

RIVERTON BOROUGH PLANNING BOARD
MINUTES
FEBRUARY 22, 2022 at 7 o'clock p.m.

PARTICIPANT INSTRUCTIONS:

Join Zoom Meeting:

<https://zoom.us/j/99667220224?pwd=eGMyc1NCM0tMTWRUaiB6b29Dak9ZUT09>

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 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 of the Borough Hall on January 26, 2022.
2. Having written notice published in the Burlington County Times on January 28, 2022.
3. Forwarding written notice for informational purposes only to the Courier Post on January 26, 2022.

ROLL CALL:

Suzanne Cairns Wells, present

Councilman Edgar Wilburn, present

Rebecca Reis, present

Adam Flade Alt. 1, present

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, Borough Engineer Alex Lopez (in place of Jeff Hanson) and Mr. Chuck Petrone, Esquire.

MINUTES: January 25, 2022 minutes were submitted for approval Mr. Paszkiewicz approved the minutes and Mr. Martin seconded his motion. All approved in the affirmative

CORRESPONDENCE/ANNOUNCEMENTS : None

NEW BUSINESS:

A. V-02-2022

Name: Matthew and Laura Spataro
Property: 1 Fourth Street **Block:** 701 **Lot:** 16
Action Desired: Applicant in the R8 zone seeks bulk variance to expand upon the pre-existing non-conforming impervious coverage from 41% to 42% wherein 35% is required under the Borough Code Chap§ 128-20(G); Relief is sought to construct a 12'x24' addition to the principal dwelling, and any and all variances and waivers deemed necessary by the Board.

Councilman Wilburn and Mr. Della Penna recuse themselves from this application as they both were on the 200-foot list. Ms. Hack confirmed all jurisdictional items were in order. Mr. Vincent Milano, PE was present to speak on behalf of the applicants, Matthew and Laura Spataro each were sworn in and Mr. Milano was accepted as an expert witness. Mr. Anthony Lopez, PE from ERI was also present to represent the Borough's Engineer who was sworn in as well. Mr. Spataro testified that they have been in the house for 8 1/2 years, and they live in the house with their two young children. Their request is to add a two-story addition to the house. The exterior will match the existing structure. The concrete walkway that is existing is to be removed therefore reducing that portion of impervious coverage. The applicant is already at 41% pre-existing impervious coverage, and with the addition to the dwelling, coverage will increase by 1%. There are no side yard setbacks being requested. Mr. Milano has reviewed the report provided by Mr. Hanson and provided a grading plan to be compliant so the drainage will be diverted to not affect the neighboring properties. Mr. and Mrs. Spataro testified that they agree to all grading plan recommendations which further include a dry will to be added for roof runoff along with a landscaped area with a swale. All professionals in agreed improvements for the impervious coverage or positive criteria and there are no negative criteria to granting this variance. Mr. Brandt opened the floor to the public to which Miss Yolanda Price of Palmyra asked for confirmation that granting this variance will not negatively impact sewer taxes and water improvement to surrounding residences to which the Board concurred that they could not foresee any negative implications. No one further came forth to speak therefore closing the public portion a motion to grant the application as requested was made with the condition that the applicants attorney and engineer will work with the borough professionals for Stormwater mitigations made by Mr. Clifford seconded by Mr. Threston. Roll call vote confirmed 9 yes, 0 nay and 0 abstain.

OLD BUSINESS

- A. Memorialize Resolution PB-2022-05 for SP-V-07-2021/Brewery 33 Cimino.** Motion made by Mr. Martin and seconded by Mr. Threston. Roll call vote confirmed all approved in the Affirmative 9 yes, 0 nay and 0 abstain.

At this time Mr. Brandt called for a five-minute recess. Upon return Ms. Hack confirmed Board attendance with a roll call.

B. 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, Esquire was present to represent Mr. Jim Brandenburger, the Applicant was reminded that his Oath extended from last meeting to this meeting. Mr. Wells reviewed the criteria of Borough code 128–50 outlining the three items of criteria required for demolition of a historically significant structure. No one disagrees the structure is historically significant however Mr. Wells know that that the house itself is not on a National or State Register the neighborhood is. He further maintained that the Borough's Planning Board does not have jurisdiction to grant the demolition that must come from the state UCC as outlined under NJSA 52:27D-123.1 & NJAC 5:23–2.32. That being stated he wished to acknowledge the Board's criteria for a demolishing permit as a courtesy. Mr. Wells reminded the Board the criteria number one and number two were already determined last month and number three was the only subjectable section. The applicant remitted a professional appraisal to meet the boroughs criteria of economic feasibility as listed in 128–50. Mr. Brandenburger reviewed his notes including a budget for amounts he allotted for repairs which easily include a deteriorating crawspace, sagging floors and staircases, and the chimney that is pulling away 10 to 12 inches from the structure. He also reviewed the costs he has already incurred. Mr. Brandt stated that he would like a copy of that accounting for the Board to proceed to help determine economic feasibility. Mr. Martin revisited the subdivision application that was previously withdrawn. He stated he feels it is applicable to this to the demolition permit. The Board discussed the absence of Mr. Roger Fort who is the Borough Construction Official and his issuance of the unsafe structure report. Mr. Brandt stated although Mr. Petrone had the information supplied by Mr. Fort, he wishes to hear it directly from Mr. Fort, even in the event a subpoena should be issued for his attendance. Mr. Brandt asked for a straw vote to determine if the Planning Board felt as if they have enough information to proceed with a vote tonight. Ms. Hack polled the entire Board including alternates which determined all members had enough information to vote except for five (5) members being Mr. Aird, Mr. Martin, Mr. Della Penna, Mr. Threston and Mr. Brandt. At this time the Chairman opened the floor for Public Comment.

Mr. Bill Brown expressed concern that the Board didn't see the letter submitted by the Historical Society to the Board Secretary. He also spoke on the Mission Statements of both, the Master Plan and the Historical Society of Riverton.

Mr. Roger Pritchard stated his opinion on why Mr. Fort's order is not to be considered.

Mr. Hank Croft read a letter from the ARC that submitted for the subdivision application in July.

Mr. Brian Iannacone stated his objection to the house being demolished and his opinion on Mr. Brandenburger having previous knowledge on the poor condition of the house.

Dr. Michael Horn pointed out a typographical error (Lot 6 is noted not Lot 5) on the UCC Notice and stated his opposition to the notice being issue. He stated when people purchase historical houses they should expect to take a loss on repairs.

Mr. Joe Rainer questioned Mr. Fort's order based on other dealings with Mr. Fort and further stated he took a loss when he renovated the old gas station to a hair salon with apartment.

Mr. Martin Hain stated his concerns with the setbacks of a new dwelling on the site and voiced concerns that Mr. Brandenburger should sell the property to someone who was will to invest in restoring the house.

Mr. Chris Halt seconded Mr. Hain and offered to lend his jacks so that the house can be jacked up for a proper assessment of damage.

Ms. Renee Matthews stated she attempted to purchase the property and started to read a Facebook message from Ms. Brandenburger (realtor) to which Mr. Petrone stopped this and cited hearsay.

Mr. Brandt voiced concerns that he didn't have information that was provided to the Board's Secretary from the Historical Society of Riverton and the Borough Historian who supplemented the same report. There was further discussion concerning the dissemination of the November 29, 2021 email from Mr. Fort. It was decided that Ms. Hack will send the Historical Society's report that was submitted by on February 2, 2022.

Mr. Brandenburger stated that the property is not for sale and it is not fair to ask him that also noting the poor condition of the house prior to his purchase. The Board further talked concerning UCC criteria and actions, liability, the difference between a historic district and a historic site, if there is a period or method for appeals, and if appeals are offered by the DCA or if it would be the Burlington County Superior Court if a demolition order were granted or was denied. Mayor Cairns Wells and Mr. Brandt discussed if there will be appropriations from the 2022 municipal budget for the Borough to fund experts assessing the structure. At this time Mr. Brandt stated he felt strongly that there was not enough information for the Board to Finalize a vote and asked for a motion to continue. Mr. Wells stated an objection to this vote. Mr. Petrone retained his position and advised the Board that he does not feel that the Borough Code 128-50 is applicable in this demolition request and advised the Board that he believes that Superior Court would permit the demolition. Mr. Threston motioned that the Board to continue this hearing until Mr. Fort could attend, and the Board have the ability to review any reports that have been provided. Mr. Martin seconded his vote of roll call confirmed seven (7) yes three (3) no (Mr. Clifford, Mayor Cairns Wells and Mr. Flade). There was talk of a special meeting to accommodate Mr. Fort if needed Ms. Hack will advise if this is needed.

COMMITTEE REPORTS

- **Council Matters of Importance to the Board** –Councilman Wilburn updated on the Borough's upcoming budget meeting, Food Truck nights for 2022, Shade Tree Board Planting, and Ordinance 2022-01
- **Minor Site Plan**- None
- **Environmental Commission**-talked about impervious coverage calculations and proposed signage for the Rain Garden.

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: March 22, 2022