

**RIVERTON BOROUGH PLANNING BOARD**  
**MINUTES**  
**JANUARY 25, 2022 at 7 o'clock p.m.**

**PARTICIPANT INSTRUCTIONS:**

Join Zoom Meeting:

<https://zoom.us/j/99667220224?pwd=eGMyc1NCM0tMTWRUajB6b29Dak9ZUT09>

Meeting ID: 996 6722 0214

Passcode: 813512

Dial in: +1 646 558 8656 US (New York)

Meeting ID: 996 6722 0214

Passcode: 813512

The public may submit questions or comments via e-mail to [mhack@riverton-nj.com](mailto:mhack@riverton-nj.com) no later than 4pm on the day of the scheduled meeting. The public may also submit public comments in written letter form via mail or drop off to the municipal building located at 505A Howard Street Riverton, NJ 08077, during business hours no later than 4pm the day of the scheduled meeting. Previously submitted public comment shall be read aloud and addressed during the public meeting that will be heard to all remote participants and the public. The Board may pass over duplicate written comments; however, each duplicate comment will be noted for the record with the content summarized. Written public questions or comment will not be treated as sworn testimony.

**OPEN PUBLIC MEETING ACT STATEMENT**

Public Notice of this meeting has been given in the following manner:

1. Posting written notice on the official bulletin board and the door of the Borough Hall on January 29, 2022.
2. Having written notice published in the Burlington County Times on February 1, 2022.
3. Forwarding written notice for informational purposes only to the Courier Post on January 29, 2022.

**ROLL CALL:**

Suzanne Cairns Wells, present  
Councilman Edgar Wilburn, present  
Rebecca Reis, present  
Adam Flade Alt. 1, absent  
Nick Jabs, Alt. 4, present

Kerry Brandt, present  
Pete Clifford, present  
Ray Paszkiewicz, present  
Alt. 2, Joe String, present

Joe Della Penna, present  
Robert Martin, present  
Joseph Threston, present  
Doug Aird, Alt 3, present

Borough representatives present include: Secretary Michelle Hack and, Planner, Michelle Taylor, Borough Planner Jeff Hanson, and Mr. Chuck Petrone, Esquire.

Ms. Hack, Board Secretary who also serves the Borough in the capacity of Municipal Clerk is designated as the Planning Board's Administrative Officer under N.J.S.A. 40:55D-3 for the year 2022, was sworn in by Mr. Petrone as well as the following members: Mayor Suzanne Cairns Wells, Mayor (Class I) 1-year term, Mr. Pete Clifford (Class II) 1-year term, Councilman Edgar Wilburn (Class III) 1-year term, Joseph Threston (Class IV) 4-year term and Alternate 3. Doug Aird 2-year term.

Ms. Hack asked for a nomination for Chairman of the Board. Mr. Threston nominated Mr. Brandt which was seconded by Mr. Martin. All votes in the affirmative.

Mr. Martin nominated Mr. Threston to serve as the Vice Chairman to which Mayor Cairns Wells seconded the motion. All votes in the affirmative.

Under Resolution PB-2022-01, Mayor Suzanne Cairns Wells moved to appoint Charles D. Petrone as the Board Solicitor for 2022, Taylor Design Group as the Board Planner for 2022 and Mr. Jeff Hanson with Environmental Resolutions Inc., as Board Engineer for 2022. Mr. Threston provided the second. All votes in the affirmative.

Mr. Threston motioned to approve Resolution PB 2022-02, which sets the dates and times of the Planning Board meetings for 2022. Mr. Martin provided the second. All votes in the affirmative.

Motion to approve Resolution PB-2022-03 which designates the Burlington County Times as the Official Newspaper of the Riverton Borough Planning Board made by Mr. Threston and seconded by Mayor Cairns Wells. All votes in the affirmative.

Resolutions PB-2022-04 was a listing of all variances granted by the 2021 Planning Board and will be forwarded to Council for advice. Motion was made by Mayor Cairns Wells with a correction to change Homewood to Beechwood, and seconded by Mr. Threston. All votes in the affirmative.

**MINUTES:** November 23, 2021 and December 15, 2021 were submitted for approval. Mr. Brandt pointed out typographical corrections to November 23, 2021, with those corrections Mr. Threston approved the minutes and Mr. Martin seconded his motion. All approved in the affirmative

#### **CORRESPONDENCE/ANNOUNCEMENTS : None**

#### **OLD BUSINESS:**

##### **A. V-07-2021**

<b><u>Name:</u></b>	Brewery, 33 Tom Cimino	<b>Owner:</b>	601 Lippincott, LLC
<b><u>Property:</u></b>	601 Lippincott	<b>Block:</b>	1100 <b>Lot:</b> 1
<b><u>Action Desired:</u></b>	Applicant has submitted an application for Preliminary Major Site Plan Approval, Final Major Site Plan Approval, and Bulk Variance Relief, for the renovation of an existing 4,073 +/- square-foot commercial structure and associated site improvements, to operate a licensed limited brewery as permitted by Sec. 128-3I(W) of the Borough's Zoning Ordinance. This Application is being made with respect to the 0.986 +/- acre parcel within the Neighborhood Business (NB) Zoning District and Lippincott Affordable Housing Overlay Zoning District		

This application was a continuance from November 23, 2021. The applicant and his professionals along with Borough professionals all remain under oath. Mr. Wells, the attorney for Mr. Cimino acknowledged and addressed the Borough professionals' letters dated December 13 and December 15, 2021. Mr. Michael Galante, Engineer for the Applicant stated that he worked with Mr. Hanson to address the Stormwater diversion to the culvert to mitigate the impervious coverage. Additional mitigation efforts include perforated pipe to be installed with

crushed stone and the inclusion of landscape design plan. Mr. Hanson and Mr. Galante work together to determine if the existing millings need to be replaced with fresh crush stone to avoid washout. All inlets onsite will be maintained. These improvements will be beneficial the neighborhood which sits low and has experienced flooding. There was a discussion concerning the filling of an abandoned manhole so that it will not be a negative impact. Mr. Galante withdrew the application for the sign variance for mural and agreed to input from the Architectural Review Committee and Ms. Taylor's notes for the waiver of a 50 sq. ft. façade sign wherein our Code prescribes 30sq. ft. Ms. Taylor voiced concerns that three different types and colors of fencing are shown on the plan. She made several recommendations and Mr. Galante agreed to work within her recommendations.

There was an extended discussion about the trash dumpster that wasn't included on the original plans however the Board advised that the Borough will not assume responsibility of trash disposal and the applicant will have to utilize a private dumpster service. The dumpster enclosure and fencing materials will have to match the rest of the site's fencing. Mr. Galante will work with Ms. Taylor on the enclosure and the lighting plan. Ms. Taylor made further comments on the trees provided for on the plan and concerns for headlights being shined into the neighborhood. She and Mr. Galante will solidify the landscape buffer and the raised berm. Mr. Kent Werner, architect for the Applicant spoke on the chiller that will be outside, he stated the decibels and will forward the specification sheets to Mr. Hanson for review. Mr. Wells asked for a waiver from a maintenance bond however landscape maintenance will be required as part of the site plan and permit approvals. A parking waiver for the number of parking spaces to be 30 (41 under the Code) due to the public parking at Harrison Street. Additional comments came that parking lot lights will be off one-hour after closing, however low facing security lighting will remain on by the entrance doors and on the sign facing Broad Street.

With no further comments from the Board Chairman opened the floor for public comment pertaining to this application only. Mr. Jason Cioci welcomed a new business owner and looks forward to working with a new neighbor. Ms. Katie Lucas stated she is excited to have this business one block from here house, a good community meeting place; Mr. John Laverty offered comment about the fencing and dumpster material; Mr. Joe Rainer stated he believes this is a big improvement to the Neighborhood Business district; Mr. Mike Herron stated he believes the Board is being too harsh on the Applicant concerning the fencing and dumpster enclosure. Mr. Scott Payne stated this is an excellent endeavor for the town as a place for the community. Ms. Laura Major commented this application is helping to revitalize the Neighborhood Business district and looks forward to working with the applicant for the Borough's Food Truck events. With no further comments the Chairman closed the public comment portion of this application.

Mr. Clifford motioned to approve the application with the conditions Mr. Petrone will outline in the resolution and the waivers for parking, square footage of mounted sign, comments from Ms. Taylor and Mr. Hanson concerning Stormwater, fencing, lights, and landscape. Mr. Threston seconded his motion. Roll call vote confirmed 9 yes, 0 nay and 0 abstain.

Mr. Brandt called for a five-minute break. At the end of the break the Chairman called the meeting back to order and Ms. Hack confirmed all Planning Board members were present via roll call.

## NEW BUSINESS

### A. DP-01-2022

**Name:** JRB Properties  
**Property:** 409-13 Lippincott **Block:** 801 **Lot:** 5, 6, 7  
**Action Desired:** Request to Demolish structure due to being deemed unsafe

Mr. Richard Wells was present to represent Mr. Jim Brandenburger, the Applicant who was sworn in to provide testimony for this application. Mr. Petrone advised that there are no noticing and/or jurisdictional requirements to be met as this is not an application recognized by New Jersey Municipal Land Use Law (MLUL). Mr. Wells started that application by confirmed that there is not a disagreement on the dwelling being considered architecturally significant as defined the Borough Code §128-50. Mr. Wells pointed to three portions of that code provide for permission to demolish. They are: 1. Not solely for the purposes of subdivision; 2. Uninhabitable as defined by the New Jersey State Uniform Construction Code (UCC Code) and 3. Not economically feasible to repair the structure. Mr. Wells stated that his client has already demonstrated numbers 1 & 2 as evidenced in his exhibits and therefore only #3 is subjective to which Mr. Brandenburger will provide testimony. Mr. Wells presented Exhibit A1- UCC Unsafe Structure to Order to demolish by December 9, 2021 issued by the Borough's Uniform Construction Code Official on November 19, 2021. Exhibit A2- November 19, 2021 Letter from Mr. Fort outlining the Unsafe Structure Order to Demolish Exhibit A3- Engineering report dated November 16, 2021 from Baker, Ingram & Associates, Structural Engineers as hired by Mr. Brandenburger. The Board was not comfortable accepting the Engineering report since the engineer who wrote the report was not present for cross examination although the Board Chairman agreed the photographs in the report were acceptable to review. Mr. Brandenburger spoke about the time frame that he purchased the property, his previous subdivision application (withdrawn without prejudice) and when he realized the dwelling was in such poor dilapidation. He provided examples of dilapidation by showing photographs of the beams being spaced incorrectly to support the weight of the house, floor depressions, cornices, windows, eaves and sills are rotted which is causing water damage. The floors and walls would have to be removed ("gutted") for repair which is a problem being the walls are plaster. Mr. Brandenburger stated that the crawl space was not accessible and the house would need to be propped up using jacks. The chimney is separated from the house, or the house is separated from the chimney, but there is a gap which was patched with wood from the previous homeowner. The roof is not too old, approximately 20 years and the porches are solid. The electric, plumbing and HVAC would all need to be replaced. Mr. Brandenburger testified that he believes an estimated cost of between \$700,000 and \$1,000,000 to make the repairs, approximately \$150-200 a square foot, based on the size of the house. The estimate, however, could change once work begins and he is made aware of additional structural issues that the engineer could not observe.

Mr. Petrone advised the Board he believed jurisdiction of this structure being approved for demolition falls under the Borough's Uniform Construction Code Official. Board members questioned UCC Demolition Order and the Board's role under Borough Code §128-50 to which Mr. Petrone stated he believed that a judge would side with the order which is based on the facts of this case only. Board members has questions concerning the A1- UCC Unsafe Structure to UCC Demolition Order and do not believe they can proceed without clarification if the order

is to demolish or to repair, being the repair line was left blank. The Board also agreed that they would like to obtain quotes / cost estimates from Borough-represented professionals to provide opinions on the structure. Mr. Brandenburger was amenable to this and agreed to permit Borough representatives supervised access to the dwelling.

Mr. Threston made a motion to continue this application until further clarification can be made, professional costs can be obtained and the Applicant's engineer can be present for testimony. Mr. Martin seconded the motion. It will be placed on the February 22, 2022 agenda, Ms. Hack will reach out to the Borough's Engineer to see if these are services they can offer and Mr. Brandt will coordinate obtaining additional costs. Any new documentation will have to be received no later than February 16, 2022 Roll call vote confirmed 9 yes, 0 nay and 0 abstain.

#### **COMMITTEE REPORTS**

- **Council Matters of Importance to the Board** –Councilman Wilburn updated on what occurred at January 6, 2022 Reorganization, the new automated cart trash program, and STB removals contract.
- **Minor Site Plan**- None
- **Environmental Commission**- meets the beginning of February.

**CORRESPONDENCE** Ms. Hack reported on a request from the Historical Society of Riverton that the Borough consider establishing guidelines and criteria similar to NJ Land Use Law for escrow and noticing for future demolition applications. However, the Borough cannot supersede NJ Land Use Law

**PUBLIC COMMENT** – The Floor was opened for Public Comment however no one from the Public spoke therefore closing the Public portion.

**ADJOURNMENT:** Motion to adjourn by Mr. Della Penna and seconded by Mr. Threston.

Respectfully submitted:

Michelle Hack Secretary  
RIVERTON PLANNING BOARD  
Adopted on: February 22, 2022