

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**January 15, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Annual reorganization:
  - Swear in new reappointed members
  - Announce mayoral appointments
  - Elect positions/appointments
4. Adopt minutes of the December 18, 2007 regular meeting
5. Review correspondence and announcements
6. Smart Growth Grant/ERI project state impacts and timetable – Tamara Lee
7. Public hearing, minor subdivision, 101 Lippincott Ave.
8. Informal Site Plan Review, 604 Broad Street
9. Old Business:
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Council Task Force Study directive by the Mayor on Zoning – Councilman Smyth
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – chair
  - 2008 Budget – Councilwoman Wells and chair
  - Environmental Commission report – Keith Wenig
  - COAH – Muriel Alls-Moffat
  - Mandatory education update – secretary
  - Other old business
10. New Business:
  - New vouchers/invoices – chair and secretary
  - Meeting Calendar and Appointment of Professionals
  - 2008 Goals and Objectives
  - Other New Business
11. Public comment on general Planning Board matters
12. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**February 19, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Reorganization:
  - Appoint an engineer and adopt resolution of appointment
4. Adopt minutes of the January 15, 2008 regular meeting
5. Review correspondence and announcements
6. Smart Growth Grant/ERI Project review draft element – Tamara Lee
7. Public hearing, minor subdivision, 101 Lippincott Ave., to be continued
8. Minor Site plan, Timothy Thomas for Home Occupation Conditional Use
9. Old Business:
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Council Task Force Study directive by the Mayor on Zoning – Councilwoman Wells
  - 2008 Goals and Objectives – chair
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - 2008 Budget – Councilwoman Wells and chair
  - Environmental Commission report – Don Tretola
  - COAH – Muriel Alls-Moffat
  - Mandatory education update – secretary
  - Other old business
10. New Business:
  - New vouchers/invoices – chair and secretary
  - Other New Business
11. Public comment on general Planning Board matters
12. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**March 18, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the February 19, 2008 regular meeting
4. Review correspondence and announcements
5. Public hearing, Open Space and Recreation element for the master plan
6. Smart Growth Grant/ERI Project – Stream Corridor Protection Ordinance and project update – Tamara Lee
7. Public hearing, minor subdivision, 101 Lippincott Ave.
8. Minor Site plan, Eva Schultz, E & F Engraving Emporium, 301 S. Broad Street
9. Old Business:
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Council Task Force Study directive by the Mayor on Zoning – Councilwoman Wells
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - 2008 Budget – Councilwoman Wells and chair
  - Environmental Commission report – Don Tretola
  - COAH – Muriel Alls-Moffat
  - Other old business
10. New Business:
  - New vouchers/invoices – chair and secretary
  - Other New Business
11. Public comment on general Planning Board matters
12. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**April 15, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the March 18, 2007 regular meeting
4. Review correspondence and announcements
5. Smart Growth Grant/ERI project review & Stream Corridor Protection Ordinance review – Tamara Lee
6. Minor Site Plan Review, Impact learning Center, 600 Main Street – chair and Mary Lodato
7. Old Business:
  - Council matters of importance to board and zoning code task force update – Councilwoman Wells and Mayor
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - Environmental Commission report – appoint new member from board – mayor
  - COAH – Muriel Alls-Moffat
  - 2008 Budget – Councilwoman Wells and chair
  - Other old business
8. New Business:
  - 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**  
**May 20, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the April 15, 2008 regular meeting
4. Review correspondence and announcements
5. Public hearing, amend Open Space and Recreation element for the master plan
6. Smart Growth Grant/ERI Project – Final draft of ERI, Riverfront Guidelines and project update – Tamara Lee
7. Public hearing, minor subdivision, 101 Lippincott Ave.
8. Old Business:
  - Announce new alternate board member – chair/mayor
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Council Task Force Study directive by the Mayor on Zoning – Councilwoman Wells
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - 2008 Budget – Councilwoman Wells and chair
  - Environmental Commission report – chair/mayor announce new board appointee to commission
  - COAH – Muriel Alls-Moffat
  - Other old business
9. New Business:
  - New vouchers/invoices – chair and secretary
  - Other New Business
10. Public comment on general Planning Board matters
11. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**June 17, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Reorganization – Swear in and introduce new alternate member Armand Bianchini – chair and counsel
4. Adopt minutes of the May 20, 2008 regular meeting
5. Review correspondence and announcements
6. Smart Growth Grant/ERI Project – Riverfront Guidelines and project update – Tamara Lee
7. Old Business:
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Council Task Force Study directive by the Mayor on Zoning – Councilwoman Wells
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - 2008 Budget – Councilwoman Wells and chair
  - Environmental Commission report – chair/mayor announce new board member
  - COAH – Muriel Alls-Moffat
  - Report on Minor Site plan Applications if any – chair
  - Other old business
8. New Business:
  - New vouchers/invoices – chair and secretary
  - Unpaid escrow accounts – chair and counsel
  - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**July 15, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Public hearing: Amended site plan by Shoppes of Riverton LLC for proposed bank on the pad site, Block 1501, Lots 21 & 22
4. Public hearing: Minor subdivision application by Kevin & Stacianne Harris, 908 Cedar Street, Block 1600, Lots 10 & 11
5. Adopt minutes of the June 17, 2008 regular meeting
6. Review correspondence and announcements
7. Old Business:
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Mayor’s Council Task Force Study on Zoning – Councilwoman Wells
  - Smart Growth Grant/ERI Project wrap up – chair, secretary
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - Environmental Commission report – chair/mayor announce new board member
  - COAH – Muriel Alls-Moffat
  - Unpaid escrow accounts – chair and counsel
  - 2008 Budget – Councilwoman Wells and chair
  - Other old business
8. New Business:
  - 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**  
**August 19, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Res. To go into closed session (Professional Contract Matters)
4. Return to public session
5. Appoint alternate consulting engineer
6. Public hearing: Amended site plan by Shoppes of Riverton LLC for proposed bank on the pad site, Block 1501, Lots 21 & 22
7. Request for demolition permit to demolish and replace garage by Mr. and Mrs. Bill Muhr, 603 Bank Avenue
8. Adopt minutes of the July 15, 2008 regular meeting
9. Review correspondence and announcements
10. Old Business:
  - Adopt and memorialize Resolution Case# 2008-02 regarding minor subdivision application by Kevin & Stacianne Harris, 908 Cedar Street, Block 1600, Lots 10 & 11
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Mayor’s Council Task Force Study on Zoning – Councilwoman Wells, Mayor, chair
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - Environmental Commission report – chair/mayor announce new board member
  - COAH – Muriel Alls-Moffat
  - Unpaid escrow accounts – chair and counsel
  - 2008 Budget – Councilwoman Wells and chair
  - Minor Site Plan report
  - Other old business
11. New Business:
  - New vouchers/invoices – chair and secretary
  - Other new business
12. Public comment on general Planning Board matters
13. Adjourn



**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**September 16, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt public and closed minutes of the August 19, 2008 regular meeting
4. Review correspondence and announcements
5. Old Business:
  - Adopt and memorialize Resolution Case# 2008-03 regarding preliminary and final amended site plan by Shoppes of Riverton LLC for proposed bank on the pad site, Block 1501, Lots 21 & 22
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Mayor’s Council Task Force Study on Zoning – Councilwoman Wells, Mayor, chair
  - COAH – Muriel Alls-Moffat
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - Environmental Commission report – chair/mayor announce new board member
  - Unpaid escrow accounts – chair and counsel
  - 2008 Budget – Councilwoman Wells and chair
  - Minor Site Plan reports
  - Other old business
6. New Business:
  - New vouchers/invoices – chair and secretary
  - Other new business
7. Public comment on general Planning Board matters
8. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**October 21, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt public minutes of the September 16, 2008 regular meeting
4. Review correspondence and announcements
5. Old Business:
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Mayor’s Council Task Force Study on Zoning – Councilwoman Wells, Mayor, chair
  - COAH – Muriel Alls-Moffat, Suzanne Wells
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - Environmental Commission report – chair, mayor
  - Unpaid escrow accounts – chair and counsel
  - 2008 Budget – Councilwoman Wells and chair
  - Minor Site Plan reports
  - Other old business
6. New Business:
  - New vouchers/invoices – chair and secretary
  - Possible new site plan applications – procedures – secretary
  - Other new business
7. Public comment on general Planning Board matters
8. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**November 18, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt public minutes of the October 21, 2008 regular meeting
4. Review correspondence and announcements
5. Old Business:
  - COAH – review of revised housing element – Tamara Lee
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Mayor’s Council Task Force Study on Zoning – Councilwoman Wells, Mayor, chair
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - Environmental Commission report – chair
  - Unpaid escrow accounts – secretary, chair and counsel
  - 2008 Budget – Councilwoman Wells and chair
  - Minor Site Plan reports
  - Other old business
6. New Business:
  - New vouchers/invoices – chair and secretary
  - 2009 Budget submission due by 12/1 – chair, Councilwoman Wells
  - New site plan application – procedures – secretary
  - Other new business
7. Public comment on general Planning Board matters
8. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**December 16, 2008**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the November 18, 2008 regular meeting
4. Public hearing on adopting an amendment to the Master Plan with a revised Housing Element and Fair Share Plan. Said document will be submitted to COAH to petition for 3<sup>rd</sup> round certification.
5. Public hearing on site plan application by JRP Arch LLC, 509 Howard Street, Block 903, Lots 17 and 18 for preliminary and final site plan approval. Request for continuation.
6. Review correspondence and announcements
7. Old Business:
  - COAH – review of any developments – Muriel Alls-Moffat, Tamara Lee
  - Council matters of importance to board – Councilwoman Wells and Mayor
    - Mayor’s Council Task Force Study on Zoning – Councilwoman Wells, Mayor, chair
  - Proposed zoning code changes for historic preservation – chair
  - Sign ordinance revision for side walk signs committee – Mary Lodato
  - Environmental Commission report – chair
  - Unpaid escrow accounts – secretary, chair and counsel
  - 2008 Budget – Councilwoman Wells and chair
  - Minor Site Plan reports
  - Other old business
8. New Business:
  - New vouchers/invoices – chair and secretary
  - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**January 15, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Secretary Ken Palmer in order to conduct the reorganization.

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 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 27, 2007.

**PRESENT:** Joseph Katella, Muriel Alls-Moffat, Keith Wenig, Joseph Creighton (7:30 PM), Mayor Robert Martin, Mary Lodato, Jeff Myers, and Don Tretola.

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

**ABSENT:** Councilwoman Suzanne Wells.

**REORGANIZATION - 2008**

Solicitor Coleman had sworn in Class I member Mayor Martin, Class II member Mary Lodato, and new alternate member Don Tretola immediately prior to calling the meeting to order. Secretary Palmer announced that since he is considered an employee of the Borough his appointment as secretary was made by the mayor. Ken stated that of course this was at the pleasure of the board.

**Chairman:** Joe Katella was nominated by the mayor and seconded by Muriel Alls-Moffat. There were no further nominations and the mayor motioned and Muriel seconded that the nominations be closed. A voice vote was taken and the vote was unanimous.

**Vice Chairman:** Keith Wenig was nominated by the mayor and seconded by Joe Katella. There were no further nominations and the mayor motioned and Joe seconded that the nominations be closed. A voice vote was taken and the vote was six for and one nay. Muriel stated she was concerned about Mr. Wenig's attendance record and could not support the nomination.

**Solicitor:** Thomas Coleman, Esq. was nominated by the mayor and seconded by Joe Katella to serve as the Planning Board Solicitor for 2008. There were no further nominations and the mayor motioned and Joe seconded that the nominations be closed. A voice vote was taken and the vote was six in favor and one abstention. Mrs. Alls-Moffat stated she wished it to be on the record that she did not feel it was appropriate for her to vote on this matter at this time and she wished it to be so recorded.

**Planner:** Tamara Lee, of Tamara Lee Consulting LLC was nominated by Joe Katella and seconded by Keith Wenig to serve as the board's Planner for 2008. There were no further nominations and Muriel Alls-Moffat motioned and the mayor seconded that the nominations be closed. A voice vote was taken and the vote was unanimous.

**Engineer:** The chair stated he wished to solicit information from Stout and Caldwell before the board decides. The board concurred and the matter was tabled until next month.

**Administrative Officer:** The secretary 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 probably the only qualified person in the Borough. Mary Longbottom was nominated by the mayor and seconded by Muriel Alls-Moffat to serve as the Administrative Officer pursuant to N.J.S.A. 40:55D-3 for the Planning Board for 2008. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Environmental Commission Representative for 2008:** It is the mayor's appointment and the mayor announced that Don Tretola would serve as the planning board appointment to the board.

**Borough COAH Official:** It was announced that Muriel Alls-Moffat would continue as the Borough's COAH Official for 2008.

Joe Katella resumed chairing the meeting. The chair informed the board that Suzanne Wells would most likely not make the meeting tonight.

**MINUTES:** A motion was made by Jeff Myers and seconded by Muriel Alls-Moffat to adopt the minutes of the December 18, 2007 regular meeting as distributed. The voice vote was unanimous.

#### **CORRESPONDENCE/ANNOUNCEMENTS**

1. **12/24/07, copy of letter to mayor from COAH regarding COAH's Revised Third Round Rules. Copies provided to the board.**
2. **1/3/08, fax from Tamara of 12/26/07 letter to her from state Office of Management and Budget stating the Smart Future Growth grant will not be cancelled as long as the concerted effort to finish the project by July 31, 2008 continues. Copies provided to the board**
3. **3 vouchers/invoices as presented under New Business.**

#### **SMART FUTURE GRANT/ENVIRONMENTAL RESOURCE INVENTORY STUDY**

Tamara Lee brought the board up to date on the project. Tamara referred to the goals and objectives she had distributed via e-mail. She reviewed the goals and objectives and updated the timeline. Tamara explained that she is currently drafting the new Open Space and Recreation Element to the Master Plan. This element will replace the current Recreation Element of the plan. A draft is due and on target to the board by February 8, 2008. The material distributed tonight will become the goals and recommendations sections of the new element. She asked the board to review and provide feedback ASAP so she can complete the draft of the element. Tamara asked the board to be prepared to review the draft element in detail at the next meeting. The chair asked for clarification on the time table and Tamara reviewed it with the board. The bulk of the work should be completed by end March with April, May, and June being devoted to the necessary public meetings to bring the items to conclusion. It was concluded that the board should allow at least an hour for this topic next month.

#### **MINOR SUBDIVISION APPLICATION**

**Robert Recchiuti, 101 Lippincott Ave., Block 305, Lot 1** – The secretary briefed the board on the application. Following the meeting last month, the applicant has retained counsel. Applicant's counsel properly published the notice but did not timely notify the neighboring property owners. The matter must again be properly noticed and published for the February meeting. The applicant's attorney has advised the secretary that they intend to properly notice for the February meeting and wish to be heard at that meeting. They understand they will not be first on the agenda.

#### **INFORMAL SITE PLAN REVIEW**

**Robert Moccia, 604 Broad Street** – The secretary reviewed for the board that the application had been reviewed by the board's solicitor and planner and they had determined that as submitted the application would require use variance(s). Since all use variances must go before the zoning board, the matter cannot be heard before the planning board and it would be inappropriate for the board to comment in any way on the matter. Mr. Croft the applicant's architect was present and when asked he concurred with the statements made.

#### **OLD BUSINESS**

**Council Matters of Importance to the Board** – The mayor congratulated the new members of the board. He commented on the Council Task Force to study the zoning the code which will be headed by Councilman Smyth. Initially the mayor and council members Bill Brown and Suzanne Wells will assist. Councilman Smyth reviewed the task force goals with the board. Zoning board members have also volunteered to assist. The direction of the study is to evaluate zoning, subdivisions, historic preservation, and other topics of concern to the public. He hopes to hold a kick off meeting in the very near future.

**Proposed Revisions to the Zoning Code by the Historical Society** – The chair commented that in light of the new task force and its stated objectives, he feels the board should step back from the matter for the present and let the task force group do its work. The mayor concurred as well as the rest of the board. Muriel commented that she thought zoning ordinance changes originate with the planning board. Tom Coleman stated she was correct and that the task force was only acting as a fact finding and advisory capacity. The findings will be communicated to the planning board who will act on them as it sees best. Muriel stated she doesn't want it to get lost in the dust given the concerns of many citizens. It was agreed to not delete the planned public comment; but, to place it on hold until things develop further with the task force. The secretary stated he would communicate with Mary Longbottom and the webmaster that the item needs to be updated to reflect the postponement.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – The chair stated that he had talked with Mary before the meeting and she will chair this committee.

**2008 Budget** – The chair stated that he thinks he can finalize the budget this week as long as his understanding regarding the funding of the ERI project was correct.

**Environmental Commission** – Keith Wenig stated he had not attended the last meeting. Don Tretola is the new member and will report to the board next month.

**COAH Activity** – Muriel Alls-Moffat reviewed the ongoing “war of words” between COAH and the League of Municipalities. Muriel commented on the seeming onerous new requirements and the seeming impossibility of complying. She commented that she understands that the League of Municipalities is planning on taking COAH to court over the revised rules. She is working on trying to generate rehabilitation units in town.

**Mandatory Education Update** – The secretary reviewed that the members who attended the session in Atlantic City are listed on the NJPO site as having passed. Ken reviewed the completion requirements with the board. The Winter/Spring schedule of sessions from NJPO was distributed to interested members.

**Cellco/Verizon** – The secretary reviewed that the applicant was most likely going to submit an amended site plan for propane heating requirements. This is not a field change and an amended site plan is needed.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 1/3/08, Raymond and Coleman, \$322.00, 101 Lippincott minor subdivision work. (PAY FROM ESCROW)
2. 1/3/08, Raymond and Coleman, \$568.00, general business advice and December meeting attendance.
3. 1/3/08, Raymond and Coleman, \$133.00, Shoppes of Riverton/Brandenburger minor subdivision related work. (PAY FROM ESCROW)

There was no discussion on the invoices and Muriel Alls-Moffat motioned, Keith Wenig seconded, and passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

**Board Meetings for 2008** – Resolution P2008-01, the calendar of meetings for February 2008 through January 2009 was reviewed. A motion was made by Don Tretola and seconded by Muriel Alls-Moffat to adopt the resolution that meetings will be held on the third Tuesday of the month at 7:00 PM. The board unanimously approved by voice vote that the resolution: be adopted, published in the Burlington County Times, and posted in the Borough Hall.

**Appointment of Solicitor and Planner** – Resolution P2008-02 announcing the appointment of a solicitor and planner was reviewed. A motion was made by the chair and seconded by the mayor to adopt the resolution. The board unanimously approved by voice vote that the resolution: be adopted, published in the Burlington County Times, and the appointed parties formally notified and requested to submit contracts.

**2008 Goals and Objectives** – The chair stated that he feels subdivision issues and historic preservation issues were two things the board needs to consider and hopes they will dovetail with the task force findings. The mayor feels the sign issue should be resolved and that the board should make all efforts to finish the Smart Future Growth/ERI Study on time. The mayor also hopes the board can meet the general goal of trying to cut budgets by 10%. The secretary reviewed the zoning board's concern with side yard setback requirements for accessory buildings in the rear yard. Right now the requirement is the same as for the main building which makes most existing structures non compliant. The chair stated he would like to formalize the list and that he is interested in the zoning board's report.

**PUBLIC COMMENT** – The mayor motioned and Jeff Myers seconded to open the meeting to public comment.

- Frank Cioci, of the Economic Development Committee stated he would like to volunteer to serve on the zoning study task force committee. Councilman Smyth and the mayor thanked him for his interest. Muriel asked if the committee should only contain residents of the town. While deemed a fair question, Tom Coleman and others stated that Frank's position on the Economic Development Committee should qualify him to work with the task force.

There was no further public comment and Muriel Alls-Moffat motioned and Don Tretola seconded to close the meeting to public comment.

**Meeting adjourned at 8:13 PM.**

**Next meeting is on 2/19/2008 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 19, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Keith Wenig, Joseph Creighton (departed 8:30 PM), Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Jeff Myers, and Don Tretola (departed 7:30 PM).  
**Also Present:** Solicitor Chuck Petrone, Planner Tamara Lee, and Secretary Ken Palmer.

**ABSENT:** Muriel Alls-Moffat.

### **REORGANIZATION**

Solicitor Petrone had sworn in Class III member Councilwoman Suzanne Wells immediately prior to calling the meeting to order.

**Engineer:** Mark Malinowski of Stout and Caldwell Engineers was nominated by Joe Katella and seconded by the mayor to serve as the board's engineer for 2008. There were no further nominations and the nominations were closed. A voice vote was taken and the vote was unanimous. The secretary stated he would have the requisite resolution published and he would notify Mark and request submission of a contract.

**MINUTES:** A motion was made by Councilman Wells seconded by the mayor to adopt the minutes of the January 15, 2008 regular meeting as distributed. The voice vote was unanimous.

### **CORRESPONDENCE/ANNOUNCEMENTS**

1. **02/2008, brochure from ANJEC for 2008 Smart Growth Planning Grants for Municipalities.**
2. **2 vouchers/invoices as presented under New Business.**

### **SMART FUTURE GRANT/ENVIRONMENTAL RESOURCE INVENTORY STUDY – Review of proposed Open Space and Recreation Element to the Master Plan**

Tamara Lee brought the board up to date on the project. She stated that the primary task tonight was to hopefully complete the review of the draft Open Space and Recreation Element for the Master Plan. If a consensus can be reached this evening, Tamara hopes the board can agree that a public hearing can be conducted next month and the requisite motion to that effect can be passed. Tamara referred to the draft of the element that had been previously distributed to the members. This new element will amend the Master Plan and replace the existing Recreation Element. The new element was written in the same style as the existing elements and Tamara presented a high level review of the sections of the element. The most important section of the element is the Planning Recommendations section. This section of the element defines the guidelines for the supporting ordinance(s) and quantifies the research and public outreach meetings. The recommendations are grouped under five topics: Memorial Park, the Pompeston Creek, the Delaware River (and Bank Avenue), Tree Lined Streets, and Downtown Shopping and Dining. Tamara stated she wanted to review this section point by point. Each of the recommendations was reviewed in detail including how the recommendations dovetailed with current and planned efforts by the Borough. The review resulted in numerous revisions, some deletions, and several additions. A break was taken during the review to conduct the business related to the minor subdivision application and minor site plan application. Following the conclusion of the review, Tamara asked if once she revised the document if the board might be prepared to hold the public hearing at the March meeting. When asked by the chair, Mr. Petrone stated that as long as the board was comfortable with the document as revised, he saw no reason the hearing should not be scheduled. The board agreed that the element as revised at this meeting was ready for a public hearing. A motion was made by the mayor, seconded by Councilwoman Wells, and unanimously approved that the amended element be presented for a public hearing at the board's next meeting on

March 18, 2008, and that the hearing be properly noticed as required by the MLUL. Tamara will make the changes discussed tonight and distribute a revised draft for public and board review no later than March 7. The secretary will take care of the noticing requirements. Regarding related activity, Tamara hopes to have a draft of the Stream Corridor Protection Ordinance completed and distributed to the board prior to next month's meeting.

#### **MINOR SUBDIVISION APPLICATION**

**Robert Recchiuti, 101 Lippincott Ave., Block 305, Lot 1** – The secretary briefed the board that he had received a request that the matter be continued since the applicant had not been able to secure the revised plans. It was discussed that since the board had not taken jurisdiction nor deemed the matter complete and not started to hear the matter it should not or could not be continued. The mayor asked if the board can require that the applicant republish and re-notice. Chuck Petrone stated the board can require the applicant to republish and re-notice. Suzanne Wells motioned that the applicant must re-notice the property owners and republish in the paper. The mayor seconded and the board unanimously approved the motion. The secretary stated he would notify the applicant's attorney.

#### **MINOR SITE PLAN REVIEW**

**Timothy P. Thomas, 615 Elm Terrace** – The chair reviewed that a minor site plan application had been submitted to operate a home based business in the home at that address. Joe asked the applicant to review his plans. He plans to utilize an existing office area in the home to operate a business with his sister which arranges for seniors to help seniors in securing and utilizing living assistance to continue to live in their homes. The majority of the business will be conducted at the client's homes. He will rent the space from his sister who owns the home. The requirements for this form of conditional use were reviewed and the applicant testified that all conditions would be complied with and no variances were being requested. There is no signage requested/planned at this time. The chair asked Mr. Petrone if he felt the proposal met all the requirements of a minor site plan application and the conditions for this type of conditional use. Chuck stated he felt everything was in order. Mary Lodato stated she had no concerns. The chair stated he did not have any concerns and he asked if any of the board members had any questions, concerns or comments. There were none. The chair stated that since there were no concerns raised, he and Mary would approve the application. It was explained to the applicant that the application was approved and a signed copy would be available tomorrow at Borough Hall.

#### **OLD BUSINESS**

**Council Matters of Importance to the Board** – Councilwoman Wells now heads the zoning ordinance task force. Suzanne reported on the task force meeting held January 29 and that the task force is continuing its review. Tamara attended the first meeting and Suzanne thanked her for her input and guidance. Suzanne reiterated that the task force is a short term task to: examine the current code, look at variances being granted, evaluate subdivisions, look at historic preservation issues, and how to encourage/facilitate maintenance of properties. The next meeting is planned for February 27. Suzanne Wells wanted to clarify that Frank Ciocci, who at last month's meeting had volunteered to be on the task force, was on the task force as an additional volunteer. The mayor stated that was the way he understood it.

**2008 Goals and Objectives** – The chair reviewed the 2008 Goals and Objectives that he had put together. The board briefly discussed them and agreed to accept them as a working guideline.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – Mary Lodato reported on activity of the subcommittee. Mary has contacted Gary Ford and has reviewed sign ordinances of neighboring towns. She commented that they are all different. She reported that sidewalk or portable signs are not permitted in many towns and are in others such as Collingswood. The Collingswood ordinance is fairly detailed on what is permitted and the controls for sidewalk signs. Mary feels if they are to be allowed, there need to be restrictions and controls similar to what she saw in the Collingswood ordinance. She wants to make revisions and work with others before submitting material to the entire board. Mary has also been reviewing the guidelines from the MLUL that the chair had provided. They are quite helpful. Mary stated that the issue of awnings and other items are also being considered.

**2008 Budget** – The chair stated that he had submitted the proposed budget and had talked with Councilwoman Wells and Councilman Kinzler. Suzanne confirmed that the matter is now in Council’s and its budget committee’s hands.

**Environmental Commission** – The chair reported that Don Tretola had supplied him with an update report. The commission has reviewed and prepared a preliminary overview of the impact to the Borough of the Pompeston Creek Regional Stormwater Plan.

**COAH Activity** – Report tabled.

**Mandatory Education Update** – The secretary reviewed that there has been no new additions to the schedule. Some members are interested in the 3/29 Burlington Township session. Ken will follow up with the members that need to attend a class. Ken reported that the state is far behind on providing the certificates for members who have attended and passed the course. Future member lists for the board will include the status of the course attendance. Currently, only two members of the board still need to attend a session. This item will be removed from the ongoing agenda.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 1/21/08, Stout and Caldwell, \$637.50, Shoppes of Riverton/Brandenburger minor subdivision related work during November/December 2007. (PAY FROM ESCROW)
2. 2/1/08, Tamara Lee, \$495.00, for work on the 101 Lippincott minor subdivision during January. (PAY FROM ESCROW)

There was no discussion on the invoices and Councilwoman Wells motioned, the mayor seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

**Riverton School Variety Show** – The mayor announced that all members and their guest were invited to an open house at his home following the show on Saturday March 1.

**PUBLIC COMMENT** – Councilwoman Wells motioned and the mayor seconded to open the meeting to public comment. There was none and Councilwoman Wells motioned and the mayor seconded to close the meeting to public comment.

**Meeting adjourned at 10:15 PM.**

**Next meeting is on 3/18/2008 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 18, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Muriel Alls-Moffat, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, and Jeff Myers.

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

**ABSENT:** Keith Wenig and Joseph Creighton.

**MINUTES:** A motion was made by Muriel Alls-Moffat and seconded by Jeff Myers to adopt the minutes of the February 19, 2008 regular meeting as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 3/12/08, copy of NJDEP Waterfront Development Permit Application by Burlington County Bridge Commission for Reconstruction of the Broad Street Bridge over the Pompeston Creek.
2. 3/15/08, Copy of letter to mayor by Don Tretola of his resignation from the board. The secretary read the letter into the record.
3. 5 vouchers/invoices as presented under New Business.

**PUBLIC HEARING**

**Proposed Amendment to the Master Plan replacing the existing Recreation Element with the new Open Space and Recreation Element to the Master Plan**

The secretary attested that all jurisdictional requirements to properly notice the hearing had been complied with and the documentation is available for review. The chair turned meeting over to Tamara Lee who explained the background, the history and the purpose of the element to the board and public. Tamara reviewed the recommendations for each section of the element, (Memorial Park, the Pompeston Creek, the Delaware River (and Bank Avenue), Tree Lined Streets, and Downtown Shopping and Dining). Following the review, the chair asked if the board had any comments or questions. There were none and a motion was made by Muriel Alls-Moffat and seconded by Jeff Myers to open the hearing to public comment. Eleanor Sklar, 10 Lippincott Ave., asked if there was a grant to fix up the park. Tamara explained that while there may be grant funds, it was too soon to apply for them. This stage of the project is to amend the master plan which enables the town to craft ordinances and develop projects to carry out the recommendations of the master plan document. Eric Saia, National Casein, 401 Martha's Lane, inquired if the proposed boat launch required access across National Casein property. The location of the boat launch area at the foot of Fulton Street was clarified for him and he was assured no access was needed or planned from National Casein's property. Regarding the landlocked piece of property owned by National Casein, no plans exist at this point to attempt to acquire the site for the Borough. There was no further comment and Suzanne Wells motioned and Muriel Alls-Moffat seconded to close the hearing to public comment. The chair began final comments by reviewing that the hope tonight was to possibly take a vote on the element. Tamara stated she had been advised of several minor typos and that they had already been corrected. Councilwoman Wells stated she feels the element is fine the way it is and should be approved. Muriel had questions about the pocket parks especially where would people park. She stated that although we talk about a walking community, people drive and she voiced concern about where people will park to utilize these pocket park areas. Muriel commented that she feels there are already too many signs cluttering the town and she discussed an informal survey she had taken and the types and number of signs she found. The chair stated that perhaps some of these concerns would be better answered or addressed when additional proposed enabling ordinances are discussed. The chair asked that unless the members felt changes to the element were needed, he would like to have a motion to adopt the element. Suzanne Wells motioned and Muriel Alls-Moffat seconded that the board adopt the element as written with the typos corrected and amend the master plan by

replacing the existing Recreation Element with this new element. A poll vote was taken and the element was adopted by a unanimous vote as follows:

Mr. Katella	aye	Mrs. Alls-Moffat	aye
Mr. Martin	aye	Mrs. Wells	aye
Mrs. Lodato	aye	Mr. Myers	aye

### **SMART FUTURE GRANT/ENVIRONMENTAL RESOURCE INVENTORY STUDY**

**Draft Stream Corridor Protection Ordinance and Riverfront Design Guidelines/Planning Policies** – Tamara explained that the final phases of the grant are that the borough will generate a stream corridor protection ordinance and develop planning guidelines/policies if any for the riverfront and other areas. The protection ordinance provides the protection of those areas of the Pompeston Creek within the Borough which are not included in the proposed state regulations. The state has proposed a Category I 300 foot buffer zone for the Pompeston Creek from Broad Street to Rt. 130, but no buffer has been proposed from Broad Street to the Delaware River – most likely because it is no longer a natural channel because it may have been modified by Dreer’s Nursery. The draft ordinance she has prepared covers those areas within the Borough not covered by the state and if the state ordinance were no longer in effect, the Borough’s ordinance could also cover those areas within the Borough. Tamara hopes a subcommittee can be formed to assist in developing the guidelines and to review the draft ordinance already prepared. Tamara would like to get a draft of the guidelines to the board in time for the April meeting and hopes the board can consider at least the ordinance at the April meeting. The mayor asked if a variance can be granted to the state’s proposed 300 foot buffer. Tamara stated not by the Borough, the state would have to grant any variances. Tamara has heard conflicting information as to the status of the state regulations, but believes they will be effective sometime in May 2008. The mayor, Mary Lodato, and Muriel volunteered to serve as the subcommittee. Jeff Myers agreed to be an alternate if one of the members had to withdraw. Joe asked the board to be prepared to address both items at the next meeting. Hopefully the first meeting of the subcommittee will occur within a week since April 4 is just around the corner.

### **MINOR SUBDIVISION APPLICATION**

**Robert Recchiuti, 101 Lippincott Ave., Block 305, Lot 13** – Following a five minute recess for the board’s and applicant’s attorney to confer, Tom Coleman briefed the board that until agreement is reached on the impact of the current zoning line bisecting the property the applicant wishes to continue the matter. The board’s attorney and planner feel based on the intent of the master plan and prior use of the property, that the zoning map is incorrect and should be on the edge of the property and thus the property is subject to the R15 zone. This requires an interpretation of the zoning ordinance and only the zoning board can issue an interpretation of the code. The applicant has a right to request an interpretation. The secretary and Mr. Coleman have reviewed the application submissions and they stated that the application is jurisdictionally complete and can be heard if the applicant so wishes. The applicant wishes to continue the matter until the interpretation can be obtained. Mr. Coleman suggested the board could, if requested and the board agrees, grant a continuance. Since the zoning board cannot conduct this interpretation until its April meeting, the applicant requested that the board grant a continuance until the board’s May meeting with the applicant agreeing to waive all time requirements. Suzanne Wells motioned and Muriel Alls-Moffat seconded that the board grant a continuance until the May 20, 2008 meeting. A voice vote was unanimous and the following resolution was passed:

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 Robert Recchiuti for minor subdivision approval and all related waivers, variances and other as needed to subdivide the property at 101 Lippincott Avenue (Block 305, Lot 13) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on May 20, 2008.

The mayor stated he would recuse because he has family in the area. Muriel asked and received information on what is hoped will be presented and to the zoning board. The secretary will have the notice posted on the bulletin board. Tamara stated she would forward her review to the zoning board solicitor.

## **MINOR SITE PLAN REVIEW**

**Eva Schultz, E&F Engraving Emporium, 301 S. Broad Street** – The chair reviewed that a minor site plan application had been submitted to operate an engraving business in the Neighborhood Business district. It is a permitted use and he and Mary Lodato feel it can be handled as a minor site plan. All jurisdictional requirements have been met. The chair asked Mrs. Schultz to discuss her plans. Mrs. Schultz has operated the business in Palmyra and has to relocate. She plans to operate during standard business hours. The site is the former fuel oil office on “little” Broad Street behind the River Line station. She plans to utilize the existing building with no changes and have a permitted sign attached to the building. She answered questions from the board members. With no objections from the members, Joe stated he and Mary would approve the application.

## **OLD BUSINESS**

**Council Matters of Importance to the Board** – Councilwoman Wells reported that the budget has not yet been adopted until there is further resolution on the state’s plans regarding state aid is resolved. The mayor stated that for towns with a population fewer than 5,000 such as Riverton, that means essentially all state aid will be withdrawn. Riverton along with other small towns are looking at options to try and get this changed. In the interim, the Borough is looking at additional sharing of services beyond what is now in place. Suzanne stated that the task force is not budgeted and Council has agreed to split the cost for Tamara’s work between planning and zoning. Suzanne will make sure the zoning chair is aware of this. The second meeting of the task force was held in February and concentrated on reviewing the current zoning lines. The next meeting will attempt to finalize some comments regarding the zoning lines, and historic preservation.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – Mary Lodato reported she is continuing research on ordinances of other towns and has met with Gary Ford for business input. She stated she intends to work with task force and its possible recommendations.

**2008 Budget** – Aside from what was reported in the Council activity discussion, there was no additional discussion and the chair stated he wanted to keep the item on the agenda until the status of the town’s budget is resolved.

**Environmental Commission** – The chair stated that with Mr. Tretola’s resignation a new planning member needs to be appointed. The mayor stated he would keep it in mind when deciding on a new board appointment.

**COAH Activity** – Muriel reported on a mortgage seminar regarding communities pursuing foreclosed housing units. COAH plans to have there new rules in place for comment by June and it is felt sections of New Jersey will probably sue the state.

## **NEW BUSINESS**

**Reconstruction of the Broad Street Bridge over the Pompeston Creek** – In response to the communication announcement, Planner Lee stated the planning stage for this project is an excellent time for the Borough to get involved and make known any thing the town feels could be done to improve the plans to enhance the entrance to the town or to make it safer for the residents of the town.

### **Vouchers and Invoices:**

1. 3/4/08, Tamara Lee, \$675.00, for work on General Planning/COAH matters.
2. 2/1/08, Raymond and Coleman, \$203.00, for work during January on the 101 Lippincott Subdivision application. (PAY FROM ESCROW)
3. 2/1/08, Raymond and Coleman, \$300.00, General business advice and January meeting attendance.
4. 3/10/08, Raymond and Coleman, \$63.00, for work during February on the Cellco/Verizon conditional use site plan application. (PAY FROM ESCROW)
5. 3/10/08, Raymond and Coleman, \$638.00, General business advice and February meeting attendance.

There was no discussion on the invoices and Muriel Alls-Moffat motioned, the mayor seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

**Riverton Library Cocktail Party** – Suzanne announced she had tickets if anyone was interested.

**PUBLIC COMMENT** – Muriel Alls-Moffat motioned and Councilwoman Wells seconded to open the meeting to public comment.

- Eric Saia, National Casein, 401 Martha's Lane, asked about the impact on operations of the proposed stream ordinance on National Casein. The answer was no impact on the existing current operations; however, there will probably be future impact especially if National Casein sells the site. The board's recommendations will be discussed next month and if it recommends consideration to Borough Council, public hearings will occur.

There was no further comment and Mary Lodato motioned and Councilwoman Wells seconded to close the meeting to public comment.

**Meeting adjourned at 8:42 PM.**

**Next meeting is on 4/15/2008 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 15, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Keith Wenig, Joseph Creighton, Mayor Robert Martin, Mary Lodato, and Jeff Myers.

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

**ABSENT:** Muriel Alls-Moffat and Councilwoman Suzanne Wells.

**MINUTES:** A motion was made by Mary Lodato and seconded by Joe Creighton to adopt the minutes of the March 18, 2008 regular meeting as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. **Announcement of Preparing for State Plan Endorsement workshop, by ANJEC, on 4/29/08.**
2. **Announcement of Stormwater Management Forum & Award Program, by Burlington County Department of Resource Conservation, on 4/24/2008.**
3. **4/1/08, copy of letter to Council from Wayne & Jane Bromley, 607 Bank Avenue, voicing their opposition to any plans to provide a boat launch at the foot of Fulton Street. Board copied.**
4. **3/19/08, copy of letter prepared by Tamara Lee for the mayor's response to COAH's proposed third round rules. Board copied.**
5. **3/20/08, copy of letter from Mark Remsa, Director Burlington County Department of Economic Development and Regional Planning, commenting on COAH's proposed third round rules. Board copied.**
6. **Four articles related to historic preservation passed on to planning and zoning by mayor and council. Board copied.**
7. **DCA certificates for members who completed the mandatory training course in 2007.**
8. **Five vouchers/invoices as presented under New Business.**

**SMART FUTURE GRANT/ENVIRONMENTAL RESOURCE INVENTORY STUDY**

**Draft Stream Corridor Protection Ordinance and Riverfront Design Guidelines/Planning Policies** – Tamara reviewed the changes to the Stream Corridor Protection Ordinance that had been distributed to the board. The ordinance applies to those areas of the Pompeston within Riverton's boundaries which are not covered by the new state regulations or if the state later rescinds its regulations. Tamara reviewed the ordinance in detail. Tamara explained that if the board recommends that the ordinance go to Council, Council will discuss the ordinance over two meetings and conduct a public hearing before it is adopted, or possibly returned to the board for revision. The mayor asked if Tamara had reviewed the ordinance with Scott Reed and Eric Saia and Tamara replied that she had and that everyone would have a chance to comment when Council holds its public hearing on the ordinance. The consensus of the board is that they feel it should be sent to Council. A motion was made by Mary Lodato, seconded by the mayor, and unanimously approved that the board submit and recommend Council consider the ordinance.

Tamar next discussed the Riverfront Guidelines and the progress made by the subcommittee. She reviewed that the committee does not want the area to be geared to large crowds and to retain its current local appeal and that it be geared to the enjoyment of the town and not the outside world. Tamara reviewed two areas of concern – encouragement of utilization of the steps/area at the foot of Fulton Street as a public boat ramp and the yacht club. Board members asked and received from Tom Coleman what is needed to revisit the issue as it exists in the recently adopted master plan element. It was discussed that the final guidelines would cover both topics once it is ensured that they follow the Master Plan. The mayor feels the improvements to the foot of Linden Avenue should be touted and no changes otherwise. Tamara explained the issues with the Yacht Club at the foot of Main Street.



The mayor stated that while it may not be public, non members are not turned away if they wish to unload and launch canoes etc. from the bank next to the yacht club. The mayor does not feel it should be reclassified as public. He believes Council gave the land to the Yacht Club. Keith Wenig feels that since the majority of the river bank is private property but open to public access that it should not be publicized. It should be left for the enjoyment of the townsfolk and not be publicized to the greater population. There is not sufficient parking and there would be further issues of access across the majority privately owned sections of the riverbank. Tamara stated she would take the information she has at present and revise the guidelines for presentation at the next meeting. Regarding the master plan, Keith Wenig motioned and Jeff Myers seconded that the Open Space and Recreation Element be amended to remove the language concerning the foot of Fulton Street and that a public hearing be held on the amendment at the May meeting. The voice vote was unanimous. The secretary will make sure that all publishing and noticing of adjoining communities and the County Planning Board are done. Tamara will revise the element and provide a revised copy.

### **MINOR SITE PLAN REVIEW**

**Neil Clancy, Impact Learning Center, 600 Main Street** – The secretary reviewed that all fees had been paid and that the proposed signage had been approved by the ARC. Joe reviewed the process with the applicant. The applicant reviewed his plans. The business will be located in part of the area formerly occupied by the Victorian Thymes. Mr. Clancy explained the business and explained the interior renovations. The business will be primarily retail of school related materials including books and he will also offer private tutoring to students in grades K-12. He is the only employee. Hours of operation are not firm yet; but, will be during the day and maybe an occasional early evening. The plans have been reviewed with the fire and building officials. There were no questions from the board. With no objections from the members, Joe stated he and Mary would approve the application.

### **OLD BUSINESS**

**Council Matters of Importance to the Board** – The mayor reported that Councilwoman Wells had informed him that the task force continues to make progress and is hopefully getting close to preparing its findings.

**Proposed Changes to Zoning Code for Historic Preservation** – This item remains tabled until the task force completes its review.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – Mary Lodato reported she has reviewed ordinances of other towns and has met with Gary Ford for business input. She understands the task force is going to include the topic in its review and she will continue to work with the task force.

**Environmental Commission** – The item was tabled until a new planning board member is appointed to the commission. It was discussed that the member can be any of the regular or alternate Class IV members. It cannot be a member of the school board.

**COAH Activity** – Tamara reported that the mayor's response letter has been submitted and that there is wide spread opposition in the state to the revised rules. Tamara feels that COAH may make minor changes to the proposed rules and adopt them in June which will leave a very short period of time for communities to revise and resubmit their third round petitions. She also stated that another law suit would not surprise her.

**2008 Budget** – The chair stated he will review the budget on a continuing basis with Council.

### **NEW BUSINESS**

#### **Vouchers and Invoices:**

1. 3/17/08, Stout & Caldwell Engineering, \$468.75, for work on Cellco/Verizon application 1/11/08 – 2/27/08. (PAY FROM ESCROW)
2. 4/1/08, Tamara Lee Consulting, \$90.00, for COAH work – mayor's response letter prepared during March.
3. 4/1/08, Tamara Lee Consulting, \$90.00, work on the 101 Lippincott Subdivision during March. (PAY FROM ESCROW)

4. 4/4/08, Raymond and Coleman, \$231.00, for work during March on the 101 Lippincott Subdivision application. (PAY FROM ESCROW)
5. 4/4/08, Raymond and Coleman, \$300.00, General business advice and March meeting attendance.

There was no discussion on the invoices and Mary Lodato motioned, Joseph Creighton seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

**New Home at 800 Main Street** – Keith Wenig expressed concerns about the very deep front yard setback of the new home on the site and asked if a revision of the code be considered to address this. The mayor commented that as he understood things, the crane used to place and erect this pre-fabricated home could not place it closer to the street. Mary Lodato stated that issues such as this are among the items being looked at by the task force. Keith feels it is a poor condition, looks bad, and feels the code needs to prevent this condition.

**PUBLIC COMMENT** – Joe Creighton motioned and Jeff Myers seconded to open the meeting to public comment.

- Eric Saia, National Casein, 401 Martha’s Lane, commented that National Casein continues to work closely with the town on environmental concerns. He asked if state and /or federal agencies have approved conditions at the site what is the impact on the Borough’s ordinance. Tamara stated that if other “higher order” agencies approve their operations, those approvals supersede the Borough. Eric stated that other than presenting evidence of federal and/or state approvals, the company is prevented under provisions of Homeland Security as to what types of information regarding storage of chemicals the company can release. National Casein is subject to ongoing federal and state inspections. He also plans to attend the Council hearings on the ordinance.

There was no further comment and Mary Lodato motioned and Jeff Myers seconded to close the meeting to public comment.

**Meeting adjourned at 8:05 PM. (motion by the mayor, second by Mary Lodato)**

**Next meeting is on 5/20/2008 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 20, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Keith Wenig, Muriel Alls-Moffat, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, and Jeff Myers.

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

**ABSENT:** Joseph Creighton.

**MINUTES:** A motion was made by the mayor and seconded by Jeff Myers to adopt the minutes of the April 15, 2008 regular meeting as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 3/22/08, Copy of Revised Residential Site Improvement Standards from the State.
2. 5/6/08, copy of Mayor's Fax Advisory from NJLM regarding the League's opposition to A-500 modifications to the Fair Housing Act. Copies to the board.
3. 5/7/08, copy of Mayor's Fax Advisory from NJLM regarding COAH Regulations, Affordable Housing. Copies to the board.
4. 5/15/08, copy of Mayor's Fax Advisory from NJLM regarding S-1783 Commercial Development Fee. Copies to the board.
5. 3 vouchers/invoices as presented under New Business.

**PUBLIC HEARING**

**Proposed Amendment to the Open Space and Recreation Element with the new Open Space and Recreation Element to the Master Plan**

The secretary attested that all jurisdictional requirements to properly notice the hearing had been complied with and the documentation is available for review. The chair turned meeting over to Tamara Lee who explained that the board had decided following adoption of the element that a change was needed to remove a reference to a boat ramp at the foot of Fulton Street on the Delaware River. This is the only change to the element. Copies of the amended element were distributed to the members for review as well as made available for public review. The chair asked if there were any comments/questions from the members and there were none. A motion was made by Muriel Alls-Moffat and seconded by Mayor Martin to open the hearing to public comment. There was none and Muriel Alls-Moffat motioned and Mary Lodato seconded to close the hearing to public comment. The chair stated that if the board did not have further discussion, he would entertain a motion to adopt the amended element.

Muriel Alls-Moffat motioned and Keith Wenig seconded that the board adopt the amended Open Space and Recreation Element. There was no discussion and a poll vote was taken and the motion passed by a vote of 6 to 0 as follows:

Mr. Katella	aye	Mr. Wenig	aye
Mrs. Alls-Moffat	aye	Mr. Martin	aye
Mrs. Lodato	aye	Mr. Myers	aye

Mrs. Wells arrived at the meeting after the above vote.

**SMART FUTURE GRANT/ENVIRONMENTAL RESOURCE INVENTORY STUDY**

**Status of Project** – Tamara Lee reviewed that the project is on schedule and maybe a little ahead if Council does not feel it needs to return the draft Stream Corridor Protection Ordinance to the board for revisions. Tamara feels the project will continue on schedule if the board agrees to vote on the ERI tonight and tackle the Riverfront Guidelines in June. The Riverfront Guidelines have been e-mailed to the board. The guidelines need to be endorsed by the board and Council. Muriel asked if the guidelines would necessitate any zoning changes. Tamara explained that the guidelines were intended to be just guidelines; however, if the Borough feels it is warranted, ordinances can be developed.

**Environmental Resource Inventory (ERI)** – Tamara explained that the inventory document is the primary piece that the state approved with the revised guidelines for using the smart future grant awarded to the Borough. Tamara reviewed that except for a few minor corrections and the addition of photographs, there are no other changes to the previously issued draft. Tamara also referenced several large maps prepared by the county. While technical and dry, the document was written to follow the style of other planning documents for the town such as the Master Plan. Tamara proceeded to review each of the sections of the document for the board and the public. Following Tamara’s review, the chair asked if there were any questions or comments from the board or if the matter should be opened to public comment. Muriel asked if the ERI would necessitate any zoning changes. Tamara explained that if the town felt it was needed, ordinances could be developed; but, it was not intended to. Suzanne Wells commented that she feels it is an excellent document and worth reading. There was no additional comment and Muriel Alls-Moffat motioned and Keith Wenig seconded to open the matter to public comment.

- James Moffat, 202 Fulton Street, asked how many varieties of trees were inventoried and Tamara replied 118.

There was no further comment and Keith Wenig motioned and Councilwoman Wells seconded to close the matter to public comment. The chair asked if there was any further discussion by the board or if the board was prepared to consider adopting the ERI. Muriel Alls-Moffat motioned and Councilwoman Wells seconded that the board adopt the final draft of the Environmental Resource Inventory. There was no discussion and a poll vote was taken and the motion passed by a vote of 7 to 0 as follows:

Mr. Katella	aye	Mr. Wenig	aye
Mrs. Alls-Moffat	aye	Mr. Martin	aye
Mrs. Wells	aye	Mrs. Lodato	aye
Mr. Myers	aye		

The chair thanked Tamara for the hard work and excellent results.

**MINOR SUBDIVISION APPLICATION**

**Robert Recchiuti, 101 Lippincott Ave., Block 305, Lot 13** – Tom Coleman briefed the board that there had been discussions by his office and the applicant’s counsel. The applicant had in March requested and was granted a continuance until tonight’s meeting. The applicant is not present and Tom stated he had not received any formal request from the applicant or his counsel to continue the application. Tom feels that unless the board objects he feels the board should adopt a motion dismissing the application. Tom stated he did get a call late today from the applicant’s counsel stating they were not planning on coming and he did not know where the matter is going to end up. Keith Wenig motioned and Councilwoman Wells seconded that the application be dismissed. There was the start of some basic discussion on the merits of the application, but Tom Coleman cautioned and the chair stated that the board should not discuss the matter any further except to clarify what the effect of the motion has on the application. Tom explained that a vote to dismiss the present application based on the absence of the applicant and no clear information on his current or future intentions means that if the applicant does decide to proceed, he will need to re-file a new application and pay all the fees and escrow required to submit the application. He will also be required to publish and notice property owners. There was no further discussion and a poll vote was taken and the motion passed by a vote of 6 to 1 abstention as follows:

Mr. Katella	aye	Mr. Wenig	aye
Mrs. Alls-Moffat	aye	Mr. Martin	abstained (recused)
Mrs. Wells	aye	Mrs. Lodato	aye
Mr. Myers	aye		

## **OLD BUSINESS**

**New Board Appointment** – The mayor reported that he has appointed Armand Bianchini as the new second alternate to the board and he would be present next month as he had a prior commitment at the time he was notified of his appointment.

**Council Matters of Importance to the Board** – The mayor reported that the budget is being kept essentially flat. Suzanne reported that the task force has continued to meet and hopes to make a report in June. They have included historic preservation and sidewalk signs in the study.

**2008 Budget** – The chair stated he would be receiving monthly or bi-monthly statements from the treasurer on budget expenses.

**Proposed Changes to Zoning Code for Historic Preservation** – This item remains tabled until the task force completes its review.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – Mary Lodato reported she continues to table further action pending the task force review.

**Environmental Commission** – The chair stated he would be attending the upcoming meeting until a new board member is appointed. The mayor reported that he had discussed the mater plan element and the proposed riverfront guidelines with Michael Robinson. The differences of opinion regarding additional boat launching provisions have been resolved and the commission is in agreement that the riverfront should continue to be an available resource for the town without burdening the area or property owners with a large increase in traffic from outside the town.

**COAH Activity** – Muriel reported that COAH has developed a new computerized system to aid in filing the annual reports, but she is still waiting for the promised ID access number. She has taken mandatory free classes and they were very informative. Muriel feels the new system will greatly improve the reporting process.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 5/9/08, Raymond and Coleman, \$14.00, for work during April on the 101 Lippincott Subdivision application. (PAY FROM ESCROW)
2. 5/9/08, Raymond and Coleman, \$342.00, General business advice and April meeting attendance.
3. 5/9/08, Raymond and Coleman, \$42.00, for work during April on the Cellco-Verizon Conditional Use application. (PAY FROM ESCROW)

There was no discussion on the invoices and Councilwoman Wells motioned, Mayor Martin seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

**Minor Site Plan Applications** – Mary Lodato reviewed that there have been concerns raised that the current practice of holding minor site plans until they can be reviewed in front of the entire board was causing undue delay in some applicants obtaining the approvals needed to close a lease and related business arrangements. The procedures for the minor site plan application because of the minor impact and essentially “by right” nature of the applications, allow the Code Enforcement Officer and Planning Board chairman to review and approve or deny the application as they are submitted. If an application is denied, the applicant can bring the matter before the entire board by filing a full site plan application. Councilwoman Wells feels that with the current stability of the Code Enforcement position and general calming of relations regarding board members, the application review process should be followed with the board receiving monthly updates as to any activity that has occurred. The chair agrees since he does not wish to unduly delay the process. The chair asked and the secretary reviewed the creation of the minor site plan process and the subsequent change in policy by the former chair of the board. Keith Wenig stated he feels the process should return to the procedures. Muriel objected saying she feels there may have been abuses by prior chairs and/or code officials in letting things through that should not have been.

Mary Lodato reviewed the tight requirements to qualify for a minor site plan application. The chair feels the town has a strong enforcement official and feels that monthly updates to the board should be allowed. If the board feels there are subsequent concerns or problems, they can request that all reviews be conducted before the board. The mayor feels Mary is doing a good job in the Code Enforcement position and feels things should go back to the process as designed. The board concurred.

**Tax Map/Zoning Map** – The mayor commented that in light of the discovery of the error on the current zoning map for 101 Lippincott Avenue, he wondered if there were other errors that may result in possible split zoning of properties. Tom Coleman and Tamara Lee both replied that they hope there are not additional instances; but without researching each and every deed, there is no way to say for certain. The mayor feels the map should correctly reflect that the property is not split zoned. It was discussed that the board should make a motion recommending that Council should have the zone district boundary line on the zoning map adjusted to properly reflect that the property is in one zone as intended when the boundary lines were last revised and not be split zoned. A motion was made by Joe Katella, seconded by Councilwoman Wells, and unanimously passed that the board recommends Council consider expeditiously correcting the zoning map to reflect that the entire property at 101 Lippincott Avenue, (Block 305, Lot 13) is within the R15 district. The secretary will follow up with Mary Longbottom.

**Selling Tax Map Information** – Muriel asked if anyone had further information about the Borough selling tax map information. The mayor and Suzanne replied that mortgage companies need publicly available tax map related information when properties are sold. Before this new service, it was only available by coming to Borough Hall. The Borough has recently entered an agreement to provide this information electronically to them. The Borough will be compensated for providing this information electronically.

**PUBLIC COMMENT** – Muriel Alls-Moffat motioned and Jeff Myers seconded to open the meeting to public comment.

- David Styer, 107 Lippincott Avenue, commented that he wanted it on the record that the zoning map needs to be corrected. He was informed that is exactly the action the board took earlier.

There was no further comment and Muriel Alls-Moffat motioned and Councilwoman Wells seconded to close the meeting to public comment.

**Meeting adjourned at 8:20 PM. (motion by Suzanne Wells, second by the mayor)**

**Next meeting is on 6/17/2008 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 17, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Muriel Alls-Moffat, Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, and Armand Bianchini.

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

**ABSENT:** Keith Wenig, Mary Lodato, and Jeff Myers.

**REORGANIZATION:** New Alternate Member Armand Bianchini was sworn in by Tom Coleman.

**MINUTES:** A motion was made by the mayor and seconded by Joe Creighton to adopt the minutes of the May 20, 2008 regular meeting as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 6/3/08, Copy of letter from State Planning Commission announcing plans that the State Planning Rules will be readopted without change. The comment period ends 8/1/08.
2. 6 vouchers/invoices as presented under New Business.

**SMART FUTURE GRANT/ENVIRONMENTAL RESOURCE INVENTORY STUDY**

**Riverfront Guidelines** – Tamara explained that this is the final piece of the project that the board needs to adopt and recommend them to Council. Tamara provided the background for the document and a detailed review of the document. The critical piece is to balance the needs and goals between the public and private portions of the riverfront. There are many variables on a lot by lot basis. These are guidelines not ordinances. Bank Avenue is maintained by the Borough. The primary focus is for Borough residents and keeping things on a small and intimate level. Improvements when made should be small scale, slow to change, and incremental in nature. The primary goal is to maintain the “country lane” nature of the area. Armand Bianchini asked and received clarification on the Borough versus privately owned lots north of Fulton Street. He asked and was informed that maintenance of the seawall was the responsibility of the property owners except for the foot of the streets ending at the river. Tamara stated she had all the deeds for the riverfront properties and has a map that details her research. She suggested it be kept with the secretary’s copy of the guidelines. Muriel asked if there were restrictions on what owners can build on their portion of the bank area. Tom Coleman stated they would be subject to the rules for accessory buildings. Tamara stated they may also be subject to state regulations. Tom added there are tideland laws that may come into play. Joe Creighton is concerned that speed humps may impede pedestrian and stroller access. The mayor commented that while the town is studying adding stop signs to help control traffic in other areas; for now, it is choosing to enforce the posted speed limit along Bank Avenue.

There was no additional comment and Muriel Alls-Moffat motioned and the chair seconded to open the matter to public comment.

- Robert E. Smyth, 1 Bank Avenue, commented that overall he felt the draft was good. He suggested several changes all to keep the balance between private and public needs, to reinforce that most of the land is private property, and to strengthen that the preferred use is private with “permitted” or “allowed” use by Borough residents. He feels the current enhancements at the foot of Linden should not be expanded to other areas.

- James Moffat, 202 Fulton Street, asked if non-owners can hold a BBQ on the private property portions and was told no unless specifically allowed by the owner. He asked and was informed that control of erosion along private portions of the riverbank is the responsibility of the property owner and the Borough has very limited means to force preventive measures. He feels the town has too many stop signs now.

There was no further comment and Muriel Alls-Moffat motioned and Councilwoman Wells seconded to close the matter to public comment. The chair asked if there was any further discussion by the board. The mayor is concerned that the “install” statements in the goals and objectives are contradictory the guidelines. Tamara stated that the “installs” are from the open space and recreation element and that, if or where needed, wording would be added to reinforce that the guidelines are recommending that for now they not be done. Suzanne wanted to know if the Borough can enforce or compel seawall maintenance and was informed that case law says such ordinances are unenforceable. The mayor added he remembered the comment that you can’t force public good on private owners. The mayor added that the Borough maintains an attitude that it will work with property owners whenever they wish; but, it cannot compel cooperation. Joe Katella commented that additional language is needed to reflect that contrary to the goals and objectives the guidelines recommend that nothing be done at present. There was additional discussion of specific changes and Tom Coleman suggested the board can adopt the guidelines subject to changes being made. Tamara stated she can follow up with a revised document showing the changes. There is concern that the document be resolved so it can be presented to Council at its July meeting. It was decided that any further comments must be given to Tamara before the end of the week. She will release a marked up document for final review and if nothing is received by a stipulated deadline, Tamara will forward the document to Council by 7/9. The mayor motioned and Muriel Alls-Moffat seconded that the board endorse the guidelines subject to the board approved changes being made as discussed and on the record at the meeting. There was no discussion and a poll vote was taken and the motion passed by a vote of 6 to 0 as follows:

Mr. Katella	aye	Mrs. Alls-Moffat	aye
Mr. Creighton	aye	Mr. Martin	aye
Mrs. Wells	aye	Mr. Bianchini	aye

The chair thanked Tamara for her hard work and excellent results.

**OLD BUSINESS**

**Council Matters of Importance to the Board** – Suzanne reported that the task force reported to Council on its recommendations. She thanked the hard work of the committee members and singled out Kerry Brandt, chair of the zoning board and code enforcement officer Mary Lodato as being extremely important to the process with their research and suggestions. Suzanne reviewed the potential changes being recommended:

- creating a new R20 (20,000 square foot) zone to handle clusters of large lots to further discourage subdivision
- a more generic and measurable definition for side and rear yards
- a maximum front yard setback to the current minimum requirement
- revise impervious coverage requirements.

The committee feels much of the Historic Society’s recommendations are already covered by the code and only supports the point regarding demolition. The committee recommends that all demolition permits require in person testimony before the board from the Historic Society and the ARC. Further the code should be strengthened so that the board shall not approve demolition of historic or significant structures solely to facilitate subdivision into buildable lots. The committee supports temporary “sidewalk signs” with strict definitions as to size, location, etc. They must be mobile and not placed on or interfere with public property or the right of way. Armand Bianchini asked who approved the Greco/Homewood Drive subdivision and was informed the planning board did. He asked about the deep and out of character front yard set back of the new home on Main Street. It was explained why it occurred and that the code does not have a maximum setback requirement. Joe Katella and the mayor commented that these two issues, among others, are what caused the creation of the task force. The chair asked what was next and the mayor stated he feels thinks there is a consensus among Council as to what is needed. Joe



asked that any charges be made in writing so the board has a clear idea of what is being asked and it can be discussed at a board meeting. Tom Coleman explained the process.

**Proposed Changes to Zoning Code for Historic Preservation** – The matter was tabled.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – The matter was tabled.

**2008 Budget** – Suzanne reported on the budget to date and projected for the rest of the year. The first four months have been a little high for professional services and may level off/decrease for the rest of the year. However, the continued and shifting demands of COAH was mentioned as possibly having an impact.

**Environmental Commission** – The chair stated he would continue as the interim board member until a new member is appointed by the mayor. There was nothing else to report.

**COAH Activity** – Muriel reported that the COAH committee has not met. She reported that the League of Municipalities is planning to file suit over the revised regulations. She is concerned that the Borough has to spend the funds it has or risk having them taken by COAH and spent for us.

**Minor Site Plans** – The chair reported that there were none in the past month.

## **NEW BUSINESS**

### **Vouchers and Invoices:**

1. 5/22/08, Stout & Caldwell Engineering, 312.50, Engineering review for landscaping for Shoppes of Riverton-Broad Street Center. (PAY FROM ESCROW)
2. 5/22/08, Stout & Caldwell Engineering, 562.50, Engineering review for site plan signoff for Cellco/Verizon conditional use on T-Mobile cell tower. (PAY FROM ESCROW)
3. 6/3/08, Tamara Lee, \$135.00, preparation for 101 Lippincott minor subdivision hearing. (PAY FROM ESCROW)
4. 6/4/08, Raymond and Coleman, 252.00, continued work on the 101 Lippincott minor subdivision. (PAY FROM ESCROW)
5. 6/4/08, Raymond and Coleman, \$300.00, Prepare and attend May meeting.
6. 6/4/08, Raymond and Coleman, \$105.00, for work during May on the T-Mobile/Cellco – Verizon Conditional Use application. (PAY FROM ESCROW)

There was no discussion on the invoices and Councilwoman Wells motioned, Muriel Alls-Moffat seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

**Unpaid Escrow Accounts** – The chair explained the problem particularly with two applications that are inactive and have large amounts of charges pending. The Rainer matter was withdrawn and the Recchiuti matter was dismissed. There is an ongoing process problem of making sure there are sufficient funds to cover the charges that often come after hearings occur or are concluded/stopped. The secretary reviewed the process that he follows and what he does to follow up on shortages. Tom Coleman suggested that the Borough Code state by ordinance that a hearing will not occur unless escrows are current and that no approvals will be granted until accounts are satisfied. It was discussed if it was possible to place a lien on the property. It was mentioned that charges can be challenged at the county level if thought unfair or excessive. At this time it was decided that:

- Suzanne will look into making sure fees and provisions are put into the code

- the secretary will follow up with additional shortage notices and include the note that appeals can be made to the Construction Board of Appeals
- Tom will look into other town's codes and revisit the appropriate escrows to be charged as well as the mechanics to ensure shortages are minimized.

The matter will be kept on the agenda for now.

**PUBLIC COMMENT** – Muriel Alls-Moffat motioned and Councilwoman Wells seconded to open the meeting to public comment. There was none and Muriel Alls-Moffat motioned and Councilwoman Wells seconded to close the meeting to public comment.

**Meeting adjourned at 9:10 PM. (motion by Suzanne Wells, second by the mayor)**

**Next meeting is on 7/15/2008 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**  
**July 15, 2008**

The Public Session of the Planning Board was called to order at 7:03 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Muriel Alls-Moffat, Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Jeff Myers, and Armand Bianchini.

**Also Present:** Solicitor Charles Petrone, Planner Tamara Lee, Engineer Mark Malinowski, and Secretary Ken Palmer.

**ABSENT:** Keith Wenig

**PUBLIC HEARINGS**

**Amended Site Plan by Shoppes of Riverton LLC For Proposed Bank on the Pad Site, Block 1501, Lots 21 & 22**

**Introduction and Housekeeping:** The chair introduced the topic and introduced David Oberlander, counsel for the applicant. The secretary attested that the applicant had properly noticed and that all jurisdictional requirements had been met and the board solicitor concurred that the hearing could proceed. The secretary noted that alternate member Mr. Myers is eligible to vote. The following were sworn in as they intended to offer testimony:

- Applicant James Brandenburger of Shoppes of Riverton LLC
- Joseph F. Coyle, Sr. Vice President, Beneficial Bank
- Jerry W. Childers, Architect with Beneficial Bank
- Andrew Ott, applicant's Engineer

**Testimony and Board Questions:** Mr. Oberlander reviewed the history of the project including that approval of the concept plans for the pad site were to be revisited when a tenant was secured. The applicant has secured a tenant and they are here tonight to present formal plans for a building to be erected for Beneficial Bank. Mr. Oberlander discussed the approvals and variances being sought. Mr. Coyle was introduced and explained the history of Beneficial's involvement and the desire to construct a new building with drive through facilities. They have received all federal and state approvals to relocate the bank from its present facilities on Main Street. When relocated, the present building will be sold. They do not intend to sell to another bank. Mr. Coyle offered that the site may be well suited as a restaurant. Mr. Childers was introduced and attested to his credentials and work with Beneficial Bank. Exhibits A1-an enlarged colorized plan of the site and A2-an enlarged sheet 1 of the submitted plans were entered and used to illustrate his testimony. Mr. Childers described the site, why it is necessary to reorient the bank from the original concept, why it was imperative to have three drive through lanes, and why locating them at the side was not practical. Mr. Oberlander discussed the variances and encroachment on the adjoining lot. He stated there is no detriment since the lots are operated as a unified center and there was no impact on the public or other uses of the site. Members of the board discussed their concerns with the impact and possible safety concerns of merging traffic from the drive through and vehicles attempting to enter the drive through from the wrong direction. The use of signage and low barriers to discourage incorrect entry and control traffic were presented and discussed. Mr. Childers discussed why the bank feels the proposed traffic flow best utilized the site and existing entrances to the center. No new entrances or changes to existing entrances from the center are planned. The zero rear yard setback was discussed and since the entire site is treated as a unified site, there is no impact or detriment. The need for the three proposed drive through lanes was discussed. Following a lengthy discussion of the proposed traffic flow and control, Board members still had concerns over the planned location and orientation of the drive through lanes and impact on traffic flow on and off the site.

Board engineer Mark Malinowski reviewed his report. Applicant's engineer Mr. Ott discussed the variances needed and why he feels there is no detriment. The slight increase of impervious coverage and the lack of any stormwater impact were discussed. The loss of four parking spaces was discussed and the fact that the entire site still had a surplus of eight spaces above the number required. The loss of one additional spot to ease traffic flow was discussed. The submission requirements were discussed and either were agreed to be supplied or that waivers would be requested. The need for internal traffic flow documentation was not settled. Mr. Ott feels a waiver for traffic flow is warranted. The proposed building plan and design is as presented except for possible façade changes and choices of materials. It was agreed that the previously approved deed restrictions and cross easements may be sufficient to guarantee that the entire three lot site will continue to be treated as a unified site. Mark's comments on page three and four of his report were discussed in detail. Comment one regarding the orientation of the building, the location and design of the drive through lanes and the impact on the site and town was discussed in detail and no complete agreement was reached. It was agreed that internal traffic flow was the concern since the off site impact of the use of the center was previously discussed and covered in the original approvals and subsequent changes mandated by the county. Mr. Ott had no concern with technical comments 2 through 11 and they were agreed to with some subject to possible plan changes. The data requested in comment 12 will be supplied. Comment 13 was agreed to. The change recommended in comment 14 will be made. Comment 15 is to be discussed further. Comment 16 was agreed to. Testimony was offered on comment 17 that minimal general trash will utilize the existing dumpster site. Other trash is stored internally and subject to secured bonded removal. The applicant agreed to resolve the points made about the existing dumpster sites. Comments 18 through 21 were agreed to. Comment 22 dealing with signage will be discussed/resolved as part of the signage package discussion. The chair summarized that details regarding traffic data and lighting are unresolved at this time.

Planner Tamara Lee discussed her report. Tamara stated that while she is more comfortable with the plans following the testimony and review of the engineer's report, she still has concerns. She still feels a traffic expert's testimony that the site is safe is needed. Tamara also has concerns about how the bank and its requirements are being treated as either separate from or part of the entire site. Tamara's outstanding issues were discussed especially concerning the need for landscaping to minimize impact of light from vehicle headlights in the stacking and drive through lanes.

The signage package was discussed. Exhibits A3-A5 were introduced. A3 was a color perspective of the building proposed for the site. The style and proposed materials were discussed as well as how they fit in with the overall character of the site. A4 and A5 were colorized versions of the signage proposals submitted with the plans package. The number, size, and possibly placement of the signs will require variances. The issue of the effectiveness and types of external lighting versus internal lighting of the building signage was not resolved. The applicant would like to come to an agreement on the number, size and placement of signs and reserve decision on the lighting and final design. Various methods of external lighting were discussed as well as the forms of signs. Suzanne Wells feels the large "B" logo emblems are too much. Mr. Coyle stated they would be willing to forgo the "Beneficial" sign on the rear of the building but wants the logo emblems. Branches in Sicklerville, NJ and Port Richmond in Philadelphia were offered as good examples of the building proposed for Riverton. While no specific examples of the possible external lighting were offered, the branch at Broad and High Streets in Burlington was mentioned as close. The applicant and Beneficial stated they are willing to work on the issues. The scale and appropriateness of the design are resolvable issues.

The chair asked if the applicants were hoping for approval tonight and the reply was that they hoped to be "under roof" before winter. Board members concurred they were not prepared to vote on the matter tonight unless the applicant requested a vote. Mr. Coyle stated they would rework the signs. It was agreed that traffic flow and safety issues are restricted to onsite issues. The scale of the building will be resolved. The consensus of the board is they feel they need additional time to digest all that was presented this evening and would like to see the changes discussed before it makes a final decision. Tamara asked if revised plans would be submitted before any decisions. Mr. Petrone stated they have to submit revisions to document the changes already agreed to. The chair stated that it might be best to hear public comment tonight in case there were issues that might impact the decision.

**Public Comment:** A motion was made by Muriel Alls-Moffat and seconded by Councilwoman Wells to open the hearing to public comment:

- Jeff Mack, 311 Manor Court, is concerned about existing dead trees, drainage issues of the retention basin, and trash issues. He feels existing problems need to be resolved first and is concerned the additional construction will overtax the basin. He is concerned about the impact of lighting and that the existing lights have considerable offsite impact contrary to the original testimony and approvals. He feels the lights that shine on his property should be shielded. The applicant testified no additional lamp posts are planned, only possible minor relocation of fixtures at the front of the site and no changes at the rear along the adjoining properties. The CVS lights are supposed to be dimmed/extinguished after the close of business. This was previously resolved and is now reoccurring. Mr. Mack wants the existing issues resolved before any new approvals are granted.
- Nick Coletti, 309 Manor Court, is concerned about maintenance of the landscaping in the “green space” and basin area. He feels maintenance is lacking and needs better follow up. He is concerned that standing water in the basin may present a health issue with mosquitoes. The mayor asked if perhaps there was a better way to build the basin. Mr. Coletti doesn’t want to hear “it’s to code” answers where the safety of his and other small children are concerned. Mr. Brandenburger was sworn in and testified that some of the issues are of a recent nature. The trees were planted in the fall and relocated from the planned location to accommodate the neighbors. The trees will be replaced as needed and relocated within the sprinkler area. The base of the basin is sand and has been cleaned and replaced once when construction was completed. Maintenance of the basin is and will be ongoing. Asked if there was a better way of constructing the basin, Mr. Ott replied that sand is the best for good drainage. The sand will need to be maintained and replaced as needed on an ongoing basis. The normal maintenance cycle can be up to a few years but may need more frequent maintenance. It is and will be monitored. On the subject of fencing around the basin, it was reviewed that the need for a fence was originally agreed as not being needed or wanted; and, that the matter could be revisited as needed to reevaluate the need.
- Helen Mack, 311 Manor Court, voiced concerns about the drainage of the basin and the fact that significant amounts of water remain even after three days. She is concerned the nature of the basin and presence of frogs, etc. will attract small children and may present a safety issue. The chair expressed concern over maintenance issues and feels they should be revisited.

There being no further comment, Muriel Alls-Moffat motioned and Joseph Creighton seconded to close the hearing to public comment.

**Continuation:** There being no further discussion or testimony at this point the chair entertained a motion to continue the matter until the next meeting. Muriel Alls-Moffat motioned and Suzanne Wells seconded that the board grant a continuance until the August 19, 2008 meeting. A voice vote was unanimous and the following resolution was passed:

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 Shoppes Of Riverton LLC for amended site plan approval and all related waivers, variances and other approvals as needed to construct a bank building at Block 1501, Lots 21 & 22 is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on August 19, 2008.

### **Minor subdivision application by Kevin & Stacianne Harris, 908 Cedar Street, Block 1600, Lots 10 & 11**

**Introduction and Housekeeping:** The chair introduced the topic and introduced Thomas Ehrhardt, counsel for the applicant. The secretary attested that the applicant had properly noticed and that all jurisdictional requirements had been met and the board solicitor concurred that the hearing could proceed. The applicant was sworn in.

**Testimony and Board Questions:** Mr. Ehrhardt explained that the applicant was seeking a minor subdivision of the two lots he owns and that the proposed realignment of the adjoining lot line would create two fully conforming lots for frontage and square footage. No new nonconforming issues will be created and the existing

nonconformity on the other side of the existing house is subject to a prior variance and will not be increased or affected by the subdivision. There is an existing deed restriction on the original vacant lot that restricts building a residence on the vacant lot due to its size. Only an appurtenant structure to a residence on another lot can be constructed. The applicant testified he and his family have resided at the location for seven years. With family additions they would like to subdivide the property to better manage their property. The applicant feels that the subdivision is not a detriment to the area since the size of the two lots will be comparable to other lots along Cedar Street in the area. He feels the restriction is no longer applicable since the proposed subdivision creates two conforming lots. He receives a single tax bill for the two lots and realizes a subdivision is required. The restriction was placed on the one lot by the original developer Riverton Acres which no longer exists. Mr. Ehrhardt stated that a legal search could not find any current existence of the developer or its successors. Evidence of the search was offered as exhibit A1. Mr. Petrone stated that the planning board cannot remove a deed restriction even if the grantor no longer exists; only the courts can. Chuck reviewed the rather detailed process to have a deed restriction lifted. If the board was to grant approval it must condition the approval that building on the vacant lot is "at the owners risk" due to the restriction. Mr. Petrone recommends that the restriction be removed prior to a subdivision being granted. Mr. Ehrhardt stated the applicant is aware that the board cannot lift the restriction but feels a variance is warranted in receiving the subdivision since the proposed subdivision removes the cause for the original restriction. Mr. Ehrhardt offered that the applicant wishes to subdivide the property into two fully conforming lots by the current code. The remainder lot does have an existing approved variance from the side yard setback that will not be impacted by the subdivision. Suzanne Wells asked if the board can approve a subdivision even if a restriction exists on the subdivided lot. The answer is yes; however Mr. Petrone feels it is not in the best interest to do so. The chair stated he feels there must be compelling reasons for the board to do so. Tamara Lee offered that except for the restriction the application is essentially "by right." However, the board cannot grant a subdivision that creates an unbuildable lot and the deed restriction makes the lot unbuildable. She suggested that if the board feels it should grant approval, it should condition any approval on the owners having the restriction lifted before the subdivision is finalized. Mr. Harris reviewed that their family has outgrown the need and ability to maintain the large lot, that they wish to create two buildable sites consistent with the surrounding area, and that they had not made a decision to sell the lot and remain in the existing home or to build a new home and sell the existing home. The mayor asked Suzanne if the plans were consistent with possible changes to the zoning code and Suzanne responded they were.

**Public Comment:** There was no further testimony or questions from the board and a motion was made by Muriel Alls-Moffat and seconded by Joseph Creighton to open the hearing to public comment:

- William J McMahon Sr., 845 Homewood Drive, stated his property abuts the back of their lot and he is concerned about what will be built on the lot and the impact on the trees and impact on his lot.
- Pat McMahon, 845 Homewood Drive, feels the new lot will be a small lot and doesn't want to see new construction like occurred on 8<sup>th</sup> Street. She feels a rancher is appropriate. It was explained that as long as a building conforms to the bulk requirements and building codes, there is no control over the size or design of the structure. She wants assurances that only a house whose style belongs on the lot is built. Muriel asked if anyone else in the area had restrictions on their property.
- Margaret Strenski, 910 Cedar Street, doesn't know if she has any restrictions and would not object to the subdivision.
- Brad Young, 907 Cedar Street, has no restriction that he is aware of. He has heard that the previous owners received two tax bills and appealed the assessment on the smaller lot because a home could not be erected on it. Muriel stated the proposed lot appears to be a conforming lot and Mary Lodato stated it will be as far as the front footage and square footage are concerned.
- Bennet Landsman, 909 Cedar Street, does not object to the subdivision since it will conform to the current code; but, is concerned about the trees. It was explained that the first trees along the property line are the Borough's and protected and any action on them must be taken before the Shade Tree Commission. The applicant discussed the trees on the property and feels a decent sized structure can be erected with minimal impact on the existing trees.
- Bill Kupper, 910 Cedar Street, stated he is not against the subdivision.
- Mike Fosbenner, 702 10<sup>th</sup> Street, stated he feels people are more concerned about what might be put on the property than the subdivision itself.

There was no further comment and Muriel Alls-Moffat motioned and Jeff Myers seconded to close the matter to public comment.

**Deliberation** – The chair summarized that it appears the public is more concerned about what might be erected on the site rather than the subdivision itself. Additionally, if the board grants the subdivision without conditions, it is granting approval to create an unbuildable lot. Mr. Ehrhardt, stated that as he understands the law, the owner of the lot would be building on it at his own risk if the restriction remains and the board can grant the subdivision. There were questions/concerns from the board as to what it can approve. Mr. Petrone stated that the board could grant the subdivision conditioned on the restriction being lifted before the construction can occur. Mary Lodato is concerned that the existence of the restriction could be lost and permits issued with the restriction still in place. The mayor doesn't like the "jagged" side yard line. Suzanne Wells commented that the jagged property line on the Homewood Drive subdivision was the subject of many irregularities on the site and required variances while the application before the board does not. Mary Lodato feels that the subdivision should only be approved if contingent on the deed restriction being removed. Mrs. Harris was sworn in and stated that they were not aware of the restriction on the smaller lot when they purchased the property. Because the proposed subdivision creates two conforming lots, she feels it should be granted. Muriel asked if this is the only restricted lot, why the subdivision shouldn't be permitted if the proposed lot conforms. Chuck Petrone stated that there was no assurance that this was the only restricted lot. The original description of Riverton Acres doesn't describe which current lots are included and it cannot be determined that the lot in question is the only one. Suzanne Wells asked if the board could grant a subdivision conditioned that it was not final until the restriction is lifted. Mr. Petrone was not sure. The chair asked Mr. Petrone if the board could approve the application with conditions so the applicant can move forward to have the deed restriction removed. Mr. Petrone answered affirmatively. Mr. Ehrhardt stated again that he believes the board has the power to grant a variance on the deed restriction. The chair advises against a variance and feels the restriction needs to be lifted to proceed. Suzanne Wells motioned and Muriel Alls-Moffat seconded that the board grant the subdivision application contingent on the deed restriction being removed. There was no further discussion and a poll vote was taken and the motion passed by a vote of 5 to 2 as follows:

Mr. Katella	nay	Mrs. Alls-Moffat	aye
Mr. Creighton	aye	Mr. Martin	nay
Mrs. Wells	aye	Mrs. Lodato	aye
Mr. Myers	aye		

**MINUTES:** A motion was made by the Suzanne Wells and seconded by Muriel Alls-Moffat to adopt the minutes of the June 17, 2008 regular meeting as distributed. The voice vote was unanimous.

## **CORRESPONDENCE/ANNOUNCEMENTS**

- 1. 6/19/08, Copy of letter from Benjamin Spinelli, Executive Director & Secretary, NJ DCA, NJ State Planning Commission, re: Proposed Repeal and Proposed New Rule for Plan Endorsement of local plans.**

**OLD BUSINESS** – Due to the late hour, except as reported below, all other old business topics on the agenda were tabled until the next meeting.

**COAH Activity** – Muriel reported that there is interest in the property at the corner of Bank and Main as a possible COAH approved site. Mr. Moccia has stated he is interested in the town purchasing his apartment building at 204 Main Street and using it for COAH housing. Muriel feels either of these sites would satisfy the new requirement under the current COAH findings. Muriel commented that the Borough still has a 15 unit unmet need. She has asked COAH officials if the Borough satisfies all its needs, can it stop anyone from purchasing a property and converting it to a COAH qualified unit. The answer was no. Muriel also understands the League of Municipalities is preparing to file suit against the most recent proposed COAH rules. She continues to be concerned that the Borough has to spend the funds it has or risk having them taken by COAH and spent for us. Mary Lodato reviewed the advice of the zoning board's attorney Janet Zoltanski Smith on how small group homes must be treated as a single family residence and Chuck Petrone quoted laws that it applies to a maximum of 15 people. The law does provide protections on the types of people, but developmentally disabled are allowed.

**Smart Future Grant/Environmental Resource Inventory Study** – The project is completed, resolutions prepared and final submissions to the state are in progress.

**NEW BUSINESS** – No invoices/vouchers presented and no other new business.

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

**Meeting adjourned at 11:40 PM. (motion by Suzanne Wells, second by the mayor)**

**Next meeting is on 8/19/2008 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  
August 19, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Keith Wenig, Muriel Alls-Moffat, Joseph Creighton, Mayor Robert Martin, Mary Lodato, Jeff Myers, and Armand Bianchini.

**Also Present:** Solicitor Tom Coleman, Planner Tamara Lee, Alternate Engineer William Long, Alaimo Engineers, and Secretary Ken Palmer.

**ABSENT:** Councilwoman Suzanne Wells.

**MOTION TO GO TO CLOSED SESSION**

At 7:05 PM, Muriel Alls-Moffat 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 the mayor and a voice vote was unanimous. At 7:15 PM Muriel Alls-Moffat motioned to return to public session. Joe Creighton seconded the motion and a voice vote was unanimous.

**REORGANIZATION**

Tom Coleman explained to the public and for the record that the board had gone into closed session for the limited purpose to discuss the need to appoint an alternate engineer. The chair asked if there was a motion to appoint Mr. William Long, PE, of Richard A. Alaimo Associates as alternate engineer to the planning board. The motion was made by the mayor, seconded by Muriel Alls-Moffat, and approved by unanimous voice vote. The secretary read Resolution P2008-05 concerning the appointment and stated it would be published as required by law.

**PUBLIC HEARINGS**

**Amended Site Plan by Shoppes of Riverton LLC For Proposed Bank on the Pad Site, Block 1501, Lots 21 & 22**

**Introduction and Housekeeping:** The chair asked the secretary if there were any concerns with escrow. Ken replied that with the items to be submitted tonight, the account will go short but that the applicant has never presented a concern when requested to replenish the account. The chair stated he thought the hearing could proceed and reviewed the topic continued from the July meeting and introduced Robert Washburn of Flaster Greenberg, alternate counsel for the applicant. The secretary noted that: alternate members Mr. Myers and Mr. Bianchini are eligible to vote, but Mr. Wenig who was absent from the last meeting is not.

**Testimony and Board Questions:** Mr. Washburn introduced applicant's engineer who reviewed the revised plans that had been submitted prior to this hearing. A colorized version of the revised site plan was submitted as A7. Applicant's engineer Mr. Ott explained the changes to the orientation of the drive through area and parking changes. The proposed building now fits on the single lot without any easements. Variances for rear and side yard set backs and impervious coverage are still required. Muriel stated she feels that three drive through lanes are excessive and will contribute to traffic problems. Mr. Coyle of Beneficial feels that three lanes are essential to effectively handle maximum flow with out back ups. Muriel feels that the bank is ignoring the character of the town. Mr. Coyle respectively disagreed that the bank is ignoring the character of the town. Armand stated that he feels a smooth flow of traffic is important. Mr. Katella asked the board to look forward and not rehash items that were effectively discussed last month. He wanted to review the changes before revisiting prior items to make sure they were addressed.

Mr. Childers, Beneficial's architect, reviewed the changes to the building design, orientation and appearance. Color renderings of the elevations were marked as exhibits A8 and A9. The proposed materials and styles were reviewed. The brick will be as close as possible to that used on the CVS building and other structures on the site. Grey tinted mortar will be used and soldier courses will be used instead of limestone lintels. Mr. Childers feels the proposed style fits in very well with the site. The revised rear of the building shows that the proposed sign has been removed. Asked about HAVAC structures and piping, it was explained they will be concealed within the roof "bathtub" or parapet style of the roof line. Mr. Childers reviewed the revised building sign package. An enlarged version of the signage package was marked as exhibit A10. All lighting will be indirect with no internally lit signs. Halo lighting will be utilized to backlight the logos and bank name on the building. All letters will be solid opaque and not translucent. Tamara stated she feels the revised signage and lighting is okay and fits in with the town's requirements and no longer requires a variance for lighting. The monument sign remains a critical item for Beneficial, but it has been substantially reduced in size and will be externally illuminated. Mr. Creighton stated he likes the building, building signs, but does not think the large pylon sign is needed. Muriel feels the proposed monument sign is not needed and ugly. The chair reviewed the substantial changes from last month. He feels the reoriented drive through removes the impact on traffic flow that was discussed last month. Mr. Ott addressed Tamara's questions regarding parking impacts. The chair, reviewed that it appears that the impervious cover change is +/- 2% of the total center site and the rear yard setback appears minor. Reviewing prior items, Muriel feels that three drive through lanes are entirely too much and is concerned about traffic on Fulton Street. Mr. Ott explained the three drive through lanes don't create or lessen total traffic but allows for a smoother flow and lessens the impact of stacking. M. Ott also reviewed the previously discussed impact on local traffic. Mr. Creighton feels the proposed design of the site is best for reducing impact of heavy use of the drive through windows. Muriel still feels a traffic expert review is needed. The chair stated that the original traffic study for the site addressed the off site traffic issues and included the possibility of a bank. He feels any further discussion should be limited to on site issues; but, he feels the new orientation which now matches the concept originally approved addresses the on site concerns from last month. The mayor asked about the business at the current bank site on Main Street and was informed that Beneficial considers it marginal at best and not sufficient over the longer term. The lack of a drive through capability is considered the main deterrent to boosting business and to justify a long term presence. As to future use of the current site, Mr. Coyle stated he had no idea of the future use but Beneficial might deed restrict it against use as a bank. The general consensus of the board is that it likes the revised package. Mr. Brandenburger commented that the original traffic study did not include the addition of the Martha's Lane entrance which was added later at the request of the county. The original concept for the bank was by nature generic since there was no tenant in mind at that time, plus the passage of time has probably changed what may now be considered standard practice. He reminded the board that the old NuWay site had two 12 foot tall plain pole pylon signs. He feels the building design and proposed monument sign fit in with the design of the site. Jim concluded that he feels he and Beneficial have worked very hard to meet the concerns of the Borough and its professionals. Muriel still feels the traffic flow impact is wrong for the town. Mr. Coyle stated that the flow of vehicles is staggered in the lanes. They are not waited on at the same time and never leave at the same moment. The chair feels the board should move on and address the engineer's and planner's reports.

Mr. Long was sworn as an accredited engineer. His 8/19/08 report was reviewed. The issue over the lot coverage change was reviewed and satisfied. It was concluded it would not impact the basin. The parking and building square footage situations are resolved. The concerns with stacking appears to have been resolved. It was clarified that the original traffic study did include the proposed bank traffic, but the benefits provided by the addition of the Martha's Lane entrance/exit were not included. The concerns over maintenance of the basin were satisfied. The basin will be scoured as needed during construction and then will be on an ongoing basis as needed as appropriate. It was discussed that when operating correctly it should drain within 72 hours. The concern about lighting pollution has been addressed. The storm basin is designed to accommodate a 100 year storm. The secretary reviewed for the board that the submitted erosion and soil control plan has been approved by the county. Asked about "green" elements, Mr. Childers replied that the building materials are considered green as also will be the HVAC elements, glazing and lighting. Tamara's 8/11/08 report was reviewed. Section 4 dealing with variances is still needed to be decided by the board; however, the sign lighting variance appears to no longer be needed based on testimony tonight. Tamara is glad that the number of parking spaces is restored. All her safety concerns have been addressed. Tamara feels that it should be assured that the street trees now present will be retained/replaced/relocated as needed. Any light screening plantings need to be mature enough to be effective immediately. There is one light pole in the front of the building that should be relocated/ removed. It will be

removed since another fixture was relocated and should be sufficient. Concerning site lighting which currently is extinguished after hours, the vestibule will be continually lit and it was discussed that if security concerns demand a separate circuit could be provided to maintain lighting at the bank site. The chair asked if the board had any further comments or questions and there were none.

**Public Comment:** A motion was made by Muriel Alls-Moffat and seconded by Jeff Myers to open the hearing to public comment. There was none and a motion to close to public comment was made by Muriel Alls-Moffat and seconded by Armand Bianchini.

**Deliberation** – The chair summarized that it appears that the outstanding issues have been resolved and unless there were more concerns from the board he would like to see a motion on the matter. Tom Coleman suggested the board is being asked to grant preliminary and final site plan approval with variances as detailed in Tamara’s review for rear yard, front yard, impervious coverage, number of signs, and size of signs. The agreed to reduction in the size of the monument sign to two feet will be adhered to. The approval is subject to the comments in the professional’s letters as resolved/modified by testimony this evening. And the approval is conditioned on all necessary other required agency approvals being granted. A motion was made by Muriel Alls-Moffat and seconded by Mary Lodato that the application be approved as suggested by board counsel. There was no further discussion and a poll vote was taken and the motion passed by a vote of 7 to 0 as follows:

Mr. Katella	aye	Mrs. Alls-Moffat	aye
Mr. Creighton	aye	Mr. Martin	aye
Mrs. Lodato	aye	Mr. Myers	aye
Mr. Bianchini	aye		

Mrs. Moffat stated she was voting aye with reservations concerning traffic impacts.

**Demolition Permit for Dr. and Mrs. William Muhr, 603 Bank Avenue** – The mayor recused himself from consideration on the matter. The Muhrs and their architect John Martin were sworn in. It was noted that the ARC has signed the permit and agrees the building is beyond reasonable repair. It is a one-story period building from the 1920’s which has suffered extensive termite damage and cannot reasonably be restored. The owners plan to rebuild with a building of similar style and complementing the house. It is the same size of the building with the same details; but the abandoned living space over the garage area will not be constructed. Any area over the garage will be used for storage. There was no further comments or questions from the board. Joseph Creighton motioned and Muriel Alls-Moffat seconded that the permit be approved. The voice vote was unanimous and the chair stated he would sign the jacket for the applicant. The mayor rejoined the board.

**MINUTES:** A motion was made by Muriel Alls-Moffat and seconded by Joseph Creighton to adopt the minutes of the July 15, 2008 regular meeting as distributed. The voice vote was unanimous.

## **CORRESPONDENCE/ANNOUNCEMENTS**

1. 7/17/08, “Mayor’s Fax Advisory” from NJLM regarding the League’s Filing a Challenge of the latest COAH regulations adopted June 2, 2008 (board copied).
2. 7/24/08, letter to mayor from COAH, regarding Affordable Housing Reform Statute P.L.2008, c.46 (board copied).
3. 8/6/08, letter and brochure from CGP&H Community Grants, Planning & Housing, regarding their affordable housing services and preserving affordable housing credits.

## **OLD BUSINESS**

**COAH Activity** – Muriel reviewed her activity and the five potential COAH sites. She has requested that Tamara run the numbers for a presentation to Council. Muriel related that the funds in the Borough’s current COAH related accounts have generated interest from developers. Tamara reviewed that the potential units involved, if fully turned into CAOH units, would satisfy the Borough’s requirement and might make it possible to revise the Fair Share Plan that didn’t involve the Martha’s Lane or National Casein sites. Additionally Tamara stated the urgency of not neglecting the need to prepare a revised submission to meet the current 12/31/08

deadline. It was discussed that Tamara should be authorized to pull together the calculations and come to Council.

**Council Matters of Importance to the Board** – The mayor reported on some of the concerns of the task force and the impact of returning to the larger lot sizes that existed before the change to the current zones. It was commented that the new zones were created to reflect the town as it exists and that the zoning code should represent what actually exists. The old zones rendered a majority of the properties in the town nonconforming and requiring a variance. Tamara commented that before the lines and sizes were changed the ordinance did not represent what exists and reduced variance applications to stating that I need a variance because no lot conforms. When most lots conform the need for a variance becomes much harder to justify. Keith feels getting rid of irregularities would help. Tamara stated things can be tightened up. The chair wondered how many by right possible subdivisions actually exist. It may not be many. Perhaps realigning the zones will help.

**Adopt and memorialize Resolution P2008-02 for the minor subdivision application by Kevin & Stacianne Harris, 908 Cedar Street, Block 1600, Lots 10 & 11** – The chair asked if the members had reviewed the resolution and if there were any questions or comments. There were no comments or questions and a motion was made by Muriel Alls-Moffat, seconded by Joseph Creighton and passed by unanimous voice vote of the members approving the application in July.

**Proposed Changes to Zoning Code for Historic Preservation** – The matter was tabled.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – The matter was tabled.

**Environmental Commission** – The chair stated he would continue as the interim board member until a new member is appointed by the mayor. There was nothing else to report.

**Unpaid escrow accounts** – The secretary reported that there was no change to the problem accounts and new shortages are being addressed as they occur. The chair asked that letters continue to be sent. It was stated by a member that he understood the bank now has the Rechiutti property. Tom Coleman stated that there may be little that the board can do to resolve the problem accounts. Tom stated that means to help the secretary set up the proper escrow accounts is needed. The secretary stated that the variance application is fixed by the code to require a specific amount. He is not sure what the requirements are for site plan/subdivisions. Increasing application fees and/or escrow requirements should also be considered. Tom Coleman stated he would confer with Bruce Gunn on the matter.

**2008 Budget** – Nothing to report.

**Minor Site Plan Applications** – None for the month.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 7/2/08, Raymond and Coleman, \$399.00, for general business advice and June meeting attendance.
2. 8/5/08, Raymond and Coleman, \$231.00, for work on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW
3. 8/5/08, Raymond and Coleman, \$277.50, for work on the Harris/Cedar Street subdivision application. PAY FROM ESCROW
4. 8/5/08, Raymond and Coleman, \$491.00, for general business advice and July meeting attendance.
5. 8/2/08, Tamara Lee, \$90.00, for work at meeting on the Harris/Cedar Street subdivision application. PAY FROM ESCROW
6. 8/2/08, Tamara Lee, \$810.00, for work on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW
7. 8/14/08, Stout & Caldwell, \$2,731.25, for work on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW

It was discussed that concerns with professional charges can be referred to the county construction board of appeals. A motion was made by Muriel Alls-Moffat, seconded by Jeff Myers and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**PUBLIC COMMENT** – Muriel Alls-Moffat motioned and Jeff Myers seconded to open the meeting to public comment. There being none, Muriel Alls-Moffat motioned and Jeff Myers seconded to close the meeting to public comment.

**Meeting adjourned at 9:55 PM. (motion by Muriel, second by Jeff)**

**Next meeting is on 9/16/2008 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 16, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Keith Wenig. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Keith Wenig, Muriel Alls-Moffat, Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, and Jeff Myers.

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

**ABSENT:** Joseph Katella and Armand Bianchini.

**MINUTES:**

1. A motion was made by Suzanne Wells and seconded by Jeff Myers to adopt the minutes of the August 19, 2008 closed session meeting as distributed. The voice vote was unanimous.
2. A motion was made by Suzanne Wells and seconded by Jeff Myers to adopt the minutes of the August 19, 2008 regular meeting as amended – typo on page 2. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS – None presented**

**OLD BUSINESS**

**Adopt and Memorialize Resolution Case# 2008-03 granting preliminary and final site plan approval to the Shoppes of Riverton LLC For Proposed Bank on the Pad Site, Block 1501, Lots 21 & 22** – The vice chair asked if the members had reviewed the resolution and if there were any questions or comments. There were no comments or questions and a motion was made by Mary Lodato, seconded by the mayor and passed by unanimous voice vote of the members who approved the application in July, (Mrs. Alls-Moffat, Mr. Creighton, Mr. Martin, Mrs. Lodato, and Mr. Myers).

**Council Matters of Importance to the Board** – Councilwoman Wells reported that the task force would meet one more time to finalize their report and would present the report to Council at the regular meeting in October. Suzanne reported that following the mayor’s concern that the current zoning districts vs. the old districts has encouraged the subdivision of lots she researched the subdivisions heard since the change. Her research showed that there was either no change or the new districts served to further protect the town by increasing the size requirement and lessened the number of lots that could have been created. Her conclusion was that the current districts serve to protect the community from increased density due to subdivision of properties. The mayor thanked Suzanne for the research.

**COAH Activity** – Muriel reviewed that COAH is being sued by the League of Municipalities regarding the revised third round rules. The mayor commented that Council had passed a resolution to contribute \$500.00 to the League along with other member municipalities in support of the suit. Muriel voiced he objection to the donation. Muriel reviewed the list of possible COAH properties and the impact on meeting the town’s COAH needs. She feels if the town could work to convert three of the properties it would go a long way to meet the town’s needs and to show COAH the town has done its share and can’t do any more without funding. She feels that both COAH and the League have only worsened things by constantly changing the rules and not allowing a town to properly plan to meet the requirements. She feels she is constantly spinning her wheels. The mayor reported that Council formed a committee to review the impact of the constantly changing rules and consider the possible COAH properties. The mayor feels the apartment building at 204 Main Street deserves looking into. Muriel is concerned about the conditions at that property as well as the property at Main Street and Bank Avenue. Councilwoman Wells stated that caution should be observed when discussing the condition of particular properties. Suzanne reviewed that the latest COAH regulations amount to an unfunded mandate from COAH and

that she agrees the regulations should be challenged since it puts an unfair burden on communities such as Riverton since its options to generate funds is almost nonexistent. Suzanne feels that nothing prevents the Borough from partnering with operators of things like group homes. Muriel is concerned the Borough is at risk even if it has an approved plan if it cannot show actual results.

**Proposed Changes to Zoning Code for Historic Preservation** – The matter was tabled until the task force report and recommendations are received.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – The matter was tabled until the task force report and recommendations are received.

**Environmental Commission** – The mayor reported that he had attended the last meeting and reviewed the possible grant for a rain garden to help protect the creek. Also discussed was the possibility of going to larger recycling containers to allow mixed recycling if it is permitted. The mayor reported that there is still not a volunteer from the board to serve as the board's commission member and he feels that between he and the chair, the board will continue to have a presence at the meetings. He feels that, if everyone concurs, perhaps the position can be one that allows for the fact that the appointed member cannot always attend and that is okay if there is someone to fill in. Mary Lodato asked if the board could rotate who attends. The mayor feels that the position should be one where it is not required that every meeting be attended or someone else might attend in the members absence.

**Unpaid escrow accounts** – The secretary reported that there was no change to the problem accounts and he will be sending follow-up letters. There is no update on possible avenues to pursue collection from either the Borough's or board's attorneys.

**2008 Budget** – Suzanne reported that budgets had been reviewed at the last Council meeting and the board is approaching its limit.

**Minor Site Plan Applications** – None were presented this month.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 9/3/08, Tamara Lee, \$630.00, for work on the Brandenburger/Beneficial Bank application including review of the COAH obligations. PAY FROM ESCROW
2. 9/4/08, Raymond and Coleman, \$994.00, for work during July and August on the Brandenburger/Beneficial Bank application including resolving the engineer possible conflict of interest . PAY FROM ESCROW
3. 9/4/08, Raymond and Coleman, \$140.00, for work on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW
4. 9/4/08, Raymond and Coleman, \$142.50, for work on the Harris/Cedar Street subdivision application. PAY FROM ESCROW
5. 9/5/08, Raymond and Coleman, \$400.00, for general business advice, services, and August meeting attendance.
6. 9/4/08, Raymond and Coleman, \$90.00, for work on the Muir demolition permit – withdrawn by Mr. Coleman and included as pat of the meeting attendance – he did not realize there was not a separate escrow for that matter. The board thanked Mr. Coleman.

A motion was made by Suzanne Wells, seconded by Muriel Alls-Moffat, and unanimously approved to pay the five remaining vouchers as presented. The secretary will have them signed and submitted for payment.

**Peace Pole Dedication** – The mayor announced that the Peace Pole dedication would be at 1:00 PM Sunday the 21<sup>st</sup>.

**PUBLIC COMMENT** – Suzanne Wells motioned and Jeff Myers seconded to open the meeting to public comment.

- Eric Saia, National Casein, 401 Martha’s Lane, suggested that there is web based software that companies are using which allows attendance at meetings where physical attendance is not possible. He does not know any particulars regarding costs.
- James Moffat, 202 Fulton Street, expressed concern regarding the EC position of someone being appointed to a position without the expectation they attend meetings. Either you have an appointed member who will attend the meetings or you do not.

There was no further comment and Suzanne Wells motioned and Mary Lodato seconded to close the meeting to public comment.

**Meeting adjourned at 7:45 PM. (motion by Suzanne, second by Jeff)**

**Next meeting is on 10/21/2008 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 21, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Jeff Myers, and Armand Bianchini.

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

**ABSENT:** Keith Wenig and Muriel Alls-Moffat.

**MINUTES:**

A motion was made by Mayor Martin and seconded by Councilwoman Wells to adopt the minutes of the September 16, 2008 regular meeting as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. October 2008, Workshop announcement from ANJEC for Elements of Sustainability Workshop, 10/30/08, 7-9:30 PM, Highland Park, NJ
2. 10/21/08, letter dated 10/15/08 from Joe Rainer concerning escrow charges and check for \$500.00 towards escrow shortage.
3. 3 vouchers/invoices as presented under New Business.

**OLD BUSINESS**

**Council Matters of Importance to the Board** – Councilwoman Wells reported that the task force report would be presented to Council in November. Suzanne reported that the contract for performing the study of downtown revitalization utilizing a grant from the DVRPC had been awarded to the Waetzman Group, Inc. Mark Remsa from the county was very helpful in preparing the scope of the proposal and guiding the Borough through the process. The study will help develop a plan on how to make the town more attractive and to attract economic and business development, and how best to market the town. Tom Coleman spoke briefly on the plans of the DVRPC regarding these types of grants. The mayor spoke about Council discussions to more stringently enforce codes regarding property upkeep especially as it applies to several properties in the town. There was some discussion between the mayor and Tom Coleman regarding professionals charging for their time while traveling to and from hearings and meetings. The conclusion was it depends on the contract.

**COAH Activity** – Councilwoman Wells reviewed Tamara’s e-mail regarding the deadline for submitting COAH 3<sup>rd</sup> round submissions. She urged the board to review the memo since it explained the process and the deadlines. Suzanne reviewed the current plans of the Borough for new housing plans and the revised needs as defined by COAH. She also reviewed that there are ongoing discussions with several parties interested in providing possible COAH units. There is a time crunch to meet the 12/31/08 deadline to submit to COAH if the deadline is not stayed by the courts. The Borough meets the deadline as long as it files by the deadline that the amendment to the Master plan is pending approval. The actual hearing can take place in January 2009.

**Proposed Changes to Zoning Code for Historic Preservation** – The chair reported that the matter was tabled until the task force report and recommendations are received.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – Mary Lodato reported that the matter was tabled until the task force report and recommendations are received.

**Environmental Commission** – There was no report presented from the last commission meeting. The mayor stated that there may be a volunteer to assume the board member position on the commission.

**Unpaid escrow accounts** – The secretary reported that aside from the previously reviewed payment from Mr. Rainer, there was no change to the problem accounts and he will be sending follow-up letters. Notices of shortage for other accounts will be sent ASAP. There is no update on possible avenues to pursue collection from either the Borough's or board's attorneys.

**2008 Budget** – Suzanne reported that budgets continue to be reviewed and the board is about at limit. She also explained that charges for COAH work are being paid from the Housing Fund.

**Minor Site Plan Applications** – Mary Lodato reviewed that one application had been submitted and approved by her and the chair for a music teacher to operate a home occupation to provide music lessons in her home at 515 Howard Street. The applicant was present and briefed the board on her plans and qualifications.

**Mandatory Education** – The secretary reviewed that the final course offerings by NJPO for this year are in Atlantic City during the League of Municipalities convention and that he is following up with planning and zoning members that need to attend a session.

**Side yard Setbacks for Accessory Buildings in the Rear Yard** – The secretary reviewed that one of the zoning board's recommendations for possible residential district zoning code changes was for a separate side yard setback requirement for accessory buildings in the rear yard of a property. The current code does not distinguish from the requirement for the primary structure. At least two recent inquiries by homeowners concerning sheds in the rear yard brought up this condition as presenting a severe hardship if they had to comply and the homeowner's concern that this didn't seem fair given that the majority of existing similar structures were not in compliance. The zoning board still feels this is a matter that should be included in any revisions to the current code.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 10/8/08, Raymond and Coleman, \$370.00, for general business advice, services, and September meeting attendance.
2. 10/8/08, Raymond and Coleman, \$294.00, for work during September on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW
3. 10/8/08, Alaimo Associates, \$764.25, for work during September on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW

A motion was made by Suzanne Wells, seconded by Mayor Martin, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**Application Fees and Escrow Requirements** – The board agrees that both fees and escrow requirements need to be reviewed and possibly increased. A structure for establishing escrow amounts especially for site plans needs to be considered to help alleviate account shortage conditions. Various amounts were discussed. Tom Coleman recommended that other neighboring town's structures be reviewed. The secretary commented that he feels the two sections of the code dealing with site plans and subdivisions respectively need to contain language regarding fees and escrow requirements. Tom Coleman stated he would approach Bruce Gunn on the subject. The chair feels that a range of low to high amounts as well as structures in place in other towns should be researched and discussed by the board and possible recommendations provided for Council's consideration. He asked Tom Coleman for assistance in acquiring the information. The secretary feels that any procedures need to help determine when and which professionals need to be involved depending on the content of the application.

**PUBLIC COMMENT** – The chair noted for the record that there were no members of the public present at the meeting. The meeting was not opened for public comment.

**Meeting adjourned at 7:55 PM. (motion by Joe Creighton, second by mayor)**

**Next meeting is on 11/18/2008 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 18, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Keith Wenig, Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Jeff Myers, and Armand Bianchini.  
**Also Present:** Solicitor Tom Coleman, Planner Tamara Lee, and Secretary Ken Palmer.  
**Note: Members Creighton and Wenig arrived after the roll call but before any business was voted on.**

**ABSENT:** Muriel Alls-Moffat.

**MINUTES:**

A motion was made by Suzanne Wells and seconded by Armand Bianchini to adopt the minutes of the October 21, 2008 regular meeting as amended (spelling of a name). The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 10/28/08, copy of 10/23/08 letter to mayor from NJ DCA regarding flexibility provisions in the COAH regulations.
2. 10/29/08, letter of introduction and solicitation to planning chair from Community Grants Planning and Housing Company regarding their affordable housing implementation services.
3. 11/12/08, copy of NJLM "Mayors Fax Advisory" regarding the challenge to the COAH third round regulations.
4. 11/12/08, memo dated 11/06/08 from Mary Longbottom regarding 2009 Budget Request.
5. 2 vouchers/invoices as presented under New Business.

**OLD BUSINESS**

**COAH Activity** – Tamara Lee reviewed the draft of the revised Housing Element and Fair Share Plan for the Master Plan that is to be submitted to COAH to meet the Borough's petition for 3<sup>rd</sup> round substantive certification. Absent any ruling on various pending lawsuits against the current COAH regulations, petitions must be submitted by 12/31/2008. Tamara feels the Borough cannot wait for any decision and needs to make sure the petition is filed on time to keep the Borough safe from any possible builder's remedy suits. Tamara reviewed the list of possible properties that could provide COAH units and why only two of them were included as being viable candidates. Tamara reviewed COAH's revised calculations for the Borough. Tamara reviewed the COAH calculated needs based on new housing stock and loss of employment opportunities. Suzanne Wells wanted it stated for the record that it appears COAH's calculations are completely unrealistic and doesn't know how COAH could possibly come up with such needs when based on actual events in the town. Tamara agreed that the projections of COAH seem to be far removed from reality and that the best way to solve the conflict is to show how the Borough might meet the calculated need and then, as provided in the rules, petition for revision when the plan comes up for review. The revised plan takes the original 3<sup>rd</sup> round plan filed in 2005 and includes the two possible properties. The AH1 and AH2 zones in the original and current version will remain. The possible units in the Baptist Home would qualify as very low income units which are a bonus. Since the number of proposed rental units exceeds the required number there is a bonus for that also. Tamara feels the proposed plan meets COAH's requirements and uses their numbers, the submission should require little change by COAH. Tamara reviewed the details of the element and plan for the board. Tamara also reviewed the housing funds and where the money would go and how the monies that can be generated are insufficient. Therefore the town would need to rely on the state fund since the law states that a town should not have to raise taxes to pay the costs. Tamara also reviewed the steps needed to finalize the submission and submit it by the deadline. The board must hold a public hearing on the plan, adopt the plan, and submit it to Council for endorsement. While the plan could

## NEW BUSINESS

### Invoices and vouchers:

1. 10/25/08, Stout and Caldwell Engineers, \$820.00, for work on the Brandenburger/Beneficial Bank sit plan application in August 2008. PAY FROM ESCROW
2. 11/03/08, Tamara Lee, \$372.95, for work during October on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW

A motion was made by Armand Bianchini, seconded by Mayor Martin, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**2009 Budget** – The chair reviewed that the preliminary budget requests are due by December 1. Joe stated that he wants to review the current figures in detail and that he plans to try and hold the request flat or possibly reduce the amounts. It depends on what certain items may require unanticipated action during the coming year.

**Possible New Applications** – The secretary briefed the board on a pending site plan application by the new owner of the former Red Balloon property at 509 Howard Street adjacent to Borough Hall for an architect's office and planned major renovations to the structure. The applicant has told the secretary he plans to file to appear at the December meeting.

**PUBLIC COMMENT** – A motion to open the meeting to public comment was made by Suzanne Wells and seconded by the mayor.

- Eric Saia, National Casein, 401 Martha's Lane, asked about the AH1 affordable housing zone and it was explained that was undeveloped lots on the other side of Martha's Lane from Casein's property. The AH2 zone applies to National Casein's property and only applies if the property is sold for development. It does not apply to National Casein, only future owners. Eric was also concerned that since there has never been any finding of contamination at the National Casein that nothing officially stated that alleges to possible contamination.

There being no further comment, a motion was made by Suzanne Wells and seconded by Keith Wenig to close the meeting to public comment.

**Miscellaneous** – The mayor inquired if the variances granted to Cedar Lane Apartments expire. The secretary reviewed that variances do expire and that the current owner has petitioned the zoning board twice for extensions. The zoning board has granted the extensions because the delays are technical in nature and not the result of inaction by the new owner. The mayor asked if the zoning board could rescind the approvals if it now considered the density issues have changed. Tom Coleman stated he did not think that could occur since the original approvals have not changed and the applicant is only requesting additional time to comply with the conditions of the approvals. Tom also reviewed that the Municipal Land Use Law states that extensions should be "liberally" granted.

**Meeting adjourned at 8:20 PM. (motion by the mayor, second by Jeff Myers)**

**Next meeting is on 11/18/2008 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 16, 2008**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. 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 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

**PRESENT:** Joseph Katella, Keith Wenig, Muriel Alls-Moffat, Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Jeff Myers, and Armand Bianchini.  
**Also Present:** Solicitor Tom Coleman, Planner Tamara Lee, and Secretary Ken Palmer.  
**Note: Members Creighton and Wells arrived after the roll call but before any business was voted on.**

**ABSENT:** None.

**MINUTES:** A motion was made by Mary Lodato and seconded by Armand Bianchini to adopt the minutes of the November 18, 2008 regular meeting as amended (members recorded as present at the meeting. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 11/26/08, copy NJLM Mayors Fax Advisory with updates on the COAH situation.
2. 12/16/08, letter from Kenneth S. Domzalski, Esq. representing Eugene Burgess, owner of 204 Main Street.
3. 3 vouchers/invoices as presented under New Business.

**PUBLIC HEARINGS**

**Adopt the Revised Housing Element and Fair Share Plan 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 the Master Plan, and the process for petitioning COAH for Third Round Certification. Once approved by COAH, the Borough will continue to 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. Because of court rulings and subsequent revisions by COAH to its 3<sup>rd</sup> Round rules, the Borough is required to file a revised 3<sup>rd</sup> Round petition by 12/31/2008. 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 that the existing inclusionary zones are being kept as well as two additional properties are included in the plan.

The chair asked the board if there were any comments or questions. There were none. A motion was made by Suzanne Wells and seconded by Jeff Myers to open the hearing to public comment:

- Karl Mosier, 114 Texas Avenue, Mt. Laurel, is the realtor who has the listing for 204 Main Street and asked what if any developments existed. Tom Coleman reviewed his correspondence with the owner and his representatives. Suzanne Wells reviewed then progress with the Baptist Home. Suzanne Wells reviewed that the Borough's obligation may well be revised during subsequent reviews of the plan. Tom Coleman also explained that the results of pending challenges to the current revised rules may also result in a revised filing.
- Eric Saia, 401 Martha's Lane, representing National Casein asked if there was any risk factor with the Borough coming up with a surplus of units. The answer was no.

There were no further questions and a motion was made by Suzanne Wells and seconded by Joe Creighton to close the hearing to public comment.

The chair asked if board members had any further questions or comments. The chair explained that the next order of business was to consider a resolution adopting the Housing Element and Fair Share Plan amendment to the Master Plan. Suzanne Wells motioned and the mayor seconded to adopt the resolution as titled and forward it to Council for endorsement. The secretary read the resolution prepared by Tamara Lee. A roll call vote was called and the motion was approved by vote of 7 ayes and 0 nays as follows:

Mr. Katella	aye	Mr. Wenig	aye
Mrs. Alls-Moffat	aye	Mr. Creighton	aye
Mr. Martin	aye	Mrs. Wells	aye
Mrs. Lodato	aye		

### **Application by JRP Arch. LLC, for Preliminary and Final Site Plan Approval for 509 Howard Street (Block 903, Lots 17 and 18)**

**Introduction:** The chair introduced the topic. The secretary attested that all jurisdictional requirements had been met and Tom Coleman stated the hearing could proceed. The chair recognized the applicant Mr. Parry. Mr. Parry stated that he had received the reviews from the board's planner and engineer and was in the process of updating the plans. In the interim he has also been reviewing his plans and may be planning to restore the property rather than demolishing and reconstructing portions of the property. He feels that he needs additional time to complete the revisions and present a complete plan to the board. His attorney advised he seek a continuance until January so he could complete and submit the revisions to the plans. Mr. Parry stated he would make sure the revised plans were submitted in a timely manner. There were no questions from the board.

**Continuance:** The applicant stated he wished to request a continuance until January to complete revisions to the plans to reflect the professional review comments and his revised plans. A motion was made by Keith Wenig, seconded by Muriel Alls-Moffat, 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 16, 2008:

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 JRP Arch. LLC for site plan approval and all related variances as needed for 509 Howard Street (Block 903, Lots 17 and 18) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on January 20, 2009.

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**

**COAH Activity** – Tamara reviewed that there have been attempts to move back the 12/31 submission deadline. Following confirmation by the mayor that Council would hold a special meeting on Thursday, December 18, 2008 to endorse the plan, Tamara Lee stated she planned to submit the materials to COAH on December 29. Tom Coleman reviewed that he had heard there was a bill introduced in the State Assembly to abolish COAH; but, he does not think it will go anywhere.

**Council Matters of Importance to the Board** – Councilwoman Wells stated the kick off meeting for the Downtown Revitalization steering committee will be held later in the week. Preliminary budget reviews will be conducted the first week in January. The mayor reviewed plans for possible projects to revitalize the sports fields. The Council is concerned about engineers or professionals being paid in full before the contract obligations are complete. The recommendations of the zoning code task force should be available in January. The mayor announced that the Borough luncheon will be on 12/19 in Borough Hall.

**Proposed Changes to Zoning Code for Historic Preservation** – Tabled until the task force report and recommendations are received.

**Revision to Sign Ordinance to Allow Sidewalk Signs** – Tabled until the task force report and recommendations are received.

**Environmental Commission** – The mayor reaffirmed that Jeff Myers has accepted appointment as the planning board member of the Environmental Commission effective January. Jeff concurred.

**2008 Budget** – Suzanne reported that budgets continue to be reviewed and the board is at its limit. Amounts are being shifted among accounts to meet needs.

**Minor Site Plan Applications** – Mary Lodato stated that there were no applications submitted this period.

**Unpaid escrow accounts** – The chair stated he had spoken to Bruce Gunn and the secretary is to forward information to Mr. Gunn. The secretary reported that the zoning board had resolved to pay for the charges incurred for the zoning map interpretation for Mr. Recchiuti from its general budget instead of Mr. Recchiuti's escrow account. The board took this action since the current code does not provide for any fee schedule for interpretation requests. The chair stated Mr. Gunn intends to take some action. The chair asked that all pertinent facts be provided to Bruce.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 10/29/08, Alaimo Associates, \$75.00, for work on final site plan revisions for the Brandenburger/Beneficial Bank site plan application during October. PAY FROM ESCROW
2. 11/07/08, Raymond and Coleman \$734.00, for general business advice during October including work on possible COAH units, attend October meeting, and work on fee and escrow ordinance amendments.
3. 11/7/08, Raymond and Coleman, \$21.00, for work during October on the Brandenburger/Beneficial Bank application. PAY FROM ESCROW

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

**RFP's for 2009 Professional Positions** – The secretary stated he had a call from Alaimo's office asking if the board was seeking RFP's for 2009. The board does not usually do this. The chair stated he was preparing to ask for proposals from both Alaimo and Stout and Caldwell.

**PUBLIC COMMENT** – A motion to open the meeting to public comment was made by Suzanne Wells and seconded by the mayor. There was none and a motion was made by Suzanne Wells and seconded by the mayor to close the meeting to public comment.

**Meeting adjourned at 7:52 PM. (motion by Suzanne Wells, second by the mayor)**

**Next meeting is on 1/20/2009 at 7:00 pm in the Borough Hall.**

**Tape is on file.**

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