

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
February 28, 2023 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 bulletin board and the door of the Borough Hall on January 30, 2023.
- 2) Having written notice published in the Burlington County Times on February 2, 2023.
- 3) Forwarding written notice for informational purposes only to the Courier Post on January 30, 2023.

ROLL CALL:

Suzanne Cairns Wells, absent	Kerry Brandt, absent	Joe Della Penna, absent
Edgar Wilburn, present	Pete Clifford, present	Robert Martin, present
Rebecca Reis, present	██████████, present	Joseph Threston, present
Adam Flade, Alt. 1, absent		Doug Aird, Alt. 3, present <i>(seated as a full member)</i>

Borough representatives present include: Secretary Ms. Vanessa Livingstone and Mr. Christopher Koutsouris, Esquire.

ADMINISTER OATH OF OFFICE: Mr. Pete Clifford was sworn in by Mr. Koutsouris as a Class II Member of the Borough of Riverton Planning Board for 2023 (1-year term).

MINUTES: January 24, 2023 minutes were submitted for approval. Mr. Martin motioned to approve the minutes and ██████████ seconded the motion. The motion was approved 6 yes, 0 nay, 1 abstain.

CORRESPONDENCE/ANNOUNCEMENTS: Correspondence included the decision in *JRB v. Borough of Riverton*.

NEW BUSINESS:

<u>Name</u>	John Shaw
<u>Property</u>	808 Third Street Block: 1500 Lot: 10
<u>Action Desired</u>	Applicant seeks variance for a 2' side yard setback wherein § 128-24(c) requires 20', due to a nonconforming setback granted in 2016 based on an incorrect survey and any and all variances deemed necessary by the Planning Board.

The Applicant, John Shaw, was present to represent himself. Mr. Koutsouris swore in the Applicant.

Mr. Koutsouris marked the old survey of 808 Third Street by Donovan Surveyors as Shaw 1, Resolution P2016-08 consisting of five pages as Shaw 2, the survey of Block 1500 Lot 5 by Stout & Caldwell Engineers, LLC as Shaw 3, and the new survey of 808 Third Street by Maser Surveying, LLC as Shaw 4. A larger physical copy of the same survey by Maser Surveying, LLC was later introduced as Shaw 5.

Mr. Shaw explained to the Board that he is requesting a side yard variance of 2' that relates to a side yard variance of 11' previously issued in Shaw 2 for construction on his property that was approved and conducted in 2016. The previous variance outlined in Shaw 2 was based on Shaw 1, a survey completed upon Mr. Shaw's purchase of the property.

When Mr. Antunucci of 701 Bank Avenue purchased the neighboring property at Block 1500 Lot 5, a survey was done by Stout & Caldwell Engineers, LLC (Shaw 3). Shaw 3 revealed there was an error in the original survey, Shaw 1, of Mr. Shaw's property at 808 Third Street. Mr. Shaw had a new survey done, Shaw 4, which confirmed that Shaw 3 was an accurate survey of his property and Shaw 1 was inaccurate. Shaw 4 shows that the side yard setback of Mr. Shaw's property is 2'7" off the side property line and 2'6" off the rear eastern corner property line.

Mr. Threston asked the Applicant what lied on the other side of the property line, to which the Applicant replied it is open space; Mr. Clifford clarified that it is a flag lot that cannot be built on and is part of Mr. Antunucci's property.

Mr. Shaw concluded his testimony by summarizing that based on the outlined evidence a new side yard setback variance of 2' is needed for his property.

Mr. Threston asked the Board if they have any questions – Mr. Aird asked Mr. Shaw if he has reached out to Donovan Surveyors about the inaccurate survey. Mr. Shaw responded that he has but cannot discuss details at this time. Mr. Threston asked the Applicant if he has discussed the matter with Mr. Antunucci, to which he responded that they did discuss the findings of Shaw 3 and Mr. Antunucci received public notice of the Hearing.

Mr. Threston asked Mr. Koutsouris to advise on the Board's options for deciding on the application, to which he gave an overview of the application and options. He shared that the Borough's Planner Ms. Michelle Taylor, who was not present, advised that from a planning perspective the considerations are the same today as they were in 2016. Mr. Threston shared his opinion that the current situation is not a result of fault by the Applicant.

Mr. Aird clarified with other members of the Board, including Mr. Clifford, that the neighboring flag lot cannot be built on. Shaw 5 was introduced for members of the Board to view a clearer picture of the survey by Maser Surveying, LLC. Mr. Wilburn asked the Applicant if the frontage of the property did not change, to which Mr. Shaw confirmed there was no change. Mr. Koutsouris confirmed that the size of the Applicant's lot did not change.

Mr. Threston opened the floor to the public. No members of the public were present and no comments were submitted to the secretary.

Mr. Clifford motioned to approve the application as presented. Mr. Aird seconded the motion. A roll call vote approved the application 7 yes, 0 nay, 0 abstain.

COMMITTEE REPORTS:

Council Matters of Importance to the Board — Councilman Wilburn shared that the Borough is facing budget constraints. A budget cut of 10-20% is needed to avoid raising taxes, and the main cause of the constraints is a state mandated contract with employees in regard to health benefits. The date of the Budget Meeting was changed to March 21, 2023 at 5:30 p.m., two hours before the Borough Council Meeting on the same day at 7:30 p.m.

Environmental Commission — Mr. Threston shared that raingarden will continue to be maintained and the new sign is scheduled to be installed on April 21, 2023. The Green Team is considering a spring challenge.

Minor Site Plan — Nothing to report.

Chairman — Mr. Threston would like to convene an Ordinance Review Committee to review ordinances that pertain to the Planning Board. Current Board volunteers include Mr. Aird and Mr. Brandt. In the coming weeks Mr. Threston intends to schedule the first meeting of the Committee. Mr. Threston asked Mr. Koutsouris for examples of planning board bylaws with the intent of presenting bylaws to the Board for adoption. Lastly, the Architectural Review Committee (ARC) expressed interest in making recommendations on applications. Mr. Threston met with Hank Croft of ARC to discuss. Mr. Koutsouris expressed his support of these initiatives.

PUBLIC COMMENT: No members of the public were present.

CLOSED SESSION: Mr. Aird motioned to enter Closed Session to discuss potential continued litigation. Mr. Martin seconded the motion. All members agreed in the affirmative.

Mr. Martin motioned to adopt a resolution which declines to exercise the Board's right to seek an appeal in the decision of *JRB v. Borough of Riverton*. Mr. Aird seconded the motion. A roll call vote approved the motion 7 yes, 0 nay, 0 abstain.

ADJOURNMENT: Mr. Aird motioned to adjourn the Hearing and Mr. Martin seconded the motion. All approved in the affirmative.

Respectfully Submitted:
Vanessa Livingstone, Secretary
RIVERTON PLANNING BOARD
Adopted on: