

RIVERTON BOROUGH PLANNING BOARD
MINUTES
MAY 24, 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 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:

Chairman Kerry Brandt, present	Rebecca Reis, present	Adam Flade, Alt. 1, absent
Vice Chairman Joe Threston, present	Pete Clifford (Bor. Off), present	Joe String, Alt. 2, present
Robert Martin, present	Edgar Wilburn (Council), present	Doug Aird, Alt. 3, present
Joe Della Penna, present	Suzanne Cairns Wells (Mayor),	Nick Jabs, Alt. 4, present
Ray Paszkiewicz, present	present	

Also present was Mr. Chuck Petrone, Esq., Board Solicitor

There being no Board Secretary appointed at the time of the meeting, Chairman Brandt appointed Vice Chairman Threston to serve as Secretary for the meeting.

MINUTES: April 26, 2022 minutes were submitted for approval. Chairman Brandt advised that there were some minor corrections to the minutes. Mayor Cairns Wells moved to approve the minutes as amended and Vice Chairman Threston seconded. The minutes were approved unanimously.

CORRESPONDENCE: Chairman Brandt reported that there had been correspondence from PSE&G but that he had not had the opportunity at that time to pick it up.

NEW BUSINESS:

Chairman Brandt noted that the Board had received the resolution for 409-413 Lippincott Avenue (DP-01-2022) on the previous Friday. Because of the complexity of the Resolution, the potential for appeal, and need to ensure the accuracy of the resolution, Chairman Brandt believed that a special meeting was needed to give the Board time to review the resolution, make any corrections, and allow the Board ample time to review those changes and corrections. Solicitor Petrone advised that the resolution must be approved within 45 days of the Board's decision, which meant that the last date for approval was June 10. If the resolution was not timely memorialized, any party could petition the Superior Court to adopt the resolution, with the Board possibly bearing responsibility for legal costs.

Vice Chairman Threston agreed with the need to schedule a special meeting. Mr. Clifford inquired as to why the resolution was being held. Chairman Brandt indicated that he had requested the proposed resolution be distributed to the Board at least one week in advance for review. The resolution itself was lengthy and that there were factual and other issues with the resolution. Given that the matter was likely to be appealed, Chairman Brandt felt that the resolution needed to be accurate, complete, and honest, and that other board members needed time to review the resolution and listen to the tapes. Chairman Brandt further indicated that the tapes were available, except for April 2022, which he would request from the Borough Clerk, and would make those tapes available to the Board.

After discussion of possible dates by the Board, the Special Meeting was tentatively set for Monday, June 6, 2022, at 6:30 p.m. via Zoom. The Board discussed noticing issues, since it was unclear whether notice required 10 days or 48 hours, and since the Burlington County Times, one of the papers of record for the Borough, had reduced their hours of publication for public notices, it was unclear whether the 10-day deadline for advertising could be met. It was later determined by the Solicitor that 48 hours' notice was sufficient to properly notice the meeting. The time and date of the meeting was thus confirmed.

OLD BUSINESS

- A. Memorialize Resolution PB-2022-__ for **105 Bank (Fullerton)**. Motion made by Joe Della Penna, seconded by Ray Paszkiewicz. Roll call vote taken of eligible Board members, with a vote of 6 ayes (Chairman Brandt, Mr. Della Penna, Mr. Paszkiewicz, Ms. Reis, Mr. String, and Mr. Jabs), and 0 nays.
- B. A lengthy discussion occurred on the resolution for 409-413 Lippincott (DP-01-2022). Chairman Brandt opined that the resolution should reference in its opening the Municipal Land Use Law (MLUL), specifically Purpose J and N.J.S.A. 40:55D-65, as well as the Riverton Master Plan. Chairman Brandt also felt that there should be a description of the property (commonly referred to as the "Groves Mansion") as a historically contributing structure to the Borough. There was also a discussion as whether any reference to the existence or non-existence of a Historic Commission, and the relationship of the Historical Society to the Borough was necessary or appropriate. The Chairman also expressed concern over other items included in the proposed resolution. The Solicitor indicated that he had prepared the proposed resolution based on notes

and documents, and that he was willing to take all comments and input from the Board, as well as review the tapes so he could confirm, change, revise and eliminate parts of the resolution as warranted. Vice Chairman Threston indicated that he has some specific changes that he would forward to the Solicitor.

- C. In person meetings. It was agreed that the meetings would return to an in-person format beginning with the regular meeting in June. Mayor Cairns Wells advised that she would know within the following week whether there would be an ability to have remote participation in the meetings, and notice would be made appropriately. Mr. Jabs expressed a desire to have a hybrid access that would allow the greatest amount of community participation possible. There was also a discussion of the potential difficulties with handling exhibits and whether a simple streaming option to allow members to watch remotely but not otherwise participate was better.
- D. March minutes. Chairman Brandt indicated that those were under review and that they would be available for approval at the next regular meeting.
- E. Historical Preservation and other Ordinances. Chairman Brandt brought up the issue of whether Riverton should have a Historic Preservation Commission (HPC). He indicated that he had researched the issue and found that there were three different types: a “strong” commission that could make determinations, a “soft” commission that could make recommendations to the Land Use Board, and a Planning Board that could act as an HPC, which required at least two members to receive training. There are only a few local municipalities that have HPCs, and other towns, such as Moorestown, where Mr. Clifford also works, has advisory committees similar to our ARC. Vice Chairman Threston suggested that the Planning Ordinances should be reviewed generally to address inconsistencies and other problems that may exist to clean them up and improve the functioning of the Board. Mr. Jabs asked whether the Planning Board or Council would be the proper forum, and it was thought that both could work together on these issues.

COMMITTEE REPORTS

- A. **COUNCIL MATTERS OF IMPORTANCE TO THE BOARD:** Councilman Wilburn reported that the outdoor seating approvals had been provided to Revive Café, Nellie Bly’s, and Early Bird Café. Approval was still pending for Milanese. Councilman Wilburn also reported that he attended the virtual Regional Planning event with Mayor Cairns Wells and Vice Chairman Threston. He thought that the event was informative and that all the representatives from Riverton presented some good ideas, as well as representatives from other towns. He also reported that the Environmental Commission was holding a Rain Garden cleanup the following Saturday, and the Commission was soon going to receive authorization to perform water tests in the Pompeston Creek. Mayor Cairns Wells reported that the Juneteenth celebration was being held on June 9 at Flournoy Park in Palmyra from 5-9 pm.
- B. **ENVIRONMENTAL COMMISSION REPORT:** Vice Chairman Threston reported that Councilman Wilburn had covered his report.
- C. **MINOR SITE PLANS:** None

PUBLIC COMMENT: The floor was opened to public comment, but no one spoke, and therefore the public comment was closed.

ADJOURNMENT: Motion to adjourn was made by Vice Chairman Threston and seconded by Mayor Cairns Wells. Approval was unanimous.

Respectfully submitted,

Joseph Threston, Acting Secretary

RIVERTON PLANNING BOARD

Adopted on _____