

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**February 18, 2014**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Reorganization
  - Announce mayoral and Council appointments – Mayor
  - Administer Oath of Office to new/reappointed members – Tom Coleman
  - Elect board positions and professional appointments
  - Determine calendar of meetings for 2014 and Adopt Resolutions for 2014 meeting calendar and appointment of professionals – secretary
5. Adopt minutes of the December 17, 2013 regular meeting
6. Hear Appeal: Case# 2014-01, Appeal by John Latimer of interpretation of zoning code by the Zoning Official re: 603 Bank Avenue, Block 400, Lot 3
7. Hear Request for Interpretation of Zoning Code: Case# 2014-02, Request by John Latimer for "interpretation of the Zoning Code regarding what the board believes is the Front Yard(s) of the riverfront properties Northeast of Howard Street through and past Fulton Street"
8. Review correspondence and announcements
9. Old Business:
  - Affordable Housing/COAH Related Updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Corbi and Mayor
  - 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**  
**March 18, 2014**

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 February 18, 2014 regular meeting
5. Hear Site Plan Application: Case# 2014-03, Request by Latimer and Lewis, Inc., 202 Broad Street, for preliminary and final site plan approval, conditional use approval for an apartment over a business, and approval of any and all existing or created variances to enlarge the business premises at Block 800, Lots 15 and 16; 202 Broad Street and 435 Thomas Avenue (matter to be introduced and if deemed complete, continued by applicant until April meeting)
6. Hear Zoning Appeal: Case# 2014-01, Appeal by John Latimer of interpretation of zoning code by the Zoning Official re: 603 Bank Avenue, Block 400, Lot 3
7. Hear Request for Interpretation of Zoning Code: Case# 2014-02, Request by John Latimer for "interpretation of the Zoning Code regarding what the board believes is the Front Yard(s) of the riverfront properties Northeast of Howard Street through and past Fulton Street"
8. Review correspondence and announcements
9. Old Business:
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Bianchini and Mayor
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
10. New Business:
  - New vouchers/invoices – secretary
  - Council request that board consider a proposed change to the zoning code permitting placement of historical markers on properties in the residential zones – Councilman Bianchini
  - Adopt annual report and resolution by board – secretary
  - Other new business
11. Public comment on general Planning Board matters
12. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**April 15, 2014**

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 March 18, 2014 regular meeting
5. Hear Site Plan Application: Case# 2014-03, Request by Latimer and Lewis, Inc., 202 Broad Street, for preliminary and final site plan approval, conditional use approval for an apartment over a business, and approval of any and all existing or created variances to enlarge the business premises at Block 800, Lots 15 and 16; 202 Broad Street and 435 Thomas Avenue (application introduced and continued by applicant at March meeting)
6. Review request by Jim Brandenburger for approval of a demolition permit of existing home at 603 Linden Ave. to erect a new home on the site – secretary
7. Review correspondence and announcements
8. Old Business:
  - Adopt and memorialize resolution P2014-05 regarding zoning appeal Case# 2014-01
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Bianchini and Mayor
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
9. New Business:
  - New vouchers/invoices – secretary
  - Council request that board consider a proposed change to the zoning code revising the definition of Front Yard for residential dwelling units abutting the Delaware River – Councilman Bianchini
  - Council topics regarding additional zoning code changes for appeal/interpretation fees/escrows and business parking fees – Councilman Bianchini
  - Adopt annual report and resolution P2014-04 – secretary
  - 2014 Goals and Objectives – secretary
  - Other new business
10. Public comment on general Planning Board matters
11. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD**  
**AGENDA**  
**May 20, 2014**

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 April 15, 2014 regular meeting
5. Hear Variance Application: Case# 2014-04, request by Nick & Vicki Coletti, 309 Manor Court, Block 1501, Lot 8 for front yard setback relief to construct a frame porch roof over their front yard patio.
6. Hear Variance Application: Case# 2014-05, request by Harold & Judith Zimmermann, 603 Bank Avenue, Block 400, Lot 3 for any and all variances to permit an in-ground swimming pool, shed, and fencing in the Second Street facing yard of their property.
7. Review correspondence and announcements
8. Old Business:
  - Adopt and memorialize resolution P2014-05 regarding Case# 2014-03, approval of preliminary and final site plan approval, and approval of any and all existing or created variances to enlarge the business premises at Block 800, Lots 15 and 16; 202 Broad Street and 435 Thomas Avenue
  - Council request that board consider an amended proposed change to the zoning code revising the definition of Front Yard for residential dwelling units abutting the Delaware River – Councilman Bianchini
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Bianchini and Mayor
  - Possible fees/escrows/application process for appeals and interpretations – chair
  - 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**  
**PRELIMINARY**  
**AGENDA**  
**June 17, 2014**

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 20, 2014 regular meeting
5. Review correspondence and announcements
6. Old Business:
  - Adopt and memorialize resolution P2014-08 regarding Case# 2014-05, approval of request by Nick & Vicki Coletti, 309 Manor Court, Block 1501, Lot 8 for front yard setback relief to construct a frame porch roof over their front yard patio
  - Adopt and memorialize resolution P2014-09 regarding Case# 2014-06, approval of request by Harold & Judith Zimmermann, 603 Bank Avenue, Block 400, Lot 3 for any and all variances to permit an in-ground swimming pool, shed, and fencing in the Second Street facing yard of their property
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Bianchini and Mayor
  - Subcommittee report on code changes needed to address riverfront properties front yards and through lots
  - 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 15, 2014**

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 17, 2014 regular meeting
5. Review correspondence and announcements
6. Old Business:
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Bianchini and Mayor
  - Subcommittee Reports – Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances
  - 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**  
**August 19, 2014**

1. Meeting called to order at 7:00 PM
2. Salute to the Flag
3. Open public meetings notice act and roll call
4. Introduce and swear in new 4th Alternate member John Kohms
5. Adopt minutes of the July 15, 2014 regular meeting
6. Hear Variance Application: Case# 2014-07, request by Ryan and Anne Lippincott, 1001 Cedar Street, Riverton, NJ, Block 1901, Lot 2 for relief from maximum garage size to construct a 672 sq. ft. two-car garage.
7. Review correspondence and announcements
8. Old Business:
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Bianchini and Mayor
  - Subcommittee Reports – Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances
  - 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**  
**September 16, 2014**

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 19, 2014 regular meeting
5. Review correspondence and announcements
6. Old Business:
  - Adopt and memorialize resolution P2014-12 regarding approval of Case# 2014-07, Variance Application request by Ryan and Anne Lippincott, 1001 Cedar Street, Riverton, NJ, Block 1901, Lot 2.
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Creighton and/or Mayor
  - Subcommittee Reports – Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances
  - 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**  
**October 21, 2014**

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 Councilman Creighton as Class III member
5. Adopt minutes of the September 16, 2014 regular meeting
6. Review correspondence and announcements
7. Old Business:
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Creighton and/or Mayor
  - Subcommittee Reports – Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances
  - 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**  
**PRELIMINARY**  
**AGENDA**  
**November 18, 2014**

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 21, 2014 regular meeting
5. Review correspondence and announcements
6. Old Business:
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Creighton and/or Mayor
  - Subcommittee Reports – Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances
  - 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**  
**December 16, 2014**

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 18, 2014 regular meeting
5. Review correspondence and announcements – secretary
6. Review/consider Invoices & Vouchers – secretary
7. Old Business:
  - Affordable Housing/COAH related updates – Tom Coleman and Deb Weaver
  - Council matters of importance to board – Councilman Creighton and/or Mayor
  - Consistency and Accuracy of the Zoning and Related Ordinances Subcommittee Report – Joe Della Penna, Joe Threston
  - Environmental Commission report – Joe Threston
  - Minor Site Plans report – Mary Lodato
  - Other old business
8. New Business:
  - Review proposed Ordinance 13-2014: Amending Chapter 22 of the Riverton Borough Code to provide for application fees and escrow amounts for requests for a zone change, classification of a development application, or master plan amendment and to require notice for hearings under these provisions
  - Other new business
9. Public comment on general Planning Board matters
10. Adjourn

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
February 18, 2014**

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

1. Posting notice on the official bulletin board in the Borough Office on February 3, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 2, 2014.

**PRESENT:** Ken Mills, Craig Greenwood, Robert Kennedy (8:00pm), Joseph Threston, Mayor William Brown, Councilman Armand Bianchini, Mary Lodato, Deborah Weaver, Richard Gaughan, and Robert Martin.

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

**ABSENT:** Kerry Brandt and Joe Della Penna.

**REORGANIZATION - 2014**

Mrs. Lodato, Mr. Bianchini, and Mr. Threston were first sworn in by Mayor William Brown and later by Solicitor Tom Coleman. 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 Bob Martin and seconded by Ken Mills to serve as chairman for 2014. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Vice Chairman:** Ken Mills was nominated by Bob Martin and seconded by Craig Greenwood to serve as vice chairman for 2014. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Calendar of Board Meetings for 2014:** Ken Mills motioned and Deb Weaver seconded that the board continue to meet on the third Tuesday of the month at 7:00 pm in Borough Hall. The vote was unanimous. Joe Threston motioned and Bob Martin seconded that Resolution P2014-01, the calendar of meetings for February 2014 through January 2015 be adopted, published in the Burlington County Times, and posted in Borough Hall. The voice vote was unanimous.

**Solicitor:** Thomas Coleman, Esq. of Raymond, Coleman, Heinold, Norman, LLP, was nominated by Ken Mills and seconded by Joe Threston to serve as the Planning Board Solicitor for 2014. 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 Ken Mills and seconded by Deb Weaver to serve as the board's Planner for 2014. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Engineer:** William Kirchner, of Environmental Resolutions, Inc., was nominated by Ken Mills and seconded by Joseph Threston to serve as the board's Engineer for 2014. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Resolution – Appointment of Solicitor, Planner, and Engineer:** Resolution P2014-02 announcing the appointment of board professionals for the period February 2014 through January 2015 was reviewed. A motion was made by Joe Threston and seconded by Ken Mills to adopt the resolution, publish it in the Burlington County Times, and formally notify the appointed parties and request they submit contracts. The voice 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 Joseph Threston and seconded by Craig Greenwood to serve as the Administrative Officer pursuant to N.J.S.A. 40:55D-3 for the Planning Board for 2014. The nominations were closed. A voice vote was taken and the vote was unanimous.

**Board Secretary:** While not required, Ken Mills motioned and Joe Threston seconded that for the record the board recognizes Ken's continued position as board secretary.

**MINUTES:** A motion was made by Joe Threston and seconded by Craig Greenwood to adopt the minutes of the December 17, 2013, regular meeting of the planning board as distributed. The voice vote was unanimous.

Vice Chairman Ken Mills took over as chair of the meeting.

**PUBLIC HEARING:**

**Case# 2014-01, Appeal by John Latimer of decisions made by the Zoning Official re: 603 Bank Avenue, Block 400, Lot 3**

**Introduction:** Chairman Mills introduced the topic. Board solicitor Tom Coleman asked if there were any members who should recuse themselves. Mrs. Lodato, Mr. Greenwood, and Mr. Gaughan were recused. Mr. Coleman introduced the topic and discussed the rights of the parties. Mr. Coleman discussed the process to be followed.

**Latimer Testimony:** Mr. Coleman asked Mr. Latimer's attorney, Barbara Casey to present their case. Mrs. Casey introduced herself and asked for the record the reason the three members recused themselves. Mrs. Lodato is a witness in the matter as she is the zoning official. Mr. Greenwood works for Mr. Latimer. Mr. Gaughan is a former chair of the planning board and feels he has taken a position on the matter. Mrs. Casey stated that they had retained a court reporter to prepare a thorough record of the proceedings. (Secretary Note: If and or when a transcript is provided, it will be made a part of these minutes.) Mrs. Casey introduced the parties she represents. Mrs. Casey stated that the intent was to present testimony and evidence why the appellants feel the determination by the zoning official regarding what is the front yard of 603 Bank Avenue is incorrect. Copies of two books were identified and distributed (referred to in the minutes as Book 1 or Book 2):

- "Application Submissions and Evidence - Book1" contained copies of the legal documents and public record documents that were compiled to support testimony,
- "Application Submissions and Evidence - Book 2" contained copies of the exhibits that would be referenced during testimony.

(Secretary Note: It was attested to and confirmed during testimony that the identification of appellant's exhibits corresponded to their identification in the two books. For clarity these minutes use the "book" exhibit identification.)

Mrs. Casey introduced the witnesses who were sworn in and the professionals qualified and accepted by the board by voice vote (as shown below where applicable):

- Paul Schopp - historian (motion by Weaver, second by Brown, 5 aye, 1 nay)
- Anthony Dirosa - licensed land surveyor and civil engineer (motion by Threston, second by Martin, unanimous)
- Richard Cureton - licensed architect (motion by Martin, second by Weaver, unanimous)
- Michelle Taylor - licensed planner (motion by Brown, second by Bianchini, unanimous)
- John Latimer - appellant
- Kate Latimer - appellant
- Elaine Latimer - appellant

Mrs. Casey described the two books in greater detail. As to proof the appeal was filed, John Latimer attested to the 8 emails contained in Book 1, Tabs 1A-1H. Kate Latimer attested that the exhibits in Book 1, Tabs 2A-2D were the responses received by the OPRA request for Borough records related to the matter. Mrs. Casey

reviewed that the appellants hope for resolution that the riverbank is the front yard line and Second Street is the rear yard line. They will present evidence that the riverbank has historically been considered the front yard. Reference was made to recent zoning related plans for the property contained in Book 2, Tabs 1-3 that did not appear to define the front yard as anywhere else than the yard fronting the riverbank and that the question of what is the front or rear yard was not in question until the zoning official issued the determination that the river bank side of the property was the rear yard.

Mr. Schopp was asked to present historical evidence that the riverbank is/was considered the front of the property. Mr. Schopp referenced a report he prepared, "Analysis of Riverton's Riverfront Founder's Mansions" (Book 2, Tab 4), as well as three historical maps prepared in 1859, 1877, and 1919 (Book 2, Tabs 5-7) which he stated showed that the riverfront properties including 603 Bank were always considered as fronting on the riverbank.

Mr. Dirosa was asked to present his professional findings regarding the application. Mrs. Casey asked and the board secretary attested that exhibits Book 2, Tabs 2A and 3A were copies of the property plans submitted with and are part of the files for the two variance applications submitted by Dr. Muhr for 603 Bank Ave. Mr. Dirosa testified that the plans in Book 2, Tabs 2A and 3A indicate that the front yard is indicated as fronting on the riverbank and the rear yard was on Second Street. Referencing property deed research shown in exhibits Book 2, Tab 8 and Book 2, Tabs 9A-9K, Mr. Dirosa testified that the deeds continually reference Bank Avenue and/or riverbank and support that the riverfront side of the properties were considered the front of the property. Mr. Bianchini asked if the public has access to the properties today via the gate on the 601 Bank Avenue. Mr. Dirosa stated that the deeds specifically allow access to the adjoining lots by the landowners. Board planner Mrs. Lee asked and received clarification on items in the various deeds and what was referred to as the northern boundary.

Mr. Cureton was asked to describe the photographs presented in exhibits Book 2, Tabs 10A-B and Tabs 11A-H. They were photographs of riverfront properties taken by him and to support his architectural testimony. Mr. Cureton referenced three qualities critical to architecture; firmness or structural integrity, commodity or the functionality of the building and property, and delight or the aesthetics/architectural beauty. The first quality is not relevant to the application, the other two are. The vision along the riverfront properties is clearly the intended vision or delight side. The commodity side of the properties were clearly to the rear where the out buildings or today's garages and originally privies were intended to be located and this side was never along the bank or river side of the properties. Second Street and also Carriage House Lane as it was originally used were intended to serve as service road access to the riverfront properties. He feels it is only appropriate to treat the portions of the properties in question as facing the river as the front of the properties.

Ms. Taylor referenced exhibits Book 2, Tabs 12-16 which were her report, maps, and photos. Mrs. Taylor also referenced various exhibits contained in Book 1 Tab 3A-T to refer to laws, cases, and codes to support what can be considered a right of way or, the location and definition of a structure or accessory use. She also discussed nonconformities. Answering questions from Mrs. Casey, Ms. Taylor stated it is her opinion that the side facing the river is and was intended to be the front yard for the properties having current addresses 603 - 701 Bank Ave. Further if the Second Street side of the property is found to be the front yard, then the existing configuration of 603, 605, 607, and 701 Bank Avenue are nonconforming - a finding never previously made. Ms. Taylor contends that the riverfront homes were always oriented toward the river and that the historical use of the riverfront properties has always included that the portion of the properties facing the river was the front yard. Mr. Threston asked if Ms. Taylor feels Bank Avenue exists for all the properties from 601 - 701 Bank Ave. Ms. Taylor replied yes as an "other" right of way under the MLUL. Mrs. Weaver asked if the definitions/provisions in the deeds continue forward and Mrs. Casey stated that in her opinion yes, unless specifically changed.

Mrs. Casey concluded the appellant's testimony by asking Tamara Lee if she had reviewed the plans for the two "Muhr" variance applications. Mrs. Lee stated she did not have them in her possession but had reviewed the

minutes and resolutions. Mr. Mills commented that as a member of the zoning board and present for both applications he recalled the zoning board had attempted to clarify the issue of the address being Bank Avenue when access was from Second Street.

Mr. Coleman asked if Mrs. Casey wished to move items into evidence. Mrs. Casey identified the "mounted" items used during testimony as well as the two books and certain originals of the exhibits including sealed copies of the deeds to be entered as evidence. Mr. Coleman stated a motion from the board to accept the evidence was in order. Mr. Threston motioned, Mr. Martin seconded, and the board unanimously approved to accept the items as evidence.

Mrs. Casey was asked to summarize the appellant's presentation. For over 150 years the properties identified as 601-607 and 701 Bank Avenue have faced the river, that their addresses are in accordance with the borough code and consistent with the term frontage. The Second Street side of the properties contain the accessory structures. This arrangement is indicative of properties throughout the borough as the rear of the property where you have secondary access to the property and where you have two potential front yards where one is the front yard and one is the rear yard determined by use, functionality, and history. The two prior variance applications for 603 Bank Avenue in 2008 and 2011 indicated that the riverfront was the front yard which is consistent with the historical definition and use of the property. The current plans asked if a pool is permitted in the front yard of a property which is shown as the location of the pool on the riverfront side. The plan shows an alternate location in what, from its description and current use, is shown as the rear yard. Ruling the riverfront the rear yard treats the property as having two rear yards which will be inconsistent with the code and prove a substantial detriment to both 601 and 605 Bank Avenue. The appellants are asking the board to find that the front yard is the riverfront side and Second Street is the rear yard line for 603 as well all the properties with Bank Avenue addresses from Howard through Fulton Streets.

There being no further questions by the board for the appellants, Mr. Mills asked Mr. Coleman to review where things are. Mr. Coleman stated that it is the burden of the appellant to prove Mrs. Lodato was incorrect. A large volume of evidence has been presented for the first time tonight and the board and its professionals need a chance to consider whether it useful or relevant in making its determination regarding Mrs. Lodato's decision. Mr. Jeffrey Baron, attorney for the property owners certainly wishes to present testimony and cross examine the witnesses.

Mr. Baron stated the evidence presented tonight is being seen by him and his clients as well as the board and its professionals for the first time tonight and he feels it is not possible for everyone to properly review the material without time between now and the next meeting. He also feels that an application was not properly filed. It was explained that according to borough code Mr. Latimer had followed the proper procedure to register an appeal and that there is no formal application required. Mrs. Casey stated that the appellants and, she feels Mr. Zimmerman also, wishes that the matter move forward and that a decision be reached sooner rather than later. Mrs. Casey feels at least input from the public should be heard. Mr. Coleman stated that the board is under certain time requirements to resolve the matters and needs to keep that in mind. Mr. Mills asked Tamara her opinion and she replied that she is not prepared to provide any opinion on the evidence presented to night and wants to review their planner's report. She also is very interested in hearing input from the public present at the meeting and to hear and review material from the Zimmerman's. Mr. Baron stated he also want to hear from the public first and feels at least tonight they should be heard.

**Public Comment:** The consensus of the board was to hear from the public. A motion was made by Mrs. Weaver and seconded by Mr. Bianchini to open the hearing to public comment. All persons making comment were sworn in before speaking. Board members asked folks to be concise and brief as possible so everyone who wishes to may comment.

- Roger Prichard, 201 Fulton, was a former board member and amazed at the amount of material presented for the first time tonight without chance to review. He stated that he feels whenever there is ambiguity in a code or law it should be the legislative intent of the codes or rules. The zoning code must be based and

interpreted as to how it supports the Master Plan. He asked to read a letter into the record that he had sent to the board secretary. The letter was penned by Mr. Prichard and contains multiple signatures. Mr. Coleman stated the letter can be attributed only to those present and not otherwise precluded from speaking at this hearing. Mr. Prichard read the letter which stated that it was the intent of the master plan and governing code to preserve and protect the open and accessible vistas of the riverbank; and that requests the current board and borough government address any deficiencies in the current code as soon as possible to protect the intent of the master plan. Mr. Coleman asked Mr. Prichard and Mr. Latimer to attest that they did sign the document as read and both affirmed they did. Mr. Coleman stated that unless the board objected, the letter be admitted and marked as Peoples Exhibit 1 (P1) and distributed to the board and those wishing a copy. There was no objection and copies were made and distributed. Mr. Baron asked Mr. Prichard what qualified him to make professional representations regarding the master plan and Mr. Prichard replied that he is a civil engineer and had taken courses in developing a master plan. Mr. Baron asked several other questions and Mr. Prichard summarized his answers that the letter provides an opinion of former members that the decision of the zoning official is contrary to the intent of the master plan. Mr. Baron questioned Mr. Prichard's qualifications to offer opinions regarding the intent of the current master plan and subsequent reexamination of the plan.

- Ken Smith, 503 Bank Avenue, commented that as a resident of the town who lives along the riverfront he has always considered the riverfront side the front yard and believes that it is the current intent of the master plan.
- Lawrence Antonucci, 701 Bank Avenue, commented that he has always considered Bank Avenue and the river bank the front of his property and that swimming pools should not be in the front yard.
- Scott Zimmerman, 3 Seventh Street, believes that the front yard has to be along a street, the river is not a street nor is the property accessible from the river. The only access is from Second Street.
- Francine Conover, 13 Cuthbert, stated she is confused as to what is a front yard. She believes the front door of the Latimer's house at 601 Bank faces Howard Street. She was informed that the location of the door does not necessarily determine what is the actual front of the structure.
- Mike Kearney, 309 Bank Avenue, asked for an explanation that a court case apparently ruled that Bank Avenue is an easement and not a street. Mrs. Lee commented that while it varies many properties along the river define Bank Avenue as an easement and that Bank Avenue is a public right of way that cannot be expanded in any manner.
- Keith Wenig, 206 Cinnaminson, stated he was a member of the planning board that reviewed the demolition permit request for the old garage on 603 Bank and that he feels the board would never have okayed a permit which would subsequently allow the construction of a garage in the front yard of a property.
- Judith Zimmerman, 603 Bank Avenue, stated she feels there is no consistency as to whether a street exists or not along hers and neighboring properties including the Casein property.
- Fred Lynn, 621 Thomas Avenue, stated that he has worked on several of the riverfront properties in question and all the owners always considered the riverfront the front of their property.
- Walter Croft, 2 Woodside Lane, stated that as an architect practicing in the town since 1995, and serves on architectural review commission, and agrees that an interpretation that the river side of the property is the front yard is correct.
- Harold Zimmerman, 603 Bank Avenue, considers himself a Rivertonian. Every pool designer contacted feels the riverfront side is a very appropriate location, but it needs to be treated carefully and be appropriate for the house and environment. He commented that while the initial deeds referred to Bank Avenue, sometime between 1861 and 1903 the description changed to the river wall or riverbank. Since 1903, Bank Avenue does not appear on any of the deeds.
- Emily Antonucci, 701 Bank Avenue, commented that these homes face the river. It needs to be determined/decided to allow pools in the front yards of these homes.

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

**Zimmerman Testimony:** Mr. Coleman stated that it was appropriate to allow the Zimmerman's to present



their testimony and cross examination. Mr. Baron stated that he wished to at least begin his cross examination. A five minute recess was requested and Mr. Threston motioned and Mr. Martin seconded that a five minute recess be taken. Mr. Threston moved and Mr. Bianchini seconded that the meeting resume. Mrs. Casey stated she and her clients are prepared to move forward and hopefully resolve the matter tonight; but, that is up to the board. Mr. Mills agrees that it would be desirable to move forward but given the hour of the evening it may be necessary to declare the hearing be continued. Also he is not certain how feasible it might be to schedule a special meeting before the next regularly scheduled meeting. Mr. Coleman commented that the board can continue to March 18 at 91 days without exceeding the time limit. Mr. Baron proceeded to state his objection to some of the documents, that it is his opinion that he should be able to cross after having been able to review the material, that there has been no testimony regarding the zoning officer's decision, and that it should be his decision on when it is appropriate to cross, and he wishes to properly preserve the record. He feels he can easily conclude his testimony and activities at the next meeting in a reasonable amount of time. When asked if he was prepared to cross anyone tonight, Mr. Baron stated he could properly cross examine Mr. Cureton and Mr. Schopp tonight.

Mr. Baron proceeded to cross examine Mr. Cureton. Mr. Baron asked Mr. Cureton if it was his contention that the pool belongs on the second street side of the property. Mr. Cureton replied it is his contention that the front yard and vistas along the river should be maintained and preserved and if a pool is allowed it should be toward Second Street. Mr. Cureton was asked and stated that he considered Second Street an improved street. Asked if he had been on the Zimmerman's property and observed an improved roadway on the riverbank side of the property, Mr. Cureton replied he had not observed an improved roadway.

Mr. Baron cross examined Mr. Schopp. Asked to explain the title borough historian, Mr. Schopp explained that he has extensively studied the history of the town as a service to the Historical Society; but, that he has been advised by the mayor that the Borough Council at their second meeting in March will make him the official historian for the borough. Mr. Baron proceeded to question Mr. Schopp regarding the maps he had referred to during his testimony. Asked where the "vignette" map has been recorded as an official map, Mr. Schopp replied where it has been found and that it is a published map with a copyright but has never been officially "recorded" to his knowledge. Asked who authorized the preparation of the map, Mr. Cureton stated that the map was prepared during a time when the making and selling of maps was very popular. While maps were authorized, they were also created and sold on a subscription basis. Asked if the 1877 map was an official map, Mr. Cureton stated it was published in an Atlas published by a surveyor and publisher. The map states it was prepared by surveys done by the surveyor as he was a cartographer. The map was not certified and was authorized by the publisher for making a profit. The Sanborn map was a "fire insurance map" prepared by the Sanborn Map Co. and used by fire insurance agents to rate properties for fire insurance. It was prepared for profit and to serve the insurance industry. The company is still in business preparing maps. Mr. Baron stated that was all the cross he was prepared to do tonight and wishes to continue following a chance for he and their professionals to review the material.

Mrs. Casey asked Mr. Schopp if historians only rely on certified maps and Mr. Schopp explained that he relies on a wide variety of material, as much as he can find, to try and conduct a thorough historical research. Mrs. Casey asked Ms. Taylor the source and findings of her research of borough ordinances and she replied that Borough Clerk, Mrs. Longbottom had provided her access to the official ordinance books of the borough and had found no evidence that Bank Avenue was ever vacated. Mr. Baron referred to the "Dolecki" court case regarding Bank Avenue and stated that regarding easements, restrictive covenants, and such, the board cannot interpret them; but, it can and is charged with considering the validity of an appeal of the decision of the zoning official regarding the code and to render an interpretation of the code when requested.

Mr. Coleman advised the board that the board could entertain a motion to carry the Appeal to March 18. Mr. Baron stated they would provide a copy of their planner's report to the board approximately two weeks before the meeting. He would also supply the board secretary the case law he was citing. Mr. Threston motioned and Mr. Brown seconded that the hearing of the Appeal be carried to the March 18th meeting and it was approved

by unanimous voice vote. Mrs. Casey consented and also asked that the board agree to carry the related Interpretation to March 18. A motion was made by Mr. Threston, seconded by Mr. Brown and unanimously approved by voice vote to carry the Interpretation to the March 18th meeting. A five minute recess was requested and Mr. Threston motioned and Mr. Brown seconded that a five minute recess be taken. Mr. Brown moved and Mr. Greenwood seconded that the meeting resume.

## **CORRESPONDENCE/ANNOUNCEMENTS**

1. **Five vouchers/invoices to be presented under New Business.**

## **OLD BUSINESS**

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

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

**Council Matters of Importance to the Board** – Mayor Brown reviewed Council elections and appointments and assignments; and, that a new full-time police officer had been hired.

**Affordable Housing** – Deb Weaver reported that she had spoken with Habitat for Humanity and they were very interested in renewing the agreement with the Borough. They have offered to come to a board meeting and make a presentation. Tom Coleman asked if Deb would obtain something in writing regarding a new agreement.

**Mandatory Education** – Ken Palmer reported that Rich Gaughan had attended and passed the recent NJPO sponsored course offered through Alaimo Associates. All board members required to be certified are certified.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 1/6/14, Raymond Coleman Heinold & Norman, LLP, \$971.50, general business advice, research, and correspondence concerning the appeal of zoning officer's decision regarding 603 Bank Ave. during December 2013, and prepare for and attend December 2013 board meeting. (BOARD BUDGET-PROFESSIONAL SERVICES)
2. 2/5/14, Raymond Coleman Heinold & Norman, LLP, \$2,082.00, continued general business advice, research, and correspondence concerning 603 Bank Ave. during January 2014. (BOARD BUDGET-PROFESSIONAL SERVICES)
3. 2/3/14, Tamara L. Lee, PP, \$1,680.00, planning services rendered during January 2014 regarding the appeal of zoning officer's decision regarding 603 Bank Ave. (BOARD BUDGET-PROFESSIONAL SERVICES)
4. 2/3/14, Tamara L. Lee, PP, \$945.00, planning services rendered during January 2014 regarding the request for zoning interpretation of "Front Yard" as it applies to various riverfront properties Northeast of Howard St. (BOARD BUDGET-PROFESSIONAL SERVICES)
5. 1/2/14, *Burlington County Times*, \$40.70, charge for Notice of Decision published for the Brandenburger Linden Avenue subdivision. (BRANDENBURGER SUBDIVISION ESCROW)

It was discussed that there are no application and/or escrow requirements in the Borough for appeals or interpretations. Tamara Lee commented stated that this is the first municipality she had been in that did not have an application process and escrow requirement for appeals and interpretations. There was concern voiced about the impact of this unplanned expenditure on the budget. Tom Coleman commented that he feels that no matter the decision reached on the matters, there may be an appeal. A motion was made by Joe Threston, seconded by Craig Greenwood and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**PUBLIC COMMENT** – Bill Brown motioned and Deb Weaver seconded to open the meeting to public comment. There was none and Joe Threston motioned and Bill Brown seconded to close the meeting to public comment.

**Meeting adjourned at 11:02 pm. (motion by Threston, second by Weaver)**

**Next meeting is at 7:00 pm on 3/18/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
March 18, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.
3. Change of Location notice posted on bulletin board and published in the Burlington County Times on March 7, 2014.

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

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

**ABSENT:** Kerry Brandt and Richard Gaughan.

**MINUTES:** A motion was made by Joe Threston and seconded by Bob Kennedy to adopt the minutes of the February 18, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**PUBLIC HEARINGS:**

**Case# 2014-03, Request by Latimer and Lewis, Inc., 202 Broad Street, for preliminary and final site plan approval, conditional use approval for an apartment over a business, and approval of any and all existing or created variances to enlarge the business premises at Block 800, Lots 15 and 16; 202 Broad Street and 435 Thomas Avenue.**

**Introduction:** Chairman Mills introduced the application. The secretary reviewed that the application was jurisdictionally complete. Mr. Coleman asked the board's professionals if they considered complete. Both Mrs. Lee and Mr. Kirchner agreed the application was complete and could be heard. Mr. Threston announced that he needed to recuse himself as he is an employee of the county and the application requires county planning approval. Mr. Greenwood announced that he needed to recuse himself as he is employed by the applicant.

**Continuation:** Mr. Coleman asked applicant's attorney, Barbara Casey to present the application. Mrs. Casey introduced herself and stated that due to a number of questions and issues raised by the County Planning Board and the board's engineer and planner, that the applicant wished to take the time to resolve these issues and submit revised plans. The applicant is requesting that the board grant a continuance at applicant's request until the April board meeting. Mrs. Casey stated that the applicant hoped the board would also permit the applicant's professionals to meet with the board's professionals as needed outside of the meeting to resolve any issues. The board had no objection with the professionals meeting to resolve any issues. Mr. Brown made a motion seconded by Mr. Della Penna that the application be deemed complete and that the continuation at the applicant's request be granted. The motion was approved by a unanimous voice vote. The secretary read the following for the record and stated that notice of same will be posted on the Borough Hall bulletin board and that no further notice is required:

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 Latimer & Lewis, Inc. for preliminary and final site plan approval with conditional use approval and all related variances for 202 Broad Street and 435 Thomas Avenue (Block 800, Lots 15 & 16) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on April 15, 2014.

**Case# 2014-01, Appeal by John Latimer of decisions made by the Zoning Official re: 603 Bank Avenue, Block 400, Lot 3.**

**Introduction:** Chairman Mills reintroduced the topic. Board solicitor Tom Coleman reminded the members who had recused themselves that they should refrain from making any comments on the matter. The secretary advised the board that Mr. Della Penna who had been absent from last month's meeting had requested to listen to the tapes of the February meeting in order that he might fully participate in the matter, and that he had submitted a signed affidavit to that effect. Mr. Coleman reviewed where things were left last month and developments during the time between meetings. Appellant's presentation had been concluded and the property owner's cross examination had begun. Appellant's attorney Mrs. Barbara Casey and the property owner's attorney Mr. Jeffrey Baron concurred and Mr. Coleman asked Mr. Baron to continue.

**Zimmerman Testimony/Presentation:** Mr. Baron cross examined appellant's witness Anthony Dirosa, appellant's land surveyor, concerning the deeds presented in appellant's exhibits and particularly when references to Bank Avenue appeared to disappear as a legal description of the Zimmerman property to be replaced by the existence of an easement. Mrs. Casey and Mr. Baron continued to debate whether the absence of a description means that it no longer exists. Mr. Baron cross examined appellant's planner Michelle Taylor regarding the legal authenticity of "official" maps and whether she feels that the maps presented as exhibits satisfy the definitions of maps in the MLUL and its definitions. He also questioned how she determined that Bank Avenue is a street under the MLUL. Ms. Taylor referred to Appellant Exhibit 17 in her testimony that Bank Avenue existed on filed plans for the town. This exhibit was a larger representation of material contained in her report contained in Book 2, Section 12, labeled as pages 3-5 and 21-24 of 30 in which she referenced a circa 1855 subdivision plan of the town. Mr. Baron and Mrs. Casey also rebutted each other and Ms. Taylor concerning the term street. There were questions as to whether "Bank Avenue" actually exists on the properties beyond Howard Street. Mr. Coleman and Mrs. Lee both presented evidence that a definition of street exists in at least three sections of the Borough's codes, in particular: Sections 57-13, 111-16, and 113-3. Mrs. Casey and Mr. Baron continued to debate the issue and Mr. Baron concluded his cross examination by stating that the zoning official could only make a determination based on the content of Chapter 128 the zoning code of the borough and nothing presented by the appellant so far proved the code contained information that would have lead to a different determination. At this time a request for a five minute recess was made. Mr. Threston motioned and Mr. Brown seconded and it was unanimous that a five minute recess be allowed. Mr. Threston motioned and Mrs. Weaver seconded and the board was unanimous that the meeting and hearing resume.

Mr. Baron introduced Neil K. Johnson the Zimmerman's architect. Mr. Johnson was sworn in and following presentation of his credentials was unanimously accepted by the board with a motion by Mr. Threston and second by Mr. Kennedy. Mr. Johnson referred to exhibit O-1 which was a plot plan and was similar to the drawing labeled ZA-1 in Appellant's Book1, Section 2D but without the handwritten notations on the copy in the book but with other handwritten notations. Mr. Baron's questioning was related to the efforts to determine what was the front and rear yard of the 603 Bank Avenue property. Mrs. Casey asked Mr. Johnson to explain how he had come to mark on the original plan that the Delaware side was the front yard. Mr. Johnson stated it was based on prior surveys from the 2008 and 2011 variance applications for the property that he had referenced and didn't indicate otherwise until he was informed differently by Mrs. Lodato. Mr. Baron as well as Mr. Threston, Mr. Mills, and Mr. Della Penna of the board further questioned Mr. Johnson to ascertain how he came to originally think the Delaware River was the front yard and Second Street the rear until Mrs. Lodato stated otherwise.

Mr. Baron called on Mary Lodato who was sworn by Mr. Coleman. Mrs. Lodato testified that she is the Borough Zoning and Code Enforcement Official and has been in that position since 2006. Mrs. Lodato testified that she recalled the plan submitted by Mr. Johnson initially showing the front yard as the Delaware River side and the rear yard as the Second Street side and recalls the discussion of what is the front yard. Asked how she arrived at her decision that the front yard was not the Delaware, Mrs. Lodato stated that it was based on her review of the Borough's zoning code. She stated that while she was aware of the language of the minutes and resolutions of the prior variance applications for the property, she did not feel the code supported anything else than her decision. Mr. Martin asked if Mrs. Lodato had consulted Mr. Coleman and Mrs. Lodato stated yes,

which was also confirmed by Mr. Coleman. Mrs. Lodato stated she was concerned that this property might be subject to any special conditions/exceptions such as impact other properties along the river; such as the Doleky property. Once she ascertained this was not the case, Mrs. Lodato stated she relied on the zoning code to make her determination. Mr. Threston asked Mrs. Lodato if she considered it being thorough to check with Mr. Coleman and Mrs. Lodato stated yes. Mrs. Casey asked Mrs. Lodato if she had looked at and reviewed the plans and resolutions regarding the 2008 and 2011 applications for the property. Mrs. Lodato replied that she was aware of the terminology used in those applications; but, that as she understood the code, she could not make any different decision than what she did. Mrs. Casey asked if Mrs. Lodato was familiar with Chapter 89, Sections 1 and 2 of the Borough Code concerning numbering of buildings and Mrs. Lodato replied yes. Asked if this section and others would have had a major impact on her decision, Mrs. Lodato stated she understood that she had to base her decision on what was in the zoning code.

Mr. Baron next re-called Harold Zimmerman the property owner who affirmed he understood he was still under oath. Mr. Baron asked what kind of research he had done. Mr. Zimmerman referred to a copy of the "1890" map of the town that has been in his family for 75 years. It was marked and accepted as exhibit O-3 and also identified that it existed in Appellant's exhibit Book 2, Section 12, page 24 of 30. Mr. Zimmerman stated that as he viewed the map, the map did not show Bank Avenue extending as an actual street where his property is and he feels it ended at Howard Street. Mr. Baron questioned Mr. Zimmerman regarding exhibit O-4 prepared by Mr. Zimmerman which was a set of mounted photos and a plan of the home. Through questioning and referencing the photos, Mr. Zimmerman testified that he believes the portion of the house as well as that portion of the property was never used as or intended to be the front or entrance to the home. Members Threston, Martin, Kennedy, and Brown also questioned Mr. Zimmerman regarding his opinions of the intended and actual use of the home. Mr. Martin asked if the fact that nothing has apparently been built on or added to the portion of the property facing the river establish a precedence that it was intended to be the front of the property. Mr. Coleman stated it could possibly establish precedence and if that precedence has been established for a considerable period of time it could persuade a board or court to determine the matter in that fashion. Mrs. Casey asked if Mr. Zimmerman was a professional planner or engineer and he stated no. Mrs. Casey asked several additional questions regarding Mr. Zimmerman's concerning the map he had referenced as well as his familiarity with the code regarding the orientation of his home and determination of what yard is which.

Mr. Baron called John Latimer who was re-sworn. After ascertaining Mr. Latimer's professional credentials and past service as a member of Borough Council and the planning board, Mr. Baron asked about the last major revision of the zoning code. Asked who was responsible for the zoning code revision, Mr. Latimer stated he, the then mayor, the then zoning board's attorney, and borough engineer. Asked why nothing was put in the code that for properties fronting the river, that side of the property was the front yard. Mr. Latimer provided an explanation as he remembered it.

Mr. Baron called P. David Zimmerman who was sworn and presented his credentials and noted for the record he was not related to the property owner. Mr. Threston motioned, Mr. Martin seconded and the board accepted Mr. Zimmerman's credentials. Mr. Zimmerman reviewed the documents he consulted in his research and his findings and conclusions that the rear yard faces the Delaware River and the front yard faces Second Street. Key to that conclusion was definitions of front yard and front lot line in the ordinance. Mr. Zimmerman also referred to exhibit O-5 which were maps that exist in various sections of the master plan that do not show Bank Avenue going into the Latimer and Zimmerman properties. Mr. Martin asked if Mr. Zimmerman was familiar with Goal 3, Objective 1 of the master plan and how he came to the conclusion his findings didn't run counter to that objective. Mr. Zimmerman answered by referencing: the borough tax map, his conclusions that Bank Ave. ended at Howard Street, that there is no public open space on the owner's property, that from public access points on Howard Street and Fulton Street there is no "premier" view of the property, and that the proposed pool location won't impact the public view of the property. Mrs. Casey asked several code related questions regarding definitions and Mr. Zimmerman's conclusions based on them. There was no further testimony. Mr. Mills asked Mr. Coleman about the time limits available to the board and Mr. Coleman felt carrying the matter to the April meeting may be past the deadline unless the appellant granted an extension.

**Public Comment:** The consensus of the board was to press on and to hear from the public before summations. A motion was made by Mr. Threston and seconded by Mr. Della Penna to open the hearing to public comment. All persons making comment were sworn in before speaking. Board members asked folks to be concise and brief as possible so everyone who wishes to may comment and to not simply reiterate previous public comments.

- Mike Kearney, 309 Bank Avenue, is concerned that if Bank Avenue is not considered a street and if 309 Bank Ave. also abuts Carriage House Lane, does that mean the side abutting Carriage House Lane is the front. This doesn't seem to make any sense since he believes everyone including himself has never considered or treated the front yard as being anywhere else than the side facing Bank Avenue and the river. It was reviewed that last month it was stated that while it does vary, many properties along the river define Bank Avenue as an easement but that also Bank Avenue is a public right of way that cannot be expanded in any manner.

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

**Board Professionals' Comments:** Mr. Mills asked if the board's professionals wished to comment. Mrs. Lee stated that she doesn't question the planning policy regarding the river and the difficulty of dealing with public vs. private interests particularly along the improved portion of Bank Ave. She believes there is a disconnect between the planning policy of the master plan and the zoning ordinance and she agrees in the planning policy. However, Mrs. Lodato's decision had to be based solely on following the zoning ordinance. Since there is nothing in the ordinance that lays out that riverfront properties are treated differently, such as how corner properties are treated in the ordinance; Mrs. Lodato had no alternative but to treat them like any other property; and Mrs. Lee feels that is what she did. Mrs. Lee stated she was not involved in the previous zoning variances on the property so she could offer no insight as to how the decisions were reached. Mr. Coleman referred to the privileged memo he had distributed earlier in the day in response to the legal brief submitted by Mrs. Casey in which he disagreed that the 2008 and 2011 decisions of the zoning board constituted res judicata, that is, binding precedent, or are entitled to collateral estoppel or preclusive effect. In those decisions the board was not asked to determine the front yard and back yard. However, if the board over the course of the last two months has heard historical fact that leads them to believe that Bank Ave. does exist in some form or fashion and that the interpretation of the master plan suggests the land be kept open, then respectfully the board should overturn the decision Mrs. Lodato made relative to zoning.

**Latimer/Zimmerman Summations:** Mr. Baron stated that he feels the board must reject the appeal. Mrs. Lodato and the board can only determine the matter by examining the zoning code. If the code does not do what you feel it should, then change the code. But, in the matter of the appeal any decision must be limited to what is in the code. After 1862, there is no mention of Bank Ave. on any deed presented as evidence. You can't find Bank Ave. but you can find reference to a private road. When you look at the maps that are over 100 years old you may or may not see the road, but there is no current official document that shows Bank Ave. in the property's location. He also reviewed many points where he believed appellants had not proven their case including how he believed legal determinations apply. He believes there is no res judicata or estoppel based on the decisions for the prior applications.

Mrs. Casey stated that, based on the zoning code, determining if a yard is front, side or rear shall be based on the relationship of the property or building in relation to adjacent properties. Mrs. Casey contends that the 2008 and 2011 applications included a finding of fact that the front yard was the Delaware River side and the Second Street side was the rear yard. If the garage had been approved for the front yard without the necessary use variance it would have been void. To not grant the appeal would allow the property to have two rear yards with structures allowed on the river side and the Second Street side.

**Board Deliberation and Decision:** Mr. Coleman stated that he and the secretary had calculated that if the board carried the matter to April 15, that would be day 119 of the 120 days permitted without appellant granting an extension. Mr. Mills stated he feels the board may be ready to reach a decision and asked if anyone had questions on or wished to discuss anything presented this month or last month. Mr. Coleman was asked to provide advice. Mr. Coleman summarized that this is an appeal of the zoning official's decision regarding the front and rear yard of the property. Based on what has been presented over the last two months the board needs

to make a motion either: that the appellant has not met its burden to support overturning the decision and thus deny the appeal; or, that the burden of proof has been satisfied that the decision was incorrect and should be overturned and in effect the zoning permit denied. The board should be prepared to establish why the motion should be supported. Mr. Brown motioned that the board should find that the Delaware River side of the property at 603 Bank Ave. is in fact the front yard despite what the code states in terms of a front yard abutting a street and that the zoning code official's decision should be reversed and the zoning permit issued on that decision be rescinded. Mr. Martin seconded the motion. There were no further motions or discussion. A poll vote was taken with aye signifying approval to overturn the decision and nay supporting the decision. Mr. Coleman specifically requested that reasons for the vote be provided. The motion to grant the appeal carried by a vote of five ayes and two nays as follows.

Mr. Mills	aye	Mr. Della Penna	aye
Mr. Threston	aye	Mr. Brown	aye
Mr. Bianchini	nay	Mrs. Weaver	nay
Mr. Martin	aye		

Mr. Mills stated this is the third time he has been involved in determining the front yard of this property. He firmly believes the Delaware River is the front yard of these properties and the town has always thought so too. He has received differing opinions from attorneys he highly respects and feels and supports the zoning official in the job she is doing. He feels that it might have been better to have brought the matter to the board before the decision was made and that what has been presented did not change what he feels is the front yard.

Mr. Della Penna felt it was a very difficult decision and that the code must be made to support the master plan and planning decisions of the town. He feels that history supports that the homes on the riverbank were intended to have the river be their front yard view.

Mr. Threston wishes this matter had been worked out between the neighbors and not becoming a burden on all the taxpayers of the town. The fact that history seems to support and the current adjacent neighbors all feel that the riverfront is the front yard of their properties supports that in relation to the adjacent properties this property's front yard is also the riverfront. He feels this should have been properly addressed when the code was last revised in 1998-99.

Mrs. Weaver feels she and most likely her fellow board members must be feeling overwhelmed by all that has been placed before them by both sides. She feels the current code is flawed in more than just this area and must be made to clearly support the master plan and planning goals of the town. She feels that Bank Ave. stops at Howard St. She feels that property owners have a right to enjoy their property without encroaching on sensitive issue in a small town without obstructing peoples views. The code must be clarified.

Mr. Martin supports the material to support overturning the decision.

Regarding Case# 2014-02 the request for interpretation of the code, Mr. Coleman stated that the board is not under a time constraint. Mrs. Casey informed the board that the Latimer's were withdrawing the request. Mr. Coleman stated that it would be appreciated if the decision to withdraw the request be communicated in writing.

## **CORRESPONDENCE/ANNOUNCEMENTS**

**1. 4 vouchers/invoices received as of 3/14/14 to be presented under New Business.**

## **OLD BUSINESS**

**Affordable Housing** – Deb Weaver reported that she had passed along Mr. Coleman's request to Habitat for Humanity for a draft of a new agreement and asked if Tom had received it. Tom replied not yet. Deb reported that all the annual reporting for COAH was complete except for some information regarding planning activity. Mr. Coleman updated the board on the latest developments at the state level regarding COAH.



The rest of Old Business was tabled until the next meeting due to the late hour.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 2/28/14, *Burlington County Times*, \$127.16, three board notices published during February. (BOARD BUDGET)
2. 3/2/14, Tamara L. Lee, PP, \$1,128.75, planning services rendered during February 2014 regarding the appeal of zoning officer's decision regarding 603 Bank Ave. (BOARD BUDGET-PROFESSIONAL SERVICES)
3. 3/5/14, Raymond Coleman Heinold & Norman, LLP, \$1,797.00, general business advice, research, and correspondence concerning the appeal of zoning officer's decision regarding 603 Bank Ave. during February 2014, and prepare for and attend February board meeting. (BOARD BUDGET-PROFESSIONAL SERVICES)
4. 3/5/14, Raymond Coleman Heinold & Norman, LLP, \$175.00, general business services, research, and correspondence concerning the subdivision deeds for the Brandenburger subdivision during February 2014. (102 LINDEN/BRANDENBURGER SUBDIVISION APPLICATION ESCROW)

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

**Zoning Code Change from Council** – Councilman Bianchini reviewed that Council has considered a request by the Historical Society to place historical markers on properties in the residential zones and this requires a change to the zoning code regarding signs in residential districts. Council is requesting that the planning board consider recommending the change necessary to permit the markers. Armand answered questions from the board regarding the markers. There was no further discussion and the board concurred that the project furthers the recognition of the architectural history of the town. Joe Della Penna motioned, Mary Lodato seconded, and the board by unanimous voice vote approved that the board endorses and recommends that Council adopt the ordinance to revise the zoning code and that the board adopt:

**Resolution # P2014-03 – Resolution Endorsing Proposed Ordinance To Amend Chapter 128, Article XVI, Section 68 Of The Riverton Zoning Code To Allow Historical Markers On Historically Significant Properties In Residential Districts.**

**PUBLIC COMMENT** – Joe Threston motioned and Craig Greenwood seconded to open the meeting to public comment. There was none and Joe Threston motioned and Craig Greenwood seconded to close the meeting to public comment.

**Meeting adjourned at 11:40 pm. (motion by Threston, second by Greenwood)**

**Next meeting is at 7:00 pm on 4/15/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
April 15, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.
3. Change of Location notice posted on bulletin board and published in the Burlington County Times on March 7, 2014.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna, Craig Greenwood, Joseph Threston, Mayor William Brown, Councilman Armand Bianchini, Mary Lodato, Deborah Weaver, Richard Gaughan, and Robert Martin.

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

**ABSENT:** Robert Kennedy.

**MINUTES:** A motion was made by Ken Mills and seconded by Joe Threston to adopt the minutes of the March 18, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**REQUEST BY JIM BRANDENBURGER FOR DEMOLITION PERMIT OF HOME AT 603 LINDEN AVE. Case#2014-04**

Chairman Brandt introduced the topic and reviewed that Section 128-50 of the Borough's Zoning Code requires that the planning board review and approve demolition permits before they are issued. A review of the property by the ARC was requested and the ARC has issued a letter stating they had no objections to the demolition being approved. The chair asked if the board had received a copy of the ARC letter and it was confirmed. Mrs. Janet Brandenburger was sworn in and explained that Mr. Brandenburger had purchased the property and wished to demolish the existing bungalow style home which is in quite poor condition and replace it with a new structure of a size and style in keeping with the neighborhood. The chair asked the board if they had any questions or comments and there were none. The chair requested the matter be opened to public comment. A motion to open to public comment was made by Ken Mills and seconded by Joe Threston. There was none and a motion was made by Joe Threston and seconded by Ken Mills to close to public comment. The chair asked if there was any further discussion by the board. Ken Mills motioned and Craig Greenwood seconded that the permit be approved and that the secretary notify the Construction Officer of the approval. The motion was approved by a unanimous poll vote of 9 to 0 as follows:

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

**OLD BUSINESS**

Mr. Threston requested that since he has recused himself from hearing the site plan application if the board might allow him to present his report under old business and to be excused from the rest of the meeting. There was no objection.

**Environmental Commission** – Joe Threston reported that the commission had met last month and they are in the process of identifying programs for which the Borough can receive credit under the Sustainable Jersey program. Mr. Threston was excused from the meeting.

**PUBLIC HEARING:**

**Case# 2014-03, Request by Latimer and Lewis, Inc., 202 Broad Street, for preliminary and final site plan approval, conditional use approval for an apartment over a business, and approval of any and all existing or created variances to enlarge the business premises at Block 800, Lots 15 and 16; 202 Broad Street and 435 Thomas Avenue. (Continued from March 18, 2014 meeting)**

**Introduction:** Chairman Brandt reviewed that the matter had been deemed complete at the last meeting and continued to this meeting. Mr. Brandt reviewed that Mr. Threston had recused himself as he is an employee of the county and the application requires county planning approval and that Mr. Greenwood had recused himself as he is employed by the applicant.

**Latimer and Lewis Testimony/Presentation:** Barbara Casey, Esq. of Ballard Spahr LLP, attorney for the applicants, reviewed that the applicants own 202 Broad and are contract purchasers of 435 Thomas. They plan to expand the business premises to the building on 435 Thomas and to construct a two story connecting structure between the two existing buildings. They plan to consolidate the two lots. The house on 435 Thomas is a two family home with a residence on the first floor and a one-bedroom apartment on the second floor which is an existing non conforming use in the NB district. The first floor will be converted to office use and the apartment maintained on the second as an accessory apartment over a business. Mrs. Casey introduced the applicants and professionals who would be offering testimony and asked they be sworn in. The following were sworn in:

Dante Guzzi, PE, Dante Guzzi Engineering Associates  
Scott Taylor, LLA, PP, & VP of Taylor Design Group, Landscape Architecture  
Walter Croft, AIA, Architect  
John Latimer, President of Latimer & Lewis and owner The Barclay Group  
Josh Batushansky, VP Operations & Marketing, The Barclay Group

Mr. Coleman attested to the qualifications of Mr. Guzzi and Mr. Taylor. Mr. Croft is a resident of the Borough and has appeared before the board numerous times. The board accepted all three. Mr. Latimer provided a history of the two properties. They need additional room for the existing business and to improve the operations. While they thankfully escaped any major damage from Hurricane Sandy, they realize they need to upgrade their business to protect and safeguard their operations and intend to upgrade the two existing buildings and connect them with a new structure. There are no current plans to increase the number of employees. Asked by Mrs. Casey, Mr. Latimer concurred that they want to continue to invest in the business district and continue the insurance operations that have existed in the Borough since 1945 at a previous site and the current location. Mr. Batushansky testified to the business as a multiline insurance business with many local customers among their customer base. The business needs more space for the existing operations and to better compete with upgraded technology. They are currently open 5 days a week from 9-5 and on Saturdays 9-12. There are currently 31 employees of which 16 drive, bike, or walk to the office. There are routinely 8-12 in the office the office at any one time. There are routinely 0-4 or 5 customers or representatives at the office at any one time. The business generates primarily paper trash that much of which is stored offsite and shredded. There are no proposed changes to the business except to upgrade and better utilize the new facilities. Truck traffic is limited to the FedEx and UPS type deliveries and will not change. They hope to have little or no business interruption during the construction and renovation phases using the existing offices at 202 Broad and the renovated facilities at 435 Thomas.

Mr. Guzzi was asked to present the site plan. He introduced three exhibits: A1-an enlarged version of the site plan survey, A2-a color rendering of the submitted site plan, and A3-an exhibit of the proposed pervious pavers. The board accepted the exhibits. Mr. Guzzi reviewed the building plans on the site. Mr. Mills asked about lighting and Mr. Latimer and Mr. Guzzi discussed that the current high mounted spot lights at the rear would be replaced with appropriate low level down cast lighting that with the planned privacy fencing should minimize any light intrusion on the neighboring properties. Two parking spaces off Broad Street are proposed for customers which will include sufficient room to provide "K-turn ability so vehicles can exit facing the street rather than having to back out onto Broad Street. This is a requirement of the County. At the rear, the existing six stacked spaces will be replaced with four angled spaces one of which will be configured for handicapped

barrier free use and two parallel spaces for use of the apartment tenants. Entrance to the rear parking spaces will continue to be from Broad Street via the one-way Maple Avenue alleyway. A one-way 10 foot wide through drive aisle is proposed along the property line from Maple Avenue to Thomas Ave. to allow vehicles to exit onto Thomas instead of having to use Maple Avenue to 4th Street as is done currently. The County is requiring that all vehicles make a right turn onto Thomas so as not to cause any excess cuing of traffic at the intersection of Broad and Thomas. Main entrances to the building will be from the front and rear of the new addition. All hard surface paving on the site will utilize pervious pavers to minimize runoff that exists today. A 4 inch high curb is proposed along the property line to prevent runoff onto the neighboring property. The board's engineer's proposal to provide a "soaker" inlet for heavy storms is being considered. Mr. Brandt stated his concern about the amount of impervious coverage. Mr. Guzzi stated that calculating all the coverage as impervious would amount to a little over 76% which is just over the permitted 75%. The planned use of pervious pavers should greatly increase the permeability of the site that exists today with the asphalt currently in place. Mr. Guzzi explained the concept and use of pervious pavers and with recognized maintenance plans will remain pervious. The applicant is willing to accept responsibility for maintenance of the surfaces. In addition to the proposed 4 inch curb, a six-foot vinyl privacy fence is planned from Maple Avenue to the front building line of the building. Having the cars parked away from the property line will provide a sense of additional spacing between the properties. Mr. Bianchini asked about the requirement of a green buffer. While Mr. Taylor will address in greater detail, Mr. Guzzi stated that there is not enough room with the proposed one-way drive aisle and angled parking access. Also, the County has endorsed the concept and the 10 foot wide aisle to move traffic off Maple Avenue; however, as previously testified with no left turns onto Thomas because of the proximity to the Broad Street intersection. Several board members felt that the County "right turn only" requirement was onerous and should be investigated for alternatives. It was suggested that perhaps Borough/board officials met with the County along with the applicants. Mr. Brown suggested talking with the Chief of Police. Finally, Mr. Guzzi reviewed that the variances they were seeking which are the existing front yard setback issues with 202 Broad on Broad Street and Maple Avenue and the frontage length and rear yard depth for the 435 Thomas property. New variances are requested to provide for six business use parking spots where 33 are required and relief from the 10 foot wide landscape buffer. The discussion on parking will be addressed Mr. Taylor. Design waivers are being sought from the 10'x20' parking stall requirement and for to permit the 10' aisle width. Mrs. Casey reviewed the checklist submission waivers that were also being requested. Mr. Brandt asked about the size of the existing apartment and it was answered 976 sq. ft. Mrs. Weaver asked about deliveries and was informed that current and future are perhaps on a day from UPS and FedEx and that as currently they stop briefly on Broad Street to make their pick-ups and drop-offs.

Mr. Croft referred to his architectural plans as submitted to discuss the design and plans for the current and new buildings. All entrances will be covered. The scale and design are residential in nature and in keeping with the neighborhood business district. The step back feature softens the massing and the new structure will unify the existing structures. Final elevations are still being discussed regarding colors and materials. The entire complex will be re-roofed with a common material. Preservation of the style of the house on 435 Thomas Ave. is desired to not dramatically change the character of Thomas Ave. Mr. Croft stated that the review and comments by the board's planner were very well received and possibly better than the ARC and should suffice for ARC review especially since Mr. Croft is chair of the ARC. Mr. Croft stated that a great deal of credit should go to Mr. Cureton for helping solve tying together the two structures with as little impact on them as possible. The HVAC units are proposed to be located on the roof at the rear of the addition. They are proposed to be gas-fired high efficiency units. All oil fired utilities will be converted/replaced with gas. Regarding noise impact on the adjoining property it was stated that the proposed location is over 20 feet from the adjoining property line and located more toward the back yard rather than opposite the adjoining house. Additional screening issues can be discussed. Downspouts will be located and directed to the front or Maple Avenue as much as possible. Mrs. Lee asked where they were planned and Mr. Croft explained.

Mr. Taylor, the applicant's planner and landscape architect, reviewed the lighting, landscape, and buffer plans. He introduced and had accepted four exhibits marked as follows: A4-existing site aerial, A5-site and surrounding use photographs, A6-site/landscape plan, and A7-rear property line elevation and section. The

applicants are proposing to consolidate the two lots with and connect the existing structures with the new addition. Its current/planned use is a permitted use in the district. Mr. Taylor reviewed the proposed landscaping including retaining where feasible desirable existing landscaping features. A six-foot vinyl privacy fence with an appropriate ground border such as Daylily plantings is proposed from Maple Avenue to the front building line of the building facing Thomas Ave. This fence will transition to a three-foot vinyl picket fence which is proposed to extend to a point six to eight feet from the sidewalk. Colors are still being discussed. Vinyl provides a best choice for longevity and maintenance. It is felt that the fence/curbing provides a more satisfactory ground level privacy boundary than a 10' landscape buffer. This is especially more desirable if the use of the building was ever changed to less professional type of permitted use. It was asked if the adjoining neighbor had been consulted on the plans and the answer was yes. Mr. Mills felt that the fence should be stopped further back from the sidewalk to preserve the openness of the streetscape and Mrs. Casey suggested that some form of plantings might be used to provide some form of buffering between the two properties. Concerning lighting, it was explained that all existing higher mounted flood lights will be removed and replaced with fully shielded cutoff lighting at "residential" levels perhaps in the overhang roof. They intend to be fully compliant with building code requirements yet keep any intrusive lighting to a minimum. If allowed by code, all lighting will be on timers and after hours controlled by sensor activation.

Speaking in support of the variances, Mr. Taylor stated that employees/consultants will not be allowed to use the six onsite parking spots. A previous survey commissioned by the Borough indicates that there are 153 on-street spots within a 500 foot radius of the site with at least 45-55% of any of them possibly available for use at any given time during normal business operation. Mr. Brandt asked if that included the light rail spots and the answer was yes and that they were not aware of any signage restricting their use. Mr. Taylor and Mrs. Casey testified that the Master Plan supports the proposed use and it helps to revitalize the town. Studies prepared by the town prefer nonretail uses such as the current use. The plan removes an existing nonconforming use. It helps to revitalize, enhance, retain, and promote conservation of existing structures. The existing nonconformities are not being worsened. The new design waivers improve the buffering between the neighboring property. The shape of the property represents a hardship. The proposed architectural stepping of the buildings is desirable and the plans do not appear to present any substantial detriment. The proposed traffic flow enhances the existing flow by removing traffic from Maple Avenue which runs along the back yards of the residences bordering the alley. Testimony was concluded.

**Board Questions:** Mr. Mills asked and was provided a description and explanation of their use. Mr. Kirchner added that a "soaker" inlet could provide runoff protection during severe weather events. Mr. Bianchini asked if the required landscape buffer would help absorb noise and provide runoff absorbance. Mr. Taylor explained that such a buffer cannot be built if the proposed parking and traffic flow is to be constructed. Also the proposed buffering provides better visual privacy and the proposed curbing along the property line will control runoff onto the adjoining property. Mr. Gaughan stated he felt the provision for a soaker inlet as well as the depth of the gravel layer under the pavers will allow runoff to get to the more absorbent sandy soil layer. Mrs. Casey added that she feels the applicants have demonstrated that they will not be increasing flow and runoff and will seek confirmation from the board's engineer. Mrs. Lee stated concern regarding the system failing or different owners of the site. She feels that legal recourse options to compel maintenance and or suitable alternative options should be included in the resolution. The applicants concurred.

**Public Comment:** A motion was made by Mr. Gaughan and seconded by Mr. Mills to open the hearing to public comment. All persons making comment were sworn in before speaking. Board members asked folks to be concise and brief as possible so everyone who wishes to may comment and to not simply reiterate previous public comments.

- Bob Heck, 423 Thomas Ave., asked if there is any Borough ordinance regarding having a driveway close to an intersection and Mr. Kirchner replied he was not aware of any. Mr. Heck is concerned drainage from the site may be an issue.
- Richard Smekal, 429 Thomas Ave., feels that until very recently there has been a problem for 10-12 years with parking by Barclay employees on Thomas and Lippincott and doesn't want it to be worsened. He doesn't feel people will use the new drive aisle but will continue to use Maple Avenue. He feels parking in front of houses will return and be worse once Mr. Latimer's variances are granted. He's opposed to the

plan. He feels people will simply use the Weber Funeral Home driveway to turn around to get around the restriction of being able to make a left turn onto Thomas from the new drive aisle.

- Dr. Clifford Johnson, 433 Thomas feels the landscape plan is good. Except for the last few months parking in front of neighboring residences on Thomas has been a problem and he doesn't want to see the problem return. Mr. Brandt commented that parking is a concern throughout the town and the board tries to weigh those concerns in its decisions.
- Joe Larkin, owns 435 Thomas Ave., sympathizes with the neighbors regarding the parking issues. He stated that there is no on-street parking in front of 435 Thomas because it is too close to the intersection of Broad and Thomas. Prior to agreeing to sell the property to Mr. Latimer he had spoken with realtors and all of them had informed him that the only way the property would sell is to an investor to use as a business.

There was no further comment and Mr. Mills motioned and Mr. Della Penna seconded to close the hearing to public comment. Mr. Brandt asked Mr. Latimer what happened to apparently improve the parking problem. He explained the steps he took to try and rectify the neighbor's concerns and that he plans to continue to personally work with the neighbors even if it is a public street and he has no way to fully control the situation. Mr. Brandt stated he is concerned that the requested parking variance is a big issue and if the business expands the problem will worsen. Since there appeared to be additional comments regarding parking, the chair suggested reopening to public comment. Mrs. Weaver motioned and Mr. Brandt seconded to reopen the hearing to public comment.

- Kevin Sutko, works at 21 East Broad Street, Palmyra and drives Broad Street every morning. Based on his observation he feels it is not Barclay employees parking on the neighborhood street but light rail riders.
- Richard Smekal, states the problem has existed before the light rail came along.

There was no further comment and Mrs. Weaver motioned and Mr. Gaughan seconded to close to public comment.

**Board Professionals' Comments:** Mrs. Casey made a suggestion that an avenue of communication between Barclay and the neighbors exists and is kept open. Mr. Brandt asked for comments by the board's professionals. Mrs. Lee stated that removing a nonconforming use and using the property as a more highly valued ratable are positives; but, a larger facility makes for a more intense use. Several of the architectural and landscaping issues need to be resolved. Some form of buffering is needed and she feels the proposed fencing should extend as close to Thomas Ave. as is practical. It is a large structure and the design of the three structures need to be tied together. The board might consider granting a variance removing the parking for the rental unit tenants and allowing all eight planned onsite spots to allocated for business use. Board members and Mr. Latimer continued to discuss parking issues and design considerations. Mr. Brown is particularly concerned about runoff issues and Mr. Latimer stated there are none of note today and he will work with the board to ensure none are being created. Mr. Martin asked if there is any form of relief that can be sought if runoff issues arise and the rule of civil trespass law was discussed. Mr. Kirchner discussed creating a "parking trust" option as a possible way to lessen the impact of insufficient parking spaces. Mrs. Casey feels the idea might have merit if it is something applied town wide to the business community and not just a condition of Mr. Latimer's approval. Mr. Kirchner feels the benefits of the proposed drive aisle plan outweighs any detriment of not having a 10 foot buffer. Concern over the permeable pavers can be resolved by enforceable maintenance requirements. The proposed coverage is very close to the permitted coverage. The proposed curbing could provide a reasonable option to controlling runoff including possibly re-grading the driveway to direct runoff. Mrs. Weaver is concerned about the paver maintenance and it was explained that the usual recommended type of maintenance is fairly common and relatively routine. Mrs. Weaver is concerned about the number of waivers being requested and Mr. Coleman explained that they are weighed on a case by case basis and are not unusual in a case such as this and he feels that both Mrs. Lee and Mr. Kirchner feel they can be warranted in this case. She is concerned that more space will mean more people and Mr. Latimer tried to assure her that they are "stuffed" now and need the space to reasonably accommodate the current staff and properly service their customers. Mr. Coleman commented that testimony has been provided about the number of available parking spaces in the area and the board needs to resolve in its mind if the parking issues are not a major detriment. Mrs. Casey feels that perhaps it can be worked out that the two proposed residential use spaces are designated for joint use - commercial during business hours and residential otherwise.

**Deliberation and Decision:** There being no additional board comment, Mr. Brandt summarized that he feels the issues facing the board include parking, HVAC noise, buffering, runoff, the driveway, and the no left turn onto Thomas. He wonders if the board should even consider any form of approval or at most only preliminary approval should be considered. Mr. Coleman stated that as long as the board has confidence in its professionals he feels that both sets of professionals have presented that allowing them to work together will alleviate most if not all the board's concerns. While it means granting fairly wide latitude to its professionals, Mr. Coleman feels granting preliminary and final approval subject to the professionals resolving the issues is warranted giving what has transpired to date in the process; especially, since the changes already agreed to appear to have resolved the County's issues. He feels that any revised architect plans can go back for proper ARC review since any appears any changes should be minor and in line with addressing already known board issues; and, it being a condition of any board approval. Mr. Croft concurred. Mrs. Lee and Mr. Kirchner concurred. Mrs. Casey stated the applicants professionals concur. The board concurred. Mr. Brandt asked if Mr. Coleman would suggest the form of a motion. Mr. Coleman suggested that the board might consider granting preliminary and final site plan approval to:

- consolidate the lots two lots which were originally one lot;
- approve the four existing nonconforming bulk variances;
- approve the new variances for:
  - the shortfall of 27 required parking stalls;
  - waiving the 10 foot landscape buffer in lieu of providing a six-foot privacy and decorative picket fence extending beyond the front building line on Thomas Ave.;
  - requiring two parking spaces dedicated to the residential apartment tenants;
  - permitting 9<sup>1/2</sup>x18 stalls where 10x20 stalls are required;
  - permitting a 10 foot wide drive aisle;
- granting all other submission waivers as outlined in the professionals reviews;
- subject to the conditions of:
  - providing a suitable ongoing maintenance plan for the pervious pavers;
  - subject to obtaining all required approvals;
  - obtaining ARC review and approval of the Mr. Crofts final architectural drawings
  - resolution of any and all other comments in Mr. Kirchner's 3/14/14 and 4/11/14 review letters, except for references to any parking trust fund;
  - resolution of any and all other comments in Mrs. Lee's 3/15/14 and 4/14/14 review letters.

Mr. Martin made a motion the board approve the application as suggested and Mr. Mills seconded the motion. The motion was adopted by a unanimous poll vote of 9 ayes to 0 nays as follows:

Mr. Brandt	aye	Mr. Brown	aye	Mrs. Weaver	aye
Mr. Mills	aye	Mr. Bianchini	aye	Mr. Gaughan	aye
Mr. Della Penna	aye	Mrs. Lodato	aye	Mr. Martin	aye

Mr. Brandt felt that generally speaking the variances are warranted and is pleased the applicant is willing to continue to work with the neighbors over issues.

Mr. Mills felt the benefits outweigh any detriments both locally and town wide. The drainage and parking issues will be resolved.

Mr. Della Penna felt the applicants did their homework, have and continue to work with the board's professionals.

Mrs. Lodato felt it's the best possible reutilization of the properties.

Mr. Gaughan was excused from the meeting.

## **CORRESPONDENCE/ANNOUNCEMENTS**

1. 3/5/14, Copy of "FY 2015 Transportation and Community Development Initiative (TCDI) Funding Program Application Guide" from DVRPC. (While deadlines were past, the chair suggested it be given to Joe Threston for Economic Commission interest.)
2. Letter from Barbara Casey, Esq. confirming the statement made at the March meeting that Case# 2014-02, Request by John Latimer for an "interpretation of the Zoning Code regarding what the board believes is the Front Yard(s) of the riverfront properties Northeast of Howard Street through and past Fulton Street" has been withdrawn.
3. 7 vouchers/invoices received as of 4/9/14 to be presented under New Business.

## **OLD BUSINESS**

**Adopt & memorialize Resolution P2014-05, Case# 2014-01, Appeal by John Latimer of decisions made by the Zoning Official re: 603 Bank Avenue, Block 400, Lot 3.** – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. There were none and a motion was made by Mayor Brown and seconded by Joe Della Penna that reading of the resolution be suspended and the resolution referenced by title be adopted and memorialized. A poll vote was called and there was a unanimous vote by four members present who had approved the appeal at the March meeting as follows:

Mr. Mills aye    Mr. Della Penna aye    Mr. Brown aye    Mr. Martin aye

**Affordable Housing** – Deb Weaver reported she had received an e-mail from COAH regarding the mandatory training program for Municipal Housing Liaisons. The costs can be paid from housing funds (which she believes the Borough has none). Due to time constraints of her job she cannot attend on the dates the course is offered. Mr. Coleman asked her to forward the information and any site links to him and he would look into the matter.

**Council Matters of Importance to the Board** – None.

**Minor Site Plan Applications** – Mary Lodato reported that an application for the "Cleanse in Place" Wellness Center at 530 Main Street had been approved.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 3/31/14, Burlington County Times, \$34.72, board notice of meeting location change published in March. (BOARD BUDGET)
2. 3/31/14, Environmental Resolutions, Inc., \$1,947.50, engineering services rendered during February 24 - March 24, 2014 regarding the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)
3. 3/31/14, Tamara L. Lee, PP, \$105.00, planning services rendered during March 2014 regarding the revised Affordable Housing Escrow Agreement. (PLANNING BOARD/COAH BUDGET)
4. 3/31/14, Tamara L. Lee, PP, \$1,942.50, planning services rendered during March 2014 regarding the appeal of zoning officer's decision regarding 603 Bank Ave. (BOARD BUDGET-PROFESSIONAL SERVICES)
5. 3/31/14, Tamara L. Lee, PP, \$1,076.25, planning services rendered during March 2014 regarding the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)
6. 4/2/14, Raymond Coleman Heinold & Norman, LLP, \$1,729.50, general business advice, research, and correspondence concerning the appeal of zoning officer's decision regarding 603 Bank Ave. during March 2014, and prepare for and attend March board meeting. (BOARD BUDGET-PROFESSIONAL SERVICES)
7. 4/2/14, Raymond Coleman Heinold & Norman, LLP, \$266.50, general business services, research, and correspondence concerning the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)

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



**Zoning Code Change Ordinance from Council** – Councilman Bianchini and the mayor reviewed that Council is requesting that the planning board consider recommending an ordinance to amend the zoning code for the definition of the front yard for residences abutting the Delaware River and they reviewed the proposed ordinance. Tom Coleman offered that he and Tamara had worked with Bruce Gunn on this change. It was introduced in April and will be considered at Council's May meeting. There was no further discussion and Ken Mills motioned, Bob Martin seconded, and the board by unanimous voice vote approved that the board endorses and recommends that Council adopt the ordinance to revise the zoning code and that the board adopt by title:

**Resolution # P2014-06 – Resolution Endorsing Proposed Ordinance To Amend Chapter 128, Section 12 Of The Riverton Zoning Code To Amend The Definition Of A Front Yard To Include Homes Abutting The Delaware River**

**Request from Council that the Board provide input on Council topics regarding additional zoning code changes for: Appeal/Interpretation fees/escrows and formal application procedure; and, possible business parking fees** – Councilman Bianchini and the mayor reviewed that Council is asking for board input regarding establishing fee/escrow requirement and perhaps formal application procedures for individuals applying for an appeal of the zoning officer's decision and/or requests for interpretation of the zoning map or zoning code. Armand explained that Council has examined the procedures and codes of several communities and feels the Borough needs to put similar procedures in place so that a clear process is established and that the applicant absorbs the costs and not the taxpayers. The chair stated that he feels appeals should be subject to fees/escrows. For interpretations, especially interpretations Kerry stated he has concerns that it may seem to be restricting the ability to ask for an interpretation of an area that may not be clearly defined. He feels that residents on their own (emphasis by the chair) property should be allowed to bring a request and if it can be resolved in one meeting without the need for professional review/input, there is no charge. If professionals are needed then escrows should be required. Walt Croft asked if he could ask a question and the chair said yes. Walt asked why the distinction between an appeal because he is concerned that a private resident might not have the financial ability to expend large sums to resolve what is an agreed upon vague issue. The chair and the other board members thought Walt had raised a good point and discussion ensued pro and con. Even with input by Tamara Lee and Tom Coleman no clear consensus was reached. Armand continued that Council also had similar concerns; but, that other towns had established a process and fee/escrow requirement and Council feels something similar needs to be established to better protect the town and taxpayers. Joe Della Penna stated that at this point there appears clearly be no consensus and a lot of questions about what the board is being asked to grasp and understand. The chair asked if the board especially due to the late hour felt that further discussion be tabled until the next meeting and perhaps Council will have further input and or direction. The board agreed to table further discussion. The topic regarding business parking fees was not discussed.

**Resolution P2014-04: Annual Report of Variance Applications and Recommendations Resolution** – The secretary reviewed the draft annual report resolution. Approval is needed to send it to Council. The board reviewed and discussed the resolution and a motion was made by Ken Mills, seconded by Craig Greenwood, and approved by unanimous voice vote to adopt and forward the report to Council.

**2014 Goals and Objectives** – The secretary reviewed that he had prepared a draft of the proposed goals and objectives based on previous years and what appeared to be any major concerns or issues raised at board meetings and had distributed it to the board. The board agreed that a statement of goals and objectives should exist and briefly discussed the draft. A motion was made by Bob Martin, seconded by Kerry Brandt, and unanimously approved by voice vote to adopt the 2014 Goals and Objectives as presented.

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

**Meeting adjourned at 11:05 pm. (motion by Brown, second by Mills)**

**Next meeting is at 7:00 pm on 5/20/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
May 20, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna, Craig Greenwood, Robert Kennedy, Joseph Threston, Councilman Armand Bianchini, Mary Lodato, Richard Gaughan, and Robert Martin.  
**Also Present:** Solicitor Chuck Petrone for Tom Coleman, Planner Tamara Lee, Engineer William Kirchner, and secretary Ken Palmer.

**ABSENT:** Mayor William Brown and Deborah Weaver.

**MINUTES:** A motion was made by Robert Kennedy and seconded by Kerry Brandt to adopt the minutes of the April 15, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**PUBLIC HEARINGS:**

**Case#2014-05, Variance Application by Nick & Vicki Coletti, 309 Manor Court, Block 1501, Lot 8 for front yard setback relief to construct a frame porch roof over their front yard patio.**

**Introduction:** The secretary reviewed that all the items needed to deem the matter jurisdictionally complete had been satisfied. Chairman Brandt introduced the matter and asked if any members needed to recuse themselves from hearing the application. There were none. The chair reviewed the application and the owner Nick Coletti and the builder Bud Lemunion were sworn in.

**Testimony and Board Questions:** Mr. Coletti submitted three photographs of the front of the house which were marked as exhibits A1 - A3. It is planned to erect a permanent roof structure over the front yard 7x22 foot cement pad patio. The structure will be compatible with the existing home. With prompting and questions from the board, Mr. Coletti and Mr. Lemunion provided additional information. The home is in the R8 district. The home is on a cul-de-sac and they and the neighbors tend to congregate in their front yards. The home has a small back yard which is not used that much. The addition would be a sloping roof with no side walls and supported by vinyl clad columns. There would be a gutter along the front to channel runoff from the roof. The ordinance requires a 25 foot front yard setback. Due to the irregular shape of the lot on the cul-de-sac, the planned roof will extend approximately four feet into the setback. Asked about the setbacks of the neighboring properties, it was testified that all the homes had similar setbacks. Without some form of cover the use of the patio is very limited and there is no other shade available. Rather than some form of awning, a more permanent covering is desired. The proposed roof will not extend beyond the existing patio with no resulting increase in impervious coverage. The applicant feels there is no negative impact on the area or adjoining properties and it will allow he and his family to better enjoy the neighborhood and neighbors. There was no further testimony and the board had no additional questions.

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

**Deliberation and Decision:** There being no additional board comment, Mr. Brandt summarized that he feels the shape and size of the lot, and the location of the structure do represent a form of hardship as well as it appears some form of covering is the only way to shade the patio. The application does not appear to have a negative impact on the property or area and is in keeping with the character of the neighboring homes. Mr. Threston motioned that the application be approved as presented and the applicant be granted a variance. The motion was seconded by Mr. Della Penna. Mr. Brandt commented that the approval should be worded to allow for the gutter to extend slightly more into the setback by probably six inches or so. The motion was amended to include this stipulation by Mr. Threston and seconded by Mr. Della Penna. The motion was approved by a

unanimous poll vote of 9 ayes to 0 nays as follows:

Mr. Brandt	aye	Mr. Greenwood	aye	Mr. Bianchini	aye
Mr. Mills	aye	Mr. Kennedy	aye	Mrs. Lodato	aye
Mr. Della Penna	aye	Mr. Threston	aye	Mr. Gaughan	aye

**Case# 2014-06, Variance Application by Harold & Judith Zimmermann, 603 Bank Avenue, Block 400, Lot 3 for any and all variances to permit an in-ground swimming pool, shed, and fencing in the Second Street facing yard of their property.**

**Introduction:** The secretary reviewed that all the items needed to deem the matter jurisdictionally complete had been satisfied. Chairman Brandt introduced the matter and asked if any members needed to recuse themselves from hearing the application. There were none and Mr. Brandt asked the applicant to present the application.

**Testimony/Presentation:** Jeffrey Baron, Esq. of Barron & Brennan, P.A. attorney for the applicants, introduced himself and asked that Harold Zimmermann - applicant, Neil Johnson - architect, and David Zimmerman - planner all who would be testifying be sworn. They were and Mr. Baron reviewed the application for the board and the need for variance relief because the proposed location in the yard facing Second Street is, under the current code, deemed a front yard and that he agrees with Board Planner Tamara Lee's, review that after the recent appeal decision, the property has essentially two front yards. Referring to exhibit A1, a mounted copy of the site plan as submitted, Mr. Baron discussed the location of the proposed pool and improvements and why variances were required. The proposed pool and aprons as well as the proposed shed will be well beyond the required 40 foot setback for front yards in the district. Fencing is required for swimming pools. The proposed location of the pool was made following the determination of the appeal filed by Mr. Latimer. The shed exceeds the permitted 150 square feet. The proposed shed will be used for pool and related equipment. There is existing fairly dense landscaping along Second Street and between the adjoining properties which will shield the pool from the neighborhood. The only structure directly facing the property along Second Street is a garage for another property across Second Street. Mr. Threston asked why a 200 sq. ft. shed and Mr. Zimmermann stated he wanted the extra space provided by the 200 sq. ft. and he thought the size of the lot would not cause a negative impact. Mr. Brandt asked where the pool could be placed without a variance and it was explained it could only be placed in the side yard that now serves as the front entrance to the residence and provides the driveway access. The orientation of the pool at its proposed location was designed to lessen the proximity to the setback line, to preserve existing trees and vegetation, and not create parking concerns. Mr. Bianchini asked for clarification as to why the application is referring to two front yards since he thought the result of the appeal declared the yard facing the river to be the front yard. It was explained that, a literal interpretation of the current zoning code defines the yard facing Second Street as a front yard. Mrs. Lee's review also mentions this fact and that it is similar to through lots.

The applicant's architect, Neil Johnson, whose professional credentials were okayed by the board, reviewed the proposed location of the pool and the functioning of the various parts of the property and the desire to minimize disturbing/removal of existing privacy landscape buffering along Second Street. Mr. Johnson described the proposed fencing to be a black wrought iron look, four-foot, picket style fence. While the site plan shows the fence to be located within the Second Street landscape buffer, Mr. Johnson stated he has been informed the fence will be relocated along the inside of the landscape buffer further from the street. He and the applicant will also work with the Mrs. Lee to resolve any landscaping concerns. The design and materials of the shed will be consistent with the garage. The shed will be a 200 sq. ft. "portable building" trucked in and placed on the site and such sheds are allowed by construction codes. There will be no plumbing or other use of the shed. The pool will be a rectangular in-ground gunite pool with designer paving aprons. Mr. Kennedy asked about the proposed plantings along the adjoining property lines on the riverfront side of the property and if they are/should be considered fences. Mr. Baron and applicant Zimmermann explained that they are very low planting beds that are not meant to serve as a fence but more of an indication that this is private property and hopefully serve to deter incursion on the applicant's property. Mr. Baron stated that the applicant would work with the board's planner to develop suitable plantings that serve the intended purpose but not be considered an

obscuring fence. Mr. Brandt asked Mr. Baron to enumerate what he considers the variances that the application is requesting. Mr. Baron stated he feels they are:

- the pool closer to the street than the established building line
- the shed between the house and the street, unless the definition of a through lot applies
- the fence, which is required under borough and building codes, closer to the street than the building line, unless the definition of a through lot applies
- the size of the shed
- additional fill-in landscaping in the Second Street facing yard that is considered a fence

David Zimmerman, who is the applicant's planner and was recognized as being previously qualified, reviewed the planning issues. The location of the pool is the only viable and best location to lessen impact on the applicant's property and neighboring properties, as well as, impact on the streetscape. The shed location is partially shielded from view by the applicant's garage and the neighbor's garage. Regarding the positive and negative criteria, Mr. Zimmerman concurs with Mrs. Lee's report that all of the variances are C bulk variances and he feels they are C1 hardship variances due to the location and physical features of the property and narrow shape of the lot. The proposed relocation of the fence along Second Street at least 10 feet further into the property will allow the existing buffering vegetation to be supplemented and in-filled providing further screening and thus lessening any perceived negative impact of the pool on the streetscape. The fence location also still permits the grass area desired by the applicant. The proposed black wrought iron look fence is both architecturally consistent with the neighborhood and its color minimizes its appearance. Fencing is required and the intent is minimize its appearance as much as possible. He feels the variances are justified, provide no detriment to the public good and no substantial detriment to the zoning code. The variance for landscaping, if not permitted under the through lot concept is justified as providing more of a positive than negative impact. Mr. Petrone interjected for the board's benefit, that the proposed fence is without question a fence and that the supplemented vegetation along Second Street and along the property lines is intended to and acts as a fence. It was discussed that the new proposed planting beds along the property lines in the riverfront yard need to be carefully qualified if they are not to be considered a fence. It was agreed that as long as the planting beds were not elevated and the height of the plantings was designed and maintained to be less than what could be considered to constitute a fence then a variance probably was not required. It was also agreed that if the application was approved, approval be conditioned on a landscape plan being submitted and approved by Mrs. Lee. Mr. Baron stated the applicant is willing to stipulate that the new planting beds would not form a berm and that the height of the plantings is the mature height. Mr. Zimmerman concluded that he feels there is no substantial impairment to the ordinance or master plan, that it is a uniquely shaped and located property, and that the spirit/intent of the ordinances are being satisfied. Mr. Kennedy asked if there had been new plantings along the riverside of the properties in the area and the answer was I don't know.

**Board Questions and Professional Review:** Mr. Petrone stated he had no additional questions or comments at this time. Mrs. Lee was asked by the chair to speak to the issues of front yard versus through lot. She stated that technically she doesn't feel this property is a through lot under the code since it is not between two streets. She raised the issue since planning policy for through lots allow for use of one side to be treated as a rear yard with fencing allowed if approved by ARC review. The fact that there is existing buffering and the proposed fencing will be inside the buffering may make the distinction moot. The current code and recently decided appeal results in the property having two front yards; however, she felt the property could possibly be considered as analogous to a through lot. Mr. Brandt asked if it was safer and more prudent to consider the Second Street as a front yard. Mr. Baron stated that the applicant and the testimony have always proceeded that the Second Street side was the front yard. Mr. Kennedy is concerned that allowing these variances in a front yard sets a precedence for allowing fences in front yards. Mr. Petrone stated that each case must be considered and decided on its own merits and unique conditions. Mr. Brandt stated he wished to proceed as the Second Street facing yard is a front yard but only if all the professionals and applicant and board agreed. There was no disagreement. Mrs. Lee summarized that she felt the proposed location of the pool was the best location, the applicants are doing the best to protect the neighborhood, pulling the fence back inside the buffer is a good idea, supplementing vegetation where mature trees exist should be treated carefully, and she has no concerns

regarding the fencing along the driveway. Mr. Brandt stated he feels the infill vegetation along the property line between the rear of the actual house and the neighboring property should be permitted and does not require a variance. He is concerned about any infill or new landscaping occurring where the vegetation extends beyond the building lines either towards the street or river. Mr. Petrone stated he felt the only areas being supplemented being an issue are the areas along the property lines going toward Second Street, along Second Street, and along the driveway in the Second Street facing yard. Board engineer Mr. Kirchner stated he did not feel the plans presented any engineering impacts.

**Public Comment:** A motion was made by Mr. Mills and seconded by Mr. Threston to open the hearing to public comment. All persons making comments were sworn in before speaking.

- Mike Kearney, 309 Bank Ave., is concerned about noise from the pool and asked if there will be an engineered sound system and would the pool be used for business use. Mr. Baron stated he did not feel the use of the pool is something that should be legislated and that the existing noise ordinances of the Borough would certainly be applicable in this case.
- John Latimer, 601 Bank Ave., commented that he was pleased with the proposed pool location. He stated that both 601 and 603 Bank Ave., were subdivided from the property at 605 Bank Ave. and were subject to the old deeds that contained language to maintain site lines and access to the yacht club. Also the concept of the green lawn nature of the riverfront yard and access to the river wall should be maintained. Mr. Latimer stated that kids today use the river wall and adjoining lawn to traverse to and from the Pompeston Creek and he contends that the "V6" area plantings are intended to deter this. Mr. Baron stated that the applicant has already stipulated that no plantings will occur in this area that effectuate a fence. Regarding through lots, Mr. Latimer stated that it was the intent of the drafters of the current code that these river front lots be treated as through lots and treated as through lots anywhere else in the Borough. He provided an example of the properties along both Thomas Ave. and Lippincott Ave. that back onto Maple Ave. These are all through lots and based on the existing and long standing use, the rear yard is the yard facing Maple Ave. Similar conditions exist with the use of the river front properties along Second Street where the accepted use of the Second Street facing yards is as a rear yard. Mr. Latimer further commented that there exists a deed restriction that no manmade structures may exist closer than 25 feet of Second Street and that includes fences. He requests the deed restrictions be honored and the fence be no closer than 25 feet to the street. Mr. Latimer asks that the pool ordinance be adhered to and that any DEP requirements be met.

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

**Summaries, Deliberation and Decision:** Mr. Baron asked and was allowed to present his summary. Mr. Baron stated that they are seeking variances to enhance the landscaping in the Second Street facing yard and install the fence at proposed amended location. They are seeking approval of the fence design without further delay from ARC review. They are requesting a variance to supplement existing vegetation within the Second Street front yard area. A variance is requested for a 200 sq. ft. shed and its location. And finally, a variance is requested for the location of the pool. Mr. Brandt asked for board comments and questions. Mr. Martin stated he agreed with Mr. Latimer that the fence be moved back from the street as much as possible. Mr. Brandt asked if it was appropriate to have Mr. Croft of the ARC who is present comment. There was no objection and Mr. Croft commented that he feels the ARC would agree with him that it is better that the fence has been moved back from the street and behind the living fence and that the final setback be left to others. Mr. Martin stated he feels the river side of the property should remain open and green grass as originally designed and sight lines retained. He supports denser vegetation along Second Street. Mr. Zimmermann stated he also wants some flowers and feels there are already features that exist on other neighboring properties that aren't green grass. They are not proposing any structures, they just want some additional color. There being no further comments, Mr. Threston motioned that the board approve the variances as provided in the application, in Tamara Lee's review, and as agreed to be amended in the hearing concerning location of the pool, location of the shed, all fencing variances, and landscaping variances. Approval should be conditioned that all applicable ordinances and codes be followed, that the location of the existing garage be reaffirmed, and that a landscaping plan be required and approved by Tamara Lee. He does not feel a variance for the shed size is warranted since he does not feel the sufficient justification was provided. Mr. Mills seconded the motion. Under discussion, Mr. Brandt stated he had no problem with a 200 sq. ft. shed on the property and that it should be clarified where the

fence will be located. Mr. Petrone stated that he would use the marked up exhibit to define the fence issues. Mr. Baron asked if it was possible that Dave Zimmerman and Tamara Lee might be able to meet within the next two weeks and resolve the landscape issues. Mr. Brandt asked if there was agreement and the board was comfortable with the proposed plant height of the proposed riverfront yard plantings. Mr. Petrone stated he felt that it was agreed that the mature height of any plantings be no higher than 18 inches. Mr. Baron concurred that was agreed to. Mr. Threston amended his motion to include a variance for the size of the shed and the amended motion was seconded by Mr. Mills. Mr. Petrone suggested that the motion might include that the architectural style of the shed be consistent with the garage and that the fence be of a black aluminum picket style. A landscape plan is to be prepared and approved by the board's planner otherwise the applicant will need to appear back before the board. Likewise the final location of the fence inside of the landscape buffer will be indicated on the plan and approved by Tamara or the applicant needs to reappear before the board to resolve the issue. Finally, revised plans should be prepared and provided to the board. Mr. Threston amended his motion to include Mr. Petrone's suggestions and Mr. Mills seconded the amendment. The motion was approved by a unanimous poll vote of 9 ayes to 0 nays as follows:

Mr. Brandt	aye	Mr. Greenwood	aye	Mr. Bianchini	aye
Mr. Mills	aye	Mr. Kennedy	aye	Mrs. Lodato	aye
Mr. Della Penna	aye	Mr. Threston	aye	Mr. Gaughan	aye

Mr. Brandt commented he felt the positive and negative criteria requirements had been met. Mr. Mills seconded Mr. Brandt's comment. Mr. Della Penna feels the plans enhance the neighborhood. Mr. Kennedy commended the applicant for attempting to satisfy the needs of everyone. Mr. Threston and Mr. Bianchini concurred with the prior member's comments. Mr. Gaughan commended Mr. Zimmermann's efforts.

The meeting resumed after a five minute pause to allow the room to clear of all wishing to leave the meeting.

## **CORRESPONDENCE/ANNOUNCEMENTS**

1. 3 vouchers/invoices received as of 5/20/14 to be presented under New Business.

## **OLD BUSINESS**

**Adopt & memorialize Resolution P2014-07, Case# 2014-03, Request by Latimer and Lewis, Inc., 202 Broad Street, for preliminary and final site plan approval, conditional use approval for an apartment over a business, and approval of any and all existing or created variances to enlarge the business premises at Block 800, Lots 15 and 16; 202 Broad Street and 435 Thomas Avenue.** – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. There were a few minor typographical corrections noted. A motion was made by Bob Martin and seconded by Joe Della Penna that reading of the resolution be suspended and the resolution referenced by title be adopted and memorialized. There was a unanimous approval voice vote of the seven members present who approved the application and are eligible to vote on the matter.

**Front Yard Definition Zoning Code Change Ordinance** – Councilman Bianchini reviewed that following the public hearing on the proposed ordinance to amend the zoning code concerning the definition of a front yard for riverfront properties, Council wished the board to consider a revision to the proposed ordinance which removes the language that certain riverfront properties should be treated as having two front yards, the yard abutting the river and the opposite yard abutting a street. Kerry Brandt stated that he feels the lots should be treated as through lots if possible. He asked Tamara why the two front yard language was included. Tamara stated the sentence was included out of concern for the streetscape and to offer the town the ability to preserve and protect the streetscape. Kerry stated his concern that if the sentence was removed, there would be no control over the impact of a rear yard on the streetscape. He feels the sentence should be kept. Tamara reminded the board that even for riverfront properties where Bank Avenue bisects the property, Bank Avenue is not considered a street, rather it is defined as an easement on those properties. She feels the borough needs the protection by requiring a variance where the yard opposite the side abutting the river abuts a street. There was vigorous debate pro and

con among the board. There was a consensus to hear from the public and a motion to open the discussion to public comment was made by Joe Della Penna and seconded by Bob Kennedy.

- Mike Kearney, stated that the wording should be changed to apply to any lot not just residential dwelling unit. He does not feel the last sentence should be retained and makes all existing properties along the river nonconforming. Joe Threston stated he does not feel he has enough information to make an informed decision. Kerry Brandt stated he want to make sure the town is protected; but, also doesn't think it is proper to force any impacted property owner to seek a variance for anything they wish to do in that yard. Bob Kennedy feels the sentence should be retained. There was additional discussion regarding the impact on certain properties and pros and cons of retaining the sentence. It was requested to either continue with public comment or close the public comment.
- John Latimer, feels the whole thing works if the river is consider a right of way and street for the purpose of the code. This makes the lots through lots with functional rear yards subject to mandatory ARC approval of fences and the board's discretion regarding accessory structures.
- Harold Zimmermann, stated you need to be careful regarding decisions regarding the riverfront. He feels there is the possibility of lawsuits.
- Scott Zimmermann, asked if Riverton has the authority to call the river a street. Kerry Brandt stated he felt that kind of definition would only be applicable to how the borough treats the riverfront for its application in the code.

There being no further public comment, Ken Mills motioned and Joe Threston seconded to close public comment. Tamara feels the professionals need to look further at the entire zoning code to make sure there are no other conflicts and that any change doesn't create conflicts. She also feels it would be helpful that a subcommittee of the board take a look at all through lots and riverfront lots and mark them up on the tax map to see how many different situations exist. This information would be helpful to the professionals in developing a workable revision. Chuck Petrone stated all sections of the ordinance that reference front yards, location of structures, through lots, etc. need to be examined and inconsistencies resolved. Kerry stated he agrees with Tamara and Chuck that a subcommittee to identify the scope of properties impacted and perhaps come up with some suggested solutions. Perhaps they could be prepared to at least offer a progress report next month. Joe Threston, Rich Gaughan, and Bob Martin volunteered for the subcommittee. It was suggested the chair keep the mayor and Council informed of the board's decisions and progress. Joe Threston motioned, Joe Della Penna seconded and the board unanimously approved by voice vote the suggested course of action regarding formation of the subcommittee and follow up activity.

**Request from Council that the Board provide input on Council topics regarding additional zoning code changes for: Appeal/Interpretation fees/escrows and formal application procedure –**

Councilman Bianchini stated that Council was still very interested on board input and wanted to move forward on this. Council feels that an application process should be formalized that includes appropriate fees and escrow requirements. Joe Threston stated that to date the recent appeal has cost the borough upwards of \$12,000 and feels there has to be some form of protection for the town and the taxpayers against this type of unplanned expense. Also it is apparent that most other communities have a process with fees and/or escrow requirements in place to handle appeals and/or interpretation requests. There was continued discussion and the chair stated he would like to poll the board and that he would communicate the results to the mayor and Council. The results of polling the members was as follows:

Kerry Brandt	Small fees for both	Escrows for both (refunded if less than 1 hour of board time for an interpretation)
Ken Mills:	Fees for both	No escrows at all
Joe Della Penna:	Fees for both	Escrows for both (concerned about what other towns are doing)
Craig Greenwood:	Fees for both	No escrows at all
Bob Kennedy:	Fees for both	Escrow for Appeals only
Joe Threston:	Fees for both	Escrows for both
Bill Brown:	absent	

Armand Bianchini: Fees for both          Escrows for both  
Mary Lodato:          No comment at this time  
Deb Weaver:          absent  
Rich Gaughan:          Fees for both          Escrows for both  
Bob Martin:          No comment at this time

**Affordable Housing** – No report.

**Council Matters of Importance to the Board** – Councilman Bianchini reported there was nothing additional to report.

**Environmental Commission** – Joe Threston reported that the commission had met last month and are continuing the process of identifying projects for which the Borough can receive credit under the Sustainable Jersey program. He also reported on a meeting at the school regarding the "Safe Routes to School Program."

**Minor Site Plan Applications** – Mary Lodato reported that an application for a small photo studio in the NB district had been approved on Broad Street.

**Update on Latimer & Lewis Site Plan** – Bob Kennedy reported on behalf of the ARC that they have no major issues with the plan. There is some concern about a small addition on the Thomas Ave. side for a porch. They did not get into the HVAC noise issues and type of units. Tamara Lee and Hank Croft are continuing to work on the HVAC issues. John Latimer asked if he could apply for permits and it was explained why not until the final plans have been signed off and all conditions of the approval satisfied.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 5/1/14, Tamara L. Lee, PP, \$2,388.75, planning services rendered during April 2014 regarding the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)
2. 5/5/14, Raymond Coleman Heinold & Norman, LLP, \$599.00, general business advice, research, and correspondence concerning: appeal of zoning officer's decision regarding 603 Bank Ave.; revised front yard ordinance; and possible parking issues during April 2014. (BOARD BUDGET-PROFESSIONAL SERVICES)
3. 5/5/14, Raymond Coleman Heinold & Norman, LLP, \$1,371.50, general business services, research and correspondence, and prepare for and attend public hearing concerning the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)

The secretary reviewed that the Latimer & Lewis escrow account was current. A motion was made by Joe Threston, seconded by Craig Greenwood and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**Consistency and Accuracy of the Zoning and Related Codes** – Joe Della Penna feels the board needs to be much more proactive in making sure the codes are consistent especially as they impact the Zoning Officer and the board's ability to render fully informed and accurate opinions and decisions. He is willing to spearhead this and suggests that it be done in manageable chunks perhaps starting by making sure the definitions in the code are consistent and don't conflict. Mary Lodato she appreciates this concern and that the proposal is similar to the basically dormant Ordinance Subcommittee formed several years ago to perform a essentially the same function under the leadership of Councilperson Suzanne Wells. Mary Lodato suggested that any findings or suggestions be communicated to Suzanne. Tamara stated that one of the other towns she advises has a standing committee to review the ordinances.



**PUBLIC COMMENT** – Joe Threston motioned and Craig Greenwood seconded to open the meeting to general public comment:

- Mike Kearny commented that he felt appeals and interpretations were part of the established governing and operating process of a community and should therefore be treated as part of the normal cost of the normal costs of the town and paid with taxes. He agreed that a fee to cover administrative costs was warranted similar to those that currently exist for similar matters.
- John Latimer agreed with Mr. Kearney's comments. He also supports the board being more proactive regarding the codes.

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

**Meeting adjourned at 10:55 pm. (motion by Mills, second by Kennedy)**

**Next meeting is at 7:00 pm on 6/17/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
June 17, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna, Craig Greenwood, Robert Kennedy, Joseph Threston, Mayor William Brown, Councilman Armand Bianchini, Deborah Weaver, and Robert Martin.

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

**ABSENT:** Mary Lodato and Richard Gaughan.

**MINUTES:** A motion was made by Joe Threston and seconded by Bob Kennedy to adopt the minutes of the May 20, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 11 vouchers/invoices received as of 6/17/14 to be presented under New Business.

**OLD BUSINESS**

**Adopt & memorialize Resolution P2014-08, Case# 2014-05, Request by Nick & Vicki Coletti, 309 Manor Court, Block 1501, Lot 8 for front yard setback relief to construct a frame porch roof over their front yard patio.** – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. There were none and a motion was made by Joe Threston and seconded by Craig Greenwood that reading of the resolution be suspended and the resolution referenced by title be adopted and memorialized. There was a unanimous approval voice vote of the seven members present who approved the application and are eligible to vote on the matter.

**Adopt & memorialize Resolution P2014-09, Case# 2014-06, Request by Harold & Judith Zimmermann, 603 Bank Avenue, Block 400, Lot 3 for any and all variances to permit an in-ground swimming pool, shed, and fencing in the Second Street facing yard of their property.** – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. The chair asked if there were any updates that effected adopting the resolution and the secretary reported that the board's professionals were in the process of working with the applicant's professionals to comply with the conditions in the resolution regarding approval. Tom Coleman concurred that there was nothing to prevent the board adopting and memorializing the resolution. There was one minor typographical correction noted. A motion was made by Joe Threston and seconded by Armand Bianchini that reading of the resolution be suspended and the resolution referenced by title and as amended be adopted and memorialized. There was a unanimous approval voice vote of the seven members present who approved the application and are eligible to vote on the matter.

**Front Yard Definition Zoning Code Change Ordinance** – Councilman Bianchini distributed copies of the revised ordinance and reviewed the additional changes that had been made and stated that Council hoped the board would endorse the amended proposed ordinance. Armand commented that the additional changes had been made and reviewed by Tamara Lee, Tom Coleman, and Borough solicitor Bruce Gunn. Tom Coleman confirmed that the ordinance has been reintroduced and Council hopes to adopt it at the July meeting. The chair asked that before endorsing the amended ordinance the board could hear from the subcommittee established to look further at all the through lot properties in the town. Kerry stated that he feels that while further research is warranted, it would be judicious to move forward with the change and possibly endorse the proposed ordinance and continue to examine the code. Joe Threston commented that while the subject of through lots may warrant further research, he feels the proposed ordinance reflects the spirit of what the board

has previously indicated needed to be done and should be allowed to proceed. Bob Martin commented that he also feels the proposed ordinance fulfills the intent of the changes needed to resolve the confusion over riverfront properties. Kerry Brandt commented that he had attempted to review the zoning map and observed the through and corner lots in town and feels that further research and possible revision may be needed. There was additional discussion and the consensus was that the board should act on the proposed ordinance while continuing its review process. There was a suggestion to open the topic to public comment and a motion was made by Joe Threston and seconded by Ken Mills to open the matter to public comment.

- Mike Kearney, 309 Bank Ave., feels the proposed ordinance places an onerous burden on commercial, i.e., rental properties, since the need for a variance further complicates the requirement that a site plan is required.
- John Latimer, 601 Bank Ave., feels that extending the definition to all through lots places an additional burden on the ARC. It was commented that the only mandated ARC involvement currently in the code is regarding fences.
- Judith Zimmermann, 603 Bank Ave., asked if this discussion would impact their current plans or approval and the answer was no.

There being no further public comment and Joe Threston motioned and Armand Bianchini seconded to close public comment. There was no further discussion and Ken Mills motioned and Joe Threston seconded that the board endorses the proposed ordinance and recommends its adoption. The motion carried by unanimous voice vote. The secretary stated that since he was not aware that Council's request was coming before the board there was no accompanying resolution to forward to the Council; but, he would have it prepared, signed and forwarded to Council.

**Request from Council that the Board provide input on Council topics regarding additional zoning code changes for: Appeal/Interpretation fees/escrows and formal application procedure** – Councilman Bianchini stated that Council was still very interested on board input and wanted to move forward on this. He distributed a proposed fee/escrow schedule for appeals and interpretations. The matter has not yet been introduced by Council. Tom Coleman suggested that it might be premature for the board to endorse anything at this time until the complete ordinance is introduced and given to the board to review. The board felt that it should at least informally let Council know its feelings/concerns about the proposed fee schedule. There was continued discussion regarding the appropriateness of the proposed fees/schedules.

**Council Matters of Importance to the Board** – Councilman Bianchini and Mayor Brown reviewed that the 2014 budget has been adopted. The Borough has applied for another grant for the Park. Council has introduced an ordinance to require advance permission and require maintenance fees be paid by leagues and organizations wishing to utilize the soccer and baseball fields at Riverton Memorial Park. Grant money is being sought to pay for the installation/activation and maintenance of additional pedestrian push buttons controls initially at the Cedar Street intersection and additionally for the Elm and Thomas Avenue intersections.

**Subcommittee(s) for Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances** – It was decided that the two subcommittees should remain separate at this time. Joe Della Penna reviewed his idea that the board form a subcommittee to approach in a manageable stepped fashion to review the codes for inconsistencies and that perhaps a good place to start is a review of definitions in the various ordinances, not only in the zoning code but all the codes. Perhaps Mary Lodato could advise the subcommittee on problem areas. He has looked at some other communities and notes that references to federal, state, and county definitions are often included. In addition to Joe Della Penna, Bob Kennedy and Joe Threston volunteered to form the subcommittee. In addition anyone who feels they have input should be encouraged to contact a subcommittee member. It should be remembered to observe the sunshine law as it applies to all correspondence.

**Affordable Housing** – There was nothing to report.

**Environmental Commission** – Joe Threston reported that there was nothing new to report and that the next meeting is on 6/19.

**Minor Site Plan Applications** – Kerry Brandt reported there were none this past month.

**Update on Latimer & Lewis Site Plan and Zimmerman Pool Variance** – The secretary that the board's and applicant's professionals are continuing to work on satisfying the conditions established in the respective resolutions.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 5/31/14, Burlington County Times, \$41.62, notice of decision for Latimer & Lewis site plan application approval. (LATIMER & LEWIS ESCROW)
2. 4/30/14, Environmental Resolutions, Inc., \$2,218.75, engineering services rendered during March 31- April 9, 2014 regarding the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
3. 5/31/14, Environmental Resolutions, Inc., \$1,195.00, engineering services rendered during May 2014 regarding the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
4. 5/31/14, Environmental Resolutions, Inc., \$562.50, engineering services rendered during May 2014 regarding the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)
5. 6/1/14, Tamara L. Lee, PP, \$210.00, planning services rendered during May 2014 regarding discussion with board regarding revised front yard definition ordinance and new COAH regulation review/impact. (BOARD BUDGET-PROFESSIONAL SERVICES)
6. 6/1/14, Tamara L. Lee, PP, \$105.00, planning services rendered during May 2014 drafting front yard definition ordinance with Tom Coleman and Bruce Gunn. (BOARD BUDGET-PROFESSIONAL SERVICES)
7. 6/1/14, Tamara L. Lee, PP, \$315.00, planning services rendered during May 2014 regarding the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
8. 6/1/14, Tamara L. Lee, PP, \$892.50, planning services rendered during May regarding the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)
9. 6/5/14, Raymond Coleman Heinold & Norman, LLP, \$39.00, general business advice, research, and correspondence during May 2014 concerning T-Mobile cell tower issues. (BOARD BUDGET-PROFESSIONAL SERVICES)
10. 6/5/14, Raymond Coleman Heinold & Norman, LLP, \$650.00, prepare resolution, research, correspondence, and continued services during May 2014 regarding the Latimer & Lewis Site Plan Application. (LATIMER & LEWIS ESCROW)
11. 6/5/14, Raymond Coleman Heinold & Norman, LLP, \$1,274.00, research, correspondence, meetings, prepare for and attend hearing, and prepare resolution during May 2014 regarding the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)

The secretary reviewed that the Latimer & Lewis escrow account was current and the Zimmermann's have been notified their account has gone short with the current billings. A motion was made by Craig Greenwood, seconded by Bob Kennedy and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**Other New Business** – Ken Mills asked if someone in the Borough has the authority to compel maintenance of the river wall and cleanup of the properties. It was answered that where any code violations are concerned, Mary Lodato has the authority to compel compliance. Regarding maintenance of the river walls court cases have decided that the Borough has no enforcement authority on portions that are on private property. There is a distinction between maintenance and rebuilding/constructing a wall. There are multiple authorities and layers of federal and state government involved regarding the permitting process.

**PUBLIC COMMENT** – Joe Threston motioned and Ken Mills seconded to open the meeting to general public comment. There was none and Ken Mills motioned and Joe Threston seconded to close the meeting to public comment.

**Meeting adjourned at 8:32 pm. (motion by Mills, second by Threston)**

**Next meeting is at 7:00 pm on 7/15/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**July 15, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.

**PRESENT:** Kerry Brandt, Ken Mills, Craig Greenwood, Robert Kennedy, Joseph Threston, Mayor William Brown, Councilman Armand Bianchini, Mary Lodato, Deborah Weaver, and Robert Martin.  
**Also Present:** Solicitor Doug Heinold for Tom Coleman and secretary Ken Palmer.

**ABSENT:** Joe Della Penna and Richard Gaughan.

**MINUTES:** A motion was made by Joe Threston and seconded by Bill Brown to adopt the minutes of the June 17, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 8 vouchers/invoices received as of 7/15/14 to be presented under New Business.

**OLD BUSINESS**

**Affordable Housing** – Deb Weaver stated there was nothing to report.

**Council Matters of Importance to the Board** – Councilman Bianchini and Mayor Brown reported that a new police officer had been hired and that Chief of Police John Shaw had been selected to attend the FBI Academy which is quite an honor. The ordinance regarding fees and escrows for appeals and requests for interpretation to the planning board underwent additional changes and will be introduced by Council at their August meeting. The ordinance to revise the front yard definition in the zoning code was adopted following the second reading and public hearing at the July meeting. Finally, the mayor announced that John Kohms has been appointed as the new 4th alternate member of the planning board.

**Subcommittee(s) for Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances** – Joe Threston discussed the inventory list he had prepared of lots that may be considered through type lots. There was discussion among the members of the types of lots included and possible impacts of further refinement of the definition or classification of a "through lot." The secretary stated that Joe Della Penna had informed him that he had no report on the Borough Codes review.

**Environmental Commission** – Joe Threston stated there was nothing new to report at this time.

**Minor Site Plan Applications** – Mary Lodato stated there were none this past month.

**NEW BUSINESS**

**Invoices and vouchers:**

1. 7/1/14, Burlington County Times, \$39.78, notice of decision for Coletti, Manor Court variance approval. (COLETTI ESCROW)
2. 7/1/14, Burlington County Times, \$41.62, notice of decision for Zimmermann Pool variances approval. (603 BANK AVE. ZIMMERMANN ESCROW)
3. 7/1/14, Tamara L. Lee, PP, \$105.00, planning services rendered during June 2014 regarding continued review and working with professionals on compliance of the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
4. 7/1/14, Tamara L. Lee, PP, \$105.00, planning services rendered during June regarding landscaping plans for the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)

5. 7/2/14, Raymond Coleman Heinold & Norman, LLP, \$195.00, prepare for and attend the June meeting. (BOARD BUDGET-PROFESSIONAL SERVICES)
6. 7/2/14, Raymond Coleman Heinold & Norman, LLP, \$98.00, professional services during June regarding Metro PCS and the cell tower. (BOARD BUDGET)
7. 7/2/14, Raymond Coleman Heinold & Norman, LLP, \$77.00, prepare the Coletti variance approval resolution during June. (COLETTI ESCROW)
8. 7/2/14, Raymond Coleman Heinold & Norman, LLP, \$539.50, continued professional services during June regarding the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)

The secretary reviewed that the Latimer & Lewis escrow account was current and the Zimmermann's will be notified their account has gone short with the current billings. 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.

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

**Meeting adjourned at 7:30 pm. (motion by Mills, second by Kennedy)**

**Next meeting is at 7:00 pm on 8/19/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**August 19, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna, Craig Greenwood, Joseph Threston, Mayor William Brown, Councilman Armand Bianchini, Mary Lodato, Deborah Weaver, Richard Gaughan, Robert Martin, and John Kohms.

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

**ABSENT:** Robert Kennedy.

**REORGANIZATION:** John Kohms was introduced by Mayor Brown and was sworn in as the new Alternate Member. John will be the 4th alternate.

**MINUTES:** A motion was made by Ken Mills and seconded by Joe Threston to adopt the minutes of the July 15, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 7/21/14, copy of notice from County Mosquito Control Division of their application to NJDEP, LURP for permits to conduct mosquito control projects.
2. 8/18/14, copy of notice and application by Riverton Yacht Club to NJDEP, LURP to continue placement of the seasonal moorings and floating docks in the river.
3. 8/19/14, copy of proposed Ordinance 9-2014, amending Chapter 22 to provide for fees and escrows and require notice be given for appeals and requests for interpretation to the planning board.
4. 7 vouchers/invoices to be presented under New Business.

**OLD BUSINESS**

**Proposed ordinance regarding fees and escrows for appeals and requests for interpretation to the planning board** – Councilman Bianchini reported that the ordinance regarding fees and escrows for appeals and requests for interpretation to the planning board has been introduced and the public hearing is scheduled for the September Council meeting. Copies of the proposed ordinance amending Chapter 22-Land Use Procedures were distributed to the board. Chuck Petrone suggested that the board should perhaps consider a formal endorsement and recommendation of the ordinance. The board discussed the merits as well as the proposed fees and escrow amounts that would be involved. The board was in general agreement that a formal process and procedure is needed and the application fees were reasonable; but, there was varied opinions on the amount of escrow required. The board concluded that while there were concerns over the escrow amounts, the board felt it should endorse and recommend adoption of the ordinance. Joe Threston motioned and Deb Weaver seconded that the board endorse and recommend the proposed ordinance. A poll vote was called and the motion passed by a vote of seven ayes and two nays as follows:

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

The secretary stated that he would get a resolution prepared for signature.

**PUBLIC HEARING:**

**Case#2014-07, Variance Application by Ryan and Anne Lippincott, 1001 Cedar Street, Riverton, NJ, Block 1901, Lot 2 for relief from maximum garage size to construct a 672 sq. ft. two-car garage.**

**Introduction:** The secretary reviewed that all the items, except proof of current paid taxes, needed to deem the matter jurisdictionally complete had been satisfied. Mr. Petrone suggested the board could make sure the needed proof of payment of taxes could be made a condition of any approval and allow the hearing proceed. (Secretary's note, the required proof was provided the day following the hearing.) There was no disagreement and the hearing proceeded. Chairman Brandt introduced the matter and asked if any members needed to recuse themselves from hearing the application. Robert Martin stated he was recusing himself from hearing the application. The chair reviewed the application and the applicant Ryan Lippincott and his architect John Martin were sworn in.

**Testimony and Board Questions:** Mr. John Martin reviewed his credentials and proceeded to review the plans. The applicants are doing major renovations and additions to their home and plan to add a garage as part of the project. The proposed garage will be 1 1/2 story, 672 sq. ft., 28' x 24' garage with access to the second floor from inside the garage. The code only permits a maximum of 500 sq. ft. The space on the second floor will be a bonus space used for hobbies by the owner. The property is in the R8 district and is 17,000 sq. ft. Except for an existing minor intrusion of less than six inches by the front steps into the front yard setback all other setbacks and bulk requirements are compliant with the code. Only the planned size of the garage requires a variance. The lot is over double the minimum lot size required in the district and the applicants feel there is no negative impact on the property or neighborhood by the proposed plans. Asked how the request satisfies the criteria for granting a variance, the applicant and his architect feel it is an improvement to the property and benefits the town and area. They do not feel the proposed size is too large for the property. They feel a hardship exists that the permitted 500 sq. ft. size barely allows space for full access to two vehicles and essentially no additional storage space for yard equipment and children's outdoor toys. There was no further testimony and the board had no additional questions.

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

**Deliberation and Decision:** There being no additional board comment, Mr. Brandt summarized that he feels the size of the lot easily accommodates the proposed size of the garage and the plans do represent an improvement to the property. The application does not appear to have a negative impact on the property or area and is in keeping with the character of the neighborhood. Mr. Threston motioned that the application be approved as presented and the applicant be granted a variance for the oversized garage. The approval should be conditioned that proof of current paid taxes has been provided and the area above the garage will be for incidental use not be used as a living area. The motion was seconded by Mr. Brown. The motion was approved by a unanimous poll vote of 9 ayes to 0 nays as follows:

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

Several members commented that the issue(s) are minimal, the size is appropriate for the lot size, and the plans are an improvement to the property.

**OLD BUSINESS**

**Affordable Housing** – Deb Weaver reported that the semi-annual reports were due and she would be filing them with the state. There is a question regarding the status of a renewed agreement with Habitat for Humanity. Habitat has expressed an interest in continuing the agreement; but, a new agreement has not been submitted. Deb was asked and agreed to follow up with Habitat regarding submitting a new agreement.

**Council Matters of Importance to the Board** – Councilman Bianchini and Mayor Brown reported that approval had been received for state funds to help in the repaving of Elm Terrace.

**Subcommittee(s) for Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances** – Rich Gaughan passed out copies of the tax maps he had made to help in the review of through lots. Rich stated there probably have been changes since his copies were from his prior time on the board.



Concerning the inventory list prepared by Joe Threston, the secretary noted that the former post office lot was no longer a through-lot, since it had been subdivided and homes built on the rear half. It was discussed that perhaps the zoning map and the Neighborhood Business district be amended to reflect the changed use of properties currently granted a use variance to permit construction of residences but still zoned as Neighborhood Business. There was additional discussion among the members of the types of lots included and possible impacts of further refinement of the definition or classification of a "through lot." Joe Della Penna stated the code review subcommittee would resume its work in September.

**Environmental Commission** – Joe Threston stated there was nothing new to report at this time.

**Minor Site Plan Applications** – Mary Lodato stated there were none this past month.

## **NEW BUSINESS**

### **Invoices and vouchers:**

1. 8/3/14, Tamara L. Lee, PP, \$577.50, planning services rendered during July 2014 regarding continued review and working with professionals on compliance of the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
2. 8/3/14, Tamara L. Lee, PP, \$52.50, planning services rendered during July regarding landscaping plans for the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)
3. 8/4/14, Environmental Resolutions, Inc., \$100.00, engineering services during June-July 2014 for the Klein 704 Cedar St. pool and drainage construction. (KLEIN CONSTRUCTION/INSPECTION ESCROW)
4. 8/4/14, Environmental Resolutions, Inc., \$1,390.00, engineering services during July 2014 regarding continued review and working with professionals on compliance of the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)
5. 8/4/14, Environmental Resolutions, Inc., \$200.00, engineering services during July 2014 regarding conformance review of the Zimmermann, 603 Bank Ave. pool variance application. (603 BANK AVE. ZIMMERMANN ESCROW)
6. 8/5/14, Raymond Coleman Heinold & Norman, LLP, \$176.00, professional services during July 2014, for ordinance review and attending July board meeting. (BOARD PROFESSIONAL SERVICES)
7. 8/5/14, Raymond Coleman Heinold & Norman, LLP, \$117.00, professional services during July 2014, for lot consolidation deed and stormwater management plan reviews for the Latimer & Lewis site plan application. (LATIMER & LEWIS ESCROW)

The secretary reviewed that the Latimer & Lewis and the Zimmermann's escrow accounts are current as of this meeting. A motion was made by Joe Threston, seconded by Rich Gaughan and unanimously approved to pay the vouchers as presented. The secretary will have them signed and submitted for payment.

**Bulkhead Issues** – Ken Mills asked who is responsible for enforcing Chapter 61: Bulkheads of the Borough Codes and his concerns over the increasing deterioration of sections of the wall and possible impact on a Borough sewer line. It was discussed that the board has no jurisdiction on the subject and even the powers of the code enforcement officer are no longer clear. The subject of enforcement is a grey area due to a prior court case which seems to have invalidated the enforceability of the code. It was suggested that Ken contact Borough Solicitor Bruce Gunn and/or attend a council session and bring up his concerns. The mayor informed the board that council is resuming two sessions a month at least for September and November. The September sessions will be on the 2nd and 4th Wednesdays.

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

**Meeting adjourned at 8:25 pm. (motion by Threston, second by Mills)**

**Next meeting is at 7:00 pm on 9/16/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
September 16, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.

**PRESENT:** Kerry Brandt, Ken Mills, Craig Greenwood, Joseph Threston, Mayor William Brown, Mary Lodato, Deborah Weaver, Richard Gaughan (7:06pm), Robert Martin, and John Kohms.  
**Also Present:** Solicitor Tom Coleman and secretary Ken Palmer.

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

**MINUTES:** A motion was made by William Brown and seconded by Ken Mills to adopt the minutes of the August 19, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 8/27/14, copies of Soil Remedial Action Permits issued by NJDEP for biennial monitoring, maintenance, and evaluation of properties involved with the remediation of the former Riverton Coal Gas Company (PSE&G).
2. 9/14, announcement & registration form from ANJEC for the 41st Annual Environmental Congress & Workshops, 10/24/14, at Raritan Valley Community College, Branchburg, NJ.
3. 2 vouchers/invoices to be presented under New Business.

**OLD BUSINESS**

**Adopt & memorialize Resolution P2014-12, Case# 2014-07, Request by Ryan and Anne Lippincott, 1001 Cedar Street, Riverton, NJ, Block 1901, Lot 2 for relief from maximum garage size to construct a 672 sq. ft. two-car garage.** – The chair asked if everyone had received a copy of the resolution and if there were any questions or comments. There were none and a motion was made by Ken Mills and seconded by Joe Threston that reading of the resolution be suspended and the resolution referenced by title be adopted and memorialized. There was a unanimous approval voice vote of the seven members present who approved the application and are eligible to vote on the matter.

**Affordable Housing** – Deb Weaver and Tom Coleman announced there was nothing new to report.

**Council Matters of Importance to the Board** – Mayor Brown reported that the ordinance revising Chapter 22 creating application fees and escrow requirements for appeals and interpretations was unanimously adopted and is now law. Due to increasing complaints by the residents near the area of Linden and Bank Avenues of littering and loitering, the Police Department is looking into the option of creating a permit parking zone in the area. Due to time constraints of its members, Council has appointed Councilman Joseph Creighton as the Class III member of the board replacing Councilman Armand Bianchini. Robert Moccia has volunteered to donate funding to repair the Borough Clock.

**Subcommittee(s) for Through-Lot Review and Consistency and Accuracy of the Zoning and Related Ordinances** – Joe Threston reported there was nothing new to report regarding through-lot review. The secretary stated that Joe Della Penna had informed him that there was nothing new to report on the code review.

**Environmental Commission** – Joe Threston stated there was nothing new since the commission isn't scheduled to meet until later this month.

**Minor Site Plan Applications** – Mary Lodato reported there were none this past month.

**NEW BUSINESS**

**Invoices and vouchers:**

1. 9/3/14, Raymond Coleman Heinold & Norman, LLP, \$140.00, professional services during August 2014, for attending August board meeting. (BOARD PROFESSIONAL SERVICES)
2. 9/3/14, Raymond Coleman Heinold & Norman, LLP, \$133.00, professional services during August 2014, for work on the Lippincott variance application. (LIPPICOTT/CEDAR STREET ESCROW)

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.

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

**Meeting adjourned at 7:09 pm. (motion by Mills, second by Threston)**

**Next meeting is at 7:00 pm on 10/21/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
October 21, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.

**PRESENT:** Ken Mills, Craig Greenwood, Joseph Threston, Mayor William Brown, Councilman Creighton, Mary Lodato, Deborah Weaver, Richard Gaughan, Robert Martin, and John Kohms.  
**Also Present:** Solicitor Tom Coleman and secretary Ken Palmer.

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

**REORGANIZATION:** Councilman Creighton was sworn in as the new Class III member of the board.

**MINUTES:** A motion was made by Joseph Threston and seconded by Mayor Brown to adopt the minutes of the September 16, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 4 vouchers/invoices to be presented under New Business.

**OLD BUSINESS**

**Affordable Housing** – Deb Weaver and Tom Coleman announced there was nothing new to report on the State level. Deb Weaver and Mary Lodato briefly discussed that there had been some inquiries from the owner of the vacant properties in the Affordable Housing District on Martha's Lane.

**Council Matters of Importance to the Board** – Mayor Brown Councilman Creighton reported that the Borough had received a fourth grant of \$125,000 for further improvements to the park.

**Subcommittee(s) for Through-Lot Review and Consistency/Accuracy of the Zoning Ordinances** – Joe Threston reported there was nothing new to report regarding through-lot review.

**Environmental Commission** – Joe Threston stated there was a short meeting and there is nothing new to report.

**Minor Site Plan Applications** – Mary Lodato reported there were none this past month.

**NEW BUSINESS**

**Invoices and vouchers:**

1. 9/28/14, Environmental Resolutions, Inc., \$100.00, site visit/inspection, on 9/11/14, for Latimer & Lewis, 202 Broad Street project. (202 BROAD, 435 THOMAS ESCROW)
2. 10/2/14, Raymond Coleman Heinold & Norman, LLP, \$140.00, professional services during September 2014, for attending September board meeting. (BOARD PROFESSIONAL SERVICES)
3. 10/2/14, Raymond Coleman Heinold & Norman, LLP, \$84.00, professional services during September 2014, for preparing the Lippincott variance application resolution. (LIPPINCOTT/CEDAR STREET ESCROW)
4. 10/4/14, BCT, \$38.40, Publish Notice of Decision on the Lippincott application approval on 9/19/14. (LIPPINCOTT/CEDAR ST. ESCROW)

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

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

**Meeting adjourned at 7:07 pm. (motion by Threston, second by Creighton)**

**Next meeting is at 7:00 pm on 11/18/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
November 18, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.

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

**ABSENT:** Joe Della Penna, Councilman Creighton, and Deborah Weaver.

**MINUTES:** A motion was made by Ken Mills and seconded by Bob Kennedy to adopt the minutes of the October 21, 2014, regular meeting of the planning board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 2 RFP's (Tom Coleman and Tamara Lee) received as of the meeting.
2. 1 voucher/invoice to be presented.

**REVIEW/CONSIDER INVOICES & VOUCHERS**

1. 11/5/14, Environmental Resolutions, Inc., \$300.00, site visits/inspections, on 10/13, 10/15, 10/16, 10/21, for Latimer & Lewis, 202 Broad Street project. (202 BROAD, 435 THOMAS ESCROW)

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

**OLD BUSINESS**

**Affordable Housing** – Tom Coleman announced there was nothing new to report on the State level.

**Council Matters of Importance to the Board** – Mayor Brown announced there was nothing new to report from this month's Council meeting.

**Subcommittee(s) for Through-Lot Review and Consistency/Accuracy of the Zoning Ordinances** – Joe Threston reported there was nothing new to report regarding through-lot review. There was discussion that since the identification of through lots in the Borough had been completed and the recent code updates had appeared to resolve the issues surrounding river front lots, further activity on these lots should be part of the overall general review of the Borough codes. Joe Threston stated that he would speak with Joe Della Penna and hopefully report back next month.

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

**Minor Site Plan Applications** – Mary Lodato reported there were none submitted this past month and she had also received an inquiry concerning a possible small pre-school in the NB zone.

## **NEW BUSINESS**

**Development in the Affordable Housing (AH) District** – Kerry briefed the board that Mr. Weber who owns the Martha's Lane residential building lots in the Affordable Housing zone may finally be planning to develop the properties. Mary Lodato stated that Mr. Weber had spoken with her requesting information regarding the affordable housing requirements in the district.

**River Route Committee Meeting** – Joe Threston updated the board on the meeting of the committee and the plans to update the goals for assisting the member communities. Encouraging and providing input to communities to develop "joint use" streets and to provide assistance to communities in developing websites that attract and assist prospective business owners were among the topics discussed.

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

**Meeting adjourned at 7:18 pm. (motion by Threston, second by Brown)**

**Next meeting is at 7:00 pm on 12/16/2014**

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

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

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**December 16, 2014**

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 February 19, 2014.
2. Required Service of notice and publication in the Burlington County Times on February 21, 2014.

**PRESENT:** Kerry Brandt (7:09), Ken Mills, Joe Della Penna, Craig Greenwood, Mayor William Brown, Mary Lodato, Deborah Weaver, Robert Martin, and John Kohms.  
**Also Present:** Solicitor Tom Coleman and secretary Ken Palmer.

**ABSENT:** Robert Kennedy, Joseph Threston, Councilman Joseph Creighton, and Richard Gaughan.

**MINUTES:** A motion was made by Bill Brown and seconded by John Kohms to adopt the minutes of the November 18, 2014, regular meeting of the board as distributed. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 3 additional RFP's (Environmental Resolutions - Engineer, Scangarello LLC. - Planner, and Alaimo Group - Planner received as of the meeting.

**REVIEW/CONSIDER INVOICES & VOUCHERS**

1. 11/30/14, Environmental Resolutions, Inc., \$657.50, site related work on 11/5, 11/6, and 11/7/14 for Latimer & Lewis, 202 Broad Street project. (202 BROAD, 435 THOMAS ESCROW)
2. 12/1/14, Tamara Lee Consulting LLC, \$288.75, for research and consulting work during November for the Zoning Official and the Borough regarding the Weber properties on Martha's Lane in the Affordable Housing district. (BOARD PROFESSIONAL SERVICES)
3. 12/3/14, Raymond Coleman Heinold & Norman, LLP, \$168.00, general business advice provided for the November board meeting and for Borough Planner, Zoning Official and the Borough regarding the Weber properties on Martha's Lane in the Affordable Housing district. (BOARD PROFESSIONAL SERVICES)

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

**OLD BUSINESS**

**Affordable Housing** – Deb Weaver and Tom Coleman announced there was nothing new to report.

**Council Matters of Importance to the Board** – Mayor Brown updated the board on problems and delays in the repaving of Elm Terrace. He also announced that the Council reorganization meeting will be on 1/7/15, and that all board members whose terms are expiring have been reappointed.

**Consistency/Accuracy of the Zoning Ordinances Subcommittee** – No report.

**Environmental Commission** – No report.

**Minor Site Plan Applications** – Mary Lodato reported there were none submitted this past month.



## **NEW BUSINESS**

**Review and consider endorsing Ordinance 13-2014 amending Chapter 22 of the Riverton Code to provide for application fees and escrow amounts for requests for a zone change, classification of a development application, or master plan amendment and to require notice for hearings under these provisions** – Mayor Brown and Tom Coleman reviewed for the board that Planner Tamara Lee had advised Council that similar to the case for appeals and interpretations, the Borough had no provision for formal requests regarding the items covered in the ordinance and that as such, the Borough would have to bear the professional costs for them. Other municipalities have provisions requiring a formal application with fees and escrows for these types of issues. To rectify this, an ordinance regarding fees, escrows, and public notice for requests for these issues has been introduced and the public hearing is scheduled for the January 2015 Council meeting. Copies of the proposed ordinance amending Chapter 22-Land Use Procedures were distributed to the board. The board discussed the merits as well as the proposed fees and escrow amounts that would be involved. The board was in general agreement that a formal process and procedure is needed and the application fees were reasonable; but, there was varied opinions on the amount of escrow required. The board concluded that while there were concerns over the escrow amounts, the board felt it should endorse and recommend adoption of the ordinance. The secretary stated that if the board chose to endorse the ordinance, he had prepared draft Resolution # P2014-13 for the board's use. John Kohms motioned and Joe Della Penna seconded that the board adopt Resolution # P2014-13 endorsing and recommending Council adopt the ordinance. The motion carried by a unanimous voice vote.

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

**Meeting adjourned at 7:22 pm. (motion by Greenwood, second by Brown)**

**Next meeting is at 7:00 pm on 1/20/2015**

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

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