

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**January 17, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Reconstitution and reorganization – Swear in all members, announce mayoral appointments
5. Elect board positions and professional appointments
6. Adopt minutes of the October 20, 2011 zoning board regular meeting and November 15, 2011 planning board meeting
7. Review correspondence and announcements
8. Old Business:
  - Council matters of importance to board, appointments, 2012 budget – Councilman Corbi and Mayor
  - COAH Related Updates including Borough Housing Fund/Spending Plan impacts– Tom Coleman
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Mandatory Education Update – 2012 NJPO Winter-Spring Session Schedule – secretary
  - Other old business
9. New Business:
  - New vouchers/invoices – secretary
  - Determine calendar of meetings for 2012 and Adopt Resolutions for 2012 meeting calendar and appointment of professionals – secretary
  - Adopt resolution for Annual Report of Zoning Variances and Recommendations – secretary
  - Adopt resolution for request for refund of unused escrow – secretary
  - 2012 Goals and Objectives
  - Other new business
10. Public comment on general Planning Board matters
11. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**February 21, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Swear in three remaining members unable to attend January meeting
5. Adopt minutes of the January 17, 2012 regular meeting
6. Review correspondence and announcements
7. Old Business:
  - Affordable Housing Related Updates including Borough Housing Fund/Spending Plan impacts – Tom Coleman and Tamara Lee
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
8. New Business:
  - New vouchers/invoices – secretary
  - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**March 20, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Swear in remaining member unable to attend prior meetings
5. Adopt minutes of the February 21, 2012 regular meeting
6. Review correspondence and announcements
7. Old Business:
  - Affordable Housing related updates including Borough Spending Plan impacts – Tom Coleman, Tamara Lee, Deb Weaver
8. Public Hearing: Andrea Rost, 713 Cinnaminson Street, variance application for variances required to install an in ground swimming pool.
9. Old Business:
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
10. New Business:
  - New vouchers/invoices – secretary
  - Other new business
11. Public comment on general Planning Board matters
12. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**April 17, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Swear in remaining member unable to attend prior meetings
5. Adopt minutes of the March 20, 2012 regular meeting
6. Review correspondence and announcements
7. Old Business:
  - Affordable Housing related updates including Borough Spending Plan impacts – Tom Coleman, Tamara Lee, Deb Weaver
8. Public Hearing: Andrea Rost, 713 Cinnaminson Street, variance application for variances required to install an in ground swimming pool.
9. Old Business:
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
10. New Business:
  - New vouchers/invoices – secretary
  - Other new business
11. Public comment on general Planning Board matters
12. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**May 15, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Swear in new alternate member
5. Adopt minutes of the April 17, 2012 regular meeting
6. Review correspondence and announcements
7. Old Business:
  - Affordable Housing related updates including Borough Spending Plan impacts – Tom Coleman, Tamara Lee, Deb Weaver
8. Public Hearing: Amy Martino, 620 Elm Terrace, variance application for setback variances required to construct an addition to the existing nonconforming structure.
9. Old Business:
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
10. New Business:
  - New vouchers/invoices – secretary
  - Other new business
11. Public comment on general Planning Board matters
12. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**June 19, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Adopt minutes of the May 15, 2012 regular meeting
5. Review correspondence and announcements
6. Old Business:
  - Affordable Housing related updates including Borough Spending Plan impacts – Tom Coleman, Deb Weaver
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Adopt and memorialize resolution approving variance application of Amy Martino, 620 Elm Terrace, for setback variances required to construct an addition to the existing nonconforming structure.
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - 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**  
**July 17, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Adopt minutes of the June 19, 2012 regular meeting
5. Review correspondence and announcements
6. Public Hearing: Case# 2012-03, Porch Club of Riverton, 213 Howard Street, variance application for setback relief and any other bulk variances required to construct a handicapped access ramp to the building.
7. Public Hearing: Case# 2012-04, Beatrice and Michael Horn, 107 Lippincott Avenue, variance application for setback relief to erect a fence in the rear yard of a corner property.
8. Old Business:
  - Affordable Housing related updates – Tom Coleman, Deb Weaver
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - 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**  
**August 21, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Adopt minutes of the July 17, 2012 regular meeting
5. Review correspondence and announcements
6. Public Hearing: Porch Club of Riverton, 213 Howard Street, Request for additional continuance, for variance application for setback relief and any other bulk variances required to construct a handicapped access ramp to the building.
7. Old Business:
  - Adopt and memorialize resolution approving variance application by Beatrice and Michael Horn, 107 Lippincott Avenue, for setback relief to erect a fence in the rear yard of a corner property.
  - Affordable Housing related updates – Tom Coleman, Deb Weaver
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
8. New Business:
  - New vouchers/invoices – secretary
  - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**September 18, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Adopt minutes of the August 21, 2012 regular meeting
5. Review correspondence and announcements
6. Public Hearing: (Continued from July meeting) Porch Club of Riverton, 213 Howard Street, use variance; and bulk variance application for setback relief and any other bulk variances required to construct a handicapped access ramp to the building.
7. Old Business:
  - Affordable Housing related updates – Tom Coleman, Deb Weaver
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
8. New Business:
  - New vouchers/invoices – secretary
  - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**October 16, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Adopt minutes of the September 18, 2012 regular meeting
5. Review correspondence and announcements
6. Public Hearing: Mary Ellen Meehan, 15 Carriage House Lane, variance application for property lot coverage and any other bulk variances required to build an addition consisting of an attached garage with room and bath above.
7. Old Business:
  - Affordable Housing related updates – Tom Coleman, Deb Weaver
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
8. New Business:
  - New vouchers/invoices – secretary
  - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**November 20, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Adopt minutes of the October 16, 2012 regular meeting
5. Review correspondence and announcements
6. Old Business:
  - Affordable Housing related updates – Tom Coleman, Deb Weaver
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
7. Public Hearing: (Continued from September meeting) Porch Club of Riverton, 213 Howard Street, use variance; and bulk variance application for setback relief and any other bulk variances required to construct a handicapped access ramp to the building.
8. New Business:
  - New vouchers/invoices – secretary
  - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**December 18, 2012**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Adopt minutes of the November 20, 2012 regular meeting
5. Review correspondence and announcements
6. Public Hearing: Mary Ellen Meehan, 15 Carriage House Lane, variance application for property lot coverage and various other bulk variances required to build an addition consisting of a garage and sunroom.
7. Old Business:
  - Adopt and memorialize resolution approving variance application of the Porch Club of Riverton, 213 Howard Street, to construct a handicapped access ramp.
  - Affordable Housing related matters – Tom Coleman, Deb Weaver
  - Council matters of importance to board – Councilman Corbi and Mayor Brown
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
8. New Business:
  - New vouchers/invoices – secretary
  - Requests for Professional Services for 2013 – Ken Palmer and Kerry Brandt
  - RiverRoute meeting update – Joe Threston
  - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**January 17, 2012**

The Public Session of the Planning Board was called to order at 7:00 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 26, 2011.
2. Required Service of notice and publication in the Burlington County Times on January 31, 2011.

**PRESENT:** Ken Mills, Joe Della Penna, Craig Greenwood, Joseph Threston, Mayor William Brown, Councilman William Corbi, Mary Lodato, Deborah Weaver, Tracy Foedisch, and Robert Martin.

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

**ABSENT:** Kerry Brandt, Robert Kennedy, and Robert Bednarek.

**REORGANIZATION - 2012**

Solicitor Tom Coleman swore in all the board members of the reconstituted board who were present. The absent members will be sworn in at the February meeting. Secretary Palmer announced that he continues as an employee of the Borough to serve as the secretary of the planning board. Ken stated that of course this was at the pleasure of the board.

**Chairman:** Kerry Brandt was nominated by William Brown and seconded by Ken Mills to serve as chairman for 2012. In Kerry's absence, Bill stated that Kerry had informed him he would accept the position if nominated. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Vice Chairman:** Ken Mills was nominated by the Craig Greenwood and seconded by William Brown to serve as vice chairman for 2012. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Solicitor:** Thomas Coleman, Esq. of Raymond, Coleman, Heinold, Norman, LLP, was nominated by William Brown and seconded by Joseph Threston to serve as the Planning Board Solicitor for 2012. 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 William Brown and seconded by Deborah Weaver to serve as the board's Planner for 2012. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Engineer:** David V. Denton, of Land Engineering & Surveying Co., Inc., was nominated by Craig Greenwood and seconded by Ken Mills to serve as the board's Engineer for 2012. 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 the only qualified person in the Borough. Mary Longbottom was nominated by Joe Della Penna and seconded by William Brown to serve as the Administrative Officer pursuant to N.J.S.A. 40:55D-3 for the Planning Board for 2012. The nominations were closed. A voice vote was taken and the vote was unanimous.

It was announced that Joe Threston continues as the board member of the Environmental Commission. Vice Chairman Ken Mills took over as chair of the meeting.

**MINUTES:** A motion was made by Joe Della Penna and seconded by Deborah Weaver to adopt the minutes of the October 20, 2011 regular meeting of the zoning board of adjustment as distributed. The voice vote was four ayes and six abstentions. A motion was made by Joseph Threston and seconded by Mary Lodato to adopt the minutes of the November 15, 2011 regular meeting of the planning board as distributed. The voice vote was three ayes and seven abstentions. (Secretary's note: Only former members of the two separate boards voted on the approvals respectively; the other members abstained.)

#### **CORRESPONDENCE/ANNOUNCEMENTS**

1. 12/2011, Copy of the 2nd Edition of The Redevelopment Handbook on CD from the NJ State DCA.
2. 1/2012, Copy of revised site plan and subdivision filing requirements and procedures for the Burlington County Planning Board.
3. 1 voucher/invoice as presented under New Business.

#### **OLD BUSINESS**

**Council Matters of Importance to the Board and 2012** – The mayor discussed that there was no new information on the 2012 budget process and no new developments from Council to report.

**COAH** – Tom Coleman discussed that it is important that the Borough appoint a Municipal Housing Liaison to cover the annual reporting requirements and act as the point person in the Borough regarding affordable housing issues. Tom also stated that Tamara Lee is concerned on the status of the Borough's affordable housing funds; and, that the Borough may need to revise and have its Spending Plan approved to protect the funds. It was decided to table further discussion until additional information was supplied.

**Environmental Commission** – Joe Threston reported that the commission's next meeting is on 1/19.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted since the last board meeting.

**Mandatory Education** – The secretary reviewed that all members except Tracy Foedisch and Bob Martin are and remain certified and that he has forwarded details of NJPO's Winter/Spring schedule to Tracy and Bob.

**Move Board Records to Borough Hall** – The secretary updated the board on the process of relocating the board's files to the new file cabinets in Borough Hall.

#### **NEW BUSINESS**

##### **Invoices and vouchers:**

1. 12/9/11, Raymond, Coleman & Heinold, LLP, \$240.00, legal services during November 2011; and prepare and attend November planning board meeting. PAY FROM GENERAL FUNDS

A motion was made by Joseph Threston, seconded by Mary Lodato, and unanimously approved to pay the voucher and invoice as presented. The secretary will have it signed and submitted for payment.

**2012 Resolutions** – The secretary presented the following resolutions for board approval:

- **Board Meetings for 2012** – Resolution P2012-01, the calendar of meetings for February 2012 through January 2013 was reviewed. The board discussed where and when to hold the meetings; and with a motion by Joe Threston and second by Joe Della Penna unanimously decided that it should continue to hold the meetings at 7:00 pm on the third Tuesday of the month at Borough Hall. A motion was made by Joe Threston and seconded by Craig Greenwood to adopt Resolution P2012-01 to that effect. 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 P2012-02 announcing the appointment of board professionals for the period February 2012 through January 2013 was reviewed. A motion was made by Craig Greenwood and seconded by Joe Threston 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.
- **Annual Report of Variance Applications and Recommendations** – The secretary reviewed that he had prepared and distributed Resolution P2012-03 which is the annual report to Borough Council of applications heard by the zoning board in 2011 and recommendations for possible amendments to the zoning code. Approval is needed to send it to Council. The board reviewed and discussed the resolution. A motion was made by Joe Della Penna and seconded by Craig Greenwood to adopt and forward the report to Council. The motion was approved by a voice vote of four ayes and six abstentions.
- **Request for Refund of Unused Escrow** – The secretary reviewed that he had received a request from the applicants for the Bank on Main site plan application for a refund of any unused escrow funds. Ken Palmer reviewed that his research indicated that all final inspections had been performed and a final certificate of occupancy issued for the project. Resolution P2012-04 has been prepared authorizing the refund. A motion was made by Joe Threston and seconded by Tracy Foedisch to adopt the resolution. The motion was approved by a unanimous voice vote.

**2012 Goals and Objectives** – A draft of proposed goals and objectives had been prepared and distributed by Ken Palmer. The board discussed the draft. Bob Martin suggested and the board concurred that the objective concerning the proactive monthly review of open escrow accounts be retained and added to the draft. A motion was made by Joe Threston, seconded by Bill Brown and unanimously approved to adopt the 2012 Goals and Objectives as amended.

**PUBLIC COMMENT** – A motion was made by Deb Weaver and seconded by Bill Brown to open the meeting to public comment.

- William Long of Alaimo Associates congratulated the members of the new board. There being no further comment, a motion was made by Joe Threston and seconded by Bill Brown to close the meeting to public comment.

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

**Next meeting is at 7:00 pm on 2/21/2012 in Borough Hall.  
Tape is on file for one year.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
February 21, 2012**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Ken Mills. 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, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Craig Greenwood, Robert Kennedy, Joseph Threston (8:15pm), Mayor William Brown, Councilman William Corbi, Mary Lodato, Deborah Weaver, and Robert Martin.

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

**ABSENT:** Joe Della Penna, Robert Bednarek, and Tracy Foedisch.

**REORGANIZATION**

Solicitor Tom Coleman swore in Kerry Brandt and Robert Kennedy. Chairman Brandt assumed chairing the meeting.

**MINUTES:** Following discussion of several minor corrections, a motion was made by Ken Mills and seconded by Craig Greenwood to adopt the minutes of the January 17, 2012, regular meeting of the planning board as amended. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 2/2012, Contracts from all three board professionals.

**OLD BUSINESS**

**Affordable Housing** – The chair and mayor announced that Deborah Weaver has been appointed as the Borough's new Municipal Housing Liaison. The chair next introduced reviewed matters as he understands them and stating that he hoped to: One, bring the board up to speed on affordable housing developments; and two, hoped to develop a proposed course of action to resolve the issues. Tamara Lee and Tom Coleman reviewed that a section of the State's Fair Housing Act has always maintained that municipalities must actually expend their housing funds and not just allow the funds to sit dormant. Failure to expend the funds in a timely fashion can result in the State escheating (taking) the funds and making them part of State's affordable housing funds thus effectively removing any control a municipality has over the spending of its funds. While apparently unenforced prior to now, the State has made it known that it intends to vigorously enforce the requirement beginning in July. This section of the statutes remains in effect and is not part of any of the current challenges to affordable housing administration. Tom and Tamara reviewed that the two major cases currently before the Appellate and Supreme Courts are the original challenge as to the fairness and accuracy of the Third Round methodology developed by COAH; and, the subsequent challenge that the Governor's action abolishing COAH is unconstitutional. Tamara reviewed that in order for a municipality to spend its funds, there must be an approved Spending Plan in place. The Borough last submitted its Spending Plan in 2010 along with a revised Housing Plan and Fair Share Plan to COAH as part of its petition for Third Round Certification. The petition was in the final steps of the approval process when the two major challenges just mentioned effectively brought all approval activity to a halt. The State has stated that one method to move things forward is for municipalities to submit and request an expedited approval of their spending plan. Tamara reviewed that since the Borough's last submission conditions have changed that render the proposed spending plan obsolete and impossible to accomplish. As a means to summarize matters and address the chair's objectives, Tamara provided a brief review and history of affordable housing explaining how the Fair Housing Act legislation came about and explaining that the current state of affairs is not about the need or legality of affordable housing but has to do

with challenges as to how affordable housing regulation has been administered under COAH and the legality of the governor's decisions regarding COAH. The board and Council need to reach a consensus as to whether the Borough wishes to retain control of its funds or to allow them to be escheated by the State and thus forcing the Borough to petition the State to release funds as needed to accomplish spending needs. If the decision is to retain local control of the funds, the Borough needs to submit and obtain approval of a revised Spending Plan and at a minimum show due diligence by having executed agreements in place that show the funds have/are/will be expended according to the plan.

Discussion ensued about possible scenarios to satisfy the currently calculated obligation and meet the spending deadline. Among possible solutions discussed was to continue to work with Quality Management Associates (QMA), who own and manage the group home in the Borough; as well as possibly working with groups such as Habitat for Humanity to provide qualified affordable housing. The chair stated that to provide insight to the board, he had asked Councilwoman Suzanne Wells to attend to speak regarding initiatives with QMA; and, he had also extended an invitation to representatives from the Burlington County Affiliate of Habitat for Humanity (Habitat) to explain that organization's mission and how they accomplish their goals. Following counsel's advice, the chair suggested that in order to allow the Habitat representatives and Suzanne to address the board, that the meeting be opened to allow for public comment.

**PUBLIC COMMENT** – A motion was made by Ken Mills and seconded by Bill Brown to open the meeting to public comment.

- Todd Ermer, Executive Director of the Burlington County Affiliate of Habitat for Humanity introduced himself as well as Borough residents Amanda Bolton and Dennis Lojek who are on the organization's board. Todd explained Habitat's mission and that they provide a complete package in providing affordable housing, not only qualifying owner candidates; but, also by educating candidates on the responsibilities of ownership and instilling a pride of ownership and community by requiring that candidates contribute their own "sweat equity" to provide their new residence. Habitat does have deed restricted properties in South Jersey and is involved with both new construction of "in fill" homes and rehabilitation projects. Mr. Ermer stated that he feels Habitat may be able to help the Borough and the organization welcomes all assistance provided to help them locate possible projects, providing volunteers, and of course any possible funding assistance. Deb Weaver and other members asked and received clarification on the types of properties and/or suitable rehabilitation candidates Habitat tries to look for.
- Suzanne Wells reviewed the history of negotiations with QMA and stated she felt it might be worth pursuing things, especially since there are bonus credits involved.

There being no further comment, a motion was made by Bob Kennedy and seconded by Ken Mills to close the meeting to public comment.

## **OLD BUSINESS**

**Affordable Housing (cont'd)** – The consensus of the board is that the preferred course of action is to keep the funds in the Borough and to develop a revised Spending Plan that satisfies that objective. Mayor Brown and Councilman Corbi feel that Council is/will be on board with this approach. The board will undertake research to assist in identifying suitable properties for Habitat for Humanity and Councilwoman Wells should be asked to pursue the possibility of negotiating an agreement with QMA regarding the group home, either at the current home or a new home. William Brown motioned and Craig Greenwood seconded that Suzanne Wells pursue contacts with QMA. Deb Weaver explained her approach to researching for suitable properties. Joe Threston mentioned the recent news articles that indicate the state may allow communities to use housing funds to acquire foreclosed properties for affordable housing. Tamara stated she is prepared to begin revising the 2010 Spending Plan based on the research results and is prepared to speak to Council to ensure they are on board with the proposed approach. Tom Coleman will continue to approach the State to determine if the proposed solutions are suitable. Tom Coleman and Tamara Lee led a discussion on what the roles of the board and Council are in the process. At present, the board is charged with developing the revised spending plan and then recommending that Council endorse the plan. Council would then submit it to the State requesting an expedited approval. Further required action would be based on the State's action and the List of Service supplied by the

State. Tamara and Tom concurred that the Borough should pursue the activities with all due diligence since there will most likely be a logjam of submissions to the State. Following a request by the chair, Deb Weaver volunteered to lead the research effort to try and come up with possible properties for Habitat for Humanity involvement. Joe Threston offered to help the research efforts. Mary Lodato stated she would see if there was any helpful information from the Construction officials. It was agreed that any list of possible candidate properties would be passed along to Habitat and to allow them to approach the property owners as they saw best fit.

**E-Mail Correspondence Policy** – The chair asked Tom for clarification on the impact of the e-mail policy on correspondence among board members. Tom reviewed that subject of e-mail dialogs is a very "hot button" within the county and that the simple best rule to follow is to never use the "reply all" option when replying to board related e-mails. The rule is that e-mail correspondence should not be able to be construed as conducting a dialog of board business among the board members outside of a public meeting. Except for clearly non-business related correspondence such as letting all members know that you will be unable to attend a meeting, never use reply all or engage in an ongoing dialog among multiple board members.

**Council Matters of Importance to the Board and 2012 Budget** – The mayor and Councilman Corbi reported that the 2012 budget will be discussed at the March 7, 2012, Council Workshop session.

**Environmental Commission** – Joe Threston reported that following the presentation to Council by members of the Sustainable Jersey program in January that the commission members are interested in pursuing the program and asked the mayor if it would be possible for members of the program to further address Council on the matter. The mayor suggested contacting Mary Longbottom. Joe reviewed continuing fund raising efforts for the rain garden at the Riverton School.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted since the last board meeting.

**Mandatory Education** – The secretary announced that Tracy Foedisch and Bob Martin had attended and passed the NJPO course offered by Alaimo Associates.

**Move Board Records to Borough Hall** – The secretary updated the board on the process of relocating the board's files to the new file cabinets in Borough Hall.

## **NEW BUSINESS**

**Invoices and vouchers: (None presented)**

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

**Meeting adjourned at 9:04 PM. (motion by Threston, second by Greenwood)**

**Next meeting is at 7:00 pm on 3/20/2012 in Borough Hall.**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
March 20, 2012**

The Public Session of the Planning Board was called to order at 7:02 PM by Chairman Kerry Brandt. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna, Craig Greenwood, Robert Kennedy, Joseph Threston, Mayor William Brown, Councilman William Corbi, Mary Lodato, Deborah Weaver, Tracy Foedisch, and Robert Martin.

**Also Present:** Solicitor Chuck Petrone for Tom Coleman, Planner Tamara Lee, and secretary Ken Palmer.

**ABSENT:** Robert Bednarek.

**MINUTES:** A motion was made by Ken Mills and seconded by Deb Weaver to adopt the minutes of the February 21, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 3/20/12, NJLM Mayor's Fax Advisory re: **Recent developments at State level regarding Affordable Housing/Municipal Trust Fund Dollars. Copies distributed to the board.**
2. **One voucher/invoice to be presented under new business.**

**PUBLIC HEARING**

After conferring with Mr. Petrone, the secretary explained to the board and public that the variance application scheduled to be heard could not occur because the neighboring property owners had been improperly notified as specified in the State Municipal Land Use Law. The applicant is required to re-notice the matter for the next meeting. The applicant has informed the secretary that she intends to re-notice for the April meeting.

**OLD BUSINESS**

**Affordable Housing** – The chair asked Tamara Lee to update the board on progress/developments on the attempts to locate suitable candidates for affordable housing in the Borough. Tamara reviewed that a group home or homes cannot be used to fully satisfy the Borough's needs. There is also a requirement that there exist a component of deed restricted rental/owned unit(s). Tamara and Suzanne Wells reviewed Suzanne's discussions with Quality Management Associates (QMA) for the current or new group home. It appears that QMA cannot use funds for the current home since that project is finished, but may be interested in funding for another home. However, the amount that QMA appeared to desire would equal or exceed the funds available in the Borough accounts. There was discussion that the county could be a source to find out if there are similar organizations to QMA that could be approached. It was discussed and Suzanne agreed to make further contact with QMA to see if there was interest in using funds towards officially deed restricting the current home as affordable housing. Deb Weaver reported on her initial efforts to research possibly candidate properties that would be of interest to Habitat for Humanity. It appears that Habitat does not look for specific amounts but rather encourages/appreciates any level of assistance on their projects. The chair asked for member volunteers to assist Deb Weaver's research efforts. Joe Della Penna and Joe Threston offered assistance. The board agreed that it should continue to see if it can come up with viable methods to create a revised Spending Plan that would fulfill the state requirement that the Borough has firm commitments to spend the amounts in its housing funds. Tamara and Chuck reviewed the constantly changing legislative and judicial landscape in Trenton that impacts the decision to enforce the stated July 17, 2012 deadline such as: that COAH never promulgated the required guidelines; the legality of the governor's right to abolish COAH; and possible legislation to extend the current

deadline. Finally, Tamara agreed with the board that there is a large dichotomy between what the rules require to qualify as affordable housing and what actually exists since there are plenty of examples in town that except for the formal deed restriction already qualify and economically will probably never change from meeting what qualifies as affordable housing.

**Council Matters of Importance to the Board and 2012 Budget** – The mayor and Councilman Corbi reported that the budget had been presented to the public at the last Council meeting and that a public hearing and vote on the final 2012 budget is scheduled for the April 11, 2012 Council meeting.

**Environmental Commission** – Joe Threston reported that the commission had a presentation from a representative of the Sustainable Jersey program and that the commission is preparing to recommend that Council approve the Borough's participation in the program so it can be eligible for the benefits, programs, and grants available to participating municipalities.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted since the last board meeting.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 2/6/12, Raymond, Coleman & Heinold, LLP, \$200.00, prepare and attend January planning board meeting.  
PAY FROM GENERAL FUNDS

A motion was made by Ken Mills, seconded by Joseph Threston, and unanimously approved to pay the voucher and invoice as presented. The secretary will have it signed and submitted for payment.

**Miscellaneous** – Bob Martin encouraged everyone to attend and help support the Riverton Library at its annual fund raising cocktail party.

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

**Meeting adjourned at 8:15 PM. (motion by Mills, second by Threston)**

**Next meeting is at 7:00 pm on 4/17/2012 in Borough Hall.  
Tape is on file for one year.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
April 17, 2012**

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

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna, Craig Greenwood, Robert Kennedy, Joseph Threston (arrived 7:20pm), Mayor William Brown, Councilman William Corbi (arrived 7:09pm), Mary Lodato, Deborah Weaver, Tracy Foedisch, and Robert Martin.

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

**ABSENT:** Robert Bednarek.

**MINUTES:** A motion was made by Robert Kennedy and seconded by Deb Weaver to adopt the minutes of the March 20, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 4/16/12, copy of Borough Resolution 47-2012, adopted by Council on 4/11/12, Supporting Assembly Bill A-2717 Extending The Time Period For Municipalities To Commit To Expend Collected Development Fees And Payments-In-Lieu Of Constructing Affordable Units. (e-mailed to members 4/16/12)
2. 3 vouchers/invoices as presented under New Business.

**PUBLIC HEARING**

**Variance Application:** Andrea Rost, 713 Cinnaminson Street, Block 1400, Lot 16; setback requirements & any other variances required under the Swimming Pool Ordinance; and, impervious coverage bulk requirements under the Variance Ordinance for the R4 District to install an in ground swimming pool.

**Introduction:** The chair introduced the matter. The secretary reviewed that all completeness and filing requirements had been met and Tom Coleman concurred that the hearing could proceed. The chair asked if the members were ready to proceed and whether any of the members needed to recuse themselves. No members needed to step down.

**Testimony:** The applicant, Ms. Rost was introduced and was sworn. Following a review of the application by Mr. Coleman, Ms. Rost presented what she wished to do. Ms. Rost stated that adhering to the required side yard setbacks and impervious coverage presented a hardship in that it would limit the size of the pool to essentially a "lap pool" suited only for exercise and not a pool that can also be used for relaxation and entertainment of family and friends, including children. The chair reviewed the process and the criteria for granting a variance. Ms. Rost introduced Chris Volk and Larry Stoelker, representatives from Budd's Pools of Deptford, NJ. After being sworn in, the two presented background and technical details of the plans for the pool. The following exhibits were introduced and referred to during their testimony:

A-1: Topographical survey and lot coverage calculation.

A-2: Typical structural and installation details for a rigid braced, vinyl lined, in-ground pool.

A-3: Three photographs of the property.

The representatives provided testimony both prepared and in response to questions from the board and counsel as to the construction plans for the property including the need to use a lot of manual preparation and construction in order to not disturb the neighboring properties. The plans for the infiltration trenches along the side yard sides of the pool to facilitate proper drainage were discussed in detail. Testimony was given that the type of construction planned was commonly used by the firm and followed accepted standards wherever there were drainage concerns. The possibility of installing complete perimeter drainage to direct any splash out or back flush spillover to the trenches was discussed and agreed to that it would be included if required by the

board. The impervious coverage was reviewed. It was concluded and agreed to that based on additional testimony and revised calculation which included egress steps from the back of the home as well as the pad requirements for the pool equipment would result in a total coverage very close to 50% which is 10% over the 40 % permitted. As to the need and appropriateness of the required setbacks, the board did not agree with the testimony that the pool company representatives feel the prime reason for having the required setbacks was more a noise issue than anything else. Several members stated that they were having engineering related concerns.

**Public comment:** The chair suggested that before the board deliberate further the hearing be opened to public comment. A motion was made by Ken Mills and seconded by Joe Threston to open the hearing to the public. Robert Hicks, 715 Cinnaminson Street, stated he was present to object to the application. Mr. Hicks presented a copy of a letter that he had written to Ms. Rost stating his objections and asked to read it. Mr. Coleman reviewed the letter and stated that the contents of the letter really constituted testimony and asked that Mr. Hicks be sworn in before the letter was presented. Mr. Hicks was sworn in and the letter was introduced as exhibit A-4 and copies were given to the board. Mr. Hicks feels that runoff will impact his property since the grading showed that excess runoff will flow to his property. He doesn't feel the fencing issues have been addressed. He doesn't feel the proposed location and construction plans properly addresses technical requirements such as "angle of repose" dealing with excavation. The pool company representatives attempted to address his concerns; but, Mr. Hicks feels that further professional review by the board is warranted. There was no further comment and Ken Mills moved and Joe Threston seconded to close the hearing to public comment.

**Deliberation:** Mr. Coleman stated that before the board deliberated further, that it would be proper to return to the concerns already voiced by the board and see if there was any consensus of the members as to where they feel things stand. All the members were asked to voice their opinion. The consensus of the board was that there were: concerns over the impact on neighboring properties; the possibility of a perceived precedence being established by granting the variances; the coverage issue was too much a variance; and the primary concern that the members were being asked to make a decision concerning technical issues that were clearly beyond their expertise and require a professional review. The chair explained to the applicant that for residential applications especially by a owner occupied property owner where a site plan is not required, the board tries to work with the applicant and not make the process any more complicated and expensive than necessary. However, when issues are raised that the board feels are beyond the expertise of its members and require expert opinion, the board has the right and duty to require professional review. The board feels that it needs professional input to address the concerns of the board and public. The chair asked that the hearing be reopened to the public to ensure that its consensus as to professional review would address the concerns previously raised. Craig Greenwood moved and Joe Threston seconded to reopen the hearing to the public. Mr. Hicks was asked if the professional review which would be discussed with public comment in a public address his concerns. Mr. Hicks stated that as long as the issue was open to public review and comment that he was comfortable with the process. There was no further comment and Deb Weaver moved and Joe Threston seconded to close the hearing to public comment. The chair proceeded to discuss the impact of further needed review including the applicant granting a suspension of the "tolling" of the time to decision to obtain the review. The issue of escrow needed to cover the board's professional review was discussed and a figure of an additional \$2,000.00 was agreed as not unreasonable and that any unused escrow is refunded upon request of the applicant. It was also explained that there was no guarantee that the application would be approved even after the engineers from both parties have provided their input.

**Withdrawal of application:** The applicant was offered and asked for a short break to discuss the issues and reach a decision. Following a short pause, the applicant stated that she wished to withdraw the application. Tom Coleman explained the judicial impact on any future applications for the same matter that preclude simply resubmitting essentially the same application. Ms. Rost stated she understood the explanation. A motion was made by Joe Threston, seconded by Bob Kennedy and unanimously approved by voice vote to accept the applicant's decision to withdraw the application.

## **OLD BUSINESS**

**Affordable Housing** – Tom Coleman addressed the pending legislation contained in Assembly Bill A-2717 to

extend the time period to commit housing funds; and, that he and Tamara concurred that the Borough, Council and board should not count on the bill being passed and enacted. Further, the board should continue to expeditiously identify suitable candidates that can be part of a revised spending plan. Suzanne's continuing efforts to work with QMA in regards to the current or a future group home were recognized. Deb Weaver's properties research efforts were discussed. There is strong interest from a property owner of a twin home on Broad Street in taking the steps to deed restrict the property to qualify the property as affordable housing. The owner is asking for financial help in exchange for the required 30 year deed restriction. A twin property on Cinnaminson Street was discussed as a possible candidate for Habitat for Humanity work. The vacant lot at 604 Broad Street, next to Erin Cleaners was discussed as not being a suitable property. There is a vacant property at 303 Third Street near the AME church; but it presents variance issues to make it a buildable lot and it may not be able to make it comply with handicap access rules. The board feels that the community favors pursuing rent/purchase deed restricted agreements with property owners rather than actively pursuing the group home approach. The board concluded that: it would move forward pursuing the Cinnaminson Street property as a Habitat candidate; help property owners willing to agree to the deed restriction; work with Tamara or whomever to develop the formal agreements; and, not completely ignore looking at opportunities similar to QMA and group homes. Kerry agreed to pursue with Tamara to clarify what could happen and present details to the property owner. Deb Weaver agreed to follow up with Habitat regarding the Cinnaminson Street property. The board was reminded that a maximum of four members can jointly participate/discuss the process at any one time outside of a public board meeting. Tom Coleman in closing the discussion reiterated that both he and Tamara strongly encourage the board to explore all possible options; but, to concentrate on the most promising prospects.

**Council Matters of Importance to the Board and 2012 Budget** – The mayor and Councilman Corbi reported that the 2012 budget had been adopted at April 11, 2012 Council meeting. There will be a very small property tax rate increase.

**Environmental Commission** – Joe Threston reported that Council had approved the Borough's participation in the Sustainable Jersey program and that the commission will function as the "green team." The commission intends to begin its work at the next meeting on 4/19. A "Rain Dance" event is scheduled at the school to fund raise in support of the rain garden. The commission is urging support and help with the town-wide clean-up event on 4/28 sponsored by the Improvement Authority.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted since the last board meeting.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 4/1/12, Tamara Lee Consulting, LLC, \$650.00, services during March 2012 on affordable housing issues. (DEVELOPMENT FEES TRUST FUND)
2. 4/4/12, Raymond Coleman & Heinold, LLP, \$308.00, services during March 2012 on affordable housing issues. (DEVELOPMENT FEES TRUST FUND)
3. 4/6/12, Raymond Coleman & Heinold, LLP, \$237.00, legal services during March and attending the March 2012 board meeting. (PLANNING BOARD GENERAL FUNDS)

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

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

**Meeting adjourned at 9:53 PM. (motion by Threston, second by Della Penna)**

**Next meeting is at 7:00 pm on 5/15/2012 in Borough Hall.  
Tape is on file for one year.**

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
May 15, 2012**

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

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Joe Della Penna, Craig Greenwood, Robert Kennedy (arrived 7:10pm), Joseph Threston, Mayor William Brown, Councilman William Corbi, Mary Lodato, Deborah Weaver, Robert Martin, and Michael Powers.

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

**ABSENT:** Ken Mills and Tracy Foedisch.

**REORGANIZATION**

Solicitor Tom Coleman swore in new alternate member Michael Powers. Mike will be alternate member #4.

**MINUTES:** A motion was made by Craig Greenwood and seconded by Joe Threston to adopt the minutes of the April 17, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. Copy of notes and agenda from the April 26, 2012, River Route Advisory Committee meeting. (Copies distributed to members 5/15/12.)
2. 2 vouchers/invoices as presented under New Business.

**OLD BUSINESS**

**Affordable Housing** – Tom Coleman updated the board on the latest from Trenton. The governor is appealing the Appellate Court ruling that the Governor could not unilaterally abolish the COAH body. Tamara reported that she still needs a decision/direction from the board before she can prepare a revised spending plan. Tamara stated that the revised plan needs to reflect that the Borough has a firm commitment such as agreements or signed letters of intent that show how the Borough is going to expend the funds. The chair asked the board to comment on what they thought should ideally be done and led off the discussion by reiterating that he does not feel that the Borough should be forced to change or commit to other alternatives that may not be perceived by the town as the most desirable just to satisfy a statutory requirement when the Borough naturally already has a sufficient number of properties that qualify as affordable housing. Tamara and Tom reviewed that Kerry may have a point; but, that unless there is the required deed restriction in place that guarantees the property/unit remains as affordable housing for the 30 year period, it does not count as an affordable housing unit. The majority of board members essentially echoed Kerry's opinion; but also wondered what is the best path to take.

Suzanne Wells commented that while she understands the concerns and seeming frustration of the new board members; the board should not feel they are having to start from scratch. The concerns and frustrations of the current board are nothing new to those officials that have been dealing with the problem for years. Most if not all of the ideas being put forth are not new or novel. They have been considered and pursued vigorously, but all to no avail. Now with the pending deadline fast approaching, the board needs to endorse a plan that shows the Borough has firm commitments in hand to expend the funds. To date only Quality Management Associates (QMA) with their group homes and most recently Habitat for Humanity (Habitat) which provides single family homes have demonstrated a continued strong interest. All other approaches have fallen short for any number of reasons. The chair asked for an update. Suzanne Wells reported that she has continued to negotiate with QMA and she believes they may be willing to agree to an amount of around \$90,000.00 or less towards the purchase

of another suitable property for a group home within the Borough. Deb Weaver reported that the owners of the Broad Street property had backed away from their previous interest in agreeing to deed restrict their home in exchange for funds to rehabilitate and the associated expenses of setting up the deed restriction. The property on Cinnaminson Street that Habitat stated they were interested in has gone under contract to another purchaser and is thus no longer a candidate property. Deb stated she feels Habitat is still interested in pursuing properties in the Borough and needed a better idea of the funding that may be available from the Borough. Habitat of course states that they can use all the financial help they can get; but, appreciates any funding it might expect to receive. Currently other than QMA and Habitat, there are no other realistic candidates. Tamara reviewed that a group home with an organization such as QMA presents the biggest bang for the buck since there are extra credits allowed. However, under the current calculations of an obligation of five units, at least one approved unit must be a single family owned/rented residence.

Tom Coleman was asked what was needed and when. Tom informed the board that to ensure the Borough meets the July deadline to have a revised plan submitted, Tamara needs for the board to determine what the revised spending plan should reflect and that agreements have been negotiated to that effect. Tamara needs the decision tonight so she can finalize the revised plan and submit it to Council for consideration at their June meeting. Also the board needs to adopt a resolution that will have the plan attached which recommends Council adopt the revised plan. The chair asked for each board member to comment on what they felt should be done and the consensus of all the members was that, although they feel the town might feel otherwise, that the best course of action was to attempt to secure agreements with QMA and Habitat. Using the latest figure of \$90,000.00 reported by Suzanne Wells, the board requested that Suzanne try and secure a firm commitment from QMA as soon as possible to enter an agreement that the Borough will provide a set amount to them to locate a suitably deed restricted group home in the Borough. Suzanne will communicate her results to Tom Coleman who will prepare the agreement and also to Tamara for inclusion of the appropriate details in the revised spending plan. The board also requested that Deb Weaver work with similar urgency to secure a similar commitment from Habitat that the Borough will provide the remainder of the funds to Habitat to purchase and provide a suitably deed restricted single family home in the Borough. Deb will likewise communicate her results to Tom Coleman who will prepare the agreement and also to Tamara for inclusion of the appropriate details in the revised spending plan. There was no further discussion from the board and with guidance from Tom Coleman, a motion was made by Joseph Threston and seconded by William Brown that the board adopt a resolution that endorses a revised spending plan to be attached to the resolution; and, which recommends that Borough Council adopt the revised plan. The plan will reflect that the Borough has secured agreements to provide funds in exchange for suitably deed restricted properties to: QMA for the purpose of locating a group home in the Borough at a place and time to be determined by QMA; and, to Habitat for the remainder of the funds for the purpose of locating an approved single family home in the Borough at a place and time to be determined by Habitat. There was no further discussion and the motion was approved by a poll vote of 9 to 0 as follows:

Mr. Brandt	aye	Mr. Della Penna	aye
Mr. Greenwood	aye	Mr. Kennedy	aye
Mr. Threston	aye	Mr. Brown	aye
Mr. Corbi	aye	Mrs. Lodato	aye
Mrs. Weaver	aye		

## **PUBLIC HEARING**

**Variance Application: Amy Martino, 620 Elm Terrace, Block 1005, Lot 3; Side yard setback requirements & any other's required to permit the construction of an addition which follows the lines of the existing home.**

**Introductions:** The chair announced the matter and the secretary stated that all jurisdictional requirements except the proof of taxes have been met. Tom Coleman stated that if the board concurred, the hearing could continue as long as the applicant submitted the required proof prior to any final approval (the resolution) being adopted. The board concurred and the applicant agreed to provide the proof prior to the next meeting. No

members needed to recuse themselves from the matter. Mrs. Martino and her architect Sean Toner of Morton & Company, LLC were sworn in and testified.

**Testimony:** Testimony was provided that the property is located in the R8 Zone where a minimum side yard of ten feet is required. The existing house is within the setback on one side by just over 1/2 foot and the roof line, eaves, fascia, and gutters extend at most another 24 inches beyond the wall. The plans call for the addition to match the lines of the existing structure. Testimony was provided that due to the interior layout and loss of buildable space it would be a hardship if the addition had to adhere to the required setback. Also, the existing home is too small for the family. Mr. Toner stated he also felt that the proposed plan maintained the aesthetics and style of the existing structure. There was no further testimony and no questions from the board.

**Public Comment:** The chair remarked for the record that there were no members of the public present.

**Deliberation:** There was no further discussion from the board. A motion was made by Mary Lodato and seconded by Joseph Della Penna to approve the application as presented to permit the expansion as long as the building line is no closer than 9.4 feet to the property line with any overhangs of the roof and eaves and gutters not to exceed 24 inches beyond the side of the building. The motion was approved by a poll vote of 9 to 0 as follows:

Mr. Brandt	aye	Mr. Della Penna	aye
Mr. Greenwood	aye	Mr. Kennedy	aye
Mr. Threston	aye	Mr. Brown	aye
Mr. Corbi	aye	Mrs. Lodato	aye
Mrs. Weaver	aye		

Comments from various board members on their votes stated that a hardship appeared to exist and that the benefits far outweighed any perceived detriments. In addition, the attention paid to the character of the neighborhood, not planning to increase the encroachment, and maintaining the aesthetics and style of the structure were important in voting to approve.

#### **OLD BUSINESS (Cont'd)**

**Council Matters of Importance to the Board** – There was nothing of note to report.

**Environmental Commission** – Joe Threston reported that the commission will function as the "green team" for the Sustainable Jersey program and any volunteers from the community are welcomed. Joe also reviewed the River Route Advisory Committee notes and stated he had the entire package available for review.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted since the last board meeting.

#### **NEW BUSINESS**

##### **Invoices and vouchers:**

1. 5/7/12, Raymond Coleman & Heinold, LLP, \$130.00, legal services during April and attending the April 2012 board meeting. (PLANNING BOARD GENERAL FUNDS)
2. 4/6/12, Raymond Coleman & Heinold, LLP, \$350.00, services during April regarding the Variance Application and hearing for 713 Cinnaminson Street. (ESCROW ACCOUNT)

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

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

**Meeting adjourned at 9:13 PM. (motion by Threston, second by Greenwood)**

**Next meeting is at 7:00 pm on 6/19/2012 in Borough Hall.**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
June 19, 2012**

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

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna (7:05), Craig Greenwood, Joseph Threston, Councilman William Corbi, Mary Lodato, Deborah Weaver, Robert Martin, and Michael Powers.

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

**ABSENT:** Robert Kennedy, Mayor William Brown, and Tracy Foedisch.

**MINUTES:** A motion was made by Ken Mills and seconded by Joe Threston to adopt the minutes of the May 15, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 4 vouchers/invoices as presented under New Business.

**OLD BUSINESS**

**Affordable Housing** – Tom Coleman stated that the board's work is done for now. The resolution endorsing the revised spending plan was signed and sent along with the plan to Council. Agreements with Quality Management and Habitat for Humanity have been prepared based on the plan and forwarded to the organizations for review and signatures. Once returned they will be forwarded to the state. To date no meetings have been scheduled by COAH since the court overturned the governor's abolishment of the Council.

**Council Matters of Importance to the Board** – The mayor and Bill Corbi reported that Council had adopted the revised spending plan.

**Adopt and Memorialize Resolution P2012-06, Case #2012-02, approving the variance application by Amy Martino, 620 Elm Terrace, Block 1005, Lot 3 for side yard setback requirements to permit the construction of an addition which follows the lines of the existing home** – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. Hearing none a motion was made by Joe Threston and seconded by Deb Weaver that the resolution be adopted and memorialized. The motion carried by a unanimous voice vote of the seven members present who were eligible to vote (approved the application).

**Environmental Commission** – Joe Threston reported that the commission is reviewing tasks in the Sustainable Jersey program that can be done and to report back at the next meeting which will be on Thursday the 21st.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 6/1/12, Tamara Lee Consulting, LLC, \$1,250.00, services during May 2012 on affordable housing issues and revised spending plan. (DEVELOPMENT FEES TRUST FUND)
2. 6/6/12, Raymond Coleman & Heinold, LLP, \$196.00, services during May 2012 on affordable housing issues and revised spending plan. (DEVELOPMENT FEES TRUST FUND)
3. 6/6/12, Raymond Coleman & Heinold, LLP, \$195.00, legal services during May and attending the May 2012 board meeting. (PLANNING BOARD PROFESSIONAL SERVICES)
4. 6/6/12, Raymond Coleman & Heinold, LLP, \$136.50, services during May regarding the Variance Application and hearing for Martino, 620 Elm Terrace. (MARTINO ESCROW ACCOUNT)

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

**New Applications** – The secretary noted that it appears there may be two variance applications scheduled to be heard next month.

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

**Meeting adjourned at 7:10 PM. (motion by Threston, second by Mills)**

**Next meeting is at 7:00 pm on 7/17/2012 in Borough Hall.**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
July 17, 2012**

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

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna (7:15), Craig Greenwood (7:15), Robert Kennedy, Joseph Threston, Mayor William Brown, Councilman William Corbi, Mary Lodato, Deborah Weaver, Tracy Foedisch, Robert Martin, and Michael Powers.

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

**ABSENT:** None.

**MINUTES:** A motion was made by Ken Mills and seconded by Joe Threston to adopt the minutes of the June 19, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 7/10/12, NJLM "Mayor's Advisory," regarding the Appellate Division's decision regarding the trust funds issue, copies distributed to the board.
2. 4 vouchers/invoices as presented under New Business.

**PUBLIC HEARINGS**

**Site Plan Waiver & Variance Application: Case# 2012-03, Porch Club of Riverton, 213 Howard Street, site plan waiver, variance application for setback relief and any and all use and/or other bulk variances required to construct a handicapped access ramp to the building.**

**Introduction:** The chair reviewed the purpose of the hearing to consider: Site plan waiver and bulk variances for setback relief and any other bulk variances required to construct a handicapped access ramp to the building. The chair asked if any members needed to recuse themselves from the hearing. Kerry Brandt and Robert Kennedy stated they would recuse themselves due to a possible conflict of interest. Board solicitor Tom Coleman discussed that because a use variance was needed (expansion of a nonconforming use), the mayor (Class I) and Council member (Class III) needed to recuse themselves. All recused members left the meeting and returned following conclusion of the hearing. Tom Coleman discussed that the first and second alternates (Weaver and Foedisch) would be eligible to vote on the matter as replacements for Brandt and Kennedy. The Class I and Class III members are not replaced; there are only seven members permitted for the hearing and that a "super majority" of five votes is needed to approve any use variances. The non-voting alternates may and are encouraged to participate in any discussion even though they cannot vote on the matter. Vice Chairman Ken Mills assumed chairing the hearing. The applicant's attorney Mr. William Sitzler, Esq. of Saponaro & Sitzler was introduced. Mr. Sitzler introduced Michelle Daniel, Porch Club Treasurer and Walter (Hank) Croft, applicant's architect as witnesses for the applicant and asked they be sworn in. Both were sworn in by Mr. Coleman and Mr. Croft attested to his credentials.

**Testimony:** Mr. Sitzler questioned Ms. Daniel and Mr. Croft. Testimony was provided that the club needed the handicapped access for both handicapped members of the club and for handicapped members of the public attending functions held at the club. Currently the building is not considered handicapped accessible. Mr. Croft testified as to the design of the proposed ramp, its location and the impact on the architecture and character of the neighborhood. The decision on the location on the side of the building was based on its minimal impact on the neighborhood and the facade of the building and use of space already occupied by an existing sidewalk and access landing. In addition, the existing doorway is suitable for handicapped access and, its location provides the only entrance that would not require additional interior modifications to provide access

to the main level of the building. The entrance will also provide immediate access to additional interior changes to cloak room and restroom facilities. The proposed location also provides the least increase in impervious coverage. Hank also reviewed the currently proposed construction and architectural details for the ramp. With testimony concluded, Mr. Coleman reviewed that in his opinion, the necessary additional proofs needed to justify the use variance for expansion of an existing nonconforming use had been provided. Except for the minor increase in impervious coverage all bulk variances to be considered appeared to be pre-existing.

**Board Discussion and Questions:** Questions and discussion by the board members confirmed that the proposed access was: scooter/wheelchair accessible; that the adjoining property's driveway would not be blocked; the current main entrance on 4th Street is not suitable for location of the ramp; and, that the proposed location appears to provide the least impact. Possible alternate construction and architectural details of the ramp and railing were discussed as well as screening of the adjoining property either by greenery or fencing. Drainage issues were discussed and that the plans should not change the current site drainage. It was confirmed that the proposed ramp except when viewed head on is essentially behind or otherwise screened from view with the exception of the neighboring property. Any required modifications or replacement of the existing sidewalk will be made in kind. Additional screening was discussed.

**Public Comment:** Joe Threston motioned and Mary Lodato seconded to open the hearing to public comment.

- Mary Murphy, 211 Howard Street, commented that she owns and lives on the property adjoining property and that her driveway is next to the Porch Club property. She is not opposed to the need for handicapped access; but, she has concerns that the location will impact her property and may bring liability issues. She feels that there are current water accumulation issues now and that they may increase. People have used her drive way to drop off people previously and she feels that use of the entrance as the primary entrance will increase especially by visitors who park along Howard Street. She is concerned about possible liability issues if someone is injured while on her property. Mrs. Murphy feels she is the only person that will be impacted by the location of the proposed access. She feels some form of privacy barrier provided by a fence is appropriate to lessen noise and privacy issues caused by the use of the porch club. She is also concerned about impacts on her property value.

There was no further comment and a motion was made by Deb Weaver and seconded by Joe Threston to close the hearing to public comment. Mr. Sitzler asked Hank and Michelle to comment. Hank stated that he felt that the location is essentially flat and that if there are issues, they could be easily addressed, possibly by some form of a minor landscape berm. If necessary some topography lines could be shot and the grading easily adjusted. Michelle stated she feels landscaping and if needed landscape drains would be preferred to fencing and concurred that the club would attempt to alleviate any drainage problems caused by the plans. Joe Della Penna feels it is important that the neighbor and the club come to an agreement now before final action is taken, since once, if the application is approved, they cannot come back to the board. Mr. Coleman stated that any resolution to the issues may impact the variances being requested and any conditions made to any approval and that the parties are best served by coming to an agreement before the board renders a decision. Joe feels that the applicant needs to come back to the board with firmer decisions on how any of the issues raised will be addressed. A motion was made by Mary Lodato and seconded by Deb Weaver to reopen the hearing to public to comment, and Mrs. Murphy was asked if the options and solutions discussed would help address her concerns. She feels the demarcation of her property line is needed to help against liability issues. Regarding possible liability Mr. Sitzler commented that in his professional experience Mrs. Murphy's exposure would be based on there being some form of contributory negligence or a condition on her property for her to be held liable. He feels the issues raised by Mrs. Murphy are not dissimilar to issues between adjoining property owners now. Mrs. Murphy feels that she alone is being put at increased risk. Deb Weaver asked if any discussion regarding signage and barriers was beyond the scope of the application. Tom Coleman stated that these issues are properly site plan issues and he feels that unless the board feels a site plan should not be waived, those kinds of issue are best left to be resolved between the parties. However, the board can condition approval on any agreed solutions being included. As to possible property value impacts, Mr. Sitzler could not venture an opinion. There was no further comment and Mary Lodato motioned and Deb Weaver seconded to close the hearing to public comment.

**Board Deliberation:** Ken Mills stated that he feels there are significant concerns from the board that board feels it needs more definitive answers to before it can render a decision. Among those concerns are drainage

issues, privacy barriers, and the design and construction of the ramp. Mrs. Daniel stated that the club has a very limited budget to work with and wishes to resolve any potential comments and still be able to provide the needed handicapped access to the building. Mr. Sitzler, stated that he has been led to understand that the club is willing to provide additional privacy protection and address any drainage concerns if shown to exist or which will be created by the construction. Ken Mills stated and the members concurred that they needed more definitive and concrete decisions from the applicant to make sure they know what they will be voting. Ken stated the board needs: definitive plans on addressing drainage issues; how and what form any barriers will take to address privacy and property demarcation issues; final design and construction plans for the ramp; and hopefully knowledge that the neighbor and the club feel comfortable with the plans. The chair asked if the board was in its right to request that the matter be continued and what are the requirements. Mr. Coleman stated that if the applicant concurs, they need to request a continuance waiving time to prepare answers and plan revisions to satisfy the board's concerns. The board simply needs to adopt a motion to the request and all that is required in the way of notification is an announcement to those present and the posting of notice of the continuance on the bulletin board by the board.

**Continuance:** Mr. Sitzler stated the applicant had no objection to the request and wished to continue the matter until the next meeting in order to address the board's concerns and that they agreed to a waiver of all time. There being no further discussion, a motion was made by Ken Mills and seconded by Joe Threston, that the hearing be continued until the August meeting so all stated requirements can be met and that a notice to that effect be posted on the bulletin board of Borough Hall. The voice vote was unanimous that:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Porch Club of Riverton for site plan waiver and approval of all related variances as needed for construction of a handicapped access ramp on the premises, at 4<sup>th</sup> & Howard Streets (Block 403, Lot 4) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on August 21, 2012.

The secretary will post the required continuation notice. Mr. Coleman reviewed that no additional notification is required by the applicant and all present tonight are properly notified of the continuance. Mr. Sitzler and Mr. Croft stated that they would continue to keep the secretary informed of further developments including if a further continuance was needed.

The recused members rejoined the meeting and Chairman Brandt resumed chairing the meeting.

**Variance Application, Case# 2012-04, Beatrice and Michael Horn, 107 Lippincott Avenue, variance application for setback relief to erect a fence in the rear yard of a corner property.**

**Introductions:** The chair announced the matter and the secretary stated that all jurisdictional requirements except the proof of taxes have been met. Tom Coleman stated that if the board concurred, the hearing could continue. Mr. Kennedy as a neighboring property owner, recused himself and Mrs. Weaver was informed she would vote on the matter. Mr. and Mrs. Horn were sworn in and testified.

**Testimony:** The applicants testified that they were replacing deteriorated fencing surrounding their swimming pool and that they were also planning to install a fence along the rear property line to define the rear yard of the property and to provide privacy and security for the family and pets. They feel it is a hardship living on a corner property to lose the ability to secure and enjoy a significant portion of the rear yard if they must meet the code setback requirements. Further, to properly fence in the in-ground pool requires that a portion of the fence must be within the required setback. Replacing the existing deteriorated fence will improve the appearance of the neighborhood. The variance being requested would allow extending the existing fence to the rear of the property as well as allowing the rear property line fence being extended to join the side yard fence. The existing wood stockade style fence from the rear of the house and along the Second Street side of the property will be replaced by an accented, six foot privacy vinyl fence. The rest of the existing pool fencing will be replaced with a four foot vinyl picket fence. The fence along the rear property line will be a five foot aluminum decorative style picket fence. The portion of the side yard fence that extends along the rear property line that is

within the setback and connects with the rear property line fence will be the same as the side yard fence but would gradually decrease in height to the aluminum fencing. There was no further testimony.

**Board Discussion:** The chair asked for comments and questions from the board. There was discussion that because all of the existing fencing that currently is within the setback area is being replaced by fencing of a different design, type, and material, that a variance is also needed for the portion of the fence being replaced. Ken Mills stated he feels that any variances granted should include the replaced fencing as well as the new fencing that also requires a variance. The board concurred that the existing fencing being reconstructed be included in any variances granted. The applicants had no objection to modifying the application as long as it assured that all the fencing within the setback was approved. Asked to define the hardship, the applicants reiterated the loss of use of the yard and the need to properly fence in the pool. They also feel it is a hardship to not be able to provide privacy as well as being able to completely fence in the property along Second Street and the rear property line to contain pets and discourage trespassing. Asked to define the benefits vs. detriments, the applicants feel that replacing existing deteriorated fencing is a benefit and that continuing the fencing along the side and rear property line better defines the property. In answer to the concern of the board of the impact of a stark, large, solid fence along the street, the applicants stated they planned to have some landscaping shrubbery along the fence. Also, the applicants feel that installing an open style fence would encourage a reaction by their dog to anyone walking along the street. The solid fence will discourage that behavior.

**Public Comment:** Joe Threston motioned and Mary Lodato seconded to open the hearing to public comment.

- Pat Lynch, 301 Second Street, that she fully supports the new fence and that replacing the existing ugly deteriorated fence is a welcome improvement. Pat feels that completing the fencing along the street will discourage trespassing and possible acts of vandalism if the current open access behind the existing/replaced fence remains open to the street.

There was no further comment and a motion was made by Mary Lodato and seconded by Joe Threston to close the hearing to public comment.

**Deliberation:** The board proceeded to deliberate the issues and sought answers from the applicants as needed. When there was no further discussion and the board was ready to propose a motion, they asked for guidance by Mr. Coleman to make sure they covered all the variances and or conditions. Tom suggested that sufficient testimony and evidence had been supplied that if the board was so inclined, it could approve the application by granting variances to permit:

1. Replacing the existing wood and wire fencing that currently extends into the required 44.64 foot side yard setback to 2.48 feet from the property line with the style(s) and type(s) submitted on the application.
2. Installing new fencing of similar type and height to extend the side yard fence approximately 13 feet to the rear property line.
3. Extending the side yard fence along a portion of the rear property line to join with the new rear property line fence that will lie within the 44.64 foot side yard setback.
4. Permitting the new fence along the rear property line of the type and style submitted on the application to extend into the 44.64 foot side yard setback to join with the side yard fence that extends along a portion of the rear property line and is within the setback.

There was no additional discussion and Ken Mills motioned and Joe Threston seconded to approve the application and grant the variances as suggested by Mr. Coleman. The motion was approved by a poll vote of 9 to 0 as follows:

Mr. Brandt	aye	Mr. Mills	aye
Mr. Della Penna	aye	Mr. Greenwood	aye
Mr. Threston	aye	Mr. Brown	aye
Mr. Corbi	aye	Mrs. Lodato	aye
Mrs. Weaver	aye		

Comments from various board members on their votes stated that hardships exist, and that the benefits of replacing the existing deteriorated fencing outweigh any perceived detriments of increasing the amount of fencing in the setback area. In addition the board appreciated that only support was voiced by the neighboring property owners. Mr. Coleman's firm will prepare Resolution P2012-07 memorializing the approval.

## **OLD BUSINESS**

**Affordable Housing** – Tom Coleman stated that the board's work is done for now. There has been no move to take the Borough's funds. Copies of the signed agreements have been forwarded to Tamara and Quality Management and Habitat for Humanity. Both organizations expressed pleasure with the agreements and Tom believes QMA may be ready to secure a new property for a home within 30 days.

**Council Matters of Importance to the Board** – The mayor reported that the QMA and Habitat agreements had been signed by the Borough as well as all resolutions to be sent to the state.

**Environmental Commission** – Joe Threston reported that the commission is working on projects for Sustainable Jersey program and also pursuing getting credit for projects previously completed that appear to meet program criteria. The next meeting of the commission will be on Thursday the 19th.

**Minor Site Plan Applications** – Mary Lodato reported that an application may be submitted for a Subway store in the Shops at Riverton center.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 7/2/12, Tamara Lee Consulting, LLC, \$225.00, services during June 2012 on affordable housing issues and revised spending plan. (DEVELOPMENT FEES TRUST FUND)
2. 7/9/12, Raymond Coleman & Heinold, LLP, \$700.00, services during June 2012 on affordable housing issues and revised spending plan. (DEVELOPMENT FEES TRUST FUND)
3. 7/9/12, Raymond Coleman & Heinold, LLP, \$100.00, legal services during June and attending the June 2012 board meeting. (PLANNING BOARD PROFESSIONAL SERVICES)
4. July 2012, Burlington County Times, \$42.42, publish Martino Notice of Decision. (MARTINO ESCROW ACCOUNT)

A motion was made by Mayor Brown, seconded by Ken Mills, and unanimously approved to pay the vouchers and invoices as presented. The secretary will have them signed and submitted for payment.

**PUBLIC COMMENT** – A motion was made by Ken Mills and seconded by Joe Threston to open the meeting to public comment. There being none, a motion was made by Ken Mills and seconded by Joe Threston to close the meeting to public comment.

**Meeting adjourned at 9:26 PM. (motion by Mills, second by Threston)**

**Next meeting is at 7:00 pm on 8/21/2012 in Borough Hall.**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
August 21, 2012**

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

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Craig Greenwood, Joseph Threston, Mayor William Brown, Councilman William Corbi, Mary Lodato, Deborah Weaver, Tracy Foedisch, Robert Martin, and Michael Powers.

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

**ABSENT:** Ken Mills, Joe Della Penna, and Robert Kennedy.

**MINUTES:** A motion was made by Deb Weaver and seconded by Joe Threston to adopt the minutes of the July 17, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 4 vouchers/invoices as presented under New Business.

**PUBLIC HEARING**

**Continue the Site Plan Waiver & Variance Application: Case# 2012-03, Porch Club of Riverton, 213 Howard Street, site plan waiver, variance application for setback relief and any and all use and/or other bulk variances required to construct a handicapped access ramp to the building** – The chair reviewed a letter from William Sitzler, attorney for the applicant, requesting an additional continuance until the September meeting and continuing to waive any time requirements in order to address the board's concerns. There being no further discussion, a motion was made by Mayor Brown and seconded by Joe Threston, that the hearing be continued until the September meeting so all stated requirements can be met and that a notice to that effect be posted on the bulletin board of Borough Hall. The voice vote was unanimous that:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Porch Club of Riverton for site plan waiver and approval of all related variances as needed for construction of a handicapped access ramp on the premises, at 4<sup>th</sup> & Howard Streets (Block 403, Lot 4) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on September 18, 2012.

The secretary will post the required continuation notice. Mr. Coleman reviewed that no additional notification is required by the applicant and all present tonight are properly notified of the continuance.

**OLD BUSINESS**

**Adopt and Memorialize Resolution P2012-07, Case #2012-04, approving the variance application by Beatrice and Michael Horn, 107 Lippincott Avenue, for setback relief to erect a fence in the rear yard of a corner property** – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. Hearing none a motion was made by Craig Greenwood and seconded by Mayor Brown that the resolution be adopted and memorialized. The motion carried by a unanimous voice vote of the seven members present who were eligible to vote (approved the application).

**Affordable Housing** – Tom Coleman stated that on 8/10 that the Appellate Court had stopped COAH from taking any local housing funds for now. Once the COAH board is reconstituted further action may occur.

**Council Matters of Importance to the Board** – The mayor and Bill Corbi reported that nothing of significance had occurred at the August Council meeting.

**Environmental Commission** – Joe Threston reported that the commission met in July but not in August and continues work on the tasks in the Sustainable Jersey program.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted and that Subway had abandoned plans to open a store in the Shops at Riverton.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 8/1/12, Tamara Lee Consulting, LLC, \$262.95, services during July 2012 on affordable housing issues and revised spending plan and submit to State. (COAH/PLANNING BOARD GENERAL ACCOUNT)
2. 8/2/12, Raymond Coleman & Heinold, LLP, \$546.00, services during July 2012 on affordable housing issues and revised spending plan and QMA and Habitat Agreements. (COAH/PLANNING BOARD GENERAL ACCOUNT)
3. 8/2/12, Raymond Coleman & Heinold, LLP, \$195.00, legal services during July and attending the July 2012 Porch Club hearing. (PORCH CLUB ESCROW)
4. 8/2/12, Raymond Coleman & Heinold, LLP, \$182.00, legal services during July and attending the July 2012 Horn hearing. (HORN ESCROW)

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

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

**Meeting adjourned at 7:11 PM. (motion by Threston, second by Lodato)**

**Next meeting is at 7:00 pm on 9/18/2012 in Borough Hall.**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
September 18, 2012**

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

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Craig Greenwood, Joseph Threston, Mayor William Brown, Councilman William Corbi, Mary Lodato, Deborah Weaver, Tracy Foedisch, Robert Martin, and Michael Powers.

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

**ABSENT:** Joe Della Penna, and Robert Kennedy.

**MINUTES:** A motion was made by Joe Threston and seconded by Craig Greenwood to adopt the minutes of the August 21, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 4 vouchers/invoices as presented under New Business.

**OLD BUSINESS**

**Affordable Housing** – Tom Coleman and Deb Weaver announced that there were no updates to report.

**Council Matters of Importance to the Board** – The mayor and Councilman Corbi reported that there was nothing new to report.

**Environmental Commission** – Joe Threston reported that there was nothing new to report this month.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted.

**Housekeeping** – Prior to going to the public hearing on the Porch Club application, the chair and solicitor Coleman reviewed that several members are recused from hearing this matter. At 7:05 PM, Mr. Brandt, Mr. Brown, and Mr. Corbi left the meeting. Mr. Della Penna and Mr. Kennedy were not present. Vice Chairman Ken Mills chaired the rest of the meeting.

**PUBLIC HEARING**

**Continued from August, Site Plan Waiver & Variance Application: Case# 2012-03, Porch Club of Riverton, 213 Howard Street, site plan waiver, variance application for setback relief and any and all use and/or other bulk variances required to construct a handicapped access ramp to the building:**

**Introduction** – The chair and Mr. Coleman reviewed the matter. Since a use variance is needed, only seven members will vote on the matter and that for the use variance five members must vote for approval of the use variance while a simple majority is required to approve any bulk variances. The first, second, and third alternates, (Weaver, Foedisch, and Martin) are eligible to vote, replacing the three regular recused members. The Class I and Class II members are not replaced – hence only seven voting members for this matter.

**Testimony** – Applicant's attorney, Mr. Sitzler was introduced and he re-introduced Michelle Daniel, representing the Porch Club, and Hank Croft, applicant's architect. Both were reminded that they remained

under oath. Mr. Sitzler stated that the Porch Club wishes to go forward with the application with no changes to the construction of the wood ramp as originally presented and they are prepared to address additional screening as needed, or conditioned and to address any possible new drainage issues. It is felt that other issues as presented by the neighboring property owner, Mrs. Murphy are peripheral to the application but the club in the spirit of being a good neighbor still wishes to try and resolve. Mr. Croft described a slight amendment to the survey plan. Introduced as exhibit A1, was a revised plan that shows Mrs. Murphy's house in relation to proposed location of the ramp. Also Exhibit A2 was introduced which is a sheet of 4 photographs of the site and Mrs. Murphy's property in the vicinity of the proposed ramp. Mr. Croft reviewed the plans for the ramp and new sidewalk. The supports for the ramp will utilize concrete footings. The ramp surface may be constructed of a synthetic material instead of wood if the budget permits. The ramp will not extend beyond the front of the building. The existing two-foot wide concrete sidewalk from the building to the street side sidewalk will be removed, and a three-foot wide concrete sidewalk, properly graded to not collect water as currently exists with portions of the present walkway, will be installed from the foot of the ramp to the street. Mr. Croft and the applicant feel a natural vegetation approach rather than a fence is more in keeping with the character of the neighborhood. Enhancing the current three-season types of vegetation are proposed if the conclusion is that they are needed. Mr. Croft stated that he feels the wooden ramp as proposed will not cause an increase in any runoff to the neighboring property. Mr. Croft and Mrs. Daniel hope that the board would concur that any additional drainage concerns could be addressed with commonly used landscaping "rock trench" drainage. Mrs. Daniel stated that it is very difficult getting a consensus from the club's committee and that the ramp and interior changes are needed to address the handicapped issues of current and prospective members of the club not just to accommodate outside use of the building. While the club is going forward on the interior renovations to make the building more ADA compliant, it is hoped this application can be resolved without further significant strain on the club's very limited funds. Bob Martin asked how the club will preserve privacy. Mrs. Daniel stated the club intends to: label the entrance as for handicap use only; that the area or perhaps the entire property will be labeled as a no smoking site; that any contracts with outside parties will include language that events are restricted to inside use only; that rentals that extend beyond "a specified time, perhaps 6:00 PM," would entail an additional fee; and finally, the club stay away from multi-day rentals. Ken Mills asked Tom Coleman what he feels the issues are. Mr. Coleman reviewed the enhanced proofs and number of approvals needed for any use variance. Tom stated that while the ramp could well be recognized as a public benefit the board needs to determine that benefit is not outweighed by any impacts on neighboring properties. Tom also cautioned the board that while Mr. Croft's experienced opinions may be viable, he cannot testify as an engineer. There was no additional testimony.

**Public Comment** – Ken Mills suggested that before the board continue questioning the applicant that the hearing be opened to public comment. Joe Threston motioned and Deb Weaver seconded to open the hearing to public comment.

- Mary Murphy, 211 Howard Street, stated that she doesn't feel the board can properly appreciate the problems experienced as a next door neighbor. She feels any disturbance to the ground will increase drainage issues. While she appreciates the clubs efforts, she feels the ramp is overkill since she does not believe there is any requirement to do so since the club is not a publically owned building and she feels the club is exempt from ADA requirements. Mr. Sitzler replied that while ADA mandates may not be required, there may be insurance liability issues if there is no proper handicapped access.

There was no further comment and a motion was made by Joe Threston and seconded by Craig Greenwood to close the hearing to public comment.

**Board Questions** – Tracy Foedisch asked Mrs. Daniel about the amount of handicapped use and if other alternatives to the ramp had been considered. Michelle replied that the ramp wasn't just for prospective rentals but was needed to benefit current and future members. So called temporary or portable ramps had been researched for the current front entrance, but it was concluded they were not feasible due to storage issues, the need for additional steps/ramps inside the building and the physical ability of the members being able to set up and use them. The use of the kitchen entrance was not feasible due to location and door width issues. Craig Greenwood asked if there had been further conversations with Mrs. Murphy. Michelle stated that Mrs. Murphy has been invited asked several times to join the club. Michelle reiterated that she and other club members felt overwhelmed by Mrs. Murphy's comments at the 7/21 hearing since they had not been addressed to that degree

before the hearing. Mr. Sitzler stated he felt Mrs. Murphy was even more opposed tonight than she was at the July hearing. He feels only any drainage issues and privacy barriers are before the board. He was aware that Mrs. Murphy had concerns before the first hearing in July and encouraged the club to reach out to her. They did but he doesn't think the club can reasonably satisfy her concerns. It was suggested to reopen to public comment so Mrs. Murphy could respond to Mr. Sitzler and the board.

**Reopen to Public Comment** – Joe Threston motioned and Craig Greenwood seconded that the hearing be reopened for additional public comment. Mike Powers asked Mrs. Murphy if she felt the testimony was correct. Mrs. Murphy stated she has never concealed her opposition to the location of the ramp. She also reiterated many of the comments she made in July, concerning use of her driveway for drop offs, distrust due to previous bad experiences, etc. She prefers a fence along the entire side all the way to the sidewalk. There being no further comment, Joe Threston motioned and Mary Lodato seconded to close the hearing to public comment.

**Board Questions and Deliberation** – Mary Lodato confirmed with Hank the location of the ramp. Mary asked if the board should consider drainage only if it is proven to be an issue or as a normal course of the hearing to which Tom Coleman replied that either was suitable. Mr. Sitzler stated that the club feels a fence as the preferred approach is not suitable for both aesthetic and there may be variance issues if extending the fence to the sidewalk is considered. Mr. Sitzler also reviewed why the club feels there is no suitable alternative location for the handicapped access and that the ramp will primarily benefit the club's members not rentals. Several board members felt either that the issues outside of the board's scope may never be resolved to the satisfaction of both sides and/or were conflicted if the issues are outside the issue of allowing a ramp or not. Mr. Sitzler suggested that the board might consider drainage correction as a condition only if it becomes apparent. He also realizes the possible risks the club is taking working without a professional engineer but feels the board might reliably rely on recognized accepted landscaped solutions such as field drains and additional suitable vegetation. Bob Martin stated he feels the board could reasonably consider addressing possible drainage issues as a condition of approval and that the board should condition approval on the ramp and entrance being clearly designated as handicap use only. Further discussion among the board showed there was no consensus on how to proceed or what was open to discussion. Michelle Daniel stated she respects the board's position; but, she feels the club needs a vote and decision on how the club should proceed. She stated that given the time and expense already expended, even if the board approves the project, there is no guarantee the club can even complete the project. There was discussion among the members of whether a curb cut or other changes to provide suitable access to the sidewalk near the proposed ramp location were needed or advisable. Mr. Coleman asked Mr. Sitzler if the applicant wanted a final vote now and reviewed the ramifications if the board voted to deny the application. Mr. Sitzler thinks the club needs to know what the board is looking for. Ken Mills replied that the board needs a more definitive response to how privacy and drainage will be addressed. The board cannot do "planning" for the applicant but it also cannot be asked take a shot in the dark as to what is being proposed. The board needs more concrete testimony/plans as to how the club proposes to address the issues raised concerning drainage, privacy, curbside access, smoking, noise, etc. Ken felt the board would be willing to grant an additional continuance if the applicant so desires. Mr. Sitzler conferred with his client and announced that the club wished to have time to try and address the board's concerns.

**Continuance** – Mr. Sitzler, with applicant's approval, requested an additional continuance until the November board meeting and continued to waive any time requirements in order to address the board's concerns. There being no further discussion, a motion was made by Joseph Threston and seconded by Craig Greenwood, that the hearing be continued until the November so all stated requirements can be met and that a notice to that effect be posted on the bulletin board of Borough Hall. The voice vote was unanimous that:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Porch Club of Riverton for site plan waiver and approval of all related variances as needed for construction of a handicapped access ramp on the premises, at 4<sup>th</sup> & Howard Streets (Block 403, Lot 4) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on November 20, 2012.

The secretary will post the required continuation notice. Mr. Coleman reviewed that no additional notification is required by the applicant and all present tonight are properly notified of the continuance.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 9/13/12, Burlington County Times, \$41.24, publish Horn Notice of Decision. (HORN ESCROW ACCOUNT)
2. 9/7/12, Raymond Coleman & Heinold, LLP, \$91.00, services during August and attending the August 2012 meeting. (PLANNING BOARD GENERAL ACCOUNT)
3. 9/7/12, Raymond Coleman & Heinold, LLP, \$91.00, legal service during August for preparing the Horn resolution. (HORN ESCROW)
4. 9/7/12, Raymond Coleman & Heinold, LLP, \$58.50, legal services during June for preparing the Martino resolution. (MARTINO ESCROW)

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

**Possible Public Hearing for new Variance Application in October** – Ken Palmer announced that he had received a request from an applicant for a variance application to be heard at the October meeting. Bulk variance(s) are needed to erect an addition to a home.

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

**Meeting adjourned at 8:36 PM. (motion by Greenwood, second by Threston)**

**Next meeting is at 7:00 pm on 10/16/2012 in Borough Hall.**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
October 16, 2012**

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

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Craig Greenwood, Robert Kennedy, Joseph Threston, Mayor William Brown, Councilman William Corbi, Mary Lodato, and Robert Martin.  
**Also Present:** Solicitor Tom Coleman and secretary Ken Palmer.

**ABSENT:** Joe Della Penna, Deborah Weaver, Tracy Foedisch, and Michael Powers.

**MINUTES:** A motion was made by Craig Greenwood and seconded by Ken Mills to adopt the minutes of the September 18, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 10/12/12, Mayors Advisory from NJLM, re: various court challenges regarding COAH. Copies distributed to board.
2. 2 vouchers/invoices as presented under New Business.

**PUBLIC HEARING**

**Case# 2012-05, Mary Ellen Meehan, 15 Carriage House Lane, variance application for property lot coverage and any other bulk variances required to build an addition consisting of an attached garage with room and bath above:**

**Introduction** – Solicitor Coleman discussed with the board that upon review, he had to deem the application incomplete and the board does not have jurisdiction to hear the matter. Tom reviewed that the noticing was incomplete and requires phrasing allowing for any and all other variances deemed necessary. In addition the plans as submitted were missing critical information regarding setbacks and coverage. This information is needed for the board to render an informed decision. Mr. Coleman reviewed with the applicant the need to republish and re-notice the property owners as well as submit revised plans. Mr. Coleman also informed the applicant that he and the secretary would make themselves available to review the notices to make sure they are proper and complete.

**OLD BUSINESS**

**Affordable Housing** – Tom Coleman reviewed recent communications he has had with QMA. QMA is interested in purchasing a home in the Borough and is seeking additional funds above the amount in the agreement to accomplish the purchase and rehabilitation. Tom reviewed that since formal agreements have been signed and are in place and the spending plan has been submitted to the State, the board would have to reopen the matter to develop a new spending plan and new agreement(s). In addition it was discussed that the current spending plan and agreements have expended all available funds and additional funds are not projected for the foreseeable future. Also it didn't seem fair to have to ask Habitat for Humanity to have to renegotiate their agreement. The other course of action would be to recommend that Council authorize the town to make up the difference which would be recommending the Borough create an unfunded mandate which it is not required to do. The members of the board were in consensus that they did not feel it was right to recommend the Borough take on an unfunded mandate. Mayor Brown reviewed that Council had made it very clear in numerous previous discussions that it was not inclined to pay for any unfunded obligations through a tax

increase and it was satisfied with what has been done. It was concluded that the board did not wish to take any further action unless Borough Council requests that the issue be revisited.

**Council Matters of Importance to the Board** – Bill Corbi reported that he would be attending a County meeting on the countywide bicycle master plan. Bill wants to assess if there is any impact on the Borough and/or its Master Plan.

**Environmental Commission** – Joe Threston reported that at the last meeting the commission was continuing to discuss suitable projects for the Sustainable Jersey initiative and hoped to develop a list over the next several months.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 10/11/12, Raymond Coleman & Heinold, LLP, \$65.00, general legal services during September. (PLANNING BOARD GENERAL ACCOUNT)
2. 10/11/12, Raymond Coleman & Heinold, LLP, \$169.00, legal services during September and attending the September 2012 Porch Club hearing. (PORCH CLUB ESCROW)

The secretary reviewed the Porch Club escrow shortage and that a notice would be sent requesting an additional deposit. Any shortage needs to be made up before the hearing can continue. A motion was made by Ken Mills, seconded by Joe Threston and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment and follow up with the Porch Club.

**PUBLIC COMMENT** – The meeting was opened for public comment. There was none and the meeting was closed to public comment.

**Meeting adjourned at 7:20 PM. (motion by Threston, second by Brown)**

**Next meeting is at 7:00 pm on 11/20/2012 in Borough Hall.**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
November 20, 2012**

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

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Craig Greenwood, Joseph Threston, Councilman William Corbi, Mary Lodato, Deborah Weaver, Tracy Foedisch, Robert Martin, and Michael Powers.  
**Also Present:** Solicitor Tom Coleman and secretary Ken Palmer.

**ABSENT:** Joe Della Penna, Robert Kennedy, and Mayor William Brown.

**MINUTES:** A motion was made by Ken Mills and seconded by Craig Greenwood to adopt the minutes of the October 16, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. None presented.

**OLD BUSINESS**

**Affordable Housing** – Tom Coleman reported that the homeowners of the Beechwood Drive property had decided not to sell the home to QMA and that the previously executed agreements with QMA and Habitat for Humanity remain in effect. Deb Weaver stated she had nothing to report.

**Council Matters of Importance to the Board** – Councilman Corbi reported that there was nothing additional to add regarding QMA and that there was nothing else new to report.

**Environmental Commission** – Joe Threston reported the Commission continues to work on the Sustainable Jersey initiatives. The Commission plans to submit reports in the near future which will include requesting Sustainable Jersey credit for the Borough on several items.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted.

**Housekeeping** – Prior to going to the public hearing on the Porch Club application, the chair and solicitor Coleman reviewed that several members are recused from hearing this matter. Mr. Brandt and Mr. Corbi left the meeting. Mr. Della Penna, Mr. Kennedy, and Mr. Brown, were not present. Vice Chairman Ken Mills chaired the rest of the meeting.

**PUBLIC HEARING**

**Continued from September, Site Plan Waiver & Variance Application: Case# 2012-03, Porch Club of Riverton, 213 Howard Street, site plan waiver, variance application for setback relief and any and all use and/or other bulk variances required to construct a handicapped access ramp to the building:**

**Introduction** – The chair and Mr. Coleman reviewed the matter. Since a use variance is needed, only seven members will vote on the application. For the use variance, five members must vote for approval, while a simple majority is required to approve any bulk variances. The first, second, and third alternates, (Weaver, Foedisch, and Martin) are eligible to vote, replacing the three regular recused members. The Class I and Class III members are not replaced – hence only seven voting members for this matter. The secretary reported there

were no escrow issues and the account is current. Mr. Coleman reviewed that the matter had been continued so the applicant could refine the plans and try to resolve issues raised by the board.

**Testimony** – Applicant's attorney, Mr. Sitzler was introduced and he re-introduced Michelle Daniel, representing the Porch Club, and Hank Croft, applicant's architect. Both were reminded that they remained under oath. Mr. Sitzler recalled Mr. Croft to testify regarding the previously submitted for board review proposed landscape plan and revised survey showing a proposed concrete pad between the curb and sidewalk for ease of handicapped access. The concrete pad will be five foot wide and allow access to the sidewalk and ramp. Mr. Croft asked Mr. Barry Emens, Chairman of the Shade Tree Commission to discuss the landscape plan. Mr. Emens was sworn in and he and Mr. Croft testified. Mr. Emens reviewed his experience and credentials. Mr. Emens stated he reviewed and provided input into the plan and recommended the plantings. He recommended that the plantings be "Emerald Green" Arborvitae which are disease and wind resistant and drought tolerant. He does not see any drainage issues and feels the proposed drip irrigation will provide the necessary additional watering required until they become established and as needed during excessive dry times. There will be approximately ten trees planted three feet apart shielding the proposed ramp. The trees initially will be around six feet tall, are slow growing, will reach a height of 15-20 feet, and have a thirty to forty year lifespan. The trees should actually improve drainage as they will absorb most water. "Emerald Green" is a newer variety of arborvitae which is tolerant of shade and is tighter than other varieties and thus better able to withstand ice damage. The trees will provide both a visual barrier and some sound barrier. The existing beech tree will have some minor trimming at the ground level. Mr. Croft reviewed that the proposed ramp supports, framework, and guard rail will be pressure treated lumber. The decking and handrail will be of smoother material, as yet undecided, but possibly man-made. The handrail may be aluminum to provide a splinter-free surface. The supports will be anchored in concrete. There were no further questions from the board and Mr. Sitzler stated there was no further planned testimony. Mr. Coleman suggested it was appropriate to reopen the hearing to public comment before any deliberation.

**Public Comment** – Mr. Threston motioned and Mr. Martin seconded to open the hearing to public comment.

- Muriel Alls-Moffat, 202 Fulton Street, asked if the board members were familiar with the ADA requirements. The board answered that some were familiar. She asked why it has taken over three months for the matter to be decided. Mr. Coleman briefly reviewed the history and that the length of time was also to accommodate the request of the club. Mrs. Alls-Moffat also thought that it was offensive that she heard that the board did not support the ramp. It was suggested that, if anyone wished to review them, the minutes of the July and September meetings, where the matter was discussed, were available on the Borough's web site as well as filed in Borough Hall.
- Mary Murphy, 211 Howard Street, respects the club as an organization and does not dispute the need for the ramp. She does dispute the location and the impact of the ramp on her property and property values. She feels she is the only neighbor directly impacted directly by the club and even more so by the proposed ramp. She feels there are no positive benefits to locating the ramp as proposed and stated a list of reasons to support her conclusion.
- Jeanne Bianchini, Homewood Drive, commented that while she initially thought that the group home on Homewood Drive would negatively impact her property, she now feels that it has not impacted her property and that the positive impacts outweigh any perceived negative impact. She feels the Porch Club may actually improve the property values in the town.
- Johanna Rooney, Porch Club Rental Chairperson, Salem Drive, Cinnaminson Township, stated: she has been the Rental Chairperson for 10 years; that the most events in a year was 54; most were bridal/wedding showers in the afternoon; and during the last year, only three events had extended beyond 9:00 pm. The rental pricing structure has been changed to increase the fee after 6:00 pm. Caterers will not use the entrance since they have direct access through the kitchen or front door.
- Ann Reed, Pastor, Christ Episcopal Church, Riverton, commented that there had been prior issues with use of the church's parking lot off Howard Street, but they had all been quickly and positively resolved. The club has always acted as good neighbor. The church is also faced with creating ADA access to their church hall and understands the impact of the law. She supports the club and their efforts.
- Carol McCarthy, Palmyra, commented that the club is not only used for rentals but supports numerous

charity events and needs ADA access.

- Pat Brunker, Thomas Avenue, stated the building is used by rentals only 15% of the year. The club uses it about 35% of the year and the building is vacant the other 50%. Only three of the rentals have gone beyond 9:00pm.
- Mrs. Murphy, again stated her concern is not ADA access. She is concerned about the location of the ramp and the impact on her property by rentals of the club. She feels ADA access is not required. And, for anyone's information there was an event a recent weekend that went beyond 11:00pm.
- Barbara Beck, Porch Club President, Perkins Lane, Edgewater Park, read excerpts of the ADA requirements pertaining to the club regarding preservation of historic structures and existing buildings. She read a document detailing the club's plans to preserve the building, provide ADA compliant access, and stated that the main entrance would continue to be the Howard Street entrance.

There was no further public comment and Mrs. Lodato motioned and Mr. Threston seconded to close the hearing to public comment.

**Board Questions and Deliberation** – Mr. Threston questioned and Mr. Coleman concurred that since several of the people who commented during public comment had testified as members of the club board, they should be sworn in to accept that testimony. Mrs. Rooney, Mrs. Brunker, and Mrs. Beck were all sworn in as to their prior comments and that they wanted their comments to be treated as testimony. Concluding her testimony, Mrs. Beck referred to a series of five annotated photos prepared by Mr. Croft which supported the testimony that the proposed location and entrance for the ramp was the only location that did not involve changing the exterior of the structure while providing ADA compliant access. The photos were marked as exhibit A3. Mrs. Beck also asked that the fact sheet signed by the club executive board be admitted as an exhibit so copies could be provided to the board. Mrs. Beck attested to the accuracy of the facts and the sheet was marked as exhibit A4. Mrs. Lodato asked if anyone knew how long the club been renting out the building for events. Mrs. Brunker stated she had examined club records and there was evidence of rentals at least since 1911 or 1912. Mr. Mills summarized what he thought were the issues raised regarding loitering and noise, the long existing neighbor conflict, how best to control loitering, and the green fence/barrier. He feels there is no disagreement that the ramp is a benefit; but, he is not sure of the best answer to address the neighbor's issues. Mrs. Daniel stated she did not know the best method to "police" the use of the ramp or parking and wondered what other organizations did for their properties when used for events. Mr. Mills stated the board has to weigh the benefits and detriments and reach a conclusion based on those facts. Mrs. Foedisch commented that she feels the board has thoroughly reviewed the matter and that the board has enough information to move forward and vote on the matter. The board cannot dictate or regulate how the neighbor and club get along with each other. There were no further comments or questions and Mr. Threston asked if Mr. Coleman could summarize where things are and how the board might best proceed. Mr. Coleman stated it might be best if the board considered the use variance first then proceed to the bulk variance(s). Mr. Coleman asked the secretary to review who would be voting on the matter. The secretary reviewed that of the eight members present, all except for Mr. Powers would be voting. Mr. Coleman reviewed that the use variance is for expansion of an existing nonconforming use by adding the ramp. The other variances are all bulk related, are already existing, and are being expanded/increased.

**Use variance** – Mr. Threston asked if Mr. Coleman would guide the board as to approving the use variance. Mr. Coleman suggested the board could consider a motion to grant a use variance for 213 Howard Street to allow the expansion of a nonconforming use to permit addition of the ramp as designed and presented by Mr. Croft in his drawings and testimony. Mr. Threston motioned that the board approve the use variance as suggested by Mr. Coleman and Mrs. Foedisch seconded the motion. There was no further discussion and a poll vote was taken and the use variance was approved by a vote of six (6) ayes and one (1) nay as follows:

Mr. Mills	aye	Mr. Greenwood	aye
Mr. Threston	aye	Mrs. Lodato	aye
Mrs. Weaver	nay	Mrs. Foedisch	aye
Mr. Martin	aye		

Ken Mills commented that the benefits of removing an access barrier, efforts to remove/prevent drainage problems, providing additional privacy, and that the club will continue to improve relations with the neighbors by making sure the ramp is used as intended outweighed any perceived detriments. Mr. Threston reiterated the chair's comments. Mrs. Lodato reiterated the chair's comments and added that other locations for the ramp were shown not to be feasible. Mrs. Foedisch felt the club had done everything possible to accommodate the neighborhood and the neighboring property owner, and that there is a definite benefit by providing handicapped access. Mrs. Weaver felt that although there is a need for the ramp, the applicant did not meet the burden of proofs that the benefits outweighed the negative impacts of intensifying the nonconforming use and locating the ramp where proposed.

**Bulk variances and conditions** – Tom Coleman reviewed that in addition to considering approval of the existing bulk related variances, the board should also consider specifying the conditions previously discussed regarding use of the ramp and maintaining the landscape barrier. It was discussed and agreed that the board felt there should be guarantees and enforcement regarding use of the ramp and requiring that the arborvitae be replaced within 30 days if it died. Mr. Sitzler stated that the club has agreed it would attempt to ensure that the ramp would only be used for its intended use and that there should be no loitering, smoking, drinking or congregating on the landing and ramp area and that these stipulations would be included in the rental agreement. As to monitoring, there is no provision now except for opening and closing the club. Mrs. Daniel stated that someone opens and closes the building. The club does not try to discriminate; but, currently tries to enforce that it is a residential neighborhood and that certain uses are not appropriate. The club could institute a provision that events beyond a certain time of the day will incur an extra charge. Mrs. Daniel was not sure the club board can get members let alone board members to act as a policing function. The club could stipulate in the contract that complaints will result in forfeiting the deposit. Mr. Martin and Mr. Threston summarized that the board was looking for a condition that there would be no loitering, smoking or drinking on or near landing and ramp areas and that those conditions be part of the rental agreement. Mr. Sitzler stated he would help the club craft the rental agreement to include the conditions and forfeiture penalty and violators would not be allowed to rent the facility in the future. Mr. Coleman stated that he felt the board was looking for some accommodation on the monitoring and that the burden of monitoring not be left just to the neighbor. Mr. Greenwood stated that he knew that other organizations require/provide periodic monitoring/presence of their venues. Mrs. Foedisch suggested that there at least be some form of periodic monitoring especially at evening events. Mr. Sitzler stated he can't agree without club board approval. Mr. Coleman suggested that since many of the club board members were present, that perhaps a recess was in order so they might confer. The chair declared a two minute recess and that the tape be paused. Following resumption, Mr. Coleman announced that during the recess Mr. Martin was excused from the meeting and Mr. Powers would now be the seventh member voting on any additional motions. Mr. Coleman reviewed that in addition to considering the related bulk variances, the board was seeking several conditions concerning controlling/enforcing the use of the ramp and the preservation of the landscape barrier. Mr. Coleman further reviewed that he was informed that the club board has stated that three members of the club have agreed to take turns monitoring functions that go into the evening hours. Also, the conditions and penalties for violating the use of the ramp restrictions will be included in the rental contract. Mr. Greenwood motioned that the board approve the bulk variances and conditions as discussed and the motion was seconded by Mrs. Foedisch. The secretary reviewed his and Mr. Coleman's notes that the motion had been made and seconded that the board was voting to approve several existing bulk variances related to expanding a nonconforming structure, increasing the incursion into the rear yard setback, and increasing the impervious coverage. In addition the board was requiring the following conditions: that the ramp and landing are restricted for handicapped access only; that there be no loitering, drinking, or smoking in the ramp and landing area and that these restrictions and penalties for violating them will be included in the rental contract; that any of the new landscaping trees that are lost or die will be replaced within 30 days; and that for evening events the club will provide for periodic monitoring by the membership. There was no further discussion, a poll vote was taken, and the bulk variances and conditions were approved by a unanimous vote of seven (7) ayes as follows:

Mr. Mills	aye	Mr. Greenwood	aye
Mr. Threston	aye	Mrs. Lodato	aye

Mrs. Weaver aye Mrs. Foedisch aye  
Mr. Powers aye

Several members commented that they were encouraged by the club's efforts to improve relations with the neighbors and hoped they will continue to do so.

The chair declared a short recess and the tape be paused while any applicants and members of the public who wished to depart did so.

## **NEW BUSINESS**

**Invoices and vouchers: None**

**Public Hearing for resubmitted variance application in December** – Secretary Palmer announced that he had received communication from Mrs. Meehan that she intended to resubmit and re-notice for the December meeting.

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

**Meeting adjourned at 8:24 PM. (motion by Threston, second by Greenwood)**

**Next meeting is at 7:00 pm on 12/18/2012 in Borough Hall.**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
December 18, 2012**

The Public Session of the Planning Board was called to order at 7:03 PM by Chairman Kerry Brandt. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna, Robert Kennedy, Joseph Threston, Mayor William Brown, Councilman William Corbi, Mary Lodato, Tracy Foedisch, Robert Martin, and Michael Powers.

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

**ABSENT:** Craig Greenwood and Deborah Weaver.

**MINUTES:** A motion was made by Ken Mills and seconded by Tracy Foedisch to adopt the minutes of the November 20, 2012, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. RFP's from professionals for 2013.
2. 5 vouchers/invoices to be presented under New Business.

**PUBLIC HEARING**

**Variance Application: Case# 2012-05, Mary Ellen Meehan, 15 Carriage House Lane, variance application for property lot coverage and various other bulk variances required to build an addition consisting of a garage and sunroom:**

**Introduction** – The secretary reviewed that the application was jurisdictionally complete. Mrs. Meehan was sworn in by Mr. Coleman.

**Testimony** – Mrs. Meehan reviewed the plans, previously submitted to the board, and described the existing site and the plans to add a garage and sunroom. Mrs. Meehan testified as to the plan to remove all the existing concrete drives, wall, sidewalks and parking apron in the front of the home. An existing shed on the side of the house will also be demolished. Except for a new walkway along the front of the house and a new driveway from the street to the garage the bulk of the front yard will be a grass lawn. She also reviewed for the board the calculations and how the new plans will reduce the excess impervious coverage by approximately 6%. Asked to address any hardships and speak to the benefits of the plans, Mrs. Meehan feels she has a hardship because of the shape of the lot and the location of the existing structure. She can only construct the additions as shown on the plans. She feels there are benefits by increasing the value of the property and increasing the amount of open ground. The new additions will continue the aesthetics and style of the existing structure. She does not feel there is any impact on the neighboring properties and the additions fit the character of the neighborhood. There was no further testimony.

**Public Comment** – Mr. Mills motioned and Mr. Della Penna seconded to open the hearing to public comment. There was none and Mr. Threston motioned and Mr. Della Penna seconded to close the hearing to public comment.

**Board Questions and Deliberation** – The chair reviewed that while the amount of impervious coverage will be reduced, it still exceeds the allowable percentage and thus a variance is needed. The new garage, while set back from the front of the house will still encroach approximately one foot into the front yard setback and thus requires a variance. The existing house already encroaches into the side yard and front yard setbacks but these encroachments are not being changed. With guidance from Mr. Coleman, a motion was made by Ken Mills that the board approve the revised application and plans dated and submitted on 11/30/12 and grant two variances: for excess impervious coverage where the current coverage of 53.4% is being reduced to 47.3%; and, for an

encroachment of the proposed garage into the front yard setback as shown on the plans. Joe Threston seconded the motion. There was no further discussion and a poll vote was taken. The motion was approved by a unanimous vote of nine (9) ayes as follows:

Mr. Brandt	aye	Mr. Mills	aye
Mr. Della Penna	aye	Mr. Kennedy	aye
Mr. Threston	aye	Mr. Brown	aye
Mr. Corbi	aye	Mrs. Lodato	aye
Mrs. Foedisch	aye		

Several members commented that the decreased lot coverage is an improvement, that the garage was moved back as far as possible resulting in a minimal front yard encroachment, and that the aesthetics of the neighborhood are preserved and improved. The chair and secretary reviewed the next steps with Mrs. Meehan. The approval will be memorialized by Resolution P2012-09.

### **OLD BUSINESS**

**Adopt and Memorialize Resolution P2012-08, Case #2012-03, Porch Club of Riverton, 213 Howard Street, approving site plan waiver, variance application for setback relief and any and all use and/or other bulk variances required to construct a handicapped access ramp to the building** – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. Hearing none, a motion was made by Joe Threston and seconded by Ken Mills that reading of the resolution be suspended and the resolution be adopted and memorialized. There was no further discussion and a poll vote was taken of the members present and eligible to vote, and the resolution was adopted and memorialized by a unanimous vote of five (5) ayes as follows:

Mr. Mills	aye	Mr. Threston	aye
Mrs. Lodato	aye	Mrs. Foedisch	aye
Mr. Powers	aye		

**Affordable Housing** – Tom Coleman and Ken Palmer updated the board on Habitat for Humanity's interest in the possible purchase of the vacant lot at 604 Broad Street. The lot is in the NB district and would either have to be re-zoned as residential or a use variance required to erect residence(s) on the site. Borough Council would have to request that the property be rezoned.

**Council Matters of Importance to the Board** – Councilman Corbi and Mayor Brown reported that there was nothing new of substance to report and the mayor reminded the board that they were invited to the Borough luncheon on 12/20.

**Environmental Commission** – Joe Threston reported there was nothing new to report since the last meeting.

**Minor Site Plan Applications** – Mary Lodato reported that none have been submitted.

### **NEW BUSINESS**

#### **Invoices and vouchers:**

1. 11/13/12, Raymond Coleman Heinold & Norman, LLP, \$126.00, legal services during October regarding QMA issues. (PLANNING BOARD BUDGET/COAH ISSUES)
2. 11/13/12, Raymond Coleman Heinold & Norman, LLP, \$91.00, prepare and attend October Board meeting. (PLANNING BOARD BUDGET)
3. 11/13/12, Raymond Coleman Heinold & Norman, LLP, \$42.00, legal services during October regarding the Meehan variance application during October. (MEEHAN ESCROW)
4. 12/10/12, Raymond Coleman Heinold & Norman, LLP, \$56.00, legal services during November regarding QMA issues. (PLANNING BOARD BUDGET/COAH ISSUES)

5. 12/10/12, Raymond Coleman Heinold & Norman, LLP, \$403.00, legal services during November regarding the Porch Club variance application hearing and preparing the resolution. (PORCH CLUB ESCROW)

The secretary reported that the Porch Club escrow shortage has again gone short and Mrs. Daniel has been advised of the need to provide an additional deposit. A motion was made by Joe Threston, seconded by Robert Kennedy and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**RiverRoute Committee Meeting** – Joe Threston reported that he and Bob Smyth had attended the latest meeting where new and existing County business plans for the corridor municipalities had been discussed. These plans are targeted to assist existing small businesses and attract new businesses to the corridor.

**RFP's for Board Professional Positions** – Secretary Palmer reviewed that the annual notice by the Borough requesting submissions by professionals also includes the board's professional positions. As well as receiving submissions from the board's current professionals, several others had been received. The chair briefly reported on his review of the proposals. He prepared a small spreadsheet that he will make available to the other members. The consensus of the board was that the board has been ably represented and served by the current professionals and that there is a benefit of staying with firms that are most familiar with the needs of the town and board. The proposals will remain available for further review until the January reorganization meeting.

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

**Meeting adjourned at 8:00 PM. (motion by Mills, second by Threston)**

**Next meeting is at 7:00 pm on 1/15/2013 (Annual Reorganization) in Borough Hall.**

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

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