

RIVERTON BOROUGH PLANNING BOARD
MINUTES
April 25, 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:

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|-------------------------------|------------------------|---------------------------|
| Suzanne Cairns Wells, present | Kerry Brandt, present | Joe Della Penna, present |
| Edgar Wilburn, present | Michelle Hack, present | Robert Martin, present |
| Rebecca Reis, present | [REDACTED], present | Joseph Threston, present |
| Adam Flade, Alt. 1, present | | Doug Aird, Alt. 3, absent |

Borough representatives present include: Secretary Ms. Vanessa Livingstone, Mr. Christopher Koutsouris, Esquire and Mr. G. Jeffrey Hanson, PE, CME.

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

MINUTES: March 28, 2023 minutes were submitted for approval. Mayor Cairns Wells motioned to approve the minutes and Mr. Martin seconded the motion. The motion was approved 9 yes, 0 nay, 1 abstain.

CORRESPONDENCE/ANNOUNCEMENTS: An update on the 2023 Financial Disclosure Statements was included in the packets distributed to the Board prior to the hearing.

NEW BUSINESS:

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|------------------------------|---|
| <u>Application</u> | SD-03-2023 |
| <u>Name</u> | Pinnacle Real Estate Partners, LLC |
| <u>Property</u> | 403 Elm Avenue Block: 701 Lot: 18 |
| <u>Action Desired</u> | Application for minor subdivision of 403 Elm Avenue to divide the existing 13,315+/- square foot lot into two conforming residential lots. The property is located in the R-4 Zone, where the minimum required lot size is 4,000 square feet. The applicant also seeks a variance for relief from §128-16(C)(2), which requires a minimum side yard setback of three feet on each side of an accessory building, based upon potential non-conforming conditions |

associated with the existing residential home; and any and all variances deemed necessary by the Planning Board.

Board members Councilman Wilburn and Mr. Della Penna recused themselves from the application's hearing and exited the building.

All administrative requirements for the application were completed prior to the hearing.

Mr. James Brandenburger of Pinnacle Real Estate Partners, LLC (the applicant) and Mr. Richard T. Wells, Esquire (the applicant's representative) were present to speak on the application. Mr. G. Jeffrey Hanson, PE, CME was also present as a representative of the Planning Board. Mr. Koutsouris swore in Mr. Brandenburger, Mr. Wells, and Mr. Hanson prior to their testimony.

Mr. Wells gave an overview of the application for the minor subdivision of 403 Elm Avenue into two proposed lots: proposed lot 18.01 being 6,575 square feet and proposed lot 18.02 being 6,740 square feet. The proposed lot numbers were confirmed by the Borough's tax assessor, and new postal addresses, proposed as 403 Elm Avenue and 405 Elm Avenue, will be sought from the United States Postal Service. If approved, the applicant and the applicant's representative plan to accomplish the minor subdivision by deed. A copy of the deed and a revised survey will be provided to the Board.

Mr. Wells distributed exhibit A1 to the Board, a list of the application's witnesses and exhibits. He indicated that Exhibit A3 will be the most relevant during the hearing. Mr. Wells explained that he will summarize the response to Mr. Hanson's review letter dated April 18, 2023.

First, the applicant is eliminating the need for variance relief by agreeing to remove the existing pool and deck associated with it. This would also eliminate the need to provide a fence around the pool.

Secondly, Mr. Wells addressed an inconsistency in the survey: in the zoning table, building coverage should have been stated as lot coverage. To address this and confirm what the proposed lot coverage would be, a reassessment was done of any aspects considered impervious in lot 18.02, where the existing house would be located. To ensure that lot 18.02 falls under 40% lot coverage, the applicant is proposing to remove 201 square feet of the existing earth and gravel driveway in addition to the removal of the pool and deck. In its current state, if lot 18.02 was subdivided, lot coverage would be 43.6%.

In response to a question by Mr. Hanson, Mr. Wells confirmed that upon removal of 201 square feet of the gravel driveway, there will still be room to park two vehicles.

Mr. Wells stated that there are no immediate plans for construction on proposed lot 18.01 at this time, but that is the intended use of the lot — construction of a conforming single-family home. If and when that opportunity arises, the applicant will submit all building permits to the construction office, which will include a grading plan.

Lastly, Mr. Wells addressed overall conformance with the surrounding neighborhood. He stated that a review of the area's tax maps indicate that the size, shape, and orientation of the proposed lots is not only conforming but consistent. For clarification, Mr. Wells is only discussing the side of Elm Avenue located in Riverton.

Mr. Koutsouris asked Mr. Wells what the status is of the current property and structure, and what the plans are for the existing structure going forward. Mr. Wells deferred to Mr. Brandenburger. It was stated that Mr. Brandenburger is the applicant but is not the property owner — the property is owned by three children who inherited the property from their parents. The children currently reside in the existing home on proposed lot 18.02 and plan to continue living in the home. They are in agreement with the conditions of approval stated earlier in Mr. Wells' testimony and will continue to be the property owners of 18.02 (405 Elm Avenue).

Mr. Hanson stated to the Board that he recommends if the application is approved, an updated survey is returned to the Board to confirm that no variances are required. With the removal of the pool, deck, and section of the gravel driveway, the proposed application would be a by right subdivision.

Mr. Hanson also clarified that both the pool and garage are considered accessory structures, so the pool is bound to any accessory structure requirements in the R-4 Zone. The garage setback is conforming.

Mr. Hanson went through the list of miscellaneous comments in his review letter: the applicant will revise the current plan regarding the lot coverage; the applicant will resubmit a revised plan with the removal of the pool, deck, and gravel area so that Mr. Hanson can confirm the lot coverage; although Mr. Brandenburger is not personally familiar with the drainage characteristics of the property, he has contracted a company to have a proposed grading plan completed for submission alongside the revised plan for lot coverage; there are no deed restrictions; the applicant will provide the legal descriptions for review for both lots; and any other documentation as requested by Mr. Hanson's review letter.

In response to a question from Ms. Hack, Mr. Brandenburger explained that with the removal of a section of the gravel driveway, it will be ensured that the grading of that area remains the same and the gravel will be replaced with topsoil.

Mr. Martin motioned to open the floor to public comment and [REDACTED] seconded the motion. All agreed in the affirmative.

Robert Allen Wiggins spoke to state his concerns with grading and water flowing onto his neighboring property. There are no current issues with water runoff. Mr. Hanson explained that when the applicant submits construction permits they will also be required to submit a grading plan to ensure water will not runoff onto neighboring properties.

Matthew Spataro spoke to voice his concern for water runoff as well. He asked for clarification of the plans regarding the pool and garage, and Mr. Hanson confirmed that the garage is compliant and will be remaining on the property, and the pool will be removed.

Mr. Brandt motioned to close the floor to public comment and Mr. Martin seconded the motion. All approved in the affirmative.

Mayor Cairns Wells commented that the application is a by right subdivision with no variances as long as the conditions of approval are met.

Mr. Koutsouris stated that if a member of the Board chooses to motion to approve the proposed application for minor subdivision, that motion should include, as condition of approval, all requirements as outlined during the evening's testimony and Mr. Hanson's review letter.

Mayor Cairns Wells motioned to approve application SD-03-2023 with all conditions for approval as outlined by the Borough's representatives, and Mr. Flade 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 — Council updates from Mayor Cairns Wells and Councilman Wilburn included: Michelle Hack was hired at the Borough's Zoning Officer, a Class I Police Officer was hired as the Borough's new Code Official, the budget was introduced and approved, and the Borough is looking to hire a full time Police Officer.

Environmental Commission — Mr. Threston shared that the commission held its Rain Garden Dedication at Riverton School. Several members of the Board and Mayor Cairns Wells were in attendance, and some of the students got to plant seeds in the garden.

Minor Site Plan — Nothing to report.

Chairman — Proposed Board Bylaws: Mr. Threston received Mayor Cairns Wells' comments on the proposed bylaws prior to the hearing; he indicated that he incorporated some but not all of the Mayor's changes. The Board then went through each page of the proposed bylaws:

- "Land Use Board" was changed to "Planning Board" on the title page.
- In Section 5, it was clarified that the Planning Board operates out of the Borough Office.
 - Ms. Hack noted that instead of listing the Borough's hours, the section should state by appointment/by staff availability, because if the appropriate staff is not present certain records cannot be accessed. There are currently no set after hours for the Zoning Office.
 - Mr. Koutsouris noted that "except for legal holidays" should be changed to "except for Borough holidays."

- In Section 6, Ms. Hack asked for clarification if the Board fixes the compensation for its professionals. It was decided that it would be clarified that the Board approves its professionals' compensation within the budget.
- In Section 7, Mr. Threston added that the Planning Board Secretary and Administrative Officer is hired by the Borough Council.
- In Article 3 Section 3, Ms. Hack commented that the Board should move away from recording individual's addresses in public comments per Daniel's Law. Addresses should no longer be included in minutes on the Borough's website.
- Applications Before the Board:
 - Mr. Threston would like the Board to have more time with the applications. Ms. Livingstone noted that if the packets were to be delivered prior to the third week of the month, all meeting materials would not be included. Councilman Wilburn commented the possibility of incorporating reviews by the Architectural Review Committee and Environmental Commission, to which Ms. Hack responded that this would increase the amount of time it takes for an application to appear on an agenda.
 - Discussion among the Board occurred surrounding when an application needs to be submitted to appear on an agenda. Ms. Livingstone stated that there is a schedule on the Borough website that outlines the deadlines for submission. She explained the process for review that occurs after an application is submitted. Mr. Hanson noted that Riverton's timeline for applications is similar to timelines of other towns he has experienced with, and that review by other entities such as the Architectural Review Committee can be made conditions of approval instead of a requirement for application completion.
 - Mayor Cairns Wells asked for clarification on what deems an application as complete, to which Ms. Livingstone explained that applications are sent to the appropriate professionals to determine they have enough information for a review in addition to completion of the submission checklist.
 - Mr. Koutsouris summarized that it could be suggested there is a submission deadline 30 days prior to the hearing date and applications are deemed complete 21 days prior to the hearing date. Ms. Livingstone asked for clarification that the Board wants to receive the hard copy applications earlier and separately from the rest of the meeting materials, to which there was not a direct answer. Mr. Koutsouris explained that the Board has 45 days from submission of an application to deem it complete, otherwise it is considered automatically complete. Ms. Hack stated that the approval is two-sided, professionals determine if they have enough information and the Board Secretary confirms all administrative items are completed.
 - Mr. Threston stated concern of completeness of applications that appear before the Board. Ms. Hack replied that in her opinion the Chair should not be involved in the process of deeming an application complete. Mr. Brandt stated that he believes the Chair should be involved, to which Ms. Hack replied she does not believe the Chair should be predisposed to an application. Mr. Threston asked Mr. Koutsouris his experience, and Mr. Koutsouris stated he has no experience

with a Board where the Chair determines completeness of an application, and that the Board must also remember that applications can also be deemed incomplete. Ms. Livingstone clarified that the deadlines on the website state that submission deadlines are to be considered, not to be guaranteed the next hearing. She also stated that meeting the public notice deadline is a strong factor in the timeline of application approval.

- Mr. Brandt stated that the Architectural Review Committee is often skipped over, and that certain applications should be required to appear before the ARC before appearing before the Planning Board. Mayor Cairns Wells and Ms. Hack are in favor of adding ARC review to the application checklist. Mayor Cairns Wells referenced the ordinance for referring applications to the ARC. Mr. Koutsouris shared that in previous experience, other towns required letters of approval from entities such as the fire department; he recommends the Board considers the previous conversation and returns to the next hearing with concrete timeline recommendations.
- Mr. Della Penna asked Ms. Livingstone what her experience has been with completeness of applications, to which she replied that most applications submit enough information originally to be moved along in the review process.
- Mr. Martin noted he finds it difficult to have enough time to prepare for a hearing with more complex applications. Mr. Koutsouris said that if the Board feels they received information too late, they can state that they do not feel prepared to decide on an application.
- Mr. Hanson stated that any environmental concerns about an application would be covered in the engineering review letter.
 - In Article 4 Section 2, it was decided that the Chair is able to make the determination to convene or cancel a hearing.
 - In Article 7 Section 5 (should be Section 6), it was decided the Chair can determine what is admissible as evidence after consultation with the Board's professionals.
 - Mr. Koutsouris stated he will review the bylaws with the discussed changes.

Historic Preservation Ordinance Working Group: The working group, organized by the Historic Preservation Committee, is continuing its work to form a product for consideration by Borough Council to address historic preservation.

Ordinance Review Committee: The Committee did not meet within the past month and plans to schedule a meeting in the upcoming month.

PUBLIC COMMENT: No members of the public were present at this time.

ADJOURNMENT: Mayor Cairns Wells motioned to adjourn the Hearing and Councilman Wilburn seconded the motion. All approved in the affirmative.

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