing the wetland setback for the Pompeston Creek. A letter from the mayor has been sent to the state DEP concerning action needed to address the groundwater contamination at Erin Cleaners.

Architectural Review Committee – Chris Halt reviewed the ARC activity for the month.

Fence Ordinance Revision – Donna reported that Kerry Brandt might be coming to the meeting if he arrived back from a business obligation in time. Kerry has informed Donna that he has not received any comments from zoning members. The chair stated the matter will be tabled until next month.

River Road Development in Cinnaminson Township – Donna Tyson reported that preliminary approval was granted for the Phase III townhouses at Cinnaminson Township’s 8/9 board meeting. A hearing on Phase II is scheduled for 8/23.

Flower Shop Operation behind New Leaf – Mrs. Rogers, owner of the New Leaf answered board questions regarding the flower shop operations in the small building behind the main store. Mrs. Rogers reviewed that the shop is part of the New Leaf business and that as far as she knows; the building has always been part of the working business since it was erected five years ago. Since she purchased the business, the building has been used.

Review Procedures/Ordinance for Informal Reviews by the Board – Charles Petrone reviewed the draft of the proposed process and ordinance prepared at the board’s request by the solicitor’s office. It is modeled after similar ordinances in other towns and the MLUL does have provisions for Informal Reviews by the planning board. The secretary reviewed that he and the Borough Clerk feel a checklist of items needed and timing are needed to make sure all things are covered. Charles also reviewed what is the intent and usual contents of an informal or concept plan hearing. Charles also stated that timing and submission issues can be included in the draft ordinance.

Downtown Street Improvement Grant – Chris Halt asked about the improvement grant and the board’s involvement. A history of the grant and the County and Borough’s involvement was discussed. Frustration over the slow progress of the Borough by the County and Palmyra was noted as well as the impact on their projects. Muriel stated that Ed Gilmore should be thanked for trying to keep the project moving. Police Chief Norcross stated that the project had to go through many levels of approval and has been going on for five years. The County has stated that they are going to proceed with their plans to repave Broad Street with or without the Borough’s changes and this could result in an additional cost to the Borough. There was discussion regarding ARC input on the project and it was stated it had been reviewed by the ARC.

NEW BUSINESS

Vouchers and Invoices:

1. 7/5/05, Tom Coleman, \$400.00, for meeting attendance at the June meeting and general business advice.
2. 8/3/05, Tom Coleman, \$442.00, for meeting attendance at the July meeting and general business advice.
3. 8/1/05, Tamara Lee, \$680.00, for third round COAH certification work.

A motion was made Councilwoman Alls-Moffat, seconded by Bob Smyth and passed unanimously to pay the items as presented.

Board Review of a Proposed Revision to Chapter 128-29 – Councilman Gilmore was unavailable to discuss the matter. The chair stated that the board should review the matter and it will be on the agenda for next month.

Stormwater Management Plan – Mark Malinowski commented that the Borough needs to be working on the Stormwater Management Plan and related Stormwater Control Ordinances. He was not aware if the Borough was acting on the matter which is due by April, 2006 and he wanted to bring the matter to the board's attention. It was commented that the board has already acted on the matter and it is currently with Council and the Borough officials and Borough Engineer. If Mark wishes, it was suggested he follow up with Councilwoman Villari. Charles Petrone commented that the plan has to be incorporated into the town's master plan.

PUBLIC COMMENT

The meeting was opened to general public comment:

- James Moffat, 202 Fulton Street, urges the board to make Tamara's COAH related presentation first due to the urgency that the Borough meets the COAH submission deadline. He asked if there was any further word on the possibly missed deadline and it was answered no.
- Frank Cioci, 408 Lippincott Avenue, asked about Erin Cleaners and it was remarked that the mayor has formally requested that the DEP move beyond the fact finding stage and consider the actual clean up of the groundwater contamination that has been identified as coming from the site.

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

Meeting adjourned at 9:30 PM.

Next regular meeting is on 9/20/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
September 20, 2005**

The Public Session of the Planning Board was called to order at 7:05 PM by Secretary Kenny Palmer.

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, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Christopher Halt, Robert E. Smyth, Mayor Martin, Alan Adams, Joseph Katella, and Suzanne Wells.

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

ABSENT: Frank Siefert, Donna Tyson, and Councilwoman Alls-Moffat.

REORGANIZATION: Prior to the start of the meeting, Board Solicitor Tom Coleman swore in Robert E. Smyth as a regular member, Suzanne Wells as an alternate member, and Alan Adams as the Class II member of the board.

HOUSEKEEPING: In the absence of the chair and vice chair, the secretary called the meeting to order, called the roll, and established that a quorum was present. A motion was requested to appoint an acting chair from the regular members for the meeting. It was motioned and seconded that Robert E. Smyth act as chairman for the meeting. There were no other nominations and the motion was unanimously approved. Acting Chairman Bob Smyth took over as chair for the meeting.

MINUTES: A motion was made by Mayor Martin and seconded by Chris Halt to adopt the minutes of the August 16, 2005, regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 9/7//05, communication addressed to chair from New Jersey Planning Officials inviting board to join NJPO and including the latest copy of "The New Jersey Planner" newsletter. The newsletter contains information regarding mandatory education requirements for members and discussion on COAH third round rules. The finalized education requirements and related courses should be released in January 2006.
2. 9/20/05, announcement from Association of New Jersey Environmental Commissions (ANJEC) of their 32nd Environmental Congress on October 21, 2005.
3. Five vouchers/invoices as presented under New Business.

OLD BUSINESS

Petition to COAH for Third Round Certification:

Board Planner Tamara Lee was introduced and proceeded to present a thorough discussion on the progress to date and what was still to be done regarding the Borough petitioning COAH for re-certification under COAH Third Round Rules. During the entire presentation, there was an open dialog between the board, Tamara and Tom to ensure the board understood the material, its impact, and what the board needed to do to facilitate the process moving forward to completion. The critical deadline in all of the discussion is that Riverton, when the board finishes writing the new Housing Element, must submit a petition for re-certification application to COAH by December 19, 2005. The submission will include needed supportive documentation, but the main document will be the new Housing Element. The Housing Element will have three parts: 1) a Housing Plan, 2) the Growth Share Projections, and 3) a Fair Share Plan.

During the presentation, two items of related old business were also discussed. Tom Coleman reported that he still had not received a response from COAH regarding his request for clarification of the situation surrounding timing and regulations for revised Development Fee Ordinances and Third Round submissions. His follow-up requests also have not received a response. His advice to the board was that given the time frames involved he

recommends the board continue its present course to prepare the submission. He feels there is a good chance that the decision will not be reversed; and, if that is the case, the board and town do not have the luxury of waiting to take action and the town will be left unprotected from possible suits by builders. Tamara reported that she had also been unable to secure any further information on other communities in a similar situation as Riverton. Both Tamara and Tom agreed that COAH is under a lot of pressure due to understaffing and loss of their most experienced personnel. There are around 110 communities preparing to submit third round petitions and most or close to all will not be submitted until the close to the deadline placing additional pressure on COAH to handle the load of work.

Tamara distributed two handouts to the board. One was a listing of the submission requirements and the other was a draft of the Housing Element. Regarding the work to be completed and the time frames, Tamara reiterated that the board will probably have to consider some special sessions. At a minimum, at least one will probably be needed for a public hearing on the revised Housing Element which is required before it can be adopted by the board and recommended to Borough Council. Council is not required to adopt any supporting ordinances at this point, only to adopt resolutions related to the submissions. Once submitted, the Borough is "safe" from suits by developers. Following a period for public comment to COAH on the submission, the process of review and approval begins and it is not uncommon that some revisions may be required. The process may take more than a year to complete and once certified it is retroactive to the date of submission.

The Housing Element, which is part of the Master Plan, is the critical element that applies to and is reviewed by COAH when considering certification. It contains three sections. Tamara has drafted the first two and reviewed all three with the board. The Housing Plan is the first section and uses updated (2000) census data and demographic analysis to quantify where the Borough's housing stock is now and to support where it might go. The second section is the Growth Share Projections which is where the Borough states where it projects growth to be after the next ten years. It is developed by a thorough review of past development/redevelopment, pending applications, and projected growth. The third section is the Fair Share Plan where the Borough presents how it plans to meet the resulting obligations. While the first two sections of the element are drafted, the Fair Share Plan remains and the purpose of this meeting is to provide Tamara the direction needed to craft it.

Tamara reviewed the background and how:

- Under the old rules, COAH told a municipality what the town's new and rehabilitation needs were. For Riverton it was 15 new and 15 rehabilitation units.
- By using a Vacant Land Adjustment, Riverton was able to demonstrate that its amount of supposedly developable land was not the case and the town was able to reduce the new component to two (2) units with 13 classed as an unmet need. The unmet need only comes into consideration if subsequent changes make any of the "adjusted" area subject to development/redevelopment.
- Under third round rules, any previously defined obligations remain and now instead of being given a number by COAH, a town must, based on COAH rules, project the new obligations which are subject to periodic review by COAH at 3, 5, and 8 years over the 10 year period of certification. At any point, if actual growth exceeds the projected growth by 10% an immediate amendment of the plan is required and the certification can be called into question.
- COAH has already told the Borough that its previous number of rehabilitation units is reduced to four (4).
- COAH has adopted a stance of closely examining vacant land adjustments and desires to disallow them whenever possible.
- The Borough's pending redevelopment plan especially regarding the National Casein property may provide the impetus for COAH to not allow the vacant land adjustment.
- Both Tom and Tamara have advised Council, based on existing and possibly pending applications that involve the redevelopment area as well as the plan's potential impact on the Housing element, that it may be best if Council not consider adopting a redevelopment plan until issues surrounding the third round petition are clarified.

Tamara reviewed the draft of the Housing Element:

- Revising the Housing Plan section was basically reviewing and updating what was previously written. Between the 1990 census and 2000 census everything has essentially aged in place. The town has actually experienced some negative growth and based on regional planning data is projected to continue negative growth.
- The Growth Share Projections start with the existing obligations (2 new units and now revised 4 rehabilitation units) and the possible unmet need of 13 new units currently not required due to the existing vacant land adjustment.
- Using figures developed from a historical review of development/redevelopment based on building and demolition permits, a review of current and pending applications before the planning and zoning boards, as well as projected growth patterns; Tamara has developed a projected number of 4 additional new units. This is based on essentially a net increase of one new residential unit and no new commercial units over the period reviewed, a projected obligation of three (rounded up number) new units based on pending applications, and a projected zero future growth obligation.
- While the figures based on historical growth and the impact of pending applications is readily quantifiable, the “gut” projection number is harder to quantify. Based on the Borough’s existing zoning codes Tamara feels there is strong support for the Borough using the zero future growth calculation since recognized and required/permitted regional planning figures project negative growth. Using the zero growth projection supports the Borough being proactive in projecting its obligation. While the residential and NB districts support zero growth the GB district allows uses that are different from some of the existing uses and therefore a case may be made that some redevelopment could be expected in this zone (see National Casein above).
- While Tamara hopes to convince COAH that the vacant land adjustment is still valid, at this point in time she feels the state may not continue to approve the Borough’s vacant land adjustment. Tamara thinks the Borough needs to use both the hoped for obligation of six (6) new units but also allow for the fact that it may be nineteen (19) new units (6 plus the 13 unmet need from the vacant land adjustment) if the approval of the vacant land adjustment is denied.

The form and content of the Fair Share Plan were thoroughly debated:

- Using her memos distributed in August regarding methods to meet COAH obligations, Tamara reviewed the pros and cons of each method. Most can be complex and involve a lot of administration and/or the availability of adequate funding.
- After reviewing all the possible methods for satisfying affordable housing, the board concluded that: First, Riverton is small, relies on volunteers, and thus to administer a complex housing plan may be difficult, if not impossible. Second, since the Borough is almost completely built out, any new development or redevelopment will be minimal and thus, any fees that might be collected from developers will always be quite limited. Not being able to generate the fees will restrict or greatly limit the Borough’s ability to use options that require funding, like Regional Contribution Agreements or municipally sponsored affordable housing projects.
- After extensive discussion, the board agreed that the best way to satisfy its affordable housing obligation is to expand the current affordable housing (AH) inclusionary zone. An inclusionary zone mandates that affordable housing be part of any development plans.
- The current AH zone is located on Martha’s Lane, a paper street adjacent to the National Casein property. The current AH zone will remain the same, but a second AH zone should be proposed for the National Casein site. As with the current AH zone, the new AH zone will include adequate development density bonuses to insure that the subject land maintains its value and economic development potential.
- It was proposed that the new zone be re-zoned for a mix of office uses with some residential development. The currently permitted retail uses will no longer be allowed and the reasons for removing retail uses from the zone were discussed. Principally, removing the retail uses will reduce the competition on downtown retail businesses and improve their chances of economically succeeding. Another factor is, based on COAH’s criteria, that office development equates to three housing units per 25,000 square feet of building area, while retail space equates to only one housing unit per 25,000 square feet. Thus, by providing a density bonus with office space requires less building area than retail space.
- The board also concluded that any residential development in the new zone should include a mix of 50% affordable housing and 50% market rate housing which should maximize the flexibility permitted in terms of

the type of housing units that will be allowed. However, most of development on the site should be commercial and any proposed zoning ordinance should include the necessary incentives to encourage developers to build more offices and less residential units.

- The board wanted to make sure it is clear that the development of all residential housing in this zone should not be allowed.

Finally it was reviewed what the next steps should be:

- At a minimum, Council should consider a resolution removing the National Casein property from the redevelopment plan and from the identified area needing redevelopment. This action supports the actions to be proposed in the Fair Share Plan and the rationale for maintaining the vacant land adjustment.
- Tamara will provide a recap of the discussion as soon as possible.
- Tamara will draft the third section of the housing element and provide a draft of the complete element to the board prior to 10/18.
- Tamara will also attempt to have a draft of the ordinance for the new affordable housing zone prior to the next meeting.
- The draft Fair Share Plan and ordinance will be discussed at the October 18th meeting, as well as a proposed Growth Share Ordinance for the rest of the Borough.
- A motion was made by Joe Katella, seconded by Suzanne Wells and unanimously approved that the secretary is authorized to incur the expense required to produce copies of the tapes of this meeting so that Frank, Muriel and Donna may review them prior to the next meeting. This is not required but deemed needed due to the amount of material covered and its complexity.
- The secretary will also make copies for the board of the NJPO newsletter material on COAH.

Board Review of a Proposed Revision to Chapter 128-29 – Councilman Gilmore was not feeling well and was unable to stay for his presentation. The matter was tabled and Mr. Gilmore will be given the opportunity to make his presentation at the next meeting.

Reexamination of the Master Plan – In addition to related discussion under the topic of the COAH petition, Bob Smyth reviewed progress of the subcommittee to date. Input is coming in on “Worksheet C” with more needed. Input from the zoning board is desired. Input has been received from the Environmental Commission and the Board of Emergency Management. Bob is going to meet with the Board of Education. The subcommittee feels that input from the County level should be received from them during an open session of the entire board where questions from the board could be allowed.

Redevelopment – The mayor had nothing additional to add other than already discussed in relation to the possible impact on or by the COAH third round petition to the proposed plan. It is still not before the entire Council for consideration.

Environmental Commission – Chris Halt reported that the commission is seeking help from Council and/or the board in drafting the proposal supporting the commission’s request that Council considers increasing the wetland setback for the Pompeston Creek. There is a lack of resources within the commission to complete this item at present. The commission is in contact with Councilwoman Villari on stormwater management and everything is on schedule.

Architectural Review Committee – Chris Halt reviewed the ARC activity for the month.

Draft Fence Ordinance Revisions – The secretary reported that the subcommittee chair had informed him that there had been no comments received from members of the planning board. The board decided to table the matter until next month.

Review Procedures/Ordinance for Informal Reviews by the Board – Tom Coleman reviewed that the board wished to have some form of process in place when dealing with requests for informal review which provides the board adequate time to review a request before a meeting to consider it. The process is supported by statute. Tom stated that if the board was satisfied with the proposed draft, a motion to recommend to Council for consideration

was in order. The chair entertained a motion which was made by Joe Katella, seconded by Suzanne Wells and passed unanimously that the draft ordinance be passed to Borough Council with the Board's recommendation that it be adopted.

River Road Development in Cinnaminson Township – The matter was tabled due to Donna's absence.

NEW BUSINESS

Vouchers and Invoices:

1. 9/7/05, Tom Coleman (9/1/05), \$554.00, general business advice, including the informal review ordinance, and meeting attendance at August meeting.
2. 9/7/05, Tom Coleman (9/1/05), \$105.00, services provided for the Brandenburger Concept Plan hearing. (PAY FROM ESCROW)
3. 9/7/05, Tamara Lee (9/4/05), \$212.50, services provided for the Brandenburger Concept Plan hearing. (PAY FROM ESCROW)
4. 9/7/05, Tamara Lee (9/4/05), \$3,527.50, for third round COAH certification work for period of 8/1-8/31/05.
5. 9/7/05, Tamara Lee (9/4/05), \$127.50, for master plan reexamination work for period of 8/1-8/31/05.

A motion was made by Mayor Martin, seconded by Joe Katella and passed unanimously to pay the items as presented. The items will be delivered to Frank for his signature.

PUBLIC COMMENT

The meeting was opened to general public comment. There was none and the meeting was closed to public comment.

Meeting adjourned at 10:30 PM.

Next regular meeting is on 10/18/2005 at 7:00 PM in the Borough Hall

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
October 18, 2005**

The Public Session of the Planning Board was called to order at 7:02 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, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Christopher Halt, Robert E. Smyth, Mayor Martin, and Councilwoman Alls-Moffat.

Also Present: Secretary Ken Palmer, Solicitor Charles Petrone for Tom Coleman, and Board Planner Tamara Lee.

ABSENT: Donna Tyson, Alan Adams, Joseph Katella, and Suzanne Wells.

MINUTES: A motion was made by Mayor Martin and seconded by Bob Smyth to adopt the minutes of the September 20, 2005, regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 9/28/05, copies of letter from Lucy Voorhoeve, Executive Director, COAH dated 8/10 and 8/24/05 and mailed 9/20/05 as well as Tom Coleman's 9/26/05 letter to the board regarding COAH's response regarding events related to the Development Fee Ordinance and Third Round Petition. (Copies distributed to the board.)
2. 10/5/05, copies of 9/21/05 letter from Walter Croft, ARC Chairman to mayor and 10/11/05 response from Mayor Martin concerning Arc's participation in planning and zoning application matters. (Copies distributed to the board.)
3. 10/5/05, copy of 9/12/05 letter from State DEP regarding public comment on a draft major modification for Stormwater Discharge Major Modification to the Master General Permit.
4. 10/5/05, announcement from Remington & Vernick Engineers, regarding applications for new Smart Growth Grants.
5. 10/5/05, letter from Peter Cerra, Executive Director, Habitat for Humanity of Burlington County, announcing that they are formalizing a proposal for municipalities in the County to help satisfy COAH Third Round Requirements.
6. 10/5/05, letter from New Jersey Future inviting membership.
7. Five vouchers/invoices as presented under New Business.

OLD BUSINESS

Petition to COAH for Third Round Certification:

Board Planner Tamara Lee was introduced and proceeded to recap the prior meeting, the goals established at the meeting and the developments to date. During the entire presentation, there was an open dialog between the board, Tamara and Chuck Petrone to ensure the board understood the material, its impact, and what the board needed to do to facilitate the process moving forward to completion. The deadline remains that the Borough must submit a petition for re-certification application to COAH by December 19, 2005. Using the board's guidance and the decision that the best way to plan to meet the four additional new COAH units was through inclusionary zoning, Tamara has developed the Fair Share Plan section of the Housing Element. A copy of the Housing Element was provided to the board prior to the meeting. Also distributed was a draft of the revised Affordable Housing Ordinance which will include the new inclusionary zone. Tamara reviewed the details of the September 26, 2005 meeting that she, Muriel, and Borough Solicitor Bruce Gunn had with COAH during a meeting in Trenton on the Smart Growth Grant. COAH has reduced the Borough's rehabilitation number to four units. COAH also agreed to honor the Borough's Vacant Land Adjustment as long as reasonable projections are calculated for the redevelopment area and the Borough re-affirms its ability to satisfy the 13 unit unmet need if the conditions for granting the adjustment change. Tamara believes all this has been done in the completed

revised Housing Element as well as the draft revised Affordable Housing Ordinance. Tamara has received in writing confirmation of the substance of the discussion with COAH. Tamara feels the Borough is on sound footing to pursue the plan she has drafted which retains the existing inclusionary zone for two units and a new zone for the four additional units. Tamara has revised the plan to reflect that the rehabilitation units can occur anywhere in the Borough not just in the Neighborhood Business zone. Her draft assumes that the Borough will continue to utilize the County to administer the rehabilitation program which it also helps fund. Tamara assumes the County will continue to be able to fund the now greatly reduced number since it stated it could support the old number. However, the Borough needs to enter a new memorandum of understanding with the County to that effect. The Borough will continue to be responsible for marketing the program and will also need to pass a revised ordinance agreeing to fund any shortfall. Also discussed is the contribution from Mr. Brandenburger that was made a condition of his site plan approval to develop the site at Broad and Main Streets. Bob Smyth asked what role the State Housing Agency played in this matter. Tamara explained that the State administers the new unit component at no cost to the Borough. The State does not administer the rehabilitation component.

Tamara reviewed in detail the draft of the revised Affordable Housing Ordinance. During discussion on the revisions to the existing zone it was determined that that area should **not** include Lot 20 which is owned by the owners of the Nu-Way site. Lot 20, which the tax records indicate was vacant, is not vacant. Part of the strip stores on the Nu-Way site are on that lot. While this discovery might further reduce the amount of vacant land and the original new unit obligation, it is not certain if it would be worth revisiting since it would probably not make that much difference and may just confuse the entire issue.

The new inclusionary zone which will be the lots currently owned and occupied by National Casein will be rezoned to be for mixed use containing office use and residential use. Any redevelopment of the lots will need to provide for four units of new affordable housing with 50% moderate income and 50% low income. The “incentive” allowances were discussed and the board had concerns over the proposed allowance that part of the development could exceed the Borough’s current maximum 35 foot height requirement and possibly reducing the buffer requirement between residential and commercial space. The board decided that the 35 foot height limit and 20 foot buffer requirement should be maintained. It was noted that COAH currently mandates that a minimum 25% of any new units must be rental units. Rental does not mean apartments, just that they be rental units. However, while the Borough can require that redevelopment in an area includes affordable housing, it cannot mandate the percentage that will be rental units versus owned. Tamara has reviewed with Tom Coleman that the Borough can have in the ordinance a general provision that any developer must comply with all Riverton rules and COAH rules. It was also noted that COAH’s rules are being challenged at many levels, especially some of the mandates, as they make it almost impossible to comply with the rules. The need for the incentives was discussed. Tamara also made sure the board had a clear understanding of what COAH’s definition of low and moderate income is. It does not refer to poverty levels, but to very real levels that apply to people who are fully and gainfully employed. The possibilities and merits of having the two affordable housing zones be developed as a single area were also discussed. Tamara’s calculations were also reviewed in detail as well as the rationale behind the calculations. Tamara also offered that the mixed use proposal has been presented before and approved by COAH. The possibilities of trying to preserve some of the existing structures on the National Casein site were discussed.

Tamara also distributed drafts of other materials that must accompany the petition. These included the Spending Plan, the Affirmative Marketing Plan, revisions to the Development Fee Ordinance to meet Round Three parameters, and an Affordable Housing Growth Share Ordinance which replaces the now obsolete accessory apartment section. These documents support the Housing Element and provide the means of achieving the plan and the enabling ordinances to enforce the plan. Only the Housing Element has to be adopted prior to submission. Any ordinances may be submitted as drafts. The ordinances only have to be approved once COAH certifies the Borough’s plan. Following certification, the Borough has 45 days to adopt the enabling ordinances. As discussed previously, certification may take some time from the date it is submitted.

The need for special meeting(s) to complete the work and have it before Council in time for their consideration was discussed. The board hopes to be able to conduct the required public hearing on the Housing Element at its regular November 15th meeting. It was agreed that at least one meeting is needed prior to the 15th meeting. Enough time is needed for the board to digest all the material given to them as well as allow Tamara the time to

incorporate agreed upon revisions and the details agreed to at tonight's meeting. Only the Housing Element needs a public hearing. The rest of the material while part of the petition package supports the Housing Element and can be in draft form. If all proceeds to plan, the board will vote at the special meeting to hold the public hearing on the 15th. Following the hearing the board can then vote to adopt the element and recommend sending the package to Council. After a discussion of dates, Bob Smyth moved, Muriel Alls-Moffat seconded and the board unanimously voted to hold a special meeting on Thursday, November 3, 2005, at 7:00 PM in Borough Hall. The secretary will make sure proper notice is posted and that the meeting is properly noticed in the newspaper. It was also determined no one had any conflicts with the date of the November 15th meeting. Tamara will make sure the hopefully final drafts of materials are distributed at least by the end of the month.

Before leaving the topic, the chair requested and received a motion to open the meeting to public comment on the matter:

- Michael Heine, 206 Carriage House Lane, asked Tamara about the collection of fees and using them to satisfy the Borough's obligation in other towns. He also voiced concern that any development plans not further the loss of the Borough's unique identity. Tamara responded that the use of fees paid to another municipality is possible; but, given the Borough's small size and area available for development, the Borough quite possibly cannot generate the fees needed to satisfy its obligation. There are two types of fees: "development fees" and "payment in lieu of" fees. Only development fees can be spent outside the town. Payment in lieu of fees must stay in the Borough. Thus of all the mechanisms available, it was decided that the proposed new inclusionary zone is the Borough's best alternative.
- Councilman Ed Gilmore, 103 Main Street, voiced his concern that the Borough needs more not less open space especially for recreational use. The National Casein site represents the only real area that can be retained as open space. Ed enumerated uses for the existing buildings. The chair stated that Ed's concerns and proposals are the next item on the agenda and perhaps he would wait and continue his discussion then.

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

Board Review of a Proposed Revision to Chapter 128-29 – Councilman Gilmore was introduced and discussed his proposal that a revision be made to the bulk requirements for the General Business zone particularly as it impacts the National Casein site. He distributed additional copies of the material previously given to the board. Ed feels the Borough needs more open space and the National Casein site represents the last significant site to achieve this. He thinks that the Borough could purchase the entire site then parcel it out for development as the Borough wants. He proposes that the front of the site be developed and the back retained for park and recreation purposes. Tamara stated that this can and has been done, but doing so makes it harder for a developer to economically develop the site. Ed proposes that the old "Dreer's Nursery building be preserved and perhaps converted to affordable housing. Tamara stated that this may constrain the developer's efforts to meet the affordable requirement. Muriel asked about COAH's rules concerning rehabilitation versus new construction. Tamara explained that you cannot use rehabilitation to replace new but you are allowed to substitute new construction for rehabilitation. However, Tamara also offered that COAH might consider converting old commercial to residential as "new" residential; but, she would have to research this. Tamara stated that the petition can always be amended once it is submitted; but, presently it is absolutely critical that the petition be submitted by December 19th. In addition, it is always possible to apply for an amended certification if once certified if conditions change. Finally, you are not allowed to zone for parks. The chair stated that while the door is not closed on Ed's proposal, he does not feel that it can be considered now until the petition is completed and submitted. Ed closed by stating that he doesn't want the opportunity to be lost if it is to happen.

Reexamination of the Master Plan – In addition to related discussion under the topic of the COAH petition, Bob and Muriel reviewed progress of the subcommittee to date. Input received from the zoning board, the school, and the County was distributed to the board and discussed. A member of the County was invited to tonight's meeting but could not attend. The Housing Element is a major piece and thankfully is being addressed under the COAH petition.

Redevelopment – Councilwoman Alls-Moffat reviewed the meeting with the State over the Smart Growth Grant and the subsequent major COAH related development. There were also offers of grant funds to help develop the Post Office. While the original grant cannot be used strictly for redevelopment, the State is still encouraging the

town to make use of the grant for “planning” related purposes and funds are available for other projects. Since the original proposed use of the grant no longer exists, Bob Smyth asked if there was a list of alternative “planning” uses. Tamara stated that traffic and market studies are possible alternatives; but ideas are welcome and needed. Otherwise the State gave the town almost a blank sheet as long as it is planning related. The State will readily state what the grant cannot be used for, but left the actual use up to the town. As to lack of progress on the redevelopment plan, it was reviewed that since the plan directly impacts the COAH petition, it has been recommended by Tom Coleman and Tamara and that work on the plan be put on hold until the COAH petition is completed. The mayor feels that grant funds should be used for something the town plans to do and grant funds are available to pay for it. It was also noted, that if the town cannot spend the funds it now has, it may make it harder to justify additional grants.

Environmental Commission – Chris Halt reported that the commission intends to present testimony on the Cedar Lane application that is before the zoning board. The commission is still seeking assistance in drafting the proposal supporting the request to increase the wetland setback for the Pompeston Creek. Chris also announced that there is a meeting of the Pompeston Creek Regional Stormwater Management Committee is on the 19th in Moorestown and that the Regional Stormwater Management Committee personnel will be in attendance.

Architectural Review Committee – Chris Halt reviewed the ARC activity for the month. Jim Brandenburger had appeared to review the proposed plans for the Nu-Way site. At the meeting Jim had announced he had also been able to buy the Riverton Motors site. Also Jim has been made aware that the County has a 14 foot right of way easement along the property that the County may use for Broad Street improvements. This latter remark seems to contradict the County’s statement that it was not planning any further changes to Broad Street in the town.

Draft Fence Ordinance Revisions – Discussion and review of the matter was tabled due to the lateness of the hour and the press of other business.

Review Procedures/Ordinance for Informal Reviews by the Board – Muriel and the mayor reported that the ordinance was approved at first reading in Council and is scheduled for second reading and public discussion in November.

River Road Development in Cinnaminson Township – The matter was tabled due to Donna’s absence.

NEW BUSINESS

Review of Section 128-64 “Off-street Parking – The mayor reviewed that there was a request to Council that the section be revised to alleviate businesses having to request variances for parking when there is a permitted change of use at an existing site where parking issues already exist. The request to Council was that portions of the section be repealed. The mayor and board discussed zoning chair Kerry Brandt’s preliminary response that no provisions of the section should be repealed but perhaps there was a way to modify things for existing sites. The secretary reported that the topic was on the agenda for tomorrow night’s zoning meeting. The general consensus of the board supported Kerry’s position and that perhaps the board will look into the matter further.

Vouchers and Invoices:

1. 10/5/05, Lord Worrell & Richter (9/30/05), \$150.00, general professional services on 8/16/05.
2. 10/5/05, Lord Worrell & Richter (9/30/05), \$657.00, professional services in reviewing the Brandenburger Concept Plan. (PAY FROM ESCROW.)
3. 10/5/05, Tamara Lee (10/3/05), \$2,096.25, for third round COAH certification work for period of 9/1-9/30/05.
4. 10/12/05, Tom Coleman (10/4/05), \$554.00, general business advice, informal review ordinance, COAH matters, and meeting attendance at September meeting.
5. 10/18/05, Kenny Palmer (10/18/05), \$30.00, copying the September board meeting tapes for absent members.

A motion was made by Mayor Martin, seconded by Bob Smyth and passed unanimously to pay the items as presented. The secretary will have them signed and submitted for payment.

Conflict with the November League of Municipalities Convention – The board discussed if there were any conflicts between the convention and the board meeting scheduled for November 15th. There were none

PUBLIC COMMENT

The meeting was opened to public comment.

- William Harris, 502 Cinnaminson Street, wanted to know how long a paper street can exist until it is considered vacated. Chuck Petrone stated he would look into the matter and try to have an answer by the next meeting. It was also mentioned that there are seven building lots on the tax map along the paper street and vacating the street right of way would make the lots non-buildable.
- James Moffat, 200 Fulton Street, commented on the proposed fence ordinance revisions. He feels that the town and Borough have more important things to consider than revising the fence ordinance. There was comment that some members have concerns with some of the revisions especially front yard fences. The secretary provided a brief review of why zoning is concerned since that board has to hear variances from the ordinance. Also the issue of front yard fences has always been a touchy issue in the town.
- Nancy Morton, no address provided, was at the meeting to address her application for Minor Site Plan Approval. She stated she had left a message for the secretary; however, the secretary replied that he had not received any message. The application and payment had only been dropped off today and the secretary and the chair were not aware of its existence prior to tonight's meeting. With the absence of the Code Enforcement Officer nothing could be decided tonight. The chair apologized for any mix up and told Mrs. Morton that the issue would be resolved no later than the board's special meeting on November 3.

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

Meeting adjourned at 9:56 PM.

Next meetings:

- **Special Meeting for COAH Third Round Petition is on 11/3/2005 at 7:00 PM in the Borough Hall.**
- **Regular Meeting is on 11/15/2005 at 7:00 pm in the Borough Hall.**

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
November 15, 2005**

The Public Session of the Planning Board was called to order at 7:02 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, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Robert E. Smyth, Mayor Martin, Councilwoman Alls-Moffat, Alan Adams, Joseph Katella, and Suzanne Wells.

Also Present: Secretary Ken Palmer, Solicitors Tom Coleman and Charles Petrone, Board Planner Tamara Lee and Patrick Ennis, PE of Lord Worrell & Richter for Board Engineer Mark Malinowski.

ABSENT: Donna Tyson and Christopher Halt. The chair announced that Donna had resigned from the board.

MINUTES: A motion was made by Councilwoman Alls-Moffat and seconded by Suzanne Wells to adopt the minutes of the October 18, 2005, regular meeting and November 3, 2005 special meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 10/2005, copy of brochure from DVRPC regarding funding from the Transportation and Community Development Initiative program.
2. 10/2005, copy of NJ Future Newsletter regarding Smart Growth.
3. 10/18/05, certified mail Public Notice from PSE&G regarding Application for a Modified Freshwater Wetlands Statewide General Permit #1 for the PSE&G Natural Gas Distribution System.
4. 10/14/05, copy of letter to secretaries of land use boards from County Engineer regarding procedures for subdivision approvals.
5. 10/24/05, letter to chair from Peter Cerra, Executive Director, Habitat for Humanity of Burlington County, regarding their proposal to partner with communities to assist in meeting COAH Third Round Requirements. Letter included a copy of the proposal.
6. 10/25/05, copy of "Mayor's Fax Advisory" newsletter from NJLM regarding Wastewater Management Planning and proposed statewide amendments by the state.
7. 11/1/05, 2006 budget request from Mary Longbottom.
8. 11/3/2005, letter of resignation from Donna Tyson.
9. Two vouchers/invoices as presented under New Business.

PUBLIC HEARINGS

Adopt the Revised Housing Element to Amend the Master Plan of the Borough of Riverton in Conjunction With the Petition to COAH for Third Round Certification:

The secretary attested that all required notices were mailed and published as required. The chair introduced Board Planner Tamara Lee. Tamara explained the purpose of the hearing to allow for public input. She proceeded to recap the purpose of the revised housing element, amending of the Master Plan, and the process for petitioning COAH for Third Round Certification. Once approved by COAH, the Borough will be certified through 2014. As long as the petition is filed by the deadline the Borough is protected even while COAH is reviewing the submission. Tamara reviewed the sections of the element and explained how the Fair Share Plan details how the Borough plans to meet its obligation. Tamara reviewed the factors that went into calculating the projected obligation of six new units (two from round two and four additional under round three). Tamara reviewed the new affordable housing inclusionary zone which would provide for a mixed use of office and a maximum of ten residential units.

The board was asked if it had any questions. There were none. The hearing was opened to questions from the public:

- Nick Colleti, 309 Manor Court, asked if there had been any certified mail sent to the property owners in the area regarding affordable housing. Tamara explained that the existing zone was established when the Borough was originally certified almost six years ago, that the new zone was just now being proposed, and that the recent mailing and noticing was the first required and complied with. Only the owners of the properties under consideration in the zone are required to be officially notified by mail. Neighboring property owners are not required to be notified.
- Eric Saia, 401 Martha's Lane, asked if research had been done prior to coming up with the new zone and if anything had been published. Tamara explained the various ways that a town can satisfy its obligation. She also discussed how the vacant land adjustment drastically reduced the original number provided by COAH. Tamara explained how after reviewing all the alternatives that creating an inclusionary zone on the National Casein site was the only viable method and the site was the only area of sufficient size in the Borough. Tamara reiterated that it does not impact the current use of the site; but only if the site is ever redeveloped.
- James Moffat, 402 Fulton Street, asked how the six units will be distributed. It was explained that one unit would be built in the redefined existing zone and five in the new zone. He asked if Tamara had stated that 30% of the Borough properties were tax exempt and if that wasn't quite high. Tamara replied that the percentage was correct, yes it is very high, and that it was not uncommon to have such high percentage in small, built-out boroughs.
- Jeff Mack, 311 Manor Court, asked if there would be apartments. Tamara explained that the board had specifically stated that there would not be multi-family units; however, the zones will allow for possibly having attached single family structures rather than only detached dwellings. COAH requires that there not be any visual distinction between market rate units and affordable units. The existing zone that abuts Manor Court is residential only. Asked why make the change now, Tamara explained that the Borough has to provide a plan to meet its current and future obligation or it can be found out of compliance and subject to builders remedy and the Borough would have no say in how a developer proposed to meet the town's obligation.
- Margaret Wark, 406 Howard Street, asked if this is a done deal and the town was going to take over property to build units. Tamara explained that is not the case; but, rather it establishes the zoning needed to meet the affordable housing needs of the town if the areas are ever developed or redeveloped.
- Eric Saia, asked if zoning wasn't supposed to be based on the master plan and the proposed new zone is not. Tamara explained this is why the proposed housing element is being presented as, and if adopted, will be an amendment to the plan. Without the amendment to the plan, the affordable housing zones in the zoning code would not be correct. Also, other parts of the plan may need amending and that is all part of the reexamination of the plan that is currently underway. Eric inquired if it is mandated that the master plan be reviewed every six years isn't this reexamination late. Tamara stated that while running late it still meets the due diligence requirement and that the town was not in danger as long as the process continued at a recognized appropriate pace.

There were no further questions and the hearing was closed to public input.

The chair asked if board members had any further questions or comments. Bob Smyth commented on the reexamination process and the status of the reexamination. He also commented on how the subcommittee had agreed to concentrate on the housing element ahead of other areas due to its importance to the future direction of the town. Suzanne Wells thanked Tamara for the thorough job she had done in guiding the board and the subcommittee through the process. Suzanne related the time and detailed guidance Tamara had provided in helping the board examine the options available and how the amendment process allows the town to make further changes if the opportunity arises for another method to satisfy its obligation.

There being no additional input from the board, the chair again opened the hearing to public comment:

- Nick Colleti, asked if anyone on the board stood to gain financially from the proposed change. The answer was a resounding no that no member had any interest in the properties involved. Mr. Weber owns the lots in the existing zone and National Casein owns the property included in the new zone. Mr. Colleti wanted to know who maintains vacant lots adjoining Manor Court. It was stated that it is the property owner's responsibility. He is concerned that the properties are not being maintained. It was explained that this is a

code enforcement issue. Asked if had made any complaints, Mr. Colleti replied he had not. Joe Katella replied that the existing building lots being an affordable zone was not new and that the proposed addition was designed to protect the town.

- Eric Saia, commented that he worked for National Casein. He read from the master plan and the proposed revision and feels that there has not been due diligence in the research done prior to imposing this change on National Casein's property. He feels that the golf course property is a much better site given its larger size and the wetland restrictions on the National Casein property. He wanted to know if another vacant land adjustment was warranted. Tamara explained how the other methods available to meet the obligation all involved agreements being in place when the petition is filed and that it was not possible within the time period the Borough had to prepare the petition. Tom Coleman reviewed that the Borough has only had a period beginning in July when it was informed by the state that it must submit the petition by December or lose any mechanism in place to control development and obtain fees to promote affordable housing initiatives. Tamara further explained that COAH provides that if another method can be developed to meet the obligation, the town can choose to amend the plan if it can properly demonstrate to COAH that it will meet the obligation in this other way. However, until such a method actually exists, the proposed zone is the only method available to demonstrate how the obligation will be met. The golf course is not an option since it is already encumbered with the unmet need from the vacant land adjustment. If the golf course property is ever sold off for development, affordable housing from the unmet need must be developed there. Tamara feels the vacant land adjustment has been taken as far as it can be. The fact the town is updating the vacant land adjustment provides good reason for COAH to continue to honor it. Mr. Saia commented on how the redevelopment efforts initiated by the board have appeared to present National Casein in an unfavorable light. He also referred to the letter in 2003 that stated that action should be taken to remove National Casein as well as minutes from meetings that appeared to present an unfavorable opinion of National Casein. Eric went on to state that National Casein has always complied with all regulations at all levels and has always tried to be a good neighbor. In reply, it was stated that the redevelopment plan did not paint National Casein unfavorably; but simply recognizes that the area meets the needs of a redevelopment area. As to the letter, it was pointed out that this letter and actions mentioned were Council matters not a board matter. Further the letter had been proven to be a forgery and did not originate from anyone on Council. As to other meetings, it was corrected that they were not planning board meetings and the members were not familiar with the topic. Eric commented further that he feels the master plan and related land use threatens National Casein and is not positive. Tamara discussed the history of thought on the matter and how it has developed that industrial use was no longer considered the best use. This does not mean it is not wanted now or that it is bad, just that if the property was ever to be redeveloped, the town feels there are better uses for it. National Casein's use of the site is protected and the overall opinion of the town is that they are good neighbors. Only if National Casein decides to move on will the Borough exercise the chance to redevelop the site as it feels is the best use for the site. The mayor feels that National Casein has always been a good neighbor. Muriel recalled how a developer once proposed that the site should be redeveloped to contain 188 high density apartments and that Borough is only taking steps to meet its COAH obligation yet also protect the town from having something completely unwanted forced upon it. Eric asked if a proforma or any official study had been done to compare the taxes from the current use to the proposed use. Tamara replied that while an official study had not been done, it was a recognized fact that office use presents a higher ratable. The re-zone action being considered does not require this kind of study. Bob Smyth further commented that he feels that National Casein is a good neighbor and feels Eric and the public should understand that it is not about National Casein, but rather what happens if National Casein decides to leave.

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

The chair asked if there was any further comment from the board and if not he would entertain a motion on the matter. There was no further comment and a motion was made by Councilwoman Alls-Moffat and seconded by Suzanne Wells that the board approve the Housing Element with Fair Share Plan. The voice vote was unanimous.

The secretary read the resolution adopting the Housing Element and Fair Share Plan. A motion was made by Councilwoman Alls-Moffat and seconded by Suzanne Wells to adopt the resolution as read. The voice vote was unanimous. The secretary will have the resolution signed and properly published and mailed as required.

Application by Brandenburger/Sheridan, Inc. for Preliminary Site Plan Approval and All Required Variances As Needed to Redevelop the “Nu-Way” and “Riverton Motors” Properties on Broad Street (Block 1501, Lots 20, 21, 22, & 23)

Introduction: The chair introduced the topic and introduced David Oberlander, counsel for the applicant. The secretary attested that all jurisdictional requirements had been met and Tom Coleman stated the hearing could proceed. Mr. Oberlander explained that the applicant was prepared to address all issues of completeness and to address the concerns from the board’s professionals.

Completeness Review: Mr. Oberlander reviewed the application and plans. Andrew Ott, the applicant’s engineer, and Jim Brandenburger, the applicant, were sworn in. The following were entered as exhibits:

A1 – site plan application
A2 – site plans
A3 – hydrological report and attachments
A4 – Affidavit of Service and Publication with proofs of publication and mailing from applicants attorney (reviewed and attested to completeness by the secretary).

Mr. Ott stated that he had no real issues with points 1-23 in Mr. Malinowski’s letter and revisions would be made accordingly. He stated that point six was not applicable as it dealt with subdivision and that is not a part of the application. Mr. Ennis conceded that he was correct. Mr. Oberlander addressed point three, the issue of unpaid taxes. Since Jim is not the owner of the property, Dave feels that resolution of the tax issue should be made contingent on approval. Tom Coleman stated this was satisfactory if the board concurred. The board concurred. Jim stated that he was purchasing the property with agreement there be a clean title and the current owner would have to satisfy all outstanding obligations and liens before the sale could be completed. A quick review of the points in Mark’s letter was done with highlights as follows where straight agreement was not noted:

- Point 1 – The variances requested will be shown on the application.
- Point 2 – The secretary attested that all fees had been paid and escrows deposited.
- Point 6 – It was agreed this item was not applicable.
- Point 14 – Documentation will be supplied that there are no wetland issues with the properties under consideration. Existing waterways are offsite and over 200’ from the site and they are not permitted to go on other properties.
- Point 15 – They do not know where the two existing inlets on Broad Street go and they will not be using them for their drainage.
- Point 21 – A traffic report has been obtained and will be filed.
- Point 22 – A sign package will be included in the revised submissions.

Jim stated he planned to present a complete set of revised filings prior to the next meeting hopefully prior to the end of the month to ensure sufficient time for review. The chair referenced Tamara’s letter and it was agreed by all parties that her concerns were site plan review related and would be addressed at the appropriate time.

Preliminary Review: Jim was asked to review the plans and significant changes that had occurred since the original concept presentation. A colorized version of the current survey in exhibit A2 was marked as A5. A colorized version of the proposed development in exhibit A2 was marked as A6. Jim explained that the Riverton Motors site was now part of the application. He reviewed the plans for the site which except for the addition of the new lot were essentially unchanged. All existing structures would be demolished. A CVS store is planned as the primary tenant. A small strip of stores would be located adjacent to the CVS store. It is planned that perhaps a free standing bank will be located on the Riverton Motors portion of the site. Bob Smyth asked about the Riverton Motors site and possible contamination. Jim explained that environmental testing has been done on the entire site. After suspicious areas were identified, test drillings were made. There are no underground storage tanks except heating oil tanks currently in use. No leakage has been discovered, no remediation is needed, and official documentation will be supplied. Bob stated this was reassuring and complimented the applicant on his foresight. Muriel asked about time frames and Jim replied he hoped to be underway by next Summer if things go

as hoped for. Jim stated that the CVS was definite and that there were several existing tenants interested in the new stores. There is nothing definite yet on the bank site. It is planned to try and increase the green space and lessen the impervious coverage. The proposed buffers were discussed. To comply fully with the lighting design standards would be very expensive and it is doubted that the style would permit compliance with the foot candle requirements. Bob Smyth asked if the existing gas lights will remain and Jim replied yes. Jim stated they wish to install street lighting that will complement the existing gas lamps; but, their concern is the actual lot lighting. All of these items will be fully addressed during the official site plan review. The chair asked if the bus stop will remain. It was stated this is a county and/or New Jersey Transit issue and not up to the applicant. The proposed commitment by CVS was reviewed. CVS is interested in a 25 year lease commitment, they pay their portion of taxes directly and readily pay all their share of common area maintenance. Jim also reviewed that except for CVS, no other tenant of that quality was interested in locating on the site. Jim stated that a study of the plans indicates the Borough will realize an increase in ratables over the current use. CVS, which prefers to closely follow their own set of design standards, has agreed to vary their designs within reason to conform to the town's architecture standards. Jim stated he has presented the plans before the ARC and reviewed their preliminary comments. Joe Katella asked and was told a bicycle rack would be considered. Suzanne Wells asked who would own the site and Jim replied his firm would retain ownership and lease to the tenants. The preliminary elevations and signage were reviewed for the CVS and strip stores and they were marked as exhibits A7 – A9. There are no renderings yet for the bank. Bob Smyth asked and it was stated that the styles were also based on the "Moorestown" and "Princeton" locations. The need for drive up or drive through windows and their location was discussed. Hours of operation were discussed and assurances presented that a 24 hour operation is not planned. An 8:00 AM – 10:00 PM period was mentioned. The applicant hopes to have CVS representatives present during the site plan presentation. Tamara highlighted the principal concerns from her review. Mr. Ott stated he would clarify the parking issues. Concerning drainage, all current standards and regulations will be met. Emergency overflow will continue as sheet runoff. Preliminary percolation tests of the site have proved very positive. Jim and his engineer stated they would continue to work with Tamara to address pedestrian and landscape issues. Muriel asked for clarification on the requirements in point 11 of Mark's review letter and it was supplied.

The presentation being concluded and there being no additional comments from the board at this time, the hearing was opened to public comment:

- Nick Colleti, 309 Manor Court, asked who owned the sites. Jim replied he is the contract purchaser of the entire site. Nick asked about re-buffering and drainage and Jim stated that in order to clear and prepare the site and to install the improvements that things may get a little worse before they get better. However, all containment requirements would be met and approvals obtained before work commenced. Final buffering cannot be done until the major construction work regarding the site and improvements is completed. They will not be working up to the property lines. The operation will be bonded as required. Access and site control will be "policed" as well as no parking or storage is planned at the rear of the site. The issue of screening and trash enclosures will be fully addressed. Traffic control on Fulton Street is a police enforcement issue. The traffic report will provide details on the projected impact.
- Keith Barth, Fulton Street, lives adjacent to the site and is concerned about noise and possibly increasing buffering. Jim replied he is working with his landscape architect to provide as much buffering as possible. The use of high efficiency HVAC units should reduce the noise.
- Eric Saia, 401 Martha's Lane, asked if a business and marketing plan was being submitted. Mr. Oberlander replied that such a plan is not required to be submitted for the planning application. However, Jim replied that he had researched the potential and is not going into this blind. He would not be proceeding unless he had a firm commitment from a major tenant.
- Jeff Mack, 311, Manor Court, asked about the building lines and how close construction would approach the homes. Jim replied that construction would approach no closer than eight feet of any property lines. The right of way for the existing walking path would not be touched. Asked about plans for the strip stores, Jim replied that several existing tenants have expressed interest; but, he is not signing any leases until things are further along. Jim also stated that it must be realized that in order to retain the existing tenants the lease agreements with the present owner barely cover the owner's expenses. Once the site is improved such an arrangement cannot realistically continue. Asked about control over the types of business, Mr. Oberlander stated uses are limited to permitted uses in the zone. Jim stated he was conscious of the impact and wanted to

ensure the uses were most beneficial for the town.

- Keith Barth asked about timeframes and Jim replied he envisioned the process from demolition to completion taking six to eight months and he hopes that he may begin around mid-summer next year. There being no further comment, the hearing was closed to public comment.

Continuance: The applicant agreed that he wished to continue the hearing until the next meeting. The applicant stated that he would notice if there were additional changes to the application. A motion was made by Suzanne Wells, seconded by Alan Adams, and unanimously approved to continue the matter at the applicant's request.

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on November 15, 2005:

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 by Brandenburger/Sheridan, Inc. For Site Plan Approval and all related variances as needed to redevelop the "Nu-Way" and "Riverton Motors" Properties on Broad Street (Block 1501, Lots 20, 21, 22, & 23) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on December 20, 2005.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made.

OLD BUSINESS

Petition to COAH for Third Round Certification:

The chair asked if there was any further questions or comments on the issue. Bob Smyth asked if everything was on track to meet the submission deadline. Tamara stated that the board's work was completed and as long as Council passed the needed endorsements, the petition will be filed as required. The chair and the board thanked Tamara for her efforts and guidance.

Reexamination of the Master Plan – Bob Smyth and Muriel reviewed that completion of the Housing Element represented a major milestone. No other policy recommendations have been made. Suzanne Wells has been added to the subcommittee and the number of board members is still within the limit permitted. As things progress, the subcommittee may seek additional support from the town. Bob feels things are on track. Of course any policy decisions will only be sought from and made by the full board in open meetings.

Redevelopment – There was nothing new to report.

Environmental Commission – Discussion and report was tabled due to the absence of Chris Halt.

Architectural Review Committee – Discussion and report was tabled due to the absence of Chris Halt.

Draft Fence Ordinance Revisions – Discussion and review of the matter was tabled since revisions have not been received from the subcommittee.

Review of Section 128-64 "Off-street Parking" – The mayor reviewed that the request had been reviewed by Council. The consensus was that the position offered by Kerry Brandt of the zoning board was on target and that things should be left as they are and that applicants follow the proper channels as warranted.

Review Procedures/Ordinance for Informal Reviews by the Board – Muriel and the mayor reported that the ordinance had received final approval. Muriel read the enabling resolution adopted by Council.

NEW BUSINESS

Vouchers and Invoices:

1. 11/3/05, Tamara Lee, \$2,443.75, for third round COAH certification work for period of 10/1-10/31/05.
2. 11/1/05, Raymond and Coleman, \$603.00, general business advice, COAH matters, and meeting attendance at October meeting.

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

2006 League of Municipalities Conference – Bob Smyth reported on several items that he planned to attend and that may be of interest to the board including integrating local plans with the state Master Plan and the new educational requirements for board members.

PUBLIC COMMENT

The meeting was opened to public comment.

- Eric Saia, 401 Martha's Lane, asked if National Casein would be notified of any ordinance changes concerning its property. Chuck Petrone and Tom Coleman reviewed the COAH approval process. The official requirements regarding zoning changes were also reviewed. Mr. Saia asked if he could volunteer to assist the reexamination subcommittee in its efforts. His offer was accepted.

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

Meeting adjourned at 9:35 PM.

Next meeting:

- **Regular Meeting is on 12/20/2005 at 7:00 pm in the Borough Hall.**

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
November 3, 2005**

The Public Session of the Planning Board was called to order at 7:00 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 25, 2005.
2. Required Service of notice and publication in the Burlington County Times on October 26, 2005.

PRESENT: Frank Siefert, Robert E. Smyth, Mayor Robert Martin, Councilwoman Muriel Alls-Moffat, Alan Adams, and Suzanne Wells.

Also Present: Secretary Ken Palmer, Solicitor Charles Petrone for Tom Coleman, and Board Planner Tamara Lee.

ABSENT: Donna Tyson, Christopher Halt, and Joseph Katella.

MOTION TO SUSPEND NORMAL BUSINESS: A motion was made by Councilwoman Alls-Moffat and seconded by Mayor Martin to suspend normal business for the meeting until the next regular meeting and proceed with the announced purpose of the meeting to consider the revised Housing Element and the petition to COAH for Recertification under COAH Third Round Rules. The voice vote was unanimous.

OLD BUSINESS

Petition to COAH for Third Round Certification:

Board Planner Tamara Lee was introduced and proceeded to recap the prior meeting, the goals established at the meeting and the developments to date. Tamara asked if the members had the latest revision of the Housing Element. Tamara reviewed the minor changes to the element including changes to reflect the revised Vacant Land Adjustment. Block 1500, Lot 20 which is part of the Nu-Way site is on the tax rolls as a vacant lot. It is not vacant. To reflect that two affordable units will not realistically fit in the existing Affordable Housing zone, Tamara now intends to project one unit on the existing AH1 zone and five units on the new AH2 zone. There are a few possible bumps in the element due to COAH rules. COAH states that 25% of units must be rental, yet a town cannot zone "ownership." For six units this presents a problem. With advice from Tom Coleman, language is inserted that states a developer must comply with COAH requirements. COAH will probably take issue with this; but Tamara and Tom think this can be addressed if and or when COAH challenges them. There are also suits in progress challenging COAH and things may change. On the issue of multi-family housing, the board concurred and Tamara stated she would change all documentation to refer to singles, duplexes twins and town houses, but not apartments.

Tamara reviewed the Affirmative Marketing Plan and it is basically unchanged from the existing plan. It was discussed that the things are changing at the County level as to who is administering the program. Tamara stated that this is easily modified as needed once the dust settles at the County level. Regardless, marketing is at the local level and the marketing plan addresses how the town proposes to market the program. At the state level the responsibility has been transferred to another unit. It is okay to identify the appropriate agency and if it changes in the interim, it is a minor modification.

The Spending Plan defines what the town will do with the monies it will receive. Tamara suggests \$40,000.00 for the rehabilitation portion. While the County has pledged to cover this, the town must bond or make sure the amounts are available if the County does not fund the cost. The law also allows a percentage to be set aside for administrative costs. This acts to cover costs if the State or County rescinds its intent to cover the administration of the plan. Hopefully this set aside will allow the town not to have to bond for the shortfall.

Tamara reviewed the changes made to the draft Affordable Housing Ordinance. Tamara stated that this draft will

also have the multi-family phrase removed as in the Housing Element. This document does not have to be adopted. A draft form is okay for the submission. In discussing the landscape buffers it was concluded that the 20 foot requirement was okay once it was understood where it would possibly apply. The issue that the town may not really want to redevelop the new affordable housing area was also discussed. It was again concluded that time for submitting the petition was the critical factor and to come up with an alternative method at this late date was not possible. The town can always come up with a revised method and subsequently modify the plan to reflect the changes. This is a benefit under the round three rules. The monitoring piece allows and even encourages flexibility in meeting changes. Under round two, modifying an approved plan was difficult at best.

The draft Growth Share Ordinance was reviewed. To accommodate the board's concerns that commercial and residential uses be kept separated, this draft will be revised to reflect that there is no mixed use permitted in a single structure. The provisions for creating affordable housing units elsewhere within the Borough were discussed. COAH has not yet defined any model requirements for this ordinance. COAH does not specify when a town can access development fees vs. payment in lieu of fees. This represents a possible hitch in the process since the fees are different. It was discussed what constitutes an obligation. Replacing housing does not generate an obligation. Only increasing the housing stock or increasing commercial space creates a corresponding COAH obligation. As with the Affordable Housing Ordinance, the Growth Share Ordinance only has to be submitted in draft form. Only the Housing Element must be adopted. All related ordinances are only required be adopted if and when COAH approval is received. At that time, the town has 45 days to adopt the enabling ordinances.

The draft Development Fee Ordinance was reviewed. COAH has developed model regulations for this ordinance and the draft complies with the COAH model. Only minor changes have been made since the last revision made earlier in the year. Tamara explained Section 128-122. The rest is based on standard COAH language.

Finally, Tamara reviewed the details of the revised Vacant Land Adjustment. While the details are finalized, Tamara needs to add text that explains the changes. Tamara reviewed all the submissions that must accompany the Housing Ordinance for the petition. Tamara summarized the changes discussed tonight. The purpose of the public hearing was explained. The secretary read the draft of the required notice to the board.

The chair asked if the board had any more questions at this time. If not a motion was entertained to call for a public hearing on the Housing Element. Councilwoman Alls-Moffat motioned and Suzanne Wells seconded that the board conduct a public hearing on the proposed Housing Element at the board's regular meeting on November 15, 2005 and that the secretary make sure that all required notifications are met. It was explained that notice must be published in the newspaper and that the impacted property owner(s), neighboring municipalities, and County agencies need to be notified by certified mail. The publishing and mailing needs to occur no less than 10 days prior to the date of the scheduled hearing. There was no further discussion and the motion passed by unanimous voice vote.

Public Comment – The chair requested and received a motion to open the meeting to public comment on the matter:

- James Moffat, 206 Fulton Street, asked about the date and time of the hearing. It was explained that the hearing would be the first order of business at the regular meeting at 7:00 PM on November 15.
- Michael Heine, 206 Carriage House Lane, asked if the proposed changes for the new AH2 zone were necessary to meet certification under round three. It was explained that using an inclusionary zone was a permitted method of showing how the obligation would be met. The Borough must submit its petition by the December deadline to remain protected. Any other method requires that a specific property be identified, an agreement with the owner is in place, and an agreement with a non-profit agency is in place. Since this does not currently exist, there is not time to do so and still hold the hearing, adopt the element, and have Council endorse the plan. The Borough can amend the plan later if another method for satisfying the Borough's obligation occurs. Michael is concerned there is case law where a judge might overturn an approved plan.

- William Harris, 502 Cinnaminson Street, feels that changing the National Casein property without the owner's consent could result in a lawsuit. It was explained that the owners of the site would be among those formally notified.

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

Meeting adjourned at 8:55 PM.

Next meeting:

- **Regular Meeting is on 11/15/2005 at 7:00 pm in the Borough Hall.**

Tape is on file.

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

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
December 20, 2005**

The Public Session of the Planning Board was called to order at 7:00 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, 2005.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2005.

PRESENT: Frank Siefert, Christopher Halt, Robert E. Smyth, Mayor Martin, Councilwoman Alls-Moffat, Alan Adams, Joseph Katella, and Suzanne Wells.

Also Present: Secretary Ken Palmer, Solicitors Tom Coleman and Charles Petrone, Board Planner Tamara Lee and Patrick Ennis, PE of Lord Worrell & Richter for Board Engineer Mark Malinowski.

ABSENT: None.

MINUTES: A motion was made by Suzanne Wells and seconded by the mayor to adopt the minutes of the November 15, 2005 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 11/28/05 and 12/16/05, new/revised submissions for Brandenburger/Sheridan Site Plan Application distributed to all board members and others as required.
2. 12/14/05, Affidavit of Service and Publication with proofs of publication and mailing from Flaster Greenberg for Brandenburger Site Plan Application (Copy of notice given to board for reference).
3. 12/19/05, copy of Tamara Lee's review of new/revised materials for the Brandenburger/Sheridan application which was distributed directly to the board.
4. 12/20/05, copy of Mark Malinowski's review of new/revised materials for the Brandenburger/Sheridan application which was distributed to the board.
5. 12/19/05, copy of the ARC review letter concerning the Brandenburger/Sheridan application.
6. 11/16/05, memo from County Department of Resource Conservation Division of Solid Waste Management regarding recycling considerations for multifamily site plan approvals.
7. 11/16/05, copy of letter to Mary Longbottom from DVRPC regarding that the Riverton Light Rail Station is included in the Increasing Intermodal Access to Transit (Phase III) study which is examining pedestrian and bicycle access accessibility of transit stations throughout the region both in PA and NJ.
8. 11/28/05, copy of "Mayor's Fax Advisory" newsletter from NJLM providing an update on progress of implementing the New Education Requirements for Members of Planning, Zoning, or Joint Use Boards. Copies provided to all board members.
9. 12/13/05, copy of "Mayor's Fax Advisory" newsletter from NJLM updating Wastewater Management Planning and proposed statewide amendments by the state has been extended until May 2006.
10. 12/16/05, copy to chair of letter to the mayor from COAH acknowledging receipt of the Borough's petition and deeming the submission complete. Also included were instructions and procedures for proper notification of the 45 day comment period.
11. 12/16/2005, copy of letter to the mayor from the State Department of Community Affairs, Office of Smart Growth concerning proposals to revise the scope of work to be done under the Smart Growth Grant. Attached to the letter was a copy of an e-mail dated 12/19/05 from Tamara Lee to Khara Ford, Area Planner, Office of Smart Growth replying as requested that Council had discussed the matter and had decided that the grant be used to conduct a traffic and parking study for the Borough. The e-mail also outlined the scope of the work to be done.
12. Four vouchers/invoices as presented under New Business.

PUBLIC HEARING

Continued from 11/15/2005: Application by Brandenburger/Sheridan, Inc. for Preliminary Site Plan Approval and All Required Variances As Needed to Redevelop the “Nu-Way” and “Riverton Motors” Properties on Broad Street (Block 1501, Lots 20, 21, 22, & 23)

Introduction: The chair introduced the topic and introduced David Oberlander, counsel for the applicant. The secretary attested that the applicant had properly re-noticed and that all jurisdictional requirements had been met and the board solicitors concurred that the hearing could proceed. Mr. Petrone reviewed that since Mr. Halt had not been present for the previous session of the hearing he can participate in the hearing; however, he cannot vote on the matter.

Testimony and Board Questions: Mr. Oberlander reviewed the application and plans and progress to date. He explained what he hoped to be accomplished at this hearing. The witnesses were introduced and sworn in. Andrew Ott, the applicant's engineer, and Jim Brandenburger, the applicant, were returning. The following additional witnesses were introduced and sworn in:

- David Shropshire, Shropshire Associates LLC
- Mike Buckless, CVS Realty Company
- Paul Albert, Larson Design Group
- Robert Oelenschlager, National Sign Services

The following new exhibits were entered:

B1 – revised site plan application

B2 – site plans, 11/22/05

B3 – survey and topography plan, 11/22/05

B4 – landscape plan, 12/12/05

B5 – signage plan, 11/22/05

B6 – building elevations and signs, four sheets, 11/15/05

B7 – traffic engineering assessment 11/14/05

B8 – wetland evaluation

B9 – 12/14/05, Affidavit of Service and Publication with proofs of publication and mailing from applicants attorney (reviewed and attested to completeness by the secretary).

Mr. Brandenburger summarized the application and the revisions made. The revisions primarily address suggestions from the board's planner and engineer. He referenced a colorized version of the revised site plan which was marked as B10. A presentation booklet was marked as B11 and was distributed to the board which addressed renderings of the proposed strip stores, pictures of the proposed architecturally appropriate lighting, a revised landscape plan, and revised lighting survey. There has been a decrease in parking spots from 143 to 137. Additional landscape islands have been added. The height of the proposed five single light and six double light standards has been reduced to 16 feet from 25 feet. The style of the lights is similar to the new street lights in Palmyra and the lights are compatible in style with the gas lamps on the property. They are designed to reflect down. The revised lighting study shows that all requirements will be met with no spillage onto adjoining properties. The proposed style lights are significantly more costly than standard “cobra” style lights. No new gas lamps will be installed and all existing gas lamps will be preserved and relocated if needed. The double lights will be on the property. Muriel Alls-Moffat inquired why the revised light fixtures were 16 feet instead of the 12 feet recommended by the ARC. Mr. Ott explained that 12 foot fixtures would require another five or six fixtures mostly of the double style or an increase of approximately 50% in the number of fixtures to meet the requirements for site lighting. That would cause an undesired increase in the source points of lighting. The higher fixtures also result in a more even spread of light with less “hot spots” of intensity. This provides a better overall ambience and still meets the requirement for sufficient lighting of the site. While higher than the existing residential style gas lamps, it was noted that gas lamps cannot meet the lighting requirements. The change in the number of parking spaces was to address the board professional's suggestions to add landscape islands and increase pedestrian access. The revised number of parking spaces shown on the landscape plan has not been added to the site plan.

Mr. Shropshire was introduced, his qualifications attested to and the traffic study was reviewed. A minor degradation of existing service may occur at Fulton and Broad Street during Saturday peak hours. He feels there will not be any problems in obtaining County approval. He explained level of service and addressed Muriel's concerns about changes to the level of service on Fulton Street. Chris Halt is concerned about possible increased use of Fourth Street as an alternate highway by people trying to avoid accessing Broad Street. He has noted an increase since Broad Street was reconstructed. County approval was explained since Broad Street is a County road. The applicant does not know yet if the County plans to take the rest of the right-of-way shown on the plan. The plan assumes that may occur and the area will be landscaped appropriately to minimize impact if the right-of-way is later used. Possible acceleration/deceleration lanes while not proposed are shown in case the County mandates them. It was noted that the Borough's gas lamps on the site are currently within the County's currently unused right-of-way. Truck traffic on Fulton Street was discussed. It was explained that all deliveries would be required to enter the site from Broad Street and directed to only exit left towards Broad Street from the Fulton Street entrance. As to restricting and posting "no truck" signage on the residential portion of Fulton Street, that is a local enforcement issue. Fulton Street is wide enough for the proposed designed use. Making Fulton Street one way is a local issue. Bob Smyth asked about current vs. forecast figures in the study. Mr. Shropshire explained that current figures are used and then accepted methods for projecting future growth rates are applied. The impact estimates included in the report are deliberately conservatively high such as counting trips to the center stores individually when in reality visits to multiple stores may be in one trip. Muriel feels the new development in Cinnaminson and the projected future growth in Palmyra will have a significant impact.

The chair opened Mr. Shropshire's testimony to public questions and comments:

- Eric Saia, 401 Martha's lane, asked if the impact on the light at Cedar Lane and the light rail crossing was included. The answer was yes and was explained. Mr. Saia asked about imposing weight limit restrictions on truck traffic on Fulton Street. It was explained such a decision was a municipal issue and that municipalities usually preferred to go with the "local deliveries only" restriction. Mr. Saia asked if the turning radii were sufficient. It was explained that yes they are based on the proposed access/egress flow and the size of the trucks. Large vehicles will probably not exceed one or two a day. There may be additional smaller delivery vehicles.

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

The board inquired about the traffic humps recommended by Tamara on the site and about including one at the Fulton Street entrance. Mr. Ott explained that a raised hump at Fulton Street might cause a drainage issue; humps intend to increase noise when trucks go over them, and such a hump is not needed at Fulton Street since it would be an exit point for trucks which are starting at that point from a full stop. Mr. Ott further explained why he thought they could cause safety issues and that the use of colored and/or distinctive paving materials at the crossings was preferred. Tamara said she could understand Fulton Street; but, still has concerns within the site, particularly along the central aisle way. Mr. Shropshire explained why the use of stop signs at cross aisle locations was not recommended. There were no further questions of Mr. Shropshire and he was excused.

Mr. Buckless was introduced and presented his credentials. He explained the history of the CVS interest in the site and why CVS feels it is a good choice. He reviewed operation considerations. The use of the enclosed trash compacting equipment will limit collection at the store to approximately once every one or two months. Once in the store, the discarded material never leaves the store except through the enclosed equipment. Use of the drive-through should not exceed perhaps five per hour during peak hours. It is for pick-up and drop-off only; not waiting. He feels customers will predominantly exit to the left towards Broad Street from the Fulton Street access. All deliveries will occur during normal business hours usually between 9:00 AM and 3:00 PM. They will be instructed and made to adhere to the entry only from Broad Street and exiting to the left on Fulton Street. There will be at most one delivery a week from the large CVS trucks. CVS can and will control deliveries from their vehicles to best suite the town's desires. Deliveries, such as soda from smaller vehicles, may occur more frequently; but, always during the previously stated times. The projected operating hours would be from 8:00 AM to 10:00 PM. Bob Smyth reviewed his research of both the Moorestown and Princeton stores and how he hopes that the signage and store design will be similar to the Moorestown store. Mr. Buckless stated that the upcoming presentation on the signage and store design will hopefully address his concerns. The signage presentation will

hope to reduce the current signage and address concerns. He stated that the Riverton site is not a Moorestown site; but, most definitely it is not a Route 130 or major highway site either. Muriel asked why the store had to be on the corner location and Mr. Buckless reviewed the rationale for that CVS requirement. Muriel is concerned about what the properties across Fulton Street were going to be looking at. The proposed landscaping along the street was briefly discussed as well as the signage issues that will be addressed. It was also noted that the CVS store will be at least 60 feet further back on the site than the current structure with a landscape buffer along the street.

Mr. Ott was asked to review the requested variances and the engineer's and planner's review letters. The proposed lot coverage while exceeding the zone's requirements is less than what exists now. It is a much better design. The Martha's Lane right-of-way area was not included; however, the unused County right-of-way was included in the calculation. The buffering along Fulton Street is adjacent to a street and not an adjoining residential property. Mr. Ott reviewed why he felt there was no detriment to the public good from the variances requested and that they represented a recognizable improvement to the current site. Green areas will be spread throughout the site. Having only a 12 foot buffer along the back of the property in addition to the existing pathway and the green space provided by the retention basin area as well as the fact that the buildings are 115 feet off the property line should be sufficient to provide more than adequate buffering. The run-off retention basin is of all natural materials, not concrete, and will be shielded by fencing and buffering. If the basin needs to be moved to allow the 20 foot landscape buffer as defined in the code, it would necessitate redesigning it and making it closer to Fulton Street. Mr. Ott and the applicant feel it is best to have the basin located as far back as possible. The current Riverton Motors site is 100% impervious and the proposed design will have green space. The variance for the size of the parking stalls is appropriate for the planned use and commonly acceptable. The design standards waiver regarding the light standards being 16 feet instead of 12 feet has been previously discussed.

The review letters were discussed. In Tamara's letter the site plan issues specifically related to pedestrian use and buffering were discussed at length. Tamara feels strongly that the use of "raised" walkways for traffic calming is needed; however, she will ultimately defer to the board's engineer on the subject. Alternatives to the raised areas were discussed. Adequate drainage on the site is an issue and is properly controlled on the plans as submitted. Buffering of the parking areas was discussed and it was agreed to make sure headlights were shielded along Fulton Street yet not construct the buffer so as to either reduce right of way sight lines or visibility of the property. The issue of one vs. two drive-through lanes and their design/location was discussed. Mr. Ott stated he would continue to work with the board's professionals on the issues. Regarding the development fee ordinance, it was discussed that it is approved. Concerning using brick in the plaza area, the applicant has no problem using a less maintenance intensive product such as pressed concrete materials similar to that used in the pedestrian walkways on the site. The issue of planting additional trees in the plaza area will be subject to county review and must not impact sight triangles at the Fulton Street intersection. Mr. Ott and Mr. Ennis reviewed Mark's review letter. The square footage issue was again clarified and agreed that it will be clarified on the plans. All existing sidewalks along Broad and Fulton Streets will be replaced and done in coordination with any Borough efforts. The dumpster issue for the retail stores will be deferred to the fire marshal. The CVS units are fully self-contained. Fire Lanes will be included and delineated. It was agreed to provide stop signs at all street access points and not require them at crossing aisles on site. Green space and traffic calming between the buildings will continue to be discussed but access for a large tractor trailer rig needs to be maintained. It was agreed that the applicant's proposed location of the bank's trash enclosure was more appropriate. The split rail fence around the three sides of the basin with a board on board on the fourth side was agreed as appropriate. Any sanitary line issues will be deferred to local MUA. Concerns with parking lot grading issues will be resolved as needed.

Mr. Oelenschlager was introduced and his credentials attested to. Exhibits B12 and B13 were introduced which were enlarged versions of other exhibits. Concerning the retail building, the only variance at issue is a size variance for the main sign on the building. The height and width are needed to properly identify the building. Only the main sign will be externally illuminated by goose neck lights. No internally illuminated signs are proposed. The individual store signs will be fully comply with the ordinance. Exhibit B14 was entered which represented the initial proposal for the standalone street sign. It will be located near the corner plaza area. It will be double sided and advertise CVS as well as the other retail tenants. It will feature carved, externally lit signage. The tenant signs will be removable to allow changing as needed. The design as presented is 20 feet in height and two feet wide and tries to incorporate the design architecture of the building. The general consensus of the board

is that it is too tall and too massive. While the need to advertise the site is not being debated, it was felt it was too big given that the speed limit in the area is reduced. Asked why the Moorestown sign is much smaller, the applicant's professionals replied that the issue is different. The Moorestown site is standalone and located in a downtown area. Riverton's site is a center and the CVS and other tenants need to be advertised. The design also tries to be architecturally appropriate. Asked about room to compromise, the applicant's representatives stated that is what they hoped to do. The design was not presented as a take it or leave it proposal. If there are serious issues give them some guidance and they will work with the town as much as possible. They only ask that all establishments on the site be allowed to adequately advertise their existence. The board concurred that they feel the proposed scale was too large for the traffic flow and the size of the site. The design criteria used concerning size, location, speed limits, etc. was discussed. It was also agreed that the issue needed to be visited further. Following a short break, Exhibit B15 was entered which represented a proposed alternative sign almost half the size of B14 and less "massive" in design. The style of the carved panels will be similar. The sign face is reduced to 80 square feet from 115 square feet. The structure is also not as tall. There was discussion concerning the location of the lighting and further reducing the overall mass of the structure. Walter Croft of the ARC, when asked, stated that he would be willing to work with the applicant and the board to help facilitate a consensus. The applicant feels a sign is needed to advertise the location and it needs to be of sufficient size that it is noticed before it is passed. The board is of a consensus that the overall scale is an issue that needs to be resolved. Perhaps pictures of actual examples of various sizes and designs would help the board better visualize what is proposed. Mr. Oelenschlager agreed to provide examples. The board appreciates the efforts to customize the sign for Riverton.

The CVS store façade signage was discussed. A color rendering was entered as Exhibit B16. It was noted that the rendering was actually a reverse image of the proposed building. Tamara's and the ARC reports were reviewed and taken into consideration and CVS' representatives are prepared to reduce where possible the signage. Exhibit B17 was entered to show the reduced number of signs. The reduction of the actual size of the "CVS" signs was presented. The removal of all signs except CVS on the Fulton Street facade was presented. The removal of all signage on the "center side" except for the drive-through was presented. Along Broad Street, CVS feels the three signs shown are needed. All of the signs are carved and exterior lit by goose neck lamps. The revised package has reduced the number of signs from 13 to six or seven and is over 271 square feet less. The signage variances were reviewed. Mr. Oelenschlager reviewed how they want to remove directional signage from the Fulton Street access to further emphasize that customers should utilize the Broad Street entrance. Exhibit B18 was entered to demonstrate the reduced signage and comparisons to the Moorestown and Princeton locations was discussed. Mr. Buckless stated that the customer will not agree to making the CVS signs any smaller than presented.

A revised building design rendering was entered as exhibit B19. This revision addresses the concern that the "rounded" tower design did not follow the design of the Yacht Club as intended. The tower portion has been squared off and the spire redesigned. The signage does not represent the reduced signage as discussed; however the style is representative. The consensus of the board is that they preferred the new design. To the possibility of redesigning the retail strip building to closer resemble the CVS building, the consensus of the board was to not change the retail strip building. The board is also inclined to support the design represented by exhibit B19. The chair asked Walter "Hank" Croft of the ARC to comment. Hank was pleased with the repetitive pattern of the brickwork and feels it would be nice to repeat the pattern on all the walls. Hank feels the pedestrian arcade might be lowered some. After confirming that the height of the building complied with the code, Hank asked if the height of the parapet walls could be lowered. He was informed the height was designed to conceal the mechanicals for the building. The board discussed various other architecture designs of the retail strip building. The building materials to be used in both buildings were discussed.

Public Comment: The hearing was opened to public comment:

- Hank Croft, 2 Woodside Lane, questioned the split rail fence around the retention basin. Mr. Ennis stated that it provides a safety factor. However, there is nothing to stop its removal if it was a concern for the board. Hank asked if the sign illumination will be turned off after business hours and he was told yes. Hank suggested that, if needed, the board include stipulations concerning delivery hours.
- James Moffat, 202 Fulton Street, suggested that the signs for the retail stores be upper-lower case.
- Joe Van Bernum, 310 Manor Court, asked for details concerning the depth of the retention basin, the landscaping and fencing plans, light from the site, noise issues, location of the grease trap, and traffic flow. Mr. Ott and the applicant provided answers to his questions. Joe asked about pumping overflow water from the site instead of using the basin and it was explained that the applicant doesn't have the right to pump across property he doesn't own.
- Barry Emens, 18 Laurel Road, as chair of the Shade Tree Commission offered the commission's services if they would be helpful. He likes the plan and feels it is essentially sound from a landscape position.

There being no further comment, the hearing was closed to public comment.

Board Deliberation: The chair asked if the board had additional concerns or questions. There were none and the chair asked counsel to aid in reviewing what the board was being asked to vote on. Chuck Petrone guided the board. He stated that preliminary and final site plan approval with variances is being requested. Since there are remaining issues, the board was advised that preliminary approval and granting of all or a portion of the variances was warranted, if the board so chooses. The waivers and variances being requested are:

- design waiver for 16 foot light standards instead of 12 feet
- variance for lot coverage of 66.3% from the maximum 60% permitted
- variance for 9x18 foot parking spaces where 10x20 feet is required
- variance for a 15 foot buffer along Fulton Street where 20 feet is required
- variance for a 12 foot buffer along the rear property line where 20 feet is required
- variance for a free standing sign
- variance for the seven façade signs where one is permitted on the CVS building
- variance for square footage of the signs on the CVS building
- variance for square footage of the main sign on the retail strip building
- variance for ground identification signage where none is provided for.

Unless the board feels the matter can be concluded tonight, final approval is not advised since there are unresolved issues from the review letters and the street side sign is still under review and revision. Preliminary approval expresses general satisfaction with the presentation while allowing that there is work still to be done. Approvals allow the applicant to proceed with the issues that have been approved. Only those variances the board is prepared to grant should be considered. The applicant has agreed to comply with most of the open issues in the professional's letters and compliance can be made a condition of any approvals. Action can be taken separately on items or a single motion can be made. The board decided that it would take a single vote on a motion that would include as delineated by Mr. Petrone:

- grant preliminary site plan approval conditioned on all outstanding agreed upon issues addressed in the planner's and engineer's review letters are resolved
- grant a variance for the increased lot coverage
- grant a variance for the 9x18 parking stall size
- grant a variance for the 15 foot buffer along Fulton Street as long as the revised landscaping requirements are adhered to
- grant a variance for the 12 foot buffer at the rear of the site
- grant variances for the number and size of façade signs on the CVS building as long as they comply with the revised proposals presented in tonight's testimony
- grant a variance for the main sign on the retail strip building
- grant a variance for the ground identification signs
- grant a design waiver for the height of the light standards.

The mayor so moved that the motion as delineated by Mr. Petrone be approved and the motion was seconded by Alan Adams. A roll call vote was conducted with aye signifying approval and nay denial. Mr. Halt could not vote. The motion was approved by a vote of 7 to 0 as follows:

Mr. Siefert	aye	Mr. Smyth	aye
Mayor Martin	aye	Councilwoman Alls-Moffat	aye
Mr. Adams	aye	Mr. Katella	aye
Mrs. Wells	aye		

Continuance: The applicant agreed that he wished to continue the hearing until the next meeting. The applicant stated that he would re-notice if there were additional changes to the application. A motion was made, seconded, and unanimously approved to continue the matter at the applicant's request.

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on December 20, 2005:

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 by Brandenburger/Sheridan, Inc. For Site Plan Approval and all related variances as needed to redevelop the "Nu-Way" and "Riverton Motors" Properties on Broad Street (Block 1501, Lots 20, 21, 22, & 23) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on January 17, 2006.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made.

OLD BUSINESS

Petition to COAH for Third Round Certification – At the time the letter from COAH was read; Bob Smyth extended thanks and compliments to everyone on the board and to Tamara and Council for their efforts in meeting the deadline for the submission of the petition.

Table Old Business – Due to the late hour (11:15 PM), the chair stated that unless there was anything critical to discuss under old business he would entertain a motion to table all other old business until the next meeting. There was no objection and a motion was made by Councilwoman Alls-Moffat, seconded by the mayor and passed unanimously to table all old business.

NEW BUSINESS

Vouchers and Invoices:

1. 12/1/05, Tamara Lee, \$913.75, for third round COAH certification work in November.
2. 12/1/05, Tamara Lee, \$977.50, for work on the Brandenburger/Sheridan application in November (PAID FROM ESCROW).
3. 12/5/05, Raymond and Coleman, \$600.00, for general business advice, COAH matters, and meeting attendance at the November special and regular meetings.
4. 12/5/05, Raymond and Coleman, \$833.00, for work on the Brandenburger/Sheridan application in November (PAID FROM ESCROW).

A motion was made by Suzanne Wells, seconded by Councilwoman Alls-Moffat, and passed unanimously 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.

- Eric Saia, 401 Martha's Lane, asked if the Reexamination of the Master Plan was still ongoing. The answer was yes; however, nothing new has occurred due to concentration on the COAH petition. The subcommittee is aware that Mr. Saia has volunteered to work on the subcommittee and will contact him when the subcommittee resumes its work.

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

MOTION TO GO TO CLOSED SESSION

At 11:20 PM, the mayor made a motion that the board enter closed session under Section 8 of the Open Public Meetings Act, C231, P.L.1975 to discuss professional contractual issues. The motion was seconded by Bob Smyth and a voice vote was unanimous. At 11:30 PM Councilwoman Alls-Moffat motioned to return to public session. Suzanne Wells seconded the motion and a voice vote was unanimous.

Meeting adjourned at 11:30 PM.

Next meeting:

- **Regular Meeting is on 1/17/2006 at 7:00 pm in the Borough Hall. This is also the annual reorganization meeting.**

Tape is on file.

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