
September 26, 2023
Regular Meeting
7:00p.m.

STATEMENT:

PUBLIC NOTICE of this meeting pursuant to the Open Public Meetings Act has been given by the Riverton Borough Planning Board in the following manner:

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.

This Regular Meeting of the Riverton Borough Planning Board was held on the above date at 505A Howard Street.

Roll Call: Mayor Cairns Wells, Ms. Hack, Councilman Wilburn, Mr. Della Penna, Ms. Reis, Mr. Martin, Mr. Paszkiewicz, Mr. Flade, Mr. Aird, Mr. Brandt, Chairman Threston. Solicitor Koutsouris and Engineer Hanson were in attendance.

MINUTES:

Motion made by Mr. Flade and seconded by Mayor Cairns Wells to approve the meeting minutes of the August 22, 2023 Regular Meeting with the changes noted by Mr. Brandt and Mr. Martin.

Ayes – All members present.

Nays - None.

Abstentions – None.

ACTION:

Motion made by Mr. Martin and seconded by Mayor Cairns Wells to carry the application for 619 Elm Terrace to the October 24, 2023 Meeting.

Ayes – All members present.

Nays - None.

Abstentions – None.

OLD BUSINESS:

Ordinance 2023-05A:

Chairman Threston advised that the working group has met to further the initiative to create HPC. Borough Council has put forth a revised Ordinance. Chairman Threston commented that the professionals and Board should first and foremost address the numbering because of the active Ordinance. Mayor Cairns Wells advised that the Solicitor is addressing the matter. Chairman Threston advised that he would like to add a definition to page 18 for equalized assessed value, as it should be defined in accordance with State statute. Chairman Threston read the definition into the record. Mr. Martin ask to confirm that this is in regard to the ratio to assign value. Chairman Threston answered yes.

Chairman Threston suggested that in 123-43 G on page 7, Council should add one additional paragraph as 9, which Chairman Threston read into the record.

Attorney reminded members that the role of the Board is to advise whether or not the Ordinance is or is not consistent with the Master Plan. Attorney advised that the proposed Ordinance is consistent with the Master Plan in spirit, but not to the letter due to the reference of the ARC. Once the Master Plan is amended to accommodate the HPC, then the Ordinance will be consistent with the Master Plan." Therefore, the Board can take action.

Mr. Brandt recommended that in 128-47 B and C, Council should strike structural Engineer and in 128-45, Certificate of Appropriateness. Mayor Cairns Wells advised that the Construction Code Official deemed it necessary.

Upon no further discussion, the following motions were brought to a vote regarding Ordinance 2023-5A:

Motion made by Mr. Martin and seconded by Mr. Flade to adopt Resolution 2023-09 recommending adoption of Ordinance 2023-5A by Borough Council.

Ayes – All members present.

Nays - None.

Abstentions – None.

Motion made by Mr. Paszkiewicz and seconded by Mr. Brandt to recommend that the Borough Planner be authorized to update the Master Plan.

Ayes – All members present.

Nays - None.

Abstentions – None.

NEW BUSINESS:

JRB Properties LLC
402 Midway Avenue
Block 1104, Lot 15
Minor Subdivision Approval

Prior to the start of hearing, Chairman Threston, Vice Chairman Brandt, and Ms. Reis each advised that they would need to recuse themselves from the hearing. Attorney advised the members to step down, indicating that Chairman Threston and Ms. Reis could participate in the hearing as members of the public, but that Mr. Brandt could not since he has recused for other reasons.

Motion made by Ms. Hack and seconded by Mr. Della Penna to appoint Mr. Martin as acting Chairman for this application.

Ayes – All members present.

Nays - None.

Abstentions – None.

Mr. Richard Wells came forward as the Attorney for the Applicant. Mr. James Brandenberger, owner of property, and Engineer Hansen, Engineer for the Board, were sworn in by in the Board Attorney, who advised that sufficient notice had been provided by the Applicant in accordance with MLUL so the Board has jurisdiction to hear the matter.

Mr. Wells provided an overview of the application indicating that the Applicant is before the Board for Minor Subdivision approval. The Applicant is seeking approval to subdivide an oversized lot to create three conforming lots. No variances are needed for the subdivision, so this application is a bi-right application.

Mr. Brandenberger came forward to provide testimony. Mr. Wells asked Mr. Brandenberger the following questions:

- 1) Are you the owner of LLC and property, yes.
- 2) Is there currently anything on property, no, it is fully vacant.
- 3) Are there any drainage issues, none of which he is aware of at this time.
- 4) Is it the intention to create 3 fully conforming lots, yes.
- 5) It is understanding that they are fully conforming, yes.
- 6) Has JRB developed other properties in Riverton and State, yes. JRB provided history of development since 1996, building over 200 homes in NJ and 300 in PA, ranging from commercial to residential.

- 7) Is the license for JRB active and in good standing, yes.
- 8) Are the proposed lots consistent with size and orientation with other lots in area, yes.
- 9) Is JRB proposing improvements at this time, no.
- 10) Legal descriptions are prepared, but is there any objections to changing if required, no.
Mr. Wells noted that he would perfect the subdivisions by deed and will change anything required by the Board Professionals.

Engineer Hanson went through Letter dated 7/23/2023, which reviews the minor subdivisions request. Mr. Hanson noted the following:

- 1) The lots created by the subdivision are 7250, where 4000 is required, and all other bulk and area standards are being met with this application.
- 2) Mr. Hanson asked how will this application comply with Ordinance 113-34.1, which Engineer Hansen read into the record. Mr. Wells advised that Mr. Brandenberger has provided testimony that the subdivision plan indicates that the lots created are consistent with lots across the street exactly. The subdivision actually brings the existing lot into greater conformance.
- 3) Mr. Hanson advised that the improvements, when considered as a whole, must comply to any stormwater management if the whole exceeds the ¼ acre of disturbance.
- 4) Mr. Hanson advised that the remaining comments were addressed during testimony, but that the Applicant must comply with all outside agency approvals. In addition, it was noted that the tax map updates are responsibility of property owner.

Mr. Wilburn asked about impervious coverage. Engineer advised that if the three houses and garage exceed 10,000 square feet, the applicant would have to come back. Mr. Wells advised that the Board cannot waive the requirement, so the Applicant is bound by the State statute.

Acting Chairman Martin opened the application to public comment.

Jeff Frank, 400 Midway, asked as to how three new houses would affect the sewer system, as the infrastructure is old. It was advised that the sewer connection would have to be reviewed by the Borough.

Kathleen Vandy asked about the homes and what they would look like, as she cannot envision. Mr. Wells has advised that the application is for subdivision, but Mr. Brandenberger marked plan of subdivision of 5-23-23, marked as exhibit A-1 and advised that the three proposed lots are the exact same size as the three lots across the street, so it would be in keeping with those lots and structures, but there are no elevations available at this time.

Mr. Frank asked if off-street parking is being provided, JRB, yes and Mr. Hanson advised that it is required under RSIS.

John Havicon spoke regarding the fencing that is not complete around the property, as he has concerns regarding anyone getting into the property. The fence existing is open in various spots, which was illustrated on the plan marked A-1. It was noted that the Construction Code Official has jurisdiction. Mr. Flade advised that fencing and signage should be erected so that the entire site is secured. Ms. Hack advised that CCO can review and advise the property owner. Attorney

asked if the Applicant would agree to secure the property. Applicant advised that if CCO deems that additional security and/or signage is required, he will comply.

Donna Kirkland, 405 Midway, towards front of lot there is bundle of plastic fencing at the front of the lot. Mr. Brandenberger advised that he would remove.

Renee Havicon, advised that, in addition to fencing, the rain has affected the grading, so it is imperative that the site is secured, regardless of the determination of the CCO. Mr. Martin asked Ms. Hack if these conversations can be conveyed to CCO, Ms. Hack advised yes.

Jeff Frank, any time frame on construction. JRB advised that there is no timeline, but likely in Spring with completion for a year to year and a half. Mr. Frank asked if the lot will be maintained. JRB advised yes, and he can be contacted directly.

Renee Havicon, commented Mr. Frank has a pristine property and the demolition did have an impact on his property. Mr. Frank's property adds to the value of properties in this town.

Donna Kirkland asked about the tree in front of house. Mayor advised that the Shade Tree Ordinance will govern and CCO will monitor during construction phase.

Mr. Hanson asked the applicant to throw down hay or mulch to stabilize during winter. Mr. Brandenberger agreed.

Motion made by Mr. Della Penna wells and seconded by Mr. Aird to close the public portion.

Ayes – All members present.

Nays - None.

Abstentions – None

Mr. Della Penna wanted a time frame on securing the property. Mr. Brandenberger advised that as soon as CCO provides direction, he will act. Mr. Paszkiewicz asked if the subdivision plan is the actual plan for homes, Mr. Brandenberger indicated no. Mr. Paszkiewicz advised that the conforming properties behind are duplexes, which site on the property line, so he asked if there will be any variances required. Attorney advised that if variances are required, the Applicant must come back to the Board.

Chairman Threston returned to the helm and thanked Mr. Martin for chairing during the hearing.

There was a brief discussion of 611 Main Street regarding a detached car port that has been erected by the property owner. Secretary Jack advised that the property is in the NB zone which does not address accessory structures. The purpose of the discussion was two-fold in that Secretary Jack advised that she was inclined to support the application as submitted, as the

application meets the overall bulk standards for the zone, but that changes to the Ordinance are warranted.

There was a brief discussion regarding the stormwater triggers for major development, which Engineer Hanson explained to the members.

COMMITTEE REPORTS:

Historic Preservation Update – No additional comment.

Ordinance Review Committee Update – No additional comment.

Council Liaison Report – Republic was awarded new three-year contract, food truck night was held on 9/20, improvements in the park have begun, and the second reading of Ordinance 2023-5A is October 11, 2023.

Environmental Commission Report – Councilman Wilburn advised that Historic Preservation was the main topic of discussion at present. Green Team County event will have participants from the Borough. Mayor asked if there was a discussion of application being given to Environmental Commission. Ms. Jack advised that applications can be provided going forward.

Minor Site Plans Report – Code Enforcement Officer is still working on 301 South Broad.

PUBLIC PORTION:

Hal Feinstine, thank you for all of the work the Board has done on the Ordinance.

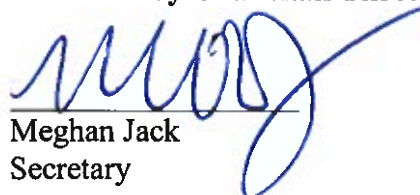
Motion made by Mr. Martin and seconded by Mr. Della Penna to close the public portion.

Ayes – All members present.

Nays - None.

Abstentions – None.

There being no further business to attend to, motion made by Mr. Della Penna and Mayor Cairns Wells that the meeting be adjourned, and so declared by Chairman Threston.


Meghan Jack
Secretary