**RIVERTON BOROUGH PLANNING BOARD**

**MINUTES**

**SEPTEMBER 27, 2022 at 7 o’clock p.m.**

**OPEN PUBLIC MEETING ACT STATEMENT**

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

1. Posting written notice on the Official Borough Website and Official Bulletin Board in the Borough Hall on June 1, 2022.
2. Having written notice published in the Burlington County Times on June 8, 2022.
3. Forwarding written notice to the Courier Post for informational purposes only on June 8, 2022.

**ROLL CALL:**

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| Suzanne Cairns Wells, present | Kerry Brandt, present | Joe Della Penna, present |
| Edgar Wilburn, present | Pete Clifford, absent | Robert Martin, present |
| Rebecca Reis, present | Ray Paszkiewicz, present | Joseph Threston, present |
| Adam Flade, Alt. 1, present | Joe String, Alt. 2, absent | Doug Aird, Alt. 3, present |

Borough representatives present include: Secretary Ms. Vanessa Livingstone, Ms. Michelle M. Taylor, AICP, PP, and Mr. Chuck Petrone, Esquire.

**CORRESPONDENCE/ANNOUNCEMENTS:** There was no correspondence to report.

**MINUTES:** March 22, 2022 and August 23, 2022 minutes were submitted for approval. Mayor Cairns Wells motioned to approve the March 22, 2022 minutes with the amendments outlined in her email to the Planning Board on September 27, 2022, and to approve the August 23, 2022 minutes as submitted. Mr. Della Penna seconded the motion. All approved in the affirmative.

**MEMORIAL RESOLUTION FOR 200 PENN STREET:** Mr. Petrone informed the Board of two corrections made to the Resolution, which included correcting the spelling of “Atkins” in reference to Mr. Brian Atkins of SR3 Engineers in Bellmawr, New Jersey and changing “variance” to the plural “variances” where grammatically necessary. Mr. Brandt asked Mr. Petrone if the Applicant may leave the Hearing with a signed copy of the Resolution to which Mr. Petrone replied yes. Mr. Threston motioned to approve the Resolution No. P2022-09 for 200 Penn Street and Mr. Della Penna seconded the motion. A roll call vote approved the Resolution for 200 Penn Street 9 yes, 0 nay, and 1 abstain.

**NEW BUSINESS:**

1. **V-05-2022**

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| **Name:****Property:****Action Desired:** | Joan Delaney523 Howard Street **Block:** 903 **Lot:** 25Applicant in the NB zone requesting Site Plan Waiver, parking waiver relief from Borough Code 128-64 wherein requires 7 off street parking spaces however none are available; relief from 128-69 for permission to construct a 50 sq. ft sign wherein 30 sq. ft. is permissible to develop the dwelling as a General Retail store as permitted use in the NB zone. Applicant further seeks any additional variances and waivers the Board may deem necessary. |

Mr. Thomas H. Ehrhardt, Esquire was present to represent the Applicant, Home Off Main, LLC. Ms. Joan Delaney of 401 Fourth Street, Owner of Home Off Main, LLC, was also present. Mr. Chuck Petrone, Esquire swore in both Mr. Ehrhardt and Ms. Delaney, who accepted the Oath. Mr. Joseph Rainer, the Property Owner, was also present.

Ms. Delaney provided an overview of her background, which included years of working in her current profession as a realtor, and an even greater length of time working as a stager. Ms. Delaney explained that she has always been involved in home decorating and at one point taught classes.

Ms. Delaney shared her desire to locate Home Off Main, LLC in Riverton due to the property’s proximity to her residence and hopes of becoming a vital business that contributes positively to the Borough.

Home Off Main, LLC is envisioned as a home accessory store, that offers furnishing and décor items, areas for children, pet accessories, and classes that it intends to offer up to twice a month during the fall, winter, and spring. Classes will cover topics such as floral arranging, decorating, holidays, mantels, etc., and provide an opportunity for attendees to socialize. The store will also offer interactive spaces for customers to design their rooms using the store’s inventory before purchasing. This “redesign concept” includes interior design services offered by Ms. Delaney.

Proposed hours of operation are Wednesday 10:00 a.m. – 5:00 p.m., Thursday 10:00 a.m. – 8:00 p.m., Friday 10:00 a.m. – 8:00 p.m., Saturday 10:00 a.m. – 6:00 p.m., and Sunday noon – 3:00 p.m. Classes will occur in the evening, most likely from 6:00 p.m. – 8:00 p.m. The retail aspect will remain open during classes. Two – three employees will staff the store at any given time with additional staff during busier times of year. On a typical day there will be two employees, one of which will be Ms. Delaney.

Based on a comment in the report by Ms. Michelle Taylor, AICP, PP, Mr. Ehrhardt asked Ms. Delaney how much floor space will be used for the storefront and how much will be used for storage. Ms. Delaney replied that the public will be able to walk the entirety of the store apart from an existing warehouse space in the back of the property that will be used for storage.

Ms. Delaney stated that the property has one parking space in the rear, but she only plans on personally using it during inclement weather and allowing Home Off Main, LLC employees to use it on a regular basis. For classes, she intends to ask surrounding businesses to coordinate times when their existing parking spaces could be shared, in an effort to keep attendees’ walks to their vehicles short in the evenings.

Regarding the sign, Ms. Delaney expressed that the allowed 30-foot sign would be too small for the area she intends to place it. A 50-foot sign is proposed as stated in the Application. Ms. Delaney addressed a concern for tree canopy blocking the sign, to which she explained there are no trees in front of the property. Ms. Delaney presented Exhibit A1, which is an image of the front of the property. She also stated that the sign cannot be placed on a window because the proposed storefront is comprised of several windows. Mr. Ehrhardt presented Exhibit A2, which is an example of the proposed storefront. Ms. Delaney noted that the sign next door for Nellie Bly's Olde Tyme Ice Cream Parlour is approximately the same height of the Applicant’s proposed signage, therefore creating consistency between the two storefronts. Mr. Ehrhardt submits Exhibit A3, a street view image of the property and the neighboring Nellie Bly’s Olde Tyme Ice Cream Parlour.

Mr. Ehrhardt also addressed whether the proposed signage was necessary for visibility. Mr. Ehrhardt submitted Exhibit A4, an image of the property taken from the furthest part of the Riverline Train Station, and Exhibit A5, a similar image of the property taken from a different vantage point on the Riverline Train Station. Ms. Delaney confirmed that having the sign’s proposed height and size is for visibility. Mr. Ehrhardt held Exhibits A4 and A5 for the Planning Board to see.

Mr. Brandt asked Mr. Delaney about the size of the white space on the property’s storefront to compare its size to the size of the proposed sign. Mr. Rainer stated the white space is approximately eight feet by 15 feet, and that the sign is simple. Mr. Brandt asked what medium will be used for the sign, and Ms. Delaney responded that she is unsure but intends to have the sign made and not painted. She then asked what paperwork is required to have the sign made, to which Mr. Brandt stated a building permit is needed.

Mr. Paszkiewicz asked if there is existing lighting or if lighting will be installed to illuminate the sign. Mr. Rainer replied that he does not have a plan for the lighting yet. He elaborated by stating that there is existing light from the streetlights, and that he wants to install lights similar to a neighboring building but is unsure if it will be possible. Ms. Delaney included that surrounding businesses have lighting, and Mr. Brandt stated that lighting will be important, especially if evening classes are offered.

Mr. Brandt asked the opinion of Ms. Taylor, who stated that the 50-foot sign may be warranted at the property’s location based on the presented testimony, but that the decision relies with the Board.

Mr. Brandt affirmed that his main concerns regarding lighting were safety and the glare into the above apartments. Mr. Rainer replied that the fixtures would be downlit to avoid any potential glare. Mr. Brandt and Mr. Rainer agreed on the need to avoid lighting that is too bright.

Mr. Della Penna commented that LED lighting is more efficient, controllable, and provides opportunity to experiment with colors. Mr. Rainer noted that surrounding tenants were happy when lighting was added to their rear lot for safety reasons.

Ms. Taylor confirmed with Mr. Rainer that he is planning on downlighting. Mr. Rainer responded that yes, downlighting was the original plan but he needs to obtain his contractor’s opinion. Ms. Taylor stated she believes downlighting would be the best option.

Mr. Flade asked Mr. Rainer to elaborate on the façade. Mr. Rainer said that he hires an architect to give a general idea of what will be done and how, but that it can often change throughout the process. Mr. Rainer explained that the façade will change from two doors to a single door and referred to Exhibit A6, an interior image of the façade, which Mr. Ehrhardt then submitted for evidence.

Mr. Rainer stated that the proposed sign will be clearly visible to motorists traveling down Broad Street and Main Street.

Mr. Brandt asked how many attendees will be expected for each class, and Ms. Delaney responded with ten to 15. She continued to explain that in previous classes she taught at other locations, many attendees were friends and would carpool, resulting in less parking spaces needed. However, she is still investigating using other business’s parking spaces when not in use.

Mr. Rainer stated he has two buildings without tenants, so he will prioritize commercial tenants receiving those spaces and new tenants could park in the Borough lot. Mayor Cairns Wells stated that the Borough lot usually has available spaces during the proposed class times of 6:00 p.m. – 8:00 p.m., but she would need to confirm if the lot could be used. The mayor also pointed out parking that exists near the Riverline Train Station.

Mr. Rainer stated that the other tenant at the property tends to only use one parking space, and that there are plenty of trash cans.

Mayor Cairns Wells asked to see Exhibit A6 and if the door will be glass like the windows. Ms. Delaney said yes.

Ms. Taylor suggested baffles are used if the lighting needs to be uplit, and that she does not recommend designating the existing residential parking for commercial use due to parking requirements for residential units. Mr. Ehrhardt clarified that the removal of the residential parking spaces should not be a condition of approval for the Application. Ms. Taylor confirmed. She also reaffirmed that she does not have significant concerns with the proposed sign.

Mayor Cairns Wells commented that she believes the proposed sign is appropriate for the space. Ms. Taylor noted that the Applicant indicated using the window space for display.

Mr. Martin motioned to open to the public and Mayor Cairns Wells seconded the motion. All approved in the affirmative. No public comments were made. Mr. Martin motioned to close to the public and Mayor Cairns Wells seconded the motion. All approved in the affirmative.

Mr. Petrone stated that the motion will be to approve a Site Plan Waiver for the proposed use of the property in question based on the testimony of the Applicant’s Owner Ms. Joan Delaney and the testimony of Property Owner Mr. Joseph Rainer, with the conditions that approval of a Site Plan Waiver does not guarantee the issuance of any permit and the Applicant is advised of the requirement to comply with all other rules, regulations, and codes for the issuance of any such building permits, zoning permits, and/or certificates of occupancy, and that once Mr. Rainer finalizes a lighting plan, Ms. Taylor is given the opportunity to administratively approve it to confirm it is consistent with the given testimony.

Mayor Cairns Wells motioned to approve the application as stated by Mr. Petrone. Mr. Martin seconded the motion. A roll call vote approved the motion 9 yes, 0 nay, and 1 abstain.

1. **V-06-2022**

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| **Name:****Property:****Action Desired:** | Tom Kearns612 Elm Terrace **Block:** 1002 **Lot:** 7Applicant in the R8 zone seeks relief from the Borough Code at Chap § 128-19(a) for permission to construct an additional accessory building of 1092.75 sq ft wherein 500 sq. ft. is permitted; and any and all variances and waivers deemed necessary by the Board. |

Mr. Kearns, the Applicant, was present to represent himself. Mr. Petrone swore in Mr. Kearns and Ms. Taylor, who accepted the Oath.

Mr. Kearns thanked the Board for their time and shared background information about himself, stating that he and his wife moved to their home at 612 Elm Terrace in June. In addition to Riverton’s history and charm, they particularly enjoy that their property is located on a double lot that provides space for their family to enjoy.

Mr. Kearns expressed that the size of the proposed accessory building is proportional to the existing residential structure due to the size of the double lot. The proposed accessory building is a 25-foot by 50-foot pole barn structure to be used as an entertainment space that will include a golf simulator and a personal workshop. The accessory building will be within the set back limits and mostly hidden from the street by the existing residential structure and garage. Mr. Kearns noted there is an existing 6-foot vinyl fence along the back of the property and that even with the addition of the proposed accessory building, impervious coverage will remain approximately 10% below the allowed 35% percent.

The accessory building’s exterior will be metal with colors complimentary to the residential structure: gray siding with black and white trim. Although the plan for exterior lighting has not been finalized, Mr. Kearns does not plan for excessive lighting.

Regarding the existing small shed at the rear of the property, Mr. Kearns stated that the structure was on the property when he and his wife moved in in June and they are unaware which owner placed the shed on the property. The existing shed is outside of the setback area, and it is unknown if any variances have been passed; however, Mr. Kearns stated he is willing to comply with the Planning Board’s recommendation for the shed.

Mr. Brandt confirmed with the Applicant that the property is located in the R8 Zone, which has a minimum lot size of 8,000 square feet, and that the Applicant’s property is 24,000 square feet – three times the minimum lot size. Mr. Brandt noted that with the way the proposed accessory building is centered it does not raise concerns for future subdivisions.

Mr. Brandt asked Mr. Kearns to describe what the small existing shed on the property looks like. Mr. Kearns explained that he believes the shed is fairly new, that it is roughly 10 feet by 12 feet, made of wood, and does not sit close to the existing fence. Ms. Taylor noted that the existing fence is not on the property line.

Mayor Cairns Wells noted that the Planning Board can grant a variance for the shed located outside of the setback area. Ms. Taylor confirmed that the Board does have the ability to grant a variance for the setback being less than three feet and for the shed being larger than 150 square feet. Mr. Brandt asked if it was possible to add a contingency that would expire the variance if the shed in question were to be removed.

Ms. Taylor asked the Applicant if there are trees behind the shed, to which Mr. Kearns responded that there are landscaped trees on either side and one behind the shed. There are no trees between the shed and the proposed accessory building.

Mr. Paszkiewicz asked the Applicant if the shed sits on a slab of concrete, the Applicant responded that he does not know. Mr. Paszkiewicz suggested moving the shed while construction for the accessory building is underway.

Mr. Brandt asked Mr. Petrone if the Board were to grant a variance, if that variance would be in place forever. Mr. Petrone responded that a condition can be added to the variance that if the current shed is ever removed then the variance for both size and location expires.

Mr. Threston asked if the size of the shed is known. Ms. Taylor replied with 160 square feet.

Mr. Brandt stated that due to the property’s large size it makes sense for the buildings on the property to be larger.

Ms. Taylor asked Mr. Kearns if the residence has a basement and he responded that yes, the residence does have a basement. Ms. Taylor noted that the Board may want to add a restriction that the accessory building could not be converted to a residential or commercial space.

Chairman Wilburn asked if Mr. Kearns has any interest in a pool, to which he said no.

Mr. Threston motioned to open to the public and Mr. Della Penna seconded the motion. All approved in the affirmative. No public comments were made. Mr. Threston motioned to close to the public and Mayor Cairns Wells seconded the motion. All approved in the affirmative.

Mr. Petrone stated that the motion will be to approve the variances as outlined in the September 22, 2022 review letter authored by Ms. Taylor, with the condition that the variances granted for the existing shed will expire once the shed is removed from the property, and the Applicant must obtain all required permits prior to construction and that variance approval does not guarantee the issuance of any permits. Applicant is subject to all existing codes and requirements thereunder. The accessory building cannot be used for commercial use and is limited to residential accessory use and cannot be used as living space in any way.

Mr. Threston motioned to approve the variances as stated by Mr. Petrone and Mr. Flade seconded the motion. A role call vote approved the motion 8 yes, 0 nay, and 2 abstain.

**COMMITTEE REPORTS:**

**Council Matters of Importance to the Board —** At the most recent Borough Council meeting, there was a rewriting of the vacant property ordinance. The rewritten version is similar to the original but with more clear legal language. Two other anticipated initiatives include inspections of rental properties for lead paint and requirements for proof of liability insurance for rental property owners. All applicable properties owners have been notified of the upcoming lead paint inspection requirements, and Borough Council is compiling a list of properties to notify of the liability insurance requirement. Riverton does not currently have an ordinance requiring rental registration but plans to establish one along with the new initiatives. A Borough police officer was also recognized for saving a young boy from choking while eating at The Early Bird.

**Environmental Commission —** Nothing to report.

**Minor Site Plan —** Nothing to report.

**PUBLIC COMMENT:** Mr. Threston motioned to open the Floor for Public Comment and Mr. Della Penna seconded the motion. All approved in the affirmative. No public comments were made. Mr. Threston motioned to close Public Comment and Mr. Martin seconded the motion. All approved in the affirmative.

**CLOSED SESSION:** Mr. Threston made a motion for the Board to enter Closed Session to discuss pending litigation and Mayor Cairns Wells Seconded the motion. All approved in the affirmative.

**ADJOURNMENT:** The September Hearing adjourned at the conclusion of the Closed Session.

Respectfully Submitted:

Vanessa Livingstone, Secretary

RIVERTON PLANNING BOARD

Adopted on: