

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
January 20, 2009

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. 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.
5. Adopt minutes of the December 16, 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, Mayor
 - Proposed zoning code changes for historic preservation – chair
 - Sign ordinance revision for side walk signs committee – Mary Lodato
 - Environmental Commission report – Jeff Myers
 - COAH – Muriel Alls-Moffat
 - 2009 Budget – Councilwoman Wells
 - Minor Site Plan reports
 - Mandatory education update – secretary
 - Other old business
8. New Business:
 - New vouchers/invoices – secretary
 - Meeting Calendar and Appointment of Professionals – secretary
 - 2009 Goals and Objectives – secretary
 - Other New Business
9. Public comment on general Planning Board matters
10. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
February 17, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Reorganization:
 - Swear in reappointed members Alls-Moffat and Wenig
 - Elect vice chair position
4. Adopt minutes of the January 20, 2009 regular meeting
5. Review correspondence and announcements
6. Old Business:
 - Adopt and memorialize resolution P2009-03 granting approving of the site plan application by JRP Arch. LLC, 509 Howard St., Block 903, Lots 17 and 18.
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - Review Mayor's Council Task Force Report on Zoning Code changes – Councilwoman Wells, Mayor, chair
 - COAH matters – Muriel Alls-Moffat
 - Environmental Commission report – Jeff Myers
 - 2009 Budget – Councilwoman Wells
 - Review 2009 Goals and Objectives – chair
 - Minor Site Plan reports – Mary Lodato
 - Escrow deposits and fees – proposed resolution amending fees and escrow requirements – solicitor, chair, Councilwoman Wells
 - Delinquent escrow collections - secretary
 - Other old business
7. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
8. Public comment on general Planning Board matters
9. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
March 17, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the February 17, 2009 regular meeting
4. Review correspondence and announcements
5. Old Business:
 - COAH matters – Muriel Alls-Moffat, Tamara Lee
 - ▶ COAH response to 3rd Round Petition
 - ▶ Presentation by Jeannie Drobit from Quality Management regarding Homewood Drive
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - Escrow deposits and fees – progress report on the proposed resolution amending fees and escrow requirements – solicitor, Councilwoman Wells
 - Board Review of Mayor's Council Task Force Report on Zoning Code changes – chair, Councilwoman Wells, and Mayor
 - Environmental Commission report – Jeff Myers
 - 2009 Budget – Councilwoman Wells
 - Review 2009 Goals and Objectives – chair
 - Minor Site Plan reports – Mary Lodato
 - Delinquent escrow collections - secretary
 - Other old business
6. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
7. Public comment on general Planning Board matters
8. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
April 21, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Public Hearing – Conditional Use Site Plan Application by MetroPCS to collocate on the T-Mobile tower
4. Adopt minutes of the March 17, 2009 regular meeting
5. Review correspondence and announcements
6. Old Business:
 - COAH matters – Tamara Lee, Muriel Alls-Moffat
 - ▶ Borough response to COAH response to 3rd round petition
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - ▶ Progress report on the escrow deposits and fees ordinance
 - ▶ 2009 Budget
 - Detailed Review of Task Force Report on Zoning Code changes – chair
 - ▶ Temporary Signs
 - ▶ Demolition Requirements – Attachment C
 - Environmental Commission report – Jeff Myers
 - Minor Site Plans report – Mary Lodato
 - Delinquent escrow collections - secretary
 - Other old business
7. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
8. Public comment on general Planning Board matters
9. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
May 19, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the April 21, 2009 regular meeting
4. Review correspondence and announcements
5. Old Business:
 - Adopt and memorialize the resolution approving the conditional use site plan by MetroPCS to collocate on the T-Mobile tower
 - COAH matters – Muriel Alls-Moffat
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - ▶ Progress report on the escrow deposits and fees ordinance
 - ▶ Progress report on the revisions to off street parking and storage of construction equipment.
 - ▶ 2009 Budget
 - Board Detailed Review of Mayor's Council Task Force Report on Zoning Code changes – chair
 - ▶ Temporary Signs
 - ▶ Demolition Requirements – Attachment C
 - Environmental Commission report – Jeff Myers
 - Minor Site Plans report – Mary Lodato
 - Delinquent escrow collections - secretary
 - Other old business
6. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
7. Public comment on general Planning Board matters
8. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
June 16, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Reorganization – Swear in new regular & alternate members, elect Vice Chair
4. Public Hearing – Conditional Use Site Plan Application by Clearwire US LLC to collocate on the T-Mobile tower
5. Public Hearing – Amended Site Plan Application by Beneficial Bank to install solar panels and revise the landscape plan
6. Adopt minutes of the May 19, 2009 regular meeting
7. Review correspondence and announcements
8. Old Business:
 - COAH matters – Muriel Alls-Moffat
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - ▶ 2009 Budget
 - Board Detailed Review of Mayor's Council Task Force Report on Zoning Code changes – chair
 - ▶ Temporary Signs
 - ▶ Demolition Requirements – Attachment C
 - Environmental Commission report – Jeff Myers
 - Minor Site Plans report – Mary Lodato
 - Delinquent escrow collections - secretary
 - Other old business
9. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
10. Public comment on general Planning Board matters
11. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
July 21, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Resignation of Jeff Myers and elect new vice chairperson
4. Adopt minutes of the June 16, 2009 regular meeting
5. Review correspondence and announcements
6. Old Business:
 - COAH matters – Tamara Lee and Muriel Alls-Moffat
 - Adopt & memorialize two resolutions: approving Conditional Use Site Plan Application by Clearwire US LLC to collocate on the T-Mobile tower and approving Amended Site Plan Application by Beneficial Bank to install solar panels and revise the landscape plan
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - ▶ 2009 Budget
 - Board Detailed Review of Mayor's Council Task Force Report on Zoning Code changes – chair
 - ▶ Demolition Requirements – Attachment C
 - Environmental Commission report
 - Minor Site Plans report – Mary Lodato
 - Delinquent escrow collections - secretary
 - Other old business
7. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
8. Public comment on general Planning Board matters
9. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
August 18, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Reorganization: Swear in new regular and alternate members
4. Adopt minutes of the July 21, 2009 regular meeting
5. Review correspondence and announcements
6. Old Business:
 - COAH: resubmission and other matters – Tamara Lee and Muriel Alls-Moffat
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - ▶ 2009 Budget
 - Board Detailed Review of Mayor's Council Task Force Report on Zoning Code changes – chair
 - ▶ Demolition Requirements – Attachment C
 - Environmental Commission report – Joe Threston
 - Minor Site Plans report – Mary Lodato
 - Delinquent escrow collections – secretary
 - Other old business
7. New Business:
 - New vouchers/invoices – secretary
 - Demolition Permit – 601 Lippincott, nonresidential site auxiliary building – secretary, chair
 - Other New Business
8. Public comment on general Planning Board matters
9. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
September 15, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the August 18, 2009 regular meeting
4. Review correspondence and announcements
5. Old Business:
 - COAH: resubmission and other matters – Tamara Lee and Muriel Alls-Moffat
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - ▶ 2009 Budget
 - Board Detailed Review of Mayor's Council Task Force Report on Zoning Code changes – chair
 - ▶ Demolition Requirements – Attachment C
 - Environmental Commission report – Joe Threston
 - Minor Site Plans report – Mary Lodato
 - Delinquent escrow collections – secretary
 - Other old business
6. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
7. Public comment on general Planning Board matters
8. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
October 20, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the September 15, 2009 regular meeting
4. Review correspondence and announcements
5. Old Business:
 - COAH: Request for Additional Information Report, resubmission, and other matters – Tamara Lee and Muriel Alls-Moffat
 - ▶ Proposal by Jim Brandenburger for COAH residential units over retail shops at Shoppes of Riverton on Broad Street
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - ▶ Board discussion of Marlboro, NJ, RES. #2009-350 Court Decision Homes of Hope v. Twp. of Eastampton
 - ▶ 2009 Budget
 - Board Detailed Review of Mayor's Council Task Force Report on Zoning Code changes – chair
 - Environmental Commission report – Joe Threston
 - Minor Site Plans report – Mary Lodato
 - Delinquent escrow collections – secretary
 - Other old business
6. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
7. Public comment on general Planning Board matters
8. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
November 17, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the October 20, 2009 regular meeting
4. Review correspondence and announcements
5. Old Business:
 - COAH: Progress on resubmission and other matters – Tamara Lee and Muriel Alls-Moffat
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - ▶ 2009 Budget and 2010 Budget Request
 - Board Detailed Review of Mayor's Council Task Force Report on Zoning Code changes – chair, Suzanne Wells
 - Environmental Commission report – Joe Threston
 - ▶ Consider Revised Stormwater Ordinance
 - Minor Site Plans report – Mary Lodato
 - Delinquent escrow collections – secretary
 - Other old business
6. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
7. Public comment on general Planning Board matters
8. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
December 15, 2009

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the November 17, 2009 regular meeting
4. Review correspondence and announcements
5. Old Business:
 - COAH: Progress on resubmission and other matters – Tamara Lee and Muriel Alls-Moffat
 - Council matters of importance to board – Councilwoman Wells and Mayor
 - ▶ 2009 Budget and 2010 Budget Request
 - Update on Council passage of the ordinance revising portions of Chapter 128 – Zoning Code – Suzanne Wells
 - Environmental Commission report – Joe Threston
 - Minor Site Plans report – Mary Lodato
 - Delinquent escrow collections – secretary
 - Other old business
6. New Business:
 - New vouchers/invoices – secretary
 - Other New Business
7. Public comment on general Planning Board matters
8. Adjourn

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
January 20, 2009**

The Public Session of the Planning Board was called to order at 7:00 PM by Board Secretary Ken Palmer. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2008.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2008.

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

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

ABSENT: Joseph Katella, Keith Wenig, Muriel Alls-Moffat, and Armand Bianchini.

REORGANIZATION - 2009

Solicitor Petrone had sworn in Class II member Mary Lodato, Class III member Councilwoman Suzanne Wells, and Alternate Member Jeff Myers prior to the roll call. Secretary Palmer announced that he continues as an employee of the Borough as the secretary of the planning and zoning boards. Ken stated that of course this was at the pleasure of the board.

Chairman: The secretary stated that Joe Katella asked him to inform the board that if he is nominated to be chairman, he will accept. Joe Katella was nominated by the mayor and seconded by Jeff Myers to serve as chairman for 2009. The nominations were closed and Joe was affirmed by a unanimous voice vote.

Vice Chairman: Following discussion, a motion was made by Councilwoman Wells, seconded by the mayor and adopted by a unanimous voice vote to table selection of a vice chair until next meeting when more members are present.

Solicitor: Thomas Coleman, Esq. was nominated by Suzanne Wells and seconded by Joe Creighton to serve as the Planning Board Solicitor for 2009. The nominations were closed. A voice vote was taken and the vote was unanimous.

Planner: Tamara Lee, of Tamara Lee Consulting LLC was nominated by Councilwoman Wells and seconded by Jeff Myers to serve as the board's Planner for 2009. The nominations were closed. A voice vote was taken and the vote was unanimous.

Engineer: The secretary stated that the chair had reviewed possible engineering contracts and that he personally had no objections to the board retaining the same professionals for 2009. Mark Malinowski of Stout & Caldwell was nominated by Councilwoman Wells and seconded by the mayor to serve as the board's engineer for 2009. The nominations were closed. A voice vote was taken and the vote was unanimous.

Administrative Officer: The secretary reviewed that the position dovetails with Mary Longbottom'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 Councilwoman Wells and seconded by the mayor to serve as the Administrative Officer pursuant to N.J.S.A. 40:55D-3 for the Planning Board for 2007. The nominations were closed. A voice vote was taken and the vote was unanimous.

Mayor's Appointments: In addition to the secretary's position, the mayor's appointments for 2009 are:

- Mary Lodato serves as the board's Class II member and Councilwoman Wells serves as the board's Class III member.
- Jeff Myers is board member of the Environmental Commission
- Muriel Alls-Moffat is the COAH Official.

Chuck Petrone advised the board that with the absence of the chair and vice chair, a regular member needs to be selected as interim chair for the meeting. Joe Creighton was the only regular member present and assumed chairing the meeting.

PUBLIC HEARINGS

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

Introduction: The secretary reviewed that the application was deemed complete and continued at the last meeting. The matter had been continued at the applicant's request in order to prepare and submit revisions based on the preliminary review of the board's professionals. The applicant has duly submitted the revisions. None of the members present recused themselves from the matter. Mr. James Wallace, attorney for the applicant was introduced and he reviewed the purpose of the application to convert the use as a former daycare center to an architect's offices and design studio. The use is permitted. Mr. Wallace introduced applicant Jack Parry of JRP Arch. LLC. who was sworn in. Mr. Parry is a licensed architect.

Testimony: Mr. Parry reviewed the plans for the site including revisions to restore the former "shop" addition and plans to retain and preserve the historic "house" structure. The plans have been reviewed and approved by the ARC. The handicapped access ramp will be moved to the rear. Common areas of the business will be on the first floor and will be ADA compliant. There are no plans to make the upper levels ADA compliant and because of the square footage of the structures, the ADA does not require that they be. He is seeking variances for the number of required parking spaces, and the existing side yard and front yard setback nonconformities. The side yard encroachments will not change and the front yard encroachment will be slightly reduced with the building changes and ramp relocation. He has six employees at present. He envisions a transit friendly business. In addition most client contact will be offsite and client visits will be minor. Wall sconces would provide the front lighting and similar for the rear. Low ground cover would be in the front of the site and the existing fence in the rear would be retained. Additional buffering will be added if required. Final signage plans are not complete but intend to conform to the current code. They will apply for a variance if needed.

Regarding the parking, Mr. Parry referred to the two versions of the site plan he had prepared for presentation. One was as submitted without parking and the alternate showed the possibility of providing four spaces at the rear of the property. To gain access to the spaces requires access through the parking area owned by the Borough for Borough Hall and Fire Company parking. Mr. Parry stated he has approached Council concerning an easement through the existing parking lot to access the rear of his site. Council has stated that his request must be reviewed by the Borough committee. If an easement is granted he would install four parking spaces. He would allow Borough use of the spaces during non-business hours, primarily in the evening when Borough meetings necessitate additional parking. He understands the existing handicapped space on the Borough lot may be underutilized during normal business hours and is primarily used when meetings are scheduled in the evenings. He hopes the space could be shared between the Borough and his business since it is little used. Tamara Lee is concerned that an access easement would cause two existing Borough slots to be lost for the access to the applicant's spaces. If an onsite handicapped space is required there would only be room for one handicapped space and two regular spaces. Tamara feels that the handicapped space requirements may not require more than one space for the Borough's and applicant's use and, if legally possible, a cross easement could be crafted to share the existing Borough space. The mayor stated that he hopes the applicant is granted approval to locate his business on the site; however, he feels any access easements would create more problems than are solved and the loss of Borough spaces would present a problem for the fire company. Suzanne feels that since

parking is a known and continuing problem within the district, possible solutions be further pursued. Mr. Parry stated he envisions his parking needs only during the day and perhaps rarely in the evening. Suzanne asked if approval can be considered with the parking issue be postponed. Chuck Petrone stated the board cannot grant an approval without granting some form of variance for the parking. He suggested the board could grant a variance from the currently proposed no onsite parking with the applicant continuing to pursue an easement access. The mayor stated that he favors granting a variance for no onsite parking with the condition the applicant continue to discuss obtaining an easement from the Borough. Mr. Parry stated he hopes to be approved so he can begin using the site as soon as possible. Mr. Wallace stated he has conferred with his client and he is willing to work with the Borough to resolve the parking issues. Concerning trash and delivery requirements for the office, Mr. Parry stated trash removal would be handled by normal Borough pick up with containers stored in the rear and hand carried to the curb for pickup. The applicant feels that any deliveries would be at most once or twice per week and of a normal office/small business nature such as UPS, etc. The existing passenger drop off restriction in front of the site was discussed and understood that it was for the daycare use and the Borough intends to restore it to on street public parking.

Tamara Lee and Mark Malinowski were sworn as qualified board professionals and attested to their respective qualifications. Tamara stated most of her concerns had already been addressed. As to stormwater run off concerns, Mr. Parry stated he plans to use rain barrel collection as needed; otherwise, no structural revisions are planned that will effect current collection or runoff from the site. Tamara is satisfied as to the testimony that the applicant will pursue any nonconforming signage through the proper application process if they arise. Mark stated he had no problem with the submission waivers requested due to the existing nature of the site and the nature and scope of the proposed alterations. Mark inquired if the two lots are currently joined. Mr. Parry stated he receives a combined tax bill for both lots but pays two separate sewer bills for each lot. Chuck Petrone stated that since the lots are currently nonconforming they are considered joined by common ownership. However, he recommends that they should be consolidated by deed which preserves and guarantees that future usage is as a single site. Concerning landscaping, the applicant stated the current six-foot vinyl fence will be retained and that additional buffering was not planned unless deemed needed since the planned lighting would be similar to current residential uses. The mayor is concerned about too much additional lighting for parking in the rear and suggests that additional trees be planted if needed. Suzanne feels the existing buffering is sufficient unless/if onsite parking requires additional lighting. Tamara stated there are options such as bollard style lights which would provide additional lighting with minimal or no offsite impact. Mark feels that if parking becomes a reality an assessment is needed. Mr. Petrone stated the board can condition that a lighting assessment be conducted if parking is made available. Mr. Parry asked would he continue to work with Mark on any lighting assessments. It was stated that the board would need to consider the lighting assessment if it grants an amended site plan approval for parking. It was stated that the lighting assessment is subject to Borough engineer review. Councilwoman Wells asked and it was affirmed that Council can appoint Mark as special engineer for purposes of the lighting assessment review. There being no further testimony or board comment, Mary Lodato moved and Jeff Myers seconded the hearing be opened to public comment. There was none and Suzanne Wells moved and Mary Lodato seconded the hearing be closed to public comment.

Deliberation: The board asked for and received guidance from Mr. Petrone as to what the board is granting if it desires to approve the application. Mr. Petrone suggested that the board could grant preliminary and final site plan approval subject to granting bulk variances for the existing side yard setbacks and the existing or slightly lessened front yard setback. The board can grant a variance for zero onsite parking spaces where twelve are required with the condition that the applicant continue to pursue easements to provide onsite parking and that if granted, onsite parking be provided. The board can grant a waiver from the other site plan submission requirements. Approval of relocating the ADA access to the rear can be granted. Approval can be granted subject to the lots being consolidated by deed. Submission of a lighting assessment and requirement that there be no additional offsite impact of additional lighting can be made a condition of any onsite parking approval variance. Lack of signage approval can be conditioned that all signage will either comply with Borough codes or that the proper variance application will be made to amend the site plan approval. Provisions for trash storage/enclosure location will be as shown. Approval is subject to satisfaction of comments of the board's planner and engineer except as modified by testimony, and that any COAH related requirements/fees be satisfied. Tamara will research COAH issues; but she feels there may not be any based on the scope of the application.

There was no board comment and the mayor motioned that preliminary and final site plan approval be granted as suggested by board counsel. Suzanne Wells seconded the motion. There was no further discussion and the motion was carried by a poll vote of five ayes and zero nays as follows:

Mr. Creighton aye Mr. Martin aye
Mrs. Wells aye Mrs. Lodato aye
Mr. Myers aye

Board Counsel will prepare resolution P2009-03 to memorialize the approval.

OLD BUSINESS

COAH Activity – Tamara reviewed that the governor’s office is proposing to waive development fees to spur the economy; but, would not waive municipal requirements for use of those fees. She hopes this proposal is not approved. Communities have begun receiving notices from COAH that their petitions are not complete. She has not received anything for Riverton but will keep everyone informed. Tamara reiterated that the Borough is still saved from any builder’s remedy actions since it submitted its petition on time and is deemed safe until or unless the Borough fails to gain final approval.

Note: Tamara and Mark were excused from the meeting. Chuck Petrone asked if there were no additional matters requiring his guidance if he could be excused due to a scheduling conflict caused by yesterday’s holiday. The chair and board concurred since any issues which might arise that required professional guidance could be tabled until next month. Mr. Petrone was excused.

MINUTES: A motion was made by Suzanne Wells and seconded by Mary Lodato to adopt the minutes of the December 16, 2008 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 1/6/09, copies of two NJLM Mayors Fax Advisory bulletins with updates on the COAH situation.
2. 1/8/09, copy of Application for Upland Waterfront Development Permit to NJ DEP from Consulting Engineer Services, for Borough of Riverton improvements to the waterfront park at Bank and Linden.
3. 1/15/09, Zoning Board Resolution Z2009-03 – Annual Report of Applications and Recommendations.
4. 1/2009, Announcement from ANJEC regarding 2009 Smart Growth Planning Grant requests with a submission deadline of 3/31/2009.
5. 6 vouchers/invoices as presented under New Business.

OLD BUSINESS (Cont’d)

Council Matters of Importance to the Board – Councilwoman Wells informed the board that the task force report she distributed to the board tonight was incomplete and she would supply a missing map as soon as possible. She hopes the board can discuss next month. She gave a brief overview of the report. A copy of the detailed revisions is available at Borough Hall. The secretary reviewed that most of the zoning board’s recommendations in its annual report are or the zoning board hopes will be included in any changes to the code. A second meeting of the Downtown Revitalization steering committee has been held and another scheduled for Friday the 23rd.

2009 Budget – Suzanne reported that the board’s preliminary budget had not been received. The mayor stated he had talked with Joe and it would be submitted to Mr. Kinzler.

2009 Goals and Objectives – Suzanne asked if they were to be discussed tonight. Ken Palmer reviewed that he had spoken with Joe Katella and that his desire was that the board be made aware that he wishes to discuss them next month; but, that all members should address any comments to him directly as soon as possible but prior to the February meeting. Councilwoman Wells was excused for the meeting.

Proposed Changes to Zoning Code for Historic Preservation – Possible changes are included in the task force report.

Revision to Sign Ordinance to Allow Sidewalk Signs – Possible changes are included in the task force report.

Environmental Commission –Jeff Myers stated he would attend this week's meeting.

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

Education – The secretary stated that details of the Winter/Spring sessions offered by NJPO had been communicated to members needing to attend.

NEW BUSINESS

Invoices and vouchers:

1. 12/18/08, Raymond and Coleman, \$311.00, for general business advice and November meeting attendance.
2. 12/18/08, Raymond and Coleman, \$725.00, for COAH Fair Share Housing petition related issues during November. PAY FROM DEVELOPER FEES Acct.
3. 12/20/08, Stout and Caldwell, 718.75, for work on the JRP Arch. LLC site plan application during December. PAY FROM ESCROW
4. 1/4/09, Tamara Lee, \$270.00, for work on the JRP Arch. LLC site plan application during December. PAY FROM ESCROW
5. 1/8/09, Raymond and Coleman, \$300.00, for general business advice and December meeting attendance.
6. 1/8/09, Raymond and Coleman, \$100.00, for COAH related issues during December. PAY FROM DEVELOPER FEES Acct.

The mayor asked if the changes regarding escrow accounts were being followed or if the topic was to be discussed tonight. The secretary replied he was not aware any changes had been actually proposed and that it was not on the agenda for tonight because he knew Mr. Coleman would not be present. The topic will be on the February agenda. A motion was made by Mary Lodato, seconded by Jeff Myers, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

2009 Calendar of Meetings and Professional Appointment Resolutions – The secretary presented the following resolutions for board approval:

- **Board Meetings for 2009** – Resolution P2009-01, the calendar of meetings for February 2009 through January 2010 was reviewed. A motion was made by Mary Lodato and seconded by Jeff Myers to adopt the resolution that meetings will be held on the third Tuesday of the month at 7:00 PM. The board unanimously approved that the resolution: be adopted, published in the Burlington County Times and posted in the Borough Hall.
- **Appointment of Solicitor, Planner, and Engineer** – Resolution P2009-02 announcing the appointment of board professionals for the period February 2009 through January 2010 was reviewed. A motion was made by Mary Lodato and seconded by Jeff Myers to adopt the resolution. The board unanimously approved that the resolution: be adopted, published in the Burlington County Times and the appointed parties formally notified and requested to submit contracts.

PUBLIC COMMENT – A motion to open the meeting to public comment was made by Mary Lodato and seconded by Jeff Myers.

- Eric Saia, National Casein, 401 Martha's Lane, asked the secretary that in lieu of maintaining paper records, they could be digitized and made available for hard copy as needed. The secretary replied that digitized copies of minutes, agendas, as well as other documents are available today on the Borough website. Electronic copies of all agendas, minutes, as well as other documents where available are maintained by the secretary. Ken stated he didn't know if electronic records can be maintained in lieu of the paper documents.

Ken also understands the state may require permanent paper copies of documents. The secretary will follow up.

There was no further comment and a motion was made by Mary Lodato and seconded by Jeff Myers to close the meeting to public comment.

Meeting adjourned at 8:55 PM. (motion by Joe Creighton and second by Jeff Myers)

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**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
February 17, 2009**

The Public Session of the Planning Board was called to order at 7:05 PM by Chairman Joe 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 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

PRESENT: Joseph Katella, 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: Armand Bianchini.

REORGANIZATION

Solicitor Coleman Petrone swore in regular members Muriel Alls-Moffat and Keith Wenig prior to the roll call.

Vice Chairman: The chair asked for nominations for vice chairman. Keith Wenig was nominated by Suzanne Wells and seconded by Joe Creighton to serve as vice chairman for 2009. The nominations were closed and Keith was affirmed by a unanimous voice vote.

MINUTES: A motion was made by Mayor Martin and seconded by Councilwoman Wells to adopt the minutes of the January 20, 2009 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. None presented.
2. Four vouchers/invoices as presented under New Business.

OLD BUSINESS

Adopt and Memorialize Resolution P2009-03 Granting Approval of the Application by JRP Arch. LLC, for Preliminary and Final Site Plan Approval for 509 Howard Street (Block 903, Lots 17 and 18): The chair asked if everyone had received and reviewed the resolution and if there were any comments or questions. There were none and Suzanne Wells motioned that the resolution referenced by title be adopted. The mayor seconded the motion and it was passed by a unanimous voice vote of the five members eligible to vote (Creighton, Martin, Wells, Lodato, and Myers).

Council Matters of Importance to the Board – The mayor stated that a member of the board was requested to be part of a task force to review a proposed commercial property maintenance code. The code is essentially the same code previously proposed to and subsequently tabled by the planning board. The task force will examine the proposal as well as if there are current codes that will do the same job. Councilwoman Wells stated that the next meeting of the Downtown Revitalization Committee would be on February 27 and there are plans to have a public “visioning” meeting in March.

Review of the Mayor’s Task Force Report on Proposed Changes to the Zoning Code – Suzanne Wells stated she would get the map attachment to the members as well as copies of the report to members missing a copy. The chair asked that the board be prepared to begin discussing the report next month.

COAH Matters – Tom Coleman reported that discussions regarding 204 Main Street were ongoing. The owners still appear to be interested. Muriel Alls-Moffat stated she is concerned about the possible negative impact a rumored reduction by COAH on reduction on funding available to organizations that wish to develop COAH

approved properties. Suzanne Wells commented on the report that COAH was aware of a study by Rutgers University that showed serious discrepancies in the figures used by COAH in their vacant land adjustment calculations; but, COAH chose to ignore the study. Muriel stated she feels there needs to be some form of regulation to aid in providing affordable housing in the state; but, she fears state efforts will somehow manage to continue to make matters worse rather than solving the problem.

Environmental Commission – Jeff Myers reported that he inadvertently missed last month’s meeting but will attend the February meeting.

2009 Budget – Suzanne reported that the board’s preliminary budget is a little over \$10,600 and is essentially flat compared with the 2008 budget. She gave an overview of the major line items and stated she would provide a copy to the chair.

2009 Goals and Objectives – The chair reviewed the items and the board provided comments to the chair. The chair requested that any additional comments or suggestions be sent to him and that he would revise and reissue them to the board.

Minor Site Plan Applications – Mary Lodato stated that she had received an application to operate a home based accounting business. She is attempting to resolve some discrepancies/questions before presenting it for review by her and the chair.

Delinquent Escrow Collections – the secretary reported that he is continuing to follow up on shortages and is preparing to forward details on the two aged matters to the mayor and Borough’s solicitor for action if the shortage is not resolved following the latest notices.

Proposed Ordinance Establishing Revised Fees and Escrow Amounts for Planning and Zoning

Applications – Suzanne distributed draft copies of the proposed ordinance; and, she and Tom Coleman reviewed it. The proposed ordinance was made after review of the fees charged by other neighboring municipalities and the proposed escrow amounts are to better cover the actual professional charges incurred. The board reviewed the draft in detail and made suggestions to clarify and amend the draft. A suggestion was made to change the name of the current “Minor Site Plan” Application. Language that enforces that escrows and property taxes must be current or no action can take place was recommended. Suzanne stated she would also touch base with the zoning board chair for any additional input. Following the discussion, a motion was made by Muriel Alls-Moffat, seconded by Suzanne Wells, and passed by unanimous voice vote to recommend that Council consider the draft ordinance with the revisions made by the board and that Tom Coleman make the changes before the ordinance is presented to Council.

NEW BUSINESS

Invoices and vouchers:

1. 09/22/08, Alaimo Associates, \$1,620.05, for work on site plan application review during August 2008, for the Brandenburger/Beneficial Bank. PAY FROM ESCROW
2. 12/18/08, Alaimo Associates, \$226.35, for work on final site plan revisions during November for the Brandenburger/Beneficial Bank application. PAY FROM ESCROW
3. 02/03/09, Tamara Lee, \$495.00, for work on the JRP Arch. site plan application during January. PAY FROM ESCROW
4. 02/04/09, Stout & Caldwell Engineers, LLC, \$843.75, for work on the JRP Arch site plan application through 1/9/09. PAY FROM ESCROW

The secretary reviewed that he is concerned that there appears to be billing by both engineering firms for the same period on the Brandenburger/Beneficial Bank application; and, he is preparing to ask Mr. Brandenburger to make up the shortage excluding the possible problem amounts until the issue is resolved. The chair asked to receive details on the amounts in question. A motion was made by Muriel Alls-Moffat, seconded by Keith Wenig, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

Possible New Conditional Use Application – The secretary advised the board that another telecommunications firm is interested in collocating on the T-Mobile tower. It was suggested that landscape issues not be part of any professional review since the issue has been previously resolved.

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

Meeting adjourned at 8:40 PM. (motion by Muriel Alls Moffat and second by Jeff Myers)

Next meeting is on 3/17/2009 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 17, 2009**

The Public Session of the Planning Board was called to order at 7:03 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 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

PRESENT: Joseph Katella (arrived after roll call), Keith Wenig, Muriel Alls-Moffat, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, and Armand Bianchini.

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

ABSENT: Joseph Creighton and Jeff Myers.

MINUTES: A motion was made by Councilwoman Wells and seconded by Mayor Martin to adopt the minutes of the February 17, 2009 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 2/25/09, Copy of letter to mayor from Burlington County Community Action Program, Inc., regarding their services in developing and managing affordable housing programs.
2. 3/4/09, copy of "Mayors Fax Advisory" bulletin from NJLM regarding progress and details of State Senate bill S-2485 regarding suspension of implementing the 2.5% development fee on new commercial construction.
3. 3/11/09, copy of letter to mayor from Lucy Vandenberg, Executive Director of COAH, requesting additional documentation by April 25, 2009 for the Borough's petition for continued certification. Copies distributed to board.
4. Four vouchers/invoices as presented under New Business.

OLD BUSINESS

(Mr. Katella assumed chairing the meeting.)

COAH Matters – Muriel Alls-Moffat stated she has received correspondence from Hector Alvarez, a licensed professional, offering to help the Borough in pursuing COAH opportunities. Muriel reported on conversations with the owner of 204 Main Street who appears to be unhappy with developments concerning turning his property into COAH units. Tom Coleman reported that he has been in contact with Mr. Burgess' former attorney as well as attempts to maintain contact with Mr. Burgess and was unaware of Mr. Burgess' feelings. He will continue to reach out to Mr. Burgess. Muriel stated she had been contacted by William Harris of BCCAP offering assistance with 204 Main Street. Muriel and Tamara Lee agreed that Mr. Burgess may have concerns over COAH standards and that there are concerns over the condition of the property. Muriel stated she has been contacted by Quality Management concerning COAH possibilities from the group home at 815 Homewood Drive and has invited them to talk to the board. Tom reported that there were no new developments concerning possible units at the Baptist Home.

Tamara Lee reported on the efforts needed to meet COAH's 45 day deadline to respond and comply with COAH's checklist to be deemed complete. If the petition is not deemed complete by COAH, they can decertify the Borough. Tamara stated her efforts should be to get COAH's completion notice. If the projects involved back out, this is a set back; but, can be resolved. Tamara stated the Borough can revise the petition to concentrate on the zoning changes proposed for the National Casein and Martha's Lane sites but that may bring up density issues that the Borough does not desire. Tamara is also concerned that round three seems to reverse the vacant land adjustment granted under round two. She feels this is a further manifestation of the problems COAH is encountering and the continued lawsuits against them. COAH may require rezoning or "market to affordability" action to comply with a strictly zoning approach. Both Muriel and the mayor commented that the Borough does

not want increased density. Muriel mentioned that the owner of the Cedar Lane Apartments still was considering offering units for COAH once his townhomes were completed. Planning and zoning secretary Ken Palmer reviewed that issues concerning the conditions needed to meet the final site plan approval for those townhomes remain unresolved. Tamara feels she can pull together the materials need to comply with COAH; but, requires direction on how to proceed. The consensus of the board is for Tamara to do all that is required to satisfy the checklist and to stay in compliance. If future developments require revision, they can be handled if and when they occur. The board stated Tamara should utilize any and all help available from the county to compile the resources/materials needed to pull together the Borough's response.

Muriel introduced Jeannie Drobit, CEO of Quality Management, who wished to present plans for the group home at 815 Homewood and the hope for Borough financial assistance to bring the project to fruition. It was discussed that if the Borough provides assistance from its housing funds, the project may well qualify as meeting some of the Borough's COAH needs as a "gut and rehab" and qualify as new units. The costs, funding available from county program(s), and additional funding from the Borough were reviewed. The county and state requirements were discussed concerning sprinkler installation/maintenance needs. If the Borough agrees to assist, Tamara reviewed the methods needed to amend the spending plan to resolve the changes. The board thanked Mrs. Drobit for her presentation. Tamara feels the COAH committee needs to meet and consider the best method to proceed. The board is concerned about entering maintenance related agreements, and Tamara stated COAH may not recognize maintenance related expenditures. The mayor reported that council has concerns about the project and Borough involvement. It was summarized that the COAH committee will meet to discuss the best way to proceed and also discuss alternate approaches for keeping COAH satisfied. Tamara stated she would keep the board and committee apprised. Tamara was excused from the meeting.

Council Matters of Importance to the Board – Suzanne briefed the board on developments with the Downtown Revitalization study grant/project and plans for the "visioning" meeting on March 25. The mayor reported that Council positively received the board's 2009 goals and objectives. Budget talks are continuing and it appears that municipal taxes will be held flat; but that does not speak to school and county taxes.

Proposed Ordinance Establishing Revised Fees and Escrow Amounts for Planning and Zoning

Applications – Tom reported that Borough Solicitor Bruce Gunn had signed off on the draft copy which has been distributed to the board. If the board recommends, Bruce plans to introduce the matter at Council's meeting on April 8. Suzanne reviewed the revisions and the added escrow agreement. The chair asked if the board had any comments. The board concurred the draft was ready to go to Council. A motion was made by Muriel Alls-Moffat, seconded by the mayor, and unanimously approved by voice vote to recommend that Council consider adoption of the revised draft ordinance.

Board Review of the Mayor's Task Force Report on Proposed Changes to the Zoning Code – Suzanne Wells made sure all members had all the materials of the report. Suzanne asked if there were questions or concerns from the board. The chair proposed that the board conduct a general review tonight and discuss specific actions next month. Suzanne reviewed the report, zoning map, zoning districts, and the proposed new 20,000 square foot district (Attachment B). Also discussed was Tamara's general review of Chapter 128 – the Zoning Code. The chair stated that for next month, he would like to schedule a detailed discussion on the temporary sign issue and the changes regarding demolition covered in attachment C.

Environmental Commission – No report due to Jeff Myers absence.

2009 Budget – Suzanne and the mayor stated the budget will be the main topic at Council's April 1 meeting.

2009 Goals and Objectives – The chair stated that he had submitted the final revisions and that actionable items will be discussed/reported as needed.

Minor Site Plan Applications – Mary Lodato reviewed that the previously reported application to operate a home based accounting business was actually for a 1-person insurance office. Concerns had been resolved and the application had been approved.

Delinquent Escrow Collections – The chair and secretary reported that notifications are current and that the notified parties had until the end of the month to resolve their shortages. The chair reviewed the plans to escalate the two severely delinquent matters to the Borough solicitor if they remain unresolved. Tom Coleman reviewed that problems with former applications cannot be made part of how the board considers future separate submissions from the parties.

NEW BUSINESS

Invoices and vouchers:

1. 03/06/09, Raymond and Coleman, \$405.00, for general legal services and February meeting attendance.
2. 03/06/09, Raymond and Coleman, \$75.00, for COAH related issues in February.
3. 03/06/09, Raymond and Coleman, \$1,071.00, for work 12/18/08-02/17/09 on JRP ARCH site plan application. PAY FROM ESCROW
4. 03/17/09, Burlington County Times, \$42.68, for publishing the JRP Arch site plan notice of decision. PAY FROM ESCROW

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

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

Meeting adjourned at 8:30 PM. (motion by Muriel Alls Moffat and second by Suzanne Wells)

Next meeting is on 4/21/2009 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 21, 2009

The Public Session of the Planning Board was called to order at 7:05 PM by Secretary Ken Palmer.
Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

PRESENT: Muriel Alls-Moffat, Joseph Creighton, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, and Jeff Myers.
Also Present: Solicitor Tom Coleman, Planner Tamara Lee, Engineer Robert Stout substituting for Mark Malinowski, and Secretary Ken Palmer.

ABSENT: Joseph Katella, Keith Wenig, and Armand Bianchini.

Temporary Chair: Following establishment of a quorum, Suzanne Wells motioned and Robert Martin seconded that Joseph Creighton be acting chair in the absence of the chair and vice chair. The motion carried by unanimous voice vote.

MINUTES: A motion was made by the mayor and seconded by Jeff Myers to adopt the minutes of the February March 17, 2009 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 4/13/09, copy of "Mayors Fax Advisory" bulletin from NJLM regarding League's response to COAH challenge. Links are provided for details and a summary of the response.
2. 5 vouchers/invoices as presented under New Business.

PUBLIC HEARING

Application by MetroPCS Pennsylvania, LLC, for Conditional Use and Site Plan Approval to collocate antennas on the T-Mobile Tower and Erect Ground Facilities Located At the Borough of Riverton Waste Treatment Site – Third Street, (Block 1501, Lot 1) in the General Business District.

NOTE: A court reporter retained by the applicant was present for this hearing. A copy of the transcript, when provided, will be appended to the minutes and serve as the official record of the hearing.

Summary: Following determination that the application was jurisdictionally complete and could be heard, Eric Goldberg Esq. of Stark and Stark, attorney for the applicant introduced and had the applicant's professionals sworn in. There followed testimony by Mr. Goldberg which was attested to by the applicant's professionals. The following exhibits were entered:

- A-1 Sheet S1, from the site plan dated 3/24/09
- A-2 Sheet Z1, from the site plan revised 3/24/09
- A-3 Structural Analysis Report dated 3/16/0910
- A-4 Map, "Coverage Area Without the antennas"
- A-5 Map, "Coverage Area With the antennas"
- A-6 Map, "Coverage Area within the Borough with the antennas"
- A-7 RF Exposure Report, dated 4/17/09

All of the board's questions were addressed. The reviews of the board's professionals were discussed and both stated that the testimony had addressed their concerns. Following conclusion of testimony and board discussion, there was public comment. Following guidance from the board's attorney a motion to approve the application as submitted was made, seconded, and unanimously approved by a poll vote as follows:

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

Mr. Stout was excused from the meeting.

OLD BUSINESS

COAH Matters – Tamara reported that she was submitting on 4/22/09 the materials requested by COAH in their response letter. Also submitted will be the amended Growth Share Ordinance originally submitted in 2005. Tamara reviewed the next steps and the 45 day review period. Tamara feels that COAH is probably going to come back to the Borough on 204 Main Street and the Baptist Home as not being viable which will require further modification to the submission. Following discussion that it appears the group home on Homewood Drive is currently not a candidate, Tamara stated that the probably the easiest solution was to revise the proposed AH2 overlay on the current National Casein property. The revision would have the area contain all the additional COAH units. The status of the inability of Borough purchasing and rehabbing properties was discussed. The impact of several lawsuits against COAH was briefly discussed. The apparent dichotomy between COAH's third round requirements and the COAH's previously granted vacant land adjustment was discussed.

Mrs. Lee was excused from the meeting.

Council Matters of Importance to the Board – Suzanne briefed the board on developments with the Downtown Revitalization study grant/project and plans for the next meeting on 4/24. Suzanne reported that nothing new had been received concerning the 2009 budget and the mayor again stated that Council had proposed a cut in the Borough's tax rate; but, that this does not include tax rates needed to cover the County's or school district's needs.

Proposed Ordinance Establishing Revised Fees and Escrow Amounts for Planning and Zoning

Applications – Suzanne reported that the proposed ordinance had first reading at the April Council meeting and will have second reading and hearing next month.

Board Review of the Mayor's Task Force Report on Proposed Changes to the Zoning Code – This item was tabled due to the absence of the chair.

Environmental Commission – Jeff Myers reviewed the flyer concerning tips to protect and manage stormwater. The flyer is required as part of the Regional Stormwater Management agreement. Distribution requirements and/or putting the flyer on the website are being discussed.

Minor Site Plan Applications – Mary Lodato reported that no new applications had been submitted.

Delinquent Escrow Collections – The secretary reported that notifications are current and follow up notices will be sent as necessary. Ken reported that he understood an additional payment had been received from Mr. Rainer. The consensus of the board and Council is to have the secretary continue to pursue the two delinquent accounts rather than incur the expense of involving the Borough's solicitor.

NEW BUSINESS

Invoices and vouchers:

1. 3/19/09, Stout and Caldwell, \$625.00, for services on the JRP Arch site plan application during February 2009. PAY FROM ESCROW
2. 4/21/09, Stout and Caldwell, for services on the JRP Arch site plan application during March 2009. PAY FROM ESCROW
3. 4/1/09, Tamara Lee, \$1,080.00, for work on the COAH third round submissions work during March 2009. PAY FROM TRUST FUND AND DEVELOPMENT FEES

4. 4/1/09, Tamara Lee, \$90.00, for work during 3/1-3/31/09 on compliance review of the JRP Arch final site plans. PAY FROM ESCROW
5. 4/7/09, Raymond and Coleman, \$489.00, for (\$300.00 for March meeting attendance and \$189.00 for work on the escrow/fee ordinance).

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

Draft of Off Street Parking & Storage of Construction Equipment – Councilwoman Wells reviewed the draft revisions to Section 128-523 concerning regulation of Off Street Parking and Storage of Construction Equipment. The revisions and background were discussed. The draft has been reviewed by Tom Coleman and Bruce Gunn. It is hoped the board will recommend that the draft be considered by Council. Following discussion and some suggested amendments from the board, a motion was made by Suzanne Wells and seconded by Muriel Alls-Moffat to recommend the draft as amended be submitted to Council for consideration. The motion carried by a voice vote of 5 ayes and 1 nay.

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

- Eric Saia, National Casein, 401Martha's Lane, wanted to know if there was any conflict between the stormwater plans that National Casein is required to have approved and on file and the Borough's. The answer was no that the Borough's plan is only for areas in the Borough not covered by the Regional Plan or other approved and filed plans. Jeff Myers explained that the flyer was designed to show residents how to better manage and protect the environment from stormwater runoff. Eric wanted to know if the board or Borough had considered videotaping and putting on the web site the meetings. Ken Palmer reviewed the current state laws governing methods and retention of records of public meetings.

There was no further comment and a motion was made by Suzanne Wells and seconded by Muriel Alls-Moffat to close the meeting to public comment.

Meeting adjourned at 8:40 PM. (motion by Suzanne Wells and second by Muriel Alls Moffat)

Next meeting is on 5/19/2009 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 19, 2009**

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 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

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

Also Present: Solicitor Tom Coleman and Secretary Ken Palmer.

ABSENT: Keith Wenig, Joseph Creighton, and Armand Bianchini.

MINUTES: A motion was made by Mayor Martin and seconded by Councilwoman Wells to adopt the minutes of the April 21, 2009 regular meeting as amended (typo). The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 5/6/09, copy of letter to Borough and COAH from Eugene and Beth Burgess, owners of 204 Main Street, stating that there is no final agreement regarding plans or offers to designate 204 Main Street as affordable housing. Copies distributed to the board
2. 3 vouchers/invoices as presented under New Business.

OLD BUSINESS

Adopt and Memorialize Application by MetroPCS Pennsylvania, LLC, for Conditional Use and Site Plan Approval to collocate antennas on the T-Mobile Tower and Erect Ground Facilities Located At the Borough of Riverton Waste Treatment Site – Third Street, (Block 1501, Lot 1) in the General Business District – The chair referenced the resolution by title, confirmed that the members had received a copy, and asked if there were any comments. The mayor motioned that the resolution referenced by title be adopted and memorialized. The motion was seconded by Jeff Myers and passed by a unanimous voice vote of the members eligible to vote on the matter.

COAH Matters – Muriel reported on Tamara's letter that proposes additional affordable housing inclusionary zones for the Borough as a means of meeting COAH needs if the current proposals either do not come to fruition or are denied by COAH. Suzanne helped explain the proposal. The new areas would provide 1 or 2 units in each area. Any units in an area must maintain the character of the area. The reason for the proposal now was to be ahead of the game if COAH says revise or mediate the current plans and since they do not provide a large time window to respond to objections and requirements to revise the plan. The board discussed the pros and cons of each area. The difference between an inclusionary zone and an overlay zone was explained. The Burgess' letter was discussed and its possible impact. The chair commented that Tamara's e-mail explaining the letter was very thorough and fully explained the proposal. Suzanne stated that Tamara deserves a lot of credit for her thorough analysis and proactive efforts.

Council Matters of Importance to the Board – Suzanne reported that the Escrow/Fee Ordinance had passed second reading and is now in effect. The Off Street Parking & Storage of Construction Equipment Ordinance has also passed second reading and is now in effect. There is no new news on the 2009 budget. The housing Fund has enough to cover COAH developments.

Board Review of the Mayor's Task Force Report on Proposed Changes to the Zoning Code – The chair requested that the topic be tabled until next month. Suzanne stated she has seen examples of temporary signs that may be suitable but may not meet the current draft requirements. Muriel commented that she feels there are

already too many signs and that should be addressed also. The chair stated that is all part of the detailed review process and should be discussed next month.

Environmental Commission – Jeff Myers reported that there has not been a meeting between last month's board meeting and this month's meeting. The next meeting is the 21st. He stated that the commission was very grateful for the Borough's assistance in distributing the flyer and they were pleased at the cooperative efforts to develop the stormwater flyer.

Minor Site Plan Applications – Mary Lodato reported that no new applications had been submitted.

Delinquent Escrow Collections – The secretary reported that notifications are current and follow up notices will be sent as necessary. The chair requested he be kept appraised and receive copies of correspondence.

NEW BUSINESS

Invoices and vouchers:

1. 5/4/09, Tamara Lee, \$360.00, for MetroPCS application work during April. PAY FROM ESCROW
2. 5/14/09, Stout & Caldwell, \$250.00, for continued final site plan review for JRP Arch during April. PAY FROM ESCROW
3. 5/14/09, Stout & Caldwell, \$613.75, for MetroPCS application work during April. PAY FROM ESCROW

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

Changes to the Beneficial Bank Site Plan – Tom Coleman explained the proposed changes referencing a colorized set revised elevations submitted by the bank's architects. The bank is proposing to install flush mounted solar panels and make some revisions to the landscape plan to accommodate the proposed panels. The bank's counsel hopes that the changes could be treated as a field change and not require the submission and hearing of an amended site plan. The reasons for the late notice of the changes were discussed. The impact/effect of a field change versus an amended application was discussed. Board planner Tamara Lee feels the changes are more than a field change and should require a revised submission and public hearing. Board comments were pro and con regarding whether it is a field change or merits a revised application. The consensus was that while there may be many positive merits to the change, the scope exceeds a field change and should require an amended filing and public hearing. The chair stated that while from an engineering standpoint it might be a field change, he agrees with Tamara that the type of change needs to be discussed and reviewed via an amended application and public hearing. Tom Coleman stated he would contact Mr. Germano, the bank's counsel. The chair asked Tom and the secretary to offer to help expedite the matter if asked.

Alternate Engineer – Recognizing that the board requires an alternate or conflict engineer to hear any matters related to Beneficial Bank, the chair asked if there was a motion to appoint an alternate engineer. It was noted that Bill Long of the Alaimo Group was appointed the alternate engineer last year, that Alaimo was the board engineer of record regarding Beneficial Bank matters, that they had previously expressed their interest in being reappointed, and that the town has used the firm's services and were pleased with their work. Suzanne Wells motioned and the mayor seconded that the board reappoint Bill Long of the Alaimo Group as the board's alternate engineer and that the required resolution be prepared and published. There was no further discussion and the appointment was approved by a unanimous voice vote. The secretary was asked to prepare and publish the required resolution and request a contract from them.

PUBLIC COMMENT – A motion was made by Muriel Alls-Moffat and seconded by the mayor to open the meeting to public comment.

- Mark Austin, 210 Penn Street, asked for details on "Devastation University" a professional wrestling studio that he had heard was opening on Howard Street. He stated that he was against this type of establishment

and did not think it was in the character of the town to have such a business in the town's neighborhood business district. Code Enforcement Officer Mary Lodato explained that while the owners of Devastation U are proposing to open such an establishment at 523 Howard, they would require variances. They have not yet submitted any application and have been instructed that they cannot open without a business license and CO, both of which cannot be issued until any required variances have been approved.

- Bill Guthrie, 212 Penn Street, also voiced his strong disapproval of something like Devastation U in the neighborhood business district. Both gentlemen were informed that any request for a variance would be published and noticed and that they should attend the hearing to make their feelings known. Suzanne stated that a primary goal of the current downtown revitalization grant study was to determine what types of businesses best suited the downtown and how to attract them.

There was no further comment and a motion was made by Muriel Alls-Moffat and seconded by Mary Lodato to close the meeting to public comment.

Meeting adjourned at 8:50 PM. (motion by Suzanne Wells and second by Muriel Alls Moffat)

Next meeting is on 6/16/19/2009 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 16, 2009

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joe 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 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

PRESENT: Joseph Katella, Jeffrey Myers, Joseph Creighton (arrived after the hearings), Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Armand Bianchini, and Joseph Threston.
Also Present: Solicitor Chuck Petrone, Engineer Mark Malinowski, Alternate Engineer Bill Long, and Secretary Ken Palmer.

ABSENT: Muriel Alls-Moffat.

Reorganization: The chair announced that regular member and vice chair Keith Wenig had resigned and that Jeff Myers had been appointed as a regular member to fill Keith's position. Joe Threston has been appointed as a new alternate member # 2. Both members were sworn in before roll call. The chair stated that the board needs to elect a new vice chair and that nominations were open. Councilwoman Wells nominated Jeff Myers and the mayor seconded the nomination. There were no other nominations and they were closed. The vote was unanimous.

PUBLIC HEARINGS

Application by Clearwire US, LLC, for Conditional Use and Site Plan Approval to collocate antennas on the T-Mobile Tower and Erect Ground Facilities Located At the Borough of Riverton Waste Treatment Site – Third Street, (Block 1500, Lot 1) in the General Business District.

Following determination that the application was jurisdictionally complete and could be heard, Nick Menas Esq. of Cooper Levenson, attorney for the applicant presented the application by explaining the number and types of antennas to be installed and their location on the tower. Mr. Menas explained the types of services to be offered. The strength of the signal was discussed. Mr. Arnold Darwinan, applicant's RF Engineer, was introduced, sworn in, and after providing to his professional credentials testified as to the safety and details of the signals to be generated by the applicant's installation. Mr. Darwinan was asked and testified he concurred with the representations made by Mr. Menas. Maintenance and site visits were discussed. Explanation of why the site selected was the best available was provided. Mr. Roger Johnson of Valore, LLC, applicant's civil engineer, was introduced, sworn in, and after providing to his professional credentials referred to an enlarged version of the plans submitted and provided details of the antenna installation and the location and type of ground equipment to be installed. He reviewed the board's engineer's comments. The secretary reviewed that the county planning board had already reviewed and issued a letter of approval. Mr. Johnson testified that revised plans would be submitted for signature that addressed the engineer's review comments. Mr. Malinowski, testified that he believed all his issues had been addressed or would be with the revised plans. There being no further testimony or comments/questions from the board, a motion was made to open the hearing to public comment. There was none and a motion was made to close the matter to public comment. There being no further discussion, and following guidance from the board's attorney, a motion to approve the application as submitted and subject to the revised plans being approved by the board's engineer was made by the mayor, seconded by Jeff Myers, and unanimously approved by a poll vote as follows:

Mr. Katella aye	Mr. Myers aye
Mr. Martin aye	Mrs. Wells aye
Mrs. Lodato aye	Mr. Bianchini aye
Mr. Threston aye	

Mr. Malinowski was excused from the meeting.

Application by Beneficial Bank, for Amended Site Plan Approval to install solar panels on the roof of the bank building and to modify the landscaping plan to accommodate the solar panels, Shoppes of Riverton – Broad Street, (Block 1501, Lot 1) in the General Business District.

Following determination that the application was jurisdictionally complete and could be heard, Denis Germano Esq. of Hulse and Germano, attorney for the applicant introduced Mr. Joseph Coyle, Senior VP of Beneficial Bank and Jerry Childers, applicant's architect who were sworn in. For the record it was noted that both had testified at the hearings for the original application that was approved. Mr. Germano reviewed that the changes being requested were to install flush mounted solar panels on the roofs of the building and changes to the landscape plan to make sure the trees did not interfere with the performance of the panels. Mr. Childers and Mr. Coyle answered questions from the board as to the details of the solar panels, the installation, and impact if the proposed landscape changes were not approved. The lack of any impact regarding drainage was discussed and except for the changes presented, no other changes were planned or needed. The minor aesthetic impact of the panels was presented to the board. Mr. Coyle explained why the decision to install the solar panels was made so close to the completion of the project. Asked when the panels would be installed, Mr. Coyle stated that if approval was granted and the Borough's construction official was allowed to proceed prior to the resolution; that they hoped to have the panels installed and construction completed by the end of next week. Planner Tamara Lee's informal review memo that she had no comments on the panels and approved the revised landscape plan was reviewed. Mr. Long was sworn in as the board's alternate engineer. Mr. Long stated that he also concurred with the proposed changes and did not think a formal review was warranted. He was present to answer any questions or concerns from the board. Except for the questions already answered there were none. There being no further testimony or comments/questions from the board, the chair noted that there was no public present. There being no further discussion, and following guidance from the board's attorney, a motion to approve the application and plans as submitted to install the panels and change the landscape plan was made by Councilwoman Wells, seconded by the mayor, and unanimously approved by a poll vote as follows:

Mr. Katella aye	Mr. Myers aye
Mr. Martin aye	Mrs. Wells aye
Mrs. Lodato aye	Mr. Bianchini aye
Mr. Threston aye	

Mr. Long was excused from the meeting.

MINUTES: A motion was made by the mayor and seconded by Suzanne Wells to adopt the minutes of the May 19, 2009 regular meeting as amended (minor typo). The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. None.
2. 11 vouchers/invoices as presented under New Business.

OLD BUSINESS

COAH Matters – Suzanne reported that nothing had been received from COAH since the 45 day comment period had not ended. She briefly discussed Tamara's memo regarding alternate plans if COAH did not approve the plan as submitted. It was discussed that the board should be familiar with Tamara's suggestions; but, did not need to discuss them now. Consideration would only be needed if COAH came back with requested changes.

Council Matters of Importance to the Board – Suzanne briefed the board on the finance audit. She discussed the finding that both planning and zoning need to tighten up control of escrow accounts. The recent ordinance changes should help resolve this finding. Suzanne reported that nothing new had been received concerning the 2009 budget. The mayor reported on Keith Wenig's resignation and the new appointments made.

Environmental Commission – Jeff Myers reported that there had not been a meeting since the last board meeting. The next commission meeting is on June 18th.

Board Review of the Mayor's Task Force Report on Proposed Changes to the Zoning Code – (Mr. Creighton joined the meeting.) Mary Lodato discussed in detail the proposed ordinance changes to allow portable signs. The proposed types, locations, restrictions, and construction were discussed. So called “signature” displays should be allowed where appropriate and as long as they do not interfere with visibility or pedestrian traffic. “Real estate” type signs are to be discouraged when not used for real estate sales/rental purposes. The board concurred that the proposed changes including revisions discussed tonight be given to Raymond and Coleman for drafting ordinance changes. Following review, the proposed ordinance can be recommended to Council. Discussion on changes related to demolition was tabled until July.

Minor Site Plan Applications – Mary Lodato reported that no new applications had been submitted.

Delinquent Escrow Collections – As discussed under the Council activity and audit review topic, the frequency and type of follow up by the secretary was reviewed and would continue to be an item under old business. In addition to the secretary, the board should also receive statements from Betty Boyle. The secretary reported that additional notices are going out this week following the latest statements provided by Mrs. Boyle. Mr. Brandenburger will also be apprised that his shortage could impact Beneficial Bank's CO.

NEW BUSINESS

Invoices and vouchers:

1. 6/2/09, Tamara Lee, \$90.00, for review of the amended site plan application by Beneficial Bank during May. PAY FROM ESCROW
2. 5/6/09, Raymond and Coleman, \$312.00, for general services and April meeting attendance.
3. 5/6/09, Raymond and Coleman, \$28.00, for JRP Arch related work during April. PAY FROM ESCROW
4. 5/6/09, Raymond and Coleman, \$172.50, for COAH related matters during April. PAY FROM HOUSING FUND ACCOUNTS
5. 5/6/09, Raymond and Coleman, \$344.00 for MetroPCS work during April. PAY FROM ESCROW
6. 5/6/09, Raymond and Coleman, \$91.00, for work related to the Devastation U business. PAY FROM GENERAL FUNDS
7. 6/4/09, Raymond and Coleman, \$300.00, for general services and May meeting attendance.
8. 6/4/09, Raymond and Coleman, \$21.00, for JRP Arch related work during May. PAY FROM ESCROW
9. 6/4/09, Raymond and Coleman, \$112.50, for COAH related matters during May. PAY FROM HOUSING FUND ACCOUNTS
10. 6/4/09, Raymond and Coleman, \$133.00, for additional MetroPCS related work during May. PAY FROM ESCROW
11. 6/4/09, Raymond and Coleman, \$324.00, for Beneficial Bank related work during May. PAY FROM ESCROW

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

PUBLIC COMMENT – A motion was made by Councilwoman Wells and seconded by Joe Threston to open the meeting to public comment.

- Frank Cioci, 318 Amy Way, Cinnaminson, announced that the Post Office building was on the market for \$215,000.00. Frank encouraged the board to give some thought on what it feels should be a best use for the property since a change of use will require a site plan application.

There was no further comment and a motion was made by Joe Threston and seconded by the mayor to close the meeting to public comment.

Meeting adjourned at 8:40 PM. (motion by Suzanne Wells and second by Mary Lodato)

Next meeting is on 7/21/2009 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 21, 2009**

The Public Session of the Planning Board was called to order at 7:02 PM by Chairman Joe 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 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

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

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

ABSENT: Joseph Creighton.

REORGANIZATION: The chair announced that regular member Jeff Myers had resigned and the mayor explained that Jeff Myers had accepted an appointment to Borough Council to replace Ron Cesserati who had resigned. Cheryl Progin has accepted appointment to the board and will be sworn in next month. The chair stated that the board needs to elect a new vice chair and that nominations were open. The mayor nominated Joe Creighton and Armand Bianchini seconded the nomination. There were no other nominations and they were closed. The chair stated that Joe, who is absent, was aware of this and would accept the position. The vote was unanimous.

MINUTES: A motion was made by Joe Threston and seconded by Suzanne Wells to adopt the minutes of the June 16, 2009 regular meeting as amended (minor typo). The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 7/8/09, copy of letter to mayor from COAH, stating that no objections to the Borough's plan were filed during the 45 day objection period.
2. 7/13/09, copy of letter to municipal clerk from DCA that effective 6/15/09, there will be no more printed copies of updates to the Residential Site Improvement Standards. Have to print them yourself off the website if you want a copy.
3. 6 vouchers/invoices as presented under New Business.

OLD BUSINESS

COAH Matters – Tamara Lee updated the board on developments on Riverton's submitted plan. Since there were no objections, COAH wants to move ahead on certification. Signed agreements are needed with the proposed sites in the submitted plan. Since 204 Main Street and the Baptist Home appear to be backing out, these agreements are probably not going to happen. Tamara outlined the timeline to submit a revised plan. She also reviewed her proposal that the Borough may want to consider rezoning sites throughout the Borough as affordable housing areas if they are ever redeveloped, such as the Sacred Heart Elementary School. Muriel reported that she was in contact with a group that specializes in historic rehabilitation to develop COAH qualified units. They are interested in "The Maples" a converted single family home at 300 Main Street. The building is for sale. This outfit would buy and rehab the site. She mentioned that the Veterans Administration would be interested in acquiring the Baptist Home if it was ever for sale. Muriel feels these types of options are much more preferable than rezoning areas which she feels will not be supported by the town. Tamara stated that COAH is going to require the Borough to move forward in a timely matter and Tamara feels that the board and Borough need to come to an agreement on the form of the revised plan ASAP. Revising the plan means amending the master plan. Failure to move forward could result in COAH decertifying the Borough and putting the town at risk of builder's remedy. All of this takes time and she feels she can get COAH to agree that the Borough may need to take close to at least the end of the year to complete the process. To Joe Threston's inquiry as to options available, Tamara outlined them and their applicability to the Borough. Most are not doable due to

either lack of sufficient space and/or the lack of sufficient current/future development funds due to the built out nature of the town.

- Elderly housing units/developments – no sites really suitable for this type of construction.
- New construction – very little projected and not really much space available.
- Inclusionary zoning – feels this is best way to approach since contracts in hand are not needed, and if accepted by COAH are good until 2018, and yet may still not happen if development/redevelopment doesn't occur.
- Municipally sponsored 100% affordable programs – requires municipality to be project developer, but the existing/future housing fund isn't large enough to support.
- Accessory apartment programs – provides funds for owners agreeing to make units COAH eligible; however, requires that the unit be actively marketed as a COAH unit and not just used for a family member.
- Market to affordability – town acquires, fixes, and markets as affordable units; but, requires new level of direct involvement or contracting with an entity to market for the town.
- Group homes or alternative living arrangements – there can be a problem getting owners to agree to deed restrict and market as COAH units.
- Assisted living facilities – again need owners to agree to restrict and qualify under COAH.
- Affordable Housing Partnerships with other communities – may no longer be available since RCA's are out.
- Extend expiring agreements – renew expiring agreements, but Riverton doesn't have any yet.
- Any other innovative approaches to provide affordable housing.

Joe Katella stated that he only sees inclusionary zoning and age restricted housing as being viable for the town since the housing fund can't support most of the other options or the present owners are not interested. He asked and Tamara confirmed that things need to be discussed with COAH sooner rather than later. He asked and Tamara also confirmed that the COAH needs to be given more not less specific information this time. Tamara stated she needs to come up with estimates as to how long the Borough needs to reach a consensus and get COAH to agree to it. Suzanne stated that perhaps we should reconsider contributing to the group home on Homewood in consideration of them making the home COAH eligible since the number of units would go far to satisfy the Borough's needs. Following a question from the chair as to what Tamara needs from the board to approach COAH, Tamara stated she needs direction on what to discuss with COAH. She will present things to COAH and explain that the town is looking into inclusionary zoning, group homes, and other partnerships; but, the Borough requires time to reach a consensus. Tamara feels she can draw out the negotiating process until September and then will need to begin action in October with a time frame that shoots for the end of January 2010 to complete the process. In the interim Muriel and any other member who can will try and pursue additional or pending options in hopes of giving Tamara as much to work with as possible.

Adopt and Memorialize Resolutions:

1. **Adopt and memorialize Resolution P2009-06 for the Application by Clearwire US, LLC, for Conditional Use and Site Plan Approval to collocate antennas on the T-Mobile Tower and Erect Ground Facilities Located At the Borough of Riverton Waste Treatment Site – Third Street, (Block 1500, Lot 1) in the General Business District** – The chair referenced the resolution by title and asked if everyone had received and read the resolution and if there were any comments. Only members who approved the application can act on the resolution. Suzanne Wells motioned and Joe Threston seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous voice vote of the six members eligible to vote on the resolution.
2. **Adopt and memorialize Resolution P2009-07 for the Application by Beneficial Bank, for Amended Site Plan Approval to install solar panels on the roof of the bank building and to modify the landscaping plan to accommodate the solar panels, Shoppes of Riverton – Broad Street, (Block 1501, Lot 1) in the General Business District** – The chair referenced the resolution by title and asked if everyone had received and read the resolution and if there were any comments. Only members who approved the application can act on the resolution. Suzanne Wells motioned and Joe Threston seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous voice vote of the six members eligible to vote on the resolution.

Council Matters of Importance to the Board – Suzanne briefed the board on presentation to Council on the Downtown Revitalization Grant. The final version is being completed and she will get copies to the board as soon as available. Suzanne reported that there was no update concerning the 2009 budget.

Board Review of the Mayor's Task Force Report on Proposed Changes to the Zoning Code – The chair asked to table discussion concerning changes regarding demolition until the next meeting. There was no objection.

Environmental Commission – The mayor reported that Joe Threston had agreed and will be appointed to be the new planning board member replacing Jeff Myers.

Minor Site Plan Applications – Mary Lodato handed out copies and reported on the application to operate a home based architect's business by Joe and Bogna Pro at 403 Bank Avenue.

Delinquent Escrow Collections – The secretary reported that except for Rainer and Recchiuti, all delinquent accounts were current. Follow up letters will be sent to the two delinquent accounts.

NEW BUSINESS

Invoices and vouchers:

1. 6/22/09, Stout & Caldwell, \$62.50, for work through May 31, on the JRP Arch final site plan approval. PAY FROM ESCROW
2. 6/25/09, Alaimo Associates, \$150.00, for work through 6/10, on the Beneficial Bank amended site plan. PAY FROM ESCROW
3. 7/1/09, Tamara Lee, \$360.00, for COAH Planning related work during June. PAY FROM HOUSING FUND ACCOUNTS
4. 7/2/09, Raymond and Coleman, \$306.00, for general services and June meeting attendance.
5. 7/2/09, Raymond and Coleman, \$280.00 for Clearwire US LLC conditional use site plan related work during June. PAY FROM ESCROW
6. 7/2/09, Raymond and Coleman, \$350.00, for Beneficial Bank amended site plan related work during June. PAY FROM ESCROW

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

PUBLIC COMMENT – A motion was made by Joe Threston and seconded by the mayor to open the meeting to public comment.

- Eric Saia, 401 Martha's Lane, National Casein, asked what effect reclassification of the Pompeston Creek as a Category 1 Waterway might have on National Casein's property or COAH development. The answer was none because only the portion of the creek upstream from the bridge over Broad Street was impacted. The downstream portion of the creek from Broad Street to the mouth on the Delaware River is no longer considered a natural waterway since it was straightened many years ago. The reclassification may impact any plans for the Cedar Lane Apartments property.

There was no further comment and a motion was made by Joe Threston and seconded by the mayor to close the meeting to public comment.

Meeting adjourned at 8:20 PM. (motion by Councilwoman Wells and second by the mayor)

Next meeting is on 8/18/2009 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 18, 2009

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Joseph Creighton. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

PRESENT: Joseph Creighton, Muriel Alls-Moffat, Armand Bianchini, Mayor Robert Martin, Mary Lodato, Joseph Threston, and Cheryl Progin.

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

ABSENT: Joseph Katella and Councilwoman Suzanne Wells.

REORGANIZATION: Following roll call, Armand Bianchini and Cheryl Progin were sworn in. Armand replaces Jeff Myers as a regular member and Cheryl replaces Armand as an alternate member. Joe Threston is now alternate #1 and Cheryl is alternate #2.

MINUTES: A motion was made by Armand Bianchini and seconded by Joe Threston to adopt the minutes of the July 21, 2009 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. No announcements.
2. 8 vouchers/invoices as presented under New Business.

OLD BUSINESS

COAH Matters – Muriel presented her research regarding the ability of the current sewer plant to handle new/replacement construction. The plant could handle the possible addition of 12 residences on the Sacred Heart School site and the possible 4 residences if the Baptist Home was replaced. Building residences on the Martha's Lane lots can also be handled. If the National Casein site is redeveloped, the plant will require an upgrade. Muriel has received no response to a solicitation for people having "Mother-In-Law" apartments to consider making them COAH eligible. She does not feel she will receive any takers given the restrictions involved and the fact that the units must be actively marketed to the public as affordable housing. The group home on Homewood Drive is targeted for November occupancy and the owners are seeking an additional property in town. The owners of the home are seeking \$100,000 of funding for the two homes and they would make them COAH eligible. The problem is that the housing fund may not be able to handle both homes and any other COAH units. Future redevelopment of the National Casein property will change the COAH picture. Muriel does not hold much promise on "The Maples" apartment house on Main Street or the vacant property at 622 Thomas.

Tamara reported on the meeting with COAH where the details of her July letter to COAH were discussed. COAH realizes the Borough is attempting to comply and that the Borough is not under the gun at the moment. COAH has stated they will delay issuing any incompleteness letter until November and Tamara outlined that process. COAH also stated they feel that the National Casein proposal is no longer viable based on their interpretation of the impact of bill A500 adopted by the state earlier this year. The legislation has suspended for 18 months the collection of the 2½% development fee assessment on new commercial construction that goes to the COAH housing funds. Also the legislation only allows for the collection of fees and does not permit a municipality to compel the developer to provide actual COAH units. The proposal for the National Casein site provided that any redevelopment would include providing five COAH units. Without National Casein, the Borough has to come up with another approved plan to provide the units. COAH also feels that the plans approved for Martha's Lane in Round Two for seven units, two of them COAH and "sweetened" in Round Three for nine units, two of them COAH should be further revised to provide for 10 units, two of them COAH which

meets the desired 20% affordable housing density. Regarding group homes, COAH has stated they could approve approximately 8 credits (three each plus bonus credits) for two group homes but the other two units must be family units. The family units could be accessory apartments. Accessory apartments are eligible for \$20,000 to \$25,000 of funding and only have a ten year deed restriction. However, Tamara feels the Borough has insufficient funds to fund two group homes and two accessory apartments. The fund could possibly support two group homes, or one group home and two accessory apartments. She feels that two group homes and two apartments can only be done with the apartments being funded from the State's Housing Fund. Since COAH housing is supposed to be funded by housing funds and not an additional tax levy, there may be a chance to obtain State support if needed. Tamara also reviewed that she had discussed at the meeting why most of the other possible options suggested by COAH were no longer viable.

Given that the number of required units is tied to COAH's assessment of vacant land in the Borough, Tamara was asked what she feels happened to the vacant land adjustment from Round Two. Tamara reviewed that the original requirement for two units resulted from the vacant land adjustment granted under Round Two and she is not certain why the need has gone from two to ten under Round Three except she feels COAH may be encouraging the Borough to apply for a new adjustment. This process is both costly and time consuming. Tamara feels that she might be able to approach COAH to shorten and/or streamline the process; but, the Borough may have to proceed under the ten unit assessment. Tamara stated she would like to reply to COAH ASAP outlining what the board and Borough has done and what the board feels can be done. Along that line she asked the board for further direction. Tom Coleman reiterated that the board needs to: move forward with expedience, try and get COAH to reduce the requirement, and provide some concrete options to be presented to COAH. Failure to keep the process going risks decertification by COAH. While there does not appear to be any developers "sniffing around" the Borough at present, Tom urged not to risk making the Borough subject to builder's remedy by decertification. Based on the research and facts presented by Muriel and Tamara, the board recommended that Tamara, along with trying to get COAH to agree to reduce the number of required units and grant a waiver from having to submit a new vacant land adjustment, try to seek approval for one of the three group home(s) and/or accessory apartment arrangements; with a further approval granted that if COAH will only grant approval of their suggested 2 group homes/2 accessory apartment proposal, COAH will agree to underwrite the additional funding needed from the State's Housing Fund. Tamara stated she would submit a reply to COAH before the end of the month that: reviews where things realistically stand, why the Borough feels it can only reasonably support one of the three proposals, and seeks the time needed to meet all the steps required to revise the plans and submit them. Tamara will provide a copy of her response to COAH.

Council Matters of Importance to the Board – The mayor reported on the meeting with the Group Home owners and that Council is aware of the efforts being made by the board and supports the board's efforts to reach a successful conclusion that best protects the town. Bob briefly discussed the safety issues that arose on Elm Terrace during the Fourth of July downhill race. Council and the Borough plan to honor and remember Ed Smyth for his contribution to the Borough and service on the zoning board at the zoning board's September meeting. Bob reported that he had nothing new to report on the 2009 budget.

Board Review of the Mayor's Task Force Report on Proposed Changes to the Zoning Code – The matter was tabled until the next meeting.

Environmental Commission – Joe Threston reported that there had not been a meeting since last month and that he would be unable to attend the meeting on 8/20. He is in contact with and receiving material from Mike Robinson.

Minor Site Plan Applications – Mary Lodato reported that none had been submitted this past month.

Delinquent Escrow Collections – The secretary reported that Mr. Rainer had finally paid his escrow. There has been no response from Mr. Recchiuti. Another notice will be sent to Mr. Recchiuti.

NEW BUSINESS

Invoices and vouchers:

1. 8/3/09, Tamara Lee, \$585.00, for COAH Planning related work during July. PAY FROM HOUSING FUND ACCOUNTS
2. 8/5/09, Alaimo Association, \$311.00, for work through 7/8/09, on Beneficial Bank Solar Panels amended site plan. PAYFROM ESCROW
3. 8/6/09, Stout & Caldwell, \$548.75, for work through 7/3/09 on the Clearwire conditional use site plan. PAY FROM ESCROW
4. 8/11/09, Raymond & Coleman, \$356.00, general business advice and meeting attendance during July.
5. 8/11/09, Raymond & Coleman, \$35.00, for Clearwire US LLC work during July. PAY FROM ESCROW
6. 8/11/09, Raymond & Coleman, \$35.00, for Beneficial Bank amended site plan work during July. PAY FROM ESCROW
7. 8/11/09, Raymond & Coleman, \$98.00, for JRP Arch. site plan work during July. PAY FROM ESCROW
8. 8/11/09, Raymond & Coleman, 97.50, COAH related work during July. PAY FROM HOUSING FUND ACCOUNTS

A motion was made by Joe Threston, seconded by the mayor, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

Demolition Permit, 601 Main Street – The owner of D.J. Enterprises presented the need to grant a demolition permit for a masonry-walled shed accessory structure on his nonresidential property. The structure, formerly used as bins for outside storage of lumber and construction materials, has suffered severe deterioration and water damage to the roof and walls, and has been deemed unsafe by the construction official. The structure is along the Lippincott Avenue side of the property. Testimony was presented that the only viable option was to demolish given the costs to repair and the condition of the structure. The structure has no significant historic value and the ARC has signed off the permit jacket. Following discussion, a motion was made by Joe Threston, seconded by Armand Bianchini, and unanimously approved to allow issuance of the demolition permit and have the secretary notify the construction official of the board's approval.

PUBLIC COMMENT – Joe Creighton noted for the record that there were no members of the public present.

Meeting adjourned at 8:15 PM. (motion by Alls-Moffat and second by Threston)

**Next meeting is on 9/15/2009 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 15, 2009

The Public Session of the Planning Board was called to order at 7:02 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 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

PRESENT: Joseph Katella, Joseph Creighton, Muriel Alls-Moffat, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Joseph Threston, and Cheryl Progin.

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

ABSENT: Armand Bianchini.

MINUTES: A motion was made by the mayor and seconded by Joe Threston to adopt the minutes of the August 18, 2009 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 8/20/09, announcement and invitation from the Housing and Community Development Network of New Jersey to attend a Housing Choices Showcase Bus Tour to hear about housing choices for low and moderate income residents in Burlington County. Tour is October 15, 8:30 am – 12:30 pm, deadline to RSVP is 9/25. Coordinated by Stephanie Blackwell of MEND.
2. 9/14/09, copy of “Mayor’s Fax Advisory” from NJLM encouraging municipalities to write state legislators and: 1) request release to the public data regarding population projections, and 2) encourage a resolution to address the inequality of the court decision in *Homes of Hope v Township of Easthampton*.
3. 3 vouchers/invoices as presented under New Business.

OLD BUSINESS

COAH Matters – During the report on correspondence, Tamara was asked if the court decision on the Easthampton Township matter meant that even if a community has met all its COAH requirements; it was still subject to builder’s remedy suits. Tamara offered an opinion that this was not what is usually considered a builder’s remedy suit. As she understands the court’s ruling, the court determined that you can’t decide that what has been previously decided as always “inherently beneficial” is not just because the municipality has satisfied its mandated obligation. In this case, the board had based its denial on the decision that providing affordable housing was not “inherently beneficial” since the municipality had already satisfied its obligations.

Tamara reported that the planned conference call with COAH scheduled for today, 9/15, had been rescheduled to tomorrow, 9/16. However, COAH has initially responded to the “options” letter Tamara sent. COAH is not willing to waive the “family” requirement which means using the proposal to use the credits only from two group homes will not work. Tamara reviewed that while all current and proposed revisions for Round Three submissions have been based on the more expedient process of developing a plan that simply accepts COAH’s assessments; she is still concerned that COAH’s assessment does not appear to reflect the results of the Vacant Land Adjustment granted under Round Two. She has inquired of COAH what can be done to show that COAH’s assessment does not reflect actual conditions. COAH has suggested Riverton do a Gross Projection Adjustment (GPA). This is not a quick or cheap process and consists of three parts: 1) use past experience to project future growth which Tamara feels has already been done with the current submissions; 2) assess the development ability of vacant residentially zoned properties; and 3) provide a similar assessment of vacant non-residentially zoned properties. Tamara feels the vacant property assessments were done with the Vacant Land Adjustment made under Round Two which had reduced the number of vacant land parcels COAH had considered developable. Tamara stated she would like to try and convince COAH to recognize the Vacant Land Adjustment figures. The only hitch in this is a change for Round Three that now requires that any residential lot that can contain more

than one unit but less than five units must be defined as developable. Tamara feels that aside from property already zoned for affordable housing under Round Two, (the lots on Martha's Lane), there are no other vacant residentially zoned parcels capable of accommodating more than one unit. Aside from evaluating the employment projections of non-residential properties, Tamara feels she may be able to reduce the obligation from ten units to one or two additional units from the two required under Round Two; however, she feels the minimum COAH will probably accept is two additional units. Also, COAH appears to be sticking to the requirement that 50% of units are family qualified housing and 13% is very low income housing. The group home would satisfy the very low income requirement; but, the family provision remains to be met. One method of providing the family unit could be through an accessory apartment. Tamara feels that the combination of one accessory apartment and one group home would result in 4.75 credits which would exceed the two units that will probably be the minimum approved by COAH. Based on the current and projected availability of the Borough's Housing Funds, either a two group home proposal or a one group home and one accessory apartment proposal is all the funds will support. Muriel stated she has had no response regarding anyone willing to COAH restrict an existing accessory unit and she inquired why can't the Borough appeal to COAH that after all the continued attempts to jump through COAH's hoops to meet their demands, what exists is what exists and it cannot be changed. Tom Coleman stated that such an approach would probably result in decertification. Tamara ventured that while accessory apartments are currently restricted to the NB district, perhaps opening up the use to all residential districts might help such as permitting an owner occupied property to provide an accessory apartment and designate it as COAH qualified and make the owner eligible for the Borough subsidy. The mayor asked if this meant opening up development of new accessory units or could it be restricted to designating existing units. Tamara stated she was not aware of any COAH rules that would prevent such a restriction of existing versus new. Tom Coleman stated that all COAH wants to see is that such a unit is realistically provided for in the plan. Muriel stated among other probable strong objections from the town to creating additional density; she doesn't feel that, even for existing units, since COAH units must be marketed, the loss of a property owner's ability to control whom they make the unit available to would convince the owner to make the unit COAH eligible. Tamara concurred that while Muriel's assessment is possible; making the change could buy the Borough up to five or more years of breathing room since any COAH required plan revisions would not occur until after the periodic reviews showed the plan was not going to work. And, Tamara added, that with the ongoing political climate surrounding COAH, who knows what kind of requirements will exist in the future. Discussion continued as to why any ordinance changes are needed if the proposal would extend to existing units only. Tom and Tamara reviewed that new ordinances would have to be crafted meet COAH's requirements that the town's codes adequately provide for such a development. Asked what control the town has over having to grant requests for funding to providing more COAH accessory apartments than planned, Tamara reviewed that once a Spending Plan has been approved by COAH, a town cannot be required to fund requests for which the funds do not or will not exist. Asked what time frame is available to better consider such an ordinance change, Tamara and Tom explained that once COAH approves a plan, the town has 45 days to enact the governing ordinance(s). Tamara and Tom reviewed the entire submittal and approval process timeline. The steps needed to revise, adopt, and submit the revised Fair Share Plan, Housing Element and other legal requirements were reviewed. While a recognized and accepted timeline exists, COAH working on preparing a review letter that will declare the Borough not compliant and once the letter is released gives the Borough a specific deadline in which to respond. Tamara stressed that all the things needed to complete the process take time and she needs to be able to start the process sooner rather than later. Tamara stated she needs direction on how to proceed beginning with the rescheduled conference call tomorrow. Tamara suggested she propose the Borough intends to proceed with a plan that incorporates the one group home and one accessory apartment concept. Tamara will also attempt to get agreement to simplify the growth share assessment process and what is needed to do so based on the previously granted Vacant Land Adjustment and the experience projections already provided in the current submissions. Finally, she needs to present that she has been granted the ability to move forward in the most expeditious time frame possible to meet COAH's deadlines while still having the time needed to complete all the required legal steps. The board stated she should proceed along those lines and hoped for a positive response from COAH. The next steps will be considered at the next board meeting based on what develops between tomorrow and the next meeting. Tamara will keep the board informed.

Council Matters of Importance to the Board – Suzanne reported that last week the Borough had been included among the five communities spotlighted by the County’s River Route Committee during a River Line train tour of towns along the river front corridor. The other towns on the tour included, Burlington City, Beverly, Palmyra and Riverside. Joe Threston participated in the event and he gave a report on the details of the visits to each of the five communities. Joe felt the event was beneficial to the Borough. Suzanne stated that she had no recent update from Mike Kinsler regarding where the board stood on its budget utilization. She stated that Mike would have informed her if there were over budget concerns.

Board Review of the Mayor’s/Council’s Task Force Report on Proposed Changes to the Zoning Code – The board reviewed the revisions suggested for demolition requirements. Mary Lodato and Suzanne Wells lead the discussion. The board decided that formal definitions were needed for historically significant and architecturally significant structures. Joe Threston asked if the regulations would apply to every structure in every zone. It was decided that terms such as habitable or occupancy be added to the language to help qualify which structures being included. The proposed revisions were based on the revisions suggested by the Historical Society. The board authorized Tom Coleman to proceed to prepare draft revisions to the code based on the decisions made tonight. These revisions will go along with the previously requested draft for sidewalk signs. The draft code changes will be reviewed by Borough Solicitor Bruce Gunn who will present them to Council who, if satisfied, will refer the changes to the board for review and a hoped for recommendation that the changes be adopted by Council. Suzanne stated that the code revision tasks were completed except for considering the zoning board’s recommendation that the code be revised to address setback requirements specific to accessory buildings in rear yards. It was mentioned that Palmyra’s code contained such requirements and that it might be useful to review them when considering any changes. It was decided to obtain those requirements to review their suitability for including in any changes to Riverton’s code. Suzanne suggested that since the board had concluded considering the changes recommended in the Historical Society’s report, that she be authorized to request that Mary Longbottom have the society’s report removed from the Borough’s website. The board agreed to the request.

Environmental Commission – Joe Threston reported that there while he had not attended the last meeting, he planned on attending the two meetings scheduled before the board next meets. Joe stated he remains in contact with and receives updates and materials from Mike Robinson.

Minor Site Plan Applications – Mary Lodato reported that none had been submitted this past month.

Delinquent Escrow Collections – The secretary reported that there has been no response from Mr. Recchiuti. Another notice will be sent to Mr. Recchiuti. There are no other serious delinquencies. Due to recent receipt of additional invoices for JRP Architects, that account may have recently again gone delinquent and that will be addressed.

Mandatory Education – The secretary reported that NJPO had released their Fall schedule and that the only sessions in South Jersey would be at the annual League of Municipalities Conference in Atlantic City in November. He will follow up with new members who have not taken the course.

NEW BUSINESS

Invoices and vouchers:

1. 8/31/09, Tamara Lee, \$1,125.00, for COAH Planning related work during August. PAY FROM TRUST FUND DEVELOPMENT FEES
2. 9/4/09, Raymond & Coleman, \$300.00, general business advice and attend August meeting.
3. 9/4/09, Raymond & Coleman, \$28.00, for COAH related work during August. PAY FROM TRUST FUND DEVELOPMENT FEES

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

PUBLIC COMMENT – Councilwoman Wells motioned and Joe Threston seconded to open the meeting to public comment.

- Frank Cioci inquired about the progress of possible COAH units being made available at the 204 Main Street apartment building. Muriel and Tom Coleman updated Frank on what has transpired and why it was probably not going to happen which included the discussion at tonight's meeting regarding accessory apartments and funds availability. Tom Coleman also reviewed the details of discussions he has had with the owners.

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

Meeting adjourned at 8:13 PM. (motion by Wells and second by Threston)

**Next meeting is on 10/20/2009 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 20, 2009**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Joseph Creighton. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

PRESENT: Joseph Creighton, Muriel Alls-Moffat, Armand Bianchini, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Joseph Threston, and Cheryl Progin.

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

ABSENT: Joseph Katella.

MINUTES: A motion was made by the mayor and seconded by Joe Threston to adopt the minutes of the September 15, 2009 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 10/14/09, copy of letter to Borough and COAH, from Beth and Gene Burgess Properties LLC. owners of 204 Main Street responding to 9/29/09 letter from COAH.
2. 7 vouchers/invoices as presented under New Business.

OLD BUSINESS

COAH Matters – Tamara reviewed developments since the last meeting. Tamara reviewed her 9/17/09 memo regarding the teleconference with COAH:

- COAH will accept the Vacant Land Adjustment (VLA) from Round Two.
- The proposal for the National Casein property will not be accepted primarily because the state legislature passed a new law which states you cannot assess nonresidential development with affordable housing which is what was being proposed.
- The housing plan must contain a provision for family affordable units and that group homes don't count towards that provision.
- COAH wants 50% of any plan to be family affordable units.
- To possibly reduce the number of mandated units, the Borough must file a Workbook C and COAH feels this may result in a significant reduction in the Borough's case.

Tamara reviewed that the idea being considered by the board to provide one group home and one accessory unit would meet the 50% family unit requirement but only if the board can get COAH to agree to reduce the number of units from the current ten. The Workbook C filing consists of three parts. First is a certification by the Borough Construction official that the number of certificates of occupancy issued since 2004 for new residential on record with the state is correct. Tamara stated the state only shows two and that she feels that may be incorrect. The other two portions of the filing consist of an assessment of both residentially zoned and non-residentially zoned vacant properties and whether or not they qualify as developable for COAH housing. Round Two did not breakdown the assessment between residential and non-residential properties. Suzanne asked if COAH is willing to accept the Round Two VLA, how can require the Borough to essentially go through the same process again. Tamara responded that in addition to the new requirement to differentiate between residential and non-residential, COAH feels that a significant amount of redevelopment and development has occurred in the state since round two and they want to make sure that any assessments are still valid.

Tamara then provided an overview of the 9/29/09 review letter from COAH which:

- Reviewed the numbers for the Borough.

- Basically accepted the rehabilitation portion of the proposed Fair Share Plan which is to be administered through the county; but, they have a problem with the county's stipulation that they will only handle owner occupied buildings and does not handle rental properties. COAH wants the Borough to provide for the rehabilitation of rental properties.
- COAH continues to support the plan to fulfill the unmet need by the overlay zone placed on the golf course property.
- COAH recognizes the Martha's Lane affordable housing zone; but wants the number of lots changed from 7 and 2 to 8 market rate and 2 COAH units.
- The letter rejects the proposed affordable housing zone for the National Casein property.
- Rejects the 204 Main Street proposal since the owner has decided not to participate.
- Rejects the Baptist Home proposal since negotiations have broken off.

Tamara stated that the most recent correspondence with the owners of 204 Main Street indicate they are still interested; however, the Borough may not need all the units, there are insufficient funds for all the units, and a determination between needed vs. minimal repairs is needed. The board needs to get the construction official to provide an assessment of the repairs needed. Muriel is concerned the residents will not support the possibility of increased density housing.

Tamara stated the board needs to decide on viable options she can pursue to put together the revised plan. Tamara feels the Workbook C filing should be pursued since she feels it will positively result in a reduction of the mandated units. The board concurred. Tamara advised that the board okay her pursuing the accessory apartment approach as a means to craft a plan that included the option. Tamara reviewed the possible zoning changes needed and along with Tom recognized that given the reported response received to date for the proposal, it may not ever develop and down the line it may be ruled by COAH as no longer a viable option. Regarding 204 Main Street, the board decided that the option was worth at least one more attempt if the owners were still interested especially since it could provide a means to meet the affordable family component of the plan. The board directed Tom and Tamara to continue their contacts and if the owners agreed to the Borough's revised need for only some of the units, have the construction official assess the repairs needed and see if perhaps an agreement might be reached.

In conjunction with discussion of finding a means to provide affordable family units, the board recognized Jim Brandenburger owner of the Shoppes of Riverton on Broad Street. Jim explained that recognizing the Borough's ongoing efforts to come up with a workable proposal to provide units he had the idea that perhaps if he built residential units over the 10,000 square foot retail space in the center he could offer some of them as COAH units. He envisions providing 8 to 10 units over the stores and offering them for sale rather than renting them. He admitted he is not familiar with the COAH requirements or if the envisioned units would qualify. After further considering the idea over the past weekend, Jim stated he does not know if in reality he could make the idea work. He alluded to the fact that what he might need to be able to sell the units for is similarly available nearby in Palmyra Harbor; and, given that the Harbor's residential area is agreeably better than his proposed mixed use area, he really isn't certain that his idea is viable at all once the facts are fully analyzed. Jim concluded that in light of the more detailed analysis he has given the idea, unless the board thought such an option was really needed to satisfy COAH, he would rather consider the matter withdrawn; but, he had wanted to at least give the board a chance to hear the idea out. The board thanked Jim for taking the time to present his ideas to the board. The mayor asked if there was any truth to the rumor that Jim had purchased the old post office. Jim stated there was an offer on the table; but was not aware if it is a done deal yet. Asked if he wanted to share his ideas, Jim stated that while plans were not fully formed he envisioned retaining the post office building for permitted commercial retail uses and pursuing the necessary variances to subdivide the rear portion of the property fronting on Cinnaminson Street for residential development similar to the attached homes built next to Riverton Square.

The vice chair asked and was advised it was appropriate to open the discussion to the public. A motion was made by Suzanne Wells and seconded by Joe Threston to open the discussion of COAH options to the public and more particularly Mr. Brandenburger's proposal.

- Jeff Mack of Manor Court stated he thought the idea of apartments over stores was a bad idea at that location. Jim Brandenburger replied that as far as he was concerned the proposal was withdrawn. Jeff asked about rezoning the center property and Tamara replied that would be an option if the board had decided to pursue Jim's proposal. However, it is probably a non issue since Jim wishes to withdraw the proposal and there is a good chance COAH would not approve the idea. Suzanne stated that while one can never say never, she was not in favor of the idea at present. The mayor and Muriel also stated that they did not favor the idea.
- Nick Coletti of Manor Court asked that if Mr. Weber who owns the lots on Martha's Lane ever comes forward with a plan to develop the lots, how would it be addressed that Mr. Weber has never cared for the lots and that Manor Court property owners whose properties back up to the Weber property have for years maintained the lots to keep the weeds and brush under control. Mr. Coletti was advised to address maintenance concerns with the Code Enforcement Officer, Mrs. Lodato.
- Joe VanBernum of Manor Court asked for information about where the group home was located and an explanation was provided.
- Nick Coletti asked that besides income qualification what else is done to ensure that qualifications or controls exist to ensure residents of COAH housing are qualified. Tamara explained that it is a continuous administrative process that includes at least an annual review to make sure that individuals continue to qualify and that all requirements are followed. Jeff Mack inquired about the timeline constraints on the Borough. The timeline and process was explained and Tom Coleman stated that while not guaranteed, COAH has seemed fit to recognize that sufficient time is not being provided and has shown a willingness to grant up to 30 day extensions.

There being no further discussion, Joe Threston moved and Muriel seconded to close the matter to public comment.

To conclude the discussion, the board endeavored to provide definitive direction to Tamara and Tom to move things forward. The board asked that Tamara request an extension from COAH. Tamara should pursue the Workbook C filing and to provide guidance to the construction official for his needed part in the process. Tom should follow up with the owners of 204 Main Street to see if given recent developments there is any real interest and to pursue the things need to help bring the matter to fruition if that is an option. The board concurred with Tamara that she should pursue the group home/accessory family unit plan since Tamara still feels 204 Main Street is a long shot at best. The Borough should pursue an agreement or Memorandum of Understanding with Quality Management regarding the group home on Homewood to secure the COAH eligibility of the home. Asked how long the process might take, Tom stated that the memorandum could be finalized in 30 days as long as the parties were ready to proceed and the money would be available later if COAH approves the plan. The state should be approached to administer and help fund the rental portion of any rehab units since the Borough's funds will be essentially exhausted and the county will only administer owner occupied properties. Armand asked if the accessory units have been identified and he was informed that any actual units did not yet exist but the plan will provide how the Borough intends to provide them.

Council Matters of Importance to the Board – Suzanne reported that Council had requested the board's recommendations on how or whether to consider the proposed "Marlboro NJ" resolution regarding the court's Easthampton affordable housing ruling. Tom Coleman reported that it is almost an even split among towns deciding to support adopting a similar resolution and those opposed to adopting a resolution. Many of the towns who have adopted a resolution have chosen to not include the portion that calls for the legislature to abolish COAH. Following discussion it was decided the board recommends that Council adopt a resolution that calls for the legislature to address the apparent ability of the courts to mandate additional COAH housing over what has been approved by COAH. The board also feels that any resolution not include any request for the abolishment of COAH. Tom stated that Moorestown has adopted a resolution essentially identical to what the board recommends and that he would forward a copy to Mary Longbottom to use in preparing a draft for Council's consideration. Suzanne stated she had no information or indication of problems with the board's budget from Mr. Kinzler. Suzanne reported that following a presentation to Council it was announced the Borough would be receiving 100 trees to plant in the Spring. The mayor reported that the Borough tree lighting will be on December 4th and that the biennial house tour will be on December 5th. In addition, a charity fund raiser is being

held at Sacred Heart on October 25th to benefit a young member of the Borough stricken with cancer. The mayor asked that Tom Coleman had any input regarding the recent decision by Cherry Hill to settle a suit brought by a business owner who wanted to establish an adult business in the township. Tom replied he was closely monitoring a similar situation in Cinnaminson. Short of saying that there is nothing that can be done, Tamara stated that there may be ways to practically restrict such a business in Riverton. However, it may not be an easy process.

Board Review of the Mayor's/Council's Task Force Report on Proposed Changes to the Zoning Code – It was discussed that the board was going to consider revising the code regarding the side yards setback of accessory structures in the rear yard of a property. A copy of the portion of Palmyra's code that addresses the issue was to be obtained for review. Joe Threston stated he would obtain a copy of the portion of the code and have it available for the board to consider next month.

Environmental Commission – Joe Threston reported that he had attended the last two meetings and the only item of note was the commission's review of revisions/updates by the State DEP to the model stormwater ordinance and the impact on Riverton's ordinance. Any recommended changes will be presented to the board in November.

Minor Site Plan Applications – Mary Lodato reported that none had been submitted this past month.

Delinquent Escrow Collections – The secretary reported that there has still been no response from Mr. Recchiuti and that additional notices will be sent. Notices of any shortages on other accounts are sent as the secretary is notified. Regarding the \$820.00 due Stout & Caldwell on the Beneficial Bank application, the secretary reviewed for the board that the charges appear to be for work performed after S&C withdrew from the matter due to a possible conflict of interest. Councilwoman Wells concluded the discussion by making a motion seconded by Muriel Alls-Moffat that she would send a letter under Joe Katella's signature to S&C explaining why the amount will not be paid. The motion was unanimously approved.

Mandatory Education – The secretary reported that he shortly be providing the course information to the members that need to attend a course.

NEW BUSINESS

Invoices and vouchers:

1. 9/25/09, Stout & Caldwell Engineers, \$31.25, for review work through 9/6/09 on the MetroPCS site plan.
PAY FROM ESCROW
2. 9/25/09, Stout & Caldwell Engineers, \$156.25, for review work through 9/6/09 on the Clearwire site plan.
PAY FROM ESCROW
3. 9/25/09, Stout & Caldwell Engineers, \$93.75, for review work through 9/6/09 on the JRP Arch site plan.
PAY FROM ESCROW
4. 10/5/09, Tamara Lee Planning LC, \$630.00, COAH Planning related work during September. PAY FROM TRUST FUND DEVELOPMENT FEES
5. 10/7/09, Raymond & Coleman, \$328.00, general business advice and attend the September meeting.
6. 10/7/09, Raymond & Coleman, \$45.00, for COAH related work during September. PAY FROM TRUST FUND DEVELOPMENT FEES
7. 10/15/09, Stout & Caldwell Engineers, \$218.75, for review work through 9/30/09 on Clearwire site plan.
PAY FROM ESCROW

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

Revise Zoning Code Regarding Variance Needed When Expanding a Nonconforming Structure – Joe Threston reported on a conversation with Janet Smith, the zoning board's solicitor, where she asked if there had been any action taken on the zoning board's recommendation that the code be revised to spell out when an

expansion of a nonconforming structure requires a variance. The zoning board has recommended that a variance not be required when the expansion does not expand or impact the nonconformity and otherwise would not require a variance. The secretary reviewed that the recommendation had been included in the zoning board's annual report to the planning board. Following additional discussion that the board would review the topic at the next meeting, the secretary stated he would resend a copy of the annual report to the members.

PUBLIC COMMENT – The vice chairman noted for the record that there were no members of the public present at this time.

Meeting adjourned at 9:05 PM. (motion by Wells and second by Threston)

**Next meeting is on 11/17/2009 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 17, 2009**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Joseph Creighton. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

PRESENT: Joseph Creighton, Muriel Alls-Moffat, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Joseph Threston, and Cheryl Progin.

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

ABSENT: Joseph Katella and Armand Bianchini.

MINUTES: A motion was made by Councilwoman Wells and seconded by the mayor to adopt the minutes of the October 20, 2009 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 11/5/09, request from Mary Longbottom requesting preliminary budget for the board.
2. 11/9/09, letter from COAH granting the Borough a 30-day extension until 12/28/09 to file the revised submission documents.
3. 3 vouchers/invoices as presented under New Business.

OLD BUSINESS

COAH Matters – Tamara reviewed developments since the last meeting. COAH has granted the Borough a 30-day extension until 12/28/09 to file the revised resubmission. Tamara has been working on the Workbook C document. She has received tax information from Betty Boyle and is still waiting for documentation from building code official Ed Schaefer to resolve the differences in the number of new units between what Betty supplied and Ed supplied. Tamara and the members reviewed the number of new units and believe it will be nine. Based on the mix of retail and residential, Tamara feels the number of COAH units will be 4.21 which she has rounded to 5. Tamara reviewed that the Borough could meet the obligation with the 3.75 credits from the group home on Homewood and getting two family units from 204 Main Street. Tamara feels the housing budget will support this. Tom asked what the timeline on releasing any funds would be since he knows the owners of 204 will want the funds as soon as possible if they enter into an agreement. Tamara and Tom agreed that the funds could not be released until the Borough gets its approval from COAH. Reviewing the steps needed to complete the submissions before COAH will consider granting approval, Tom and Tamara feel it could be late spring or early summer before a final approval could be granted. In addition Tom stated he would not approve releasing any funds until the owner has properly filed with the county. Tom feels it is a good plan but doesn't have much confidence the owners of 204 Main Street will finally agree. Tamara stated that to submit anything she needs to have signed letters of intent from the owners of the group home and 204 Main Street. Tom stated that he will take care of this and will let both parties know that it may be awhile before any funds can actually be released. Suzanne asked what Tom and Tamara felt the impact of the pending law suit and the new administration will have on COAH. Tom stated the Leagues lawsuit will be argued before the appellate division on 12/4 and it is estimated it could be 6 to 9 months before a decision is issued. Based on the judges that will hear the matter, Tom feels there it might be bad for COAH's use of growth share projections over concrete numbers; but there is no way of really knowing how the court will rule. As to the rumors that COAH will be "gutted" as of day one of the new administration, Tom feels that COAH can't just be shut down since it exists under the original Supreme Court decisions. Joe Threston stated he had heard there may be a 90 day moratorium until things can be sorted out. Tom stated he had heard there may be a move by the legislature to bring back RCA's but that will be vigorously opposed by COAH since they want the obligations to remain in the town where they exist. Both Tom and Tamara concluded that the Borough can't afford to wait and see. Suzanne commented

the Borough has spent over \$14,000 to date from the Housing Fund on resolving COAH issues. Muriel asked what happens when towns no longer have the funds available to keep trying to meet COAH's mandates. The short answer is towns will have to budget for the costs somehow. Tamara and Tom reviewed what they will work on. Tom will pursue the letters of intent and Tamara will continue with Workbook C and start revising the Housing Element and Fair Share Plan.

Council Matters of Importance to the Board – Suzanne reported that the board is 83% through the year and has spent 54% of its budget; so, things look good for the rest of the year. The 2010 budget request needs to be submitted as soon as possible.

Council passed on first reading the draft of the proposed zoning code revisions and asked the board to review and comment on the draft. Any suggested amendments should be returned to Council for review before the scheduled public hearing and discussion at the December Council meeting. The board reviewed several clarifications and minor suggested changes as well as clarifications to the revised side yard setbacks for each zone in the draft. The secretary commented that the draft would be presented and discussed at the zoning board meeting on the 19th. Suzanne asked that the zoning board be advised that any concerns or recommendations be communicated to Mary Longbottom and Bruce as soon as possible to allow for any needed revisions. Following conclusion of the review Joe Threston motioned and Suzanne Wells seconded that the board endorses the draft changes as amended at this meeting and recommends Council adopt them. The vote was unanimous. Additional changes can be initiated in January along with a needed correction to the zoning map.

On other matters it was reported that the various planning and zoning applications are now online and can be downloaded. The annual tree lighting will be on December 4. The biennial library house tour will be on December 5. The mayor announced that the holiday luncheon would be at his home on the 21st.

Environmental Commission – Joe Threston reviewed the commission's suggested changes to the Borough's Stormwater ordinance to keep the Borough's ordinance in conformity with the State's model ordinances. The changes had been given to the board last month. Joe recommended that the board approve the changes. Joe Threston motioned that the board recommends Council consider adopting the changes to the ordinance. The mayor seconded the motion and it passed by unanimous voice vote. The mayor stated he would advise Mary Longbottom to put the matter on the agenda.

Minor Site Plan Applications – Mary Lodato reported that none had been submitted this past month.

Delinquent Escrow Collections – The secretary reported that there has still been no response from Mr. Recchiuti. Ken stated he is not aware of any other shortages. Another letter will be sent to Mr. Recchiuti. Suzanne reviewed that Stout and Caldwell had responded to the letter that S&C should not be paid for charges submitted for work done after they had to withdraw from the Beneficial Bank site plan application. S&C feels they should be paid and does not consider the matter closed. It was decided that the board would not respond to S&C any further at his time.

NEW BUSINESS

Invoices and vouchers:

1. 11/09/09, Tamara Lee Planning LC, \$810.00, COAH Planning related work during October. PAY FROM TRUST FUND DEVELOPMENT FEES
2. 11/10/09, Raymond & Coleman, \$512.00, general business advice and attend October meeting.
3. 11/10/09, Raymond & Coleman, \$392.00, for COAH related work during October including 204 Main Street issues. PAY FROM TRUST FUND DEVELOPMENT FEES

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

PUBLIC COMMENT – Joe Threston motioned and Suzanne Wells seconded to open the meeting to public comment.

- Maryann Shea commented she is going before the zoning board for an interpretation of the fence ordinance. She has read the Municipal Land Use Law which states the ordinances are in agreement with the Master Plan and wants to know if the board has confirmed that the ordinances are in agreement. She was assured they are. Mrs. Shea has an opinion from a landscape architect that he feels the code is ambiguous. Her neighbor also states the code is ambiguous. Tamara commented that the entire land use law was extensively revised following adoption of the Master Plan.
- Fred DeVece asked Tamara if the Borough had satisfied COAH's requirements when the code was changed to permit apartments over businesses. Tamara commented that the change provided an option to meet COAH's requirements under round two. However, the rules have since changed for round three and the Borough needs to come up with additional options. In addition, no property owner has ever offered to designate an apartment over a business as a COAH unit.

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

Meeting adjourned at 8:15 PM. (motion by Wells and second by Threston)

Next meeting is on 12/15/2009 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 15, 2009**

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 21, 2009.
2. Required Service of notice and publication in the Burlington County Times on January 22, 2009.

PRESENT: Joseph Katella, Joseph Creighton, Muriel Alls-Moffat, Armand Bianchini, Mayor Robert Martin, Councilwoman Suzanne Wells, Mary Lodato, Joseph Threston (arrived 7:35PM), and Cheryl Progin.

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

ABSENT: None.

MINUTES: A motion was made by Mary Lodato and seconded by Joseph Creighton to adopt the minutes of the November 17, 2009 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 12/2/09, copy of FCC Declaratory Ruling for cell towers defining the time periods in which a local board must consider applications to either erect a tower or attach equipment to an existing tower.
2. 12/2/09, copy of Mayor's Fax Advisory from NJLM concerning the FCC wireless tower deadline ruling.
3. 12/2/09, copy of Mayor's Fax Advisory from NJLM concerning "Time of Decision" bills A-4280 & S-3045 which effectively remove the ability of a municipality to correct inaccuracies in its codes between when an application is submitted and a decision is made.
4. 3 vouchers/invoices as presented under New Business.

OLD BUSINESS

COAH Matters – Tamara reviewed developments and progress since the last meeting. Tamara reviewed the changes in the latest draft of the Housing Element with the board as well as suggested minor changes she has received. Tamara is continuing work on completing Workbook C, and has revised the Service List. She feels the revised submission will be sufficiently complete in order to submit it to meet the COAH deadline and to allow for the orderly follow up needed to address any issues raised by COAH. Tamara has prepared and will submit a draft of the revised Development Fee Ordinance with the submission as well as other required forms. The resolutions of the adoption by the board and endorsement by Council of the revised Housing Element and Fair Share Plan with Spending Plan will not be included in the submission because the hearing and adoption/endorsement process will not be completed by the submission date. She will not resubmit Workbook A and prior round certification documents because they have already been submitted or should be on file. Rehab compliance documents are being reviewed and will be submitted if COAH continues to approve them as they did under Round Two. The revised Affordable Housing Ordinance has not been completed because Tamara wants to wait until the Borough is more certain it has the agreements in hand. There was discussion on the funding language in the draft, since while supposedly any funding is not supposed to increase taxes; it appears COAH can compel the Borough to cover shortfalls in its funding plans. Suzanne Wells was satisfied when it was explained that the governing ordinance(s) have the official wording.

Muriel Alls-Moffat reviewed her conversations with Mrs. Drobit of Quality Management and that since Quality Management has already secured funding for the group home on Homewood Drive they wish to utilize the COAH funds for another group home they are attempting to purchase in Riverton. She feels that Mrs. Drobit is frustrated and unhappy with the way things have been handled by Tom Coleman. Muriel has also been in contact with COAH with less than successful results. As far as Muriel is aware, there is no signed agreement in hand with Quality Management and the Borough effectively has no credits to go towards satisfying COAH. She

understands Mrs. Drobit may not be prepared to sign any letter of intent with the Borough and is unhappy with the entire situation. Tom Coleman reviewed that he has reached out to Mrs. Drobit on multiple occasions, that he thought things were cordial between them, and felt he had addressed every issue with her. Tom stated that he had made every change to the draft agreement that Mrs. Drobit desired and as of the past Friday was waiting to hear back from Mrs. Drobit. Tom explained that Quality Management is not restricted to using any funds only on Homewood Drive and can use them as they best see fit as long as the funds are used to rehabilitate COAH qualified group housing within the Borough. The letter of intent confirms this. Tom is unaware of the concerns raised by Muriel and is concerned there may be a breakdown in the lines of communication among all parties working on the Quality Management issues. Discussion by the chair and mayor concluded that communication among the parties is a concern and recommended that all issues be coordinated through Tom. The chair recommended and the board concurred that Tom should continue to work on closing the deal, secure the letter of intent, and forward it Tamara for inclusion in the submission. Tom requested that since Muriel has a good rapport with Mrs. Drobit, perhaps Muriel could reach out to Mrs. Drobit and request she get back to Tom as soon as possible.

Tamara asked the board if it was prepared to move on to the next step of scheduling the hearing or if it needed to see the final draft and wait to decide next month. The board concluded that it was sufficiently familiar with the scope of the changes and they were satisfied that except for any possible minor changes, the board should move forward with scheduling the hearing. Tamara stated she would wait for the hoped for letter of intent from Tom, make suggested changes to the plan, and complete the submission by the 12/28 deadline. The chair asked the secretary to work with Tamara and Tom as needed to prepare and complete the official notification steps needed to conduct the hearing.

Council Matters of Importance to the Board – Suzanne reported that things are fine with the 2009 budget and asked that the 2010 budget request be submitted as soon as possible. She reported that at their last meeting Council had adopted the proposed zoning code revisions and they were now official. She feels the board should consider additional changes beginning in January and consider a few at time throughout the year. The chair asked that the topic be made a line item on the agenda. The mayor announced that the Borough luncheon will be on 12/21 and invited the members to attend. The mayor thanked Joe Katella for his work with the board and that Joe is leaving the board due to his election to Borough Council.

Environmental Commission – Joe Threston reviewed that the commission was pleased and thanked the board for its endorsement of the commission's recommended changes to the Borough's Stormwater Ordinance. He feels the commission will be pleased to hear that Council be considering the matter in January.

Minor Site Plan Applications – Mary Lodato reviewed the application by Yogawood to open a yoga studio at 531 Broad that she and the chair had approved. There were no other applications.

Delinquent Escrow Collections – The secretary reported that Mr. Parry has been advised of the new shortage in his account. There has still been no response from Mr. Recchiuti and Ken asked if there was anything else that can be done besides continuing to send letters. It was reviewed there is nothing else that can be done to compel Mr. Recchiuti to make up the shortage. Ken was asked to continue to send notices.

NEW BUSINESS

Invoices and vouchers:

1. 11/30/09, Tamara Lee Consulting, LLC, \$540.00, Planning work related to COAH during November. PAY FROM TRUST FUND DEVELOPMENT FEES
2. 12/03/09, Raymond & Coleman, \$370.00, general business advice and attend November meeting.
3. 12/03/09, Raymond & Coleman, \$252.00, for COAH related work during November including 204 Main Street issues. PAY FROM TRUST FUND DEVELOPMENT FEES

A motion was made by Joseph Threston, seconded by the mayor, and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

PUBLIC COMMENT – Joe Threston motioned and the mayor seconded to open the meeting to public comment. There was none and Joseph Threston motioned and Joseph Creighton seconded to close the meeting to public comment.

Meeting adjourned at 7:55 PM. (motion by Threston, second by Creighton)

**Next meeting is on 01/19/2010 at 7:00 pm in the Borough Hall.
Tape is on file.**

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