

January 23, 2024
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 Quinn, Mr. Ruggiano, Councilman Wilburn, Mr. Della Penna, Ms. Reis, Mr. Martin, Mr. Paszkiewicz, Mr. Flade, Mr. Aird, Mr. Brandt, Chairman Threston. Solicitor Koutsouris, Engineer Hanson and Planner Lennon were all present.

MINUTES:

Motion made by Mr. Martin and seconded by Mr. Ruggiano to approve the meeting minutes of the December 19, 2023 Regular Meeting.

Ayes – All members present.

Nays - None.

Abstentions – Quinn, Reis, Paszkiewicz, Flade, Brandt.

RESOLUTIONS:

Motion made by Mr. Aird and seconded by Mr. Della Penna to approve Resolution 2024-#5 for Tucci - 2 Linden Avenue.

Ayes – All members present.

Nays - None.

Abstentions – Quinn, Reis, Martin, Paszkiewicz, Flade, Brandt.

OLD BUSINESS:

Scott Brady, 14 Broad Street LLC
14 Broad Street
Block 701, Lot 38
Use Variance

Attorney advised the Class I and Class III members must recuse themselves from the meeting at this time, as well as any member who has a conflict. Mayor Quinn, Mr. Wilburn, Mr. Brandt and Mr. Della Penna recused themselves from the meeting.

Attorney Bob Incollingo came forward on behalf of the Applicant and advised that Dr. Brady is before the Board this evening for a use variance for 14 Broad Street. Mr. Incollingo provided background information by way of explaining that Dr. Brady is both an owner of the property, as well as the neighboring property and neighboring business located at 12 Broad Street. The other owner of the property and business at 12 Broad Street, however, does not have an ownership stake in 14 Broad Street. As a result, Dr. Brady is before the Board to seek a use variance to demolish the existing structure in order to create parking for the business at 12 Broad Street. It is not possible to consolidate the properties at this time given the aforementioned ownership structures.

Mr. Incollingo explained that 12 and 14 Broad Street are two undersized lots, previously believed to be one lot that was subdivided. The property at 14 Broad Street is effectively abandoned and dilapidated. Mr. Incollingo advised that he will address the positive and negative criteria to show that the use variance can be granted due to the unique nature of the application, as well as the lots. The properties will be consolidated when Dr. Brady becomes the sole owner. Neither property currently has the required lot width but will conform in the future. Mr. Incollingo further pointed out that, at present, both 12 and 14 Broad Street are legal, non-conforming lots and, with 14 Broad, also a legal, non-conforming use in the zone.

Attorney sworn in Dr. Brady, Architect Kim Bunn, Engineer Hansen and Planner Lennon.

Chairman asked when the residential property was last occupied. Dr. Brady advised that the house was last occupied in August of 2023.

Chairman asked if property was condemned. Mr. Incollingo indicated no, but it is dilapidated. Mr. Incollingo advised that any use for the property would require variances, as the use of the structure is non-conforming. Though a use variance is required, the parking lot is really as a use for the dental practice. Though parking is not an inherently beneficial use, it satisfies the positive criteria in this case as follows:

- 1) Provides adequate and safe parking for the practice at 12 Broad Street.
- 2) Provides a particularly suited use, as there is no other parking within line of site of 12 Broad Street, as well as no sidewalk on the other side of street where parking is located.
- 3) Provides ADA accommodations that are not currently available at 12 Broad Street.

Chairman asked as to what current parking set up is. Dr. Brady advised that he currently rents spots from Ward, and that patients park on the other side of Broad Street or on Linden Avenue. Chairman asked how many staff there are. Dr. Brady advised that there are approximately ten (10) staff members, but the number on site depends on the day.

Mr. Incollingo advised that the application is unique by allowing two lots that are non-conforming to become conforming, while trading one current non-permitted use, for another short-term, non-permitted use. Any commercial use for that lot would require a variance for parking. Furthermore, this use does not substantially impair the intent of the master plan or the land use ordinance. Mr. Incollingo outlined the goals of the Master Plan that apply to this application, as well as how the plans developed for this application have taken into account the goals of the Master Plan. Mr. Incollingo also spoke to the applicable State statutes regarding hardship under which he believes that this application can be viewed.

Chairman asked if there has been any discuss with the neighbors. Dr. Brady advised that he has spoken to the neighbors and the general consensus is that the property has been a junk yard for the past decades and the concerns about drainage and lighting have been allayed. Mr. Incollingo reiterated that this application would fix the problems of two lots for the neighborhood.

Attorney suggested that we hear testimony from the Planner and Architect, as well as the legalese regarding the Doctrine of Merger and the assurances that we have that the consolidation will occur. There are certainly ways to guide this so that consolidation is the only possible end outcome. Attorney advised that deed restriction is the soundest way to accomplish, with which Mr. Incollingo agreed. Secretary advised that any restriction should be drafted by Applicant Attorney and approved by Board Attorney.

Ms. Bunn came forward on behalf of the Applicant and advised that the plans were generated to show a concept that a parking lot could work, and a site-plan would be submitted if approved. Chairman asked about the drainage. Ms. Bunn advised that trees should be kept, the current grading and additional landscaping elements would be kept so the topography would not increase all that much.

Mr. Paszkiewicz asked if the house has basement. Ms. Bunn said yes, and it would be in filled. Mr. Paszkiewicz asked if it would affect drainage and sinking. Ms. Bunn advised that there are ways it is done to avoid that. Chairman asked how. Engineer advised that backfilling and compaction are typical methods; existing slabs should be broken up in places to aid the process. Mr. Paszkiewicz asked about water table in that location due to the decomposition of the structure. Engineer advised that he does not know that there would be a water table issue on this site, but it would be provided as part of the grading plan on the site plan application. Dr. Brady advised that he has a deeper basement in the office and gets a tiny bit of water infiltration. Chairman asked if utilities are on. Dr. Brady advised no. Mr. Ruggiano asked if house is condemned or if there are notices of violation. Dr. Brady advised no.

Planner Lennon advised that the initial concern is that the existing lot as configured with parking may not be possible with this lot, which then begs the questions as to if this is a suitable use.

The drainage does go to the rear, so the existing trees will likely need to be removed. Ms. Bunn advised that nothing has been ruled out regarding drainage since this is a use variance application. Chairman asked about the concerns about the narrowness. Planner Lennon advised that the limiting factor is the edge of the building on 12 Broad Street and the width of the lot on 14 Broad Street. Chairman asked if there is a solution for a parking lot. Planner Lennon advised that there would have to be a buffer to protect the building. Planner Lennon advised that if the use is approved a site plan is required, but there is a ton that must be worked out on the site plan. Planner Lennon asked about trash and recycling, which Ms. Bunn advised would be relocated to the rear of 12 Broad Street. Planner Lennon suggested that the site plan show both properties if the use variance is approved. Mr. Ruggiano asked if approved, does the Applicant *have* to submit a site plan. Attorney replied yes.

Attorney asked if there is any testimony regarding site concerns regarding configuration of lot for parking. Ms. Bunn advised that the plans submitted are design concept only; alternatives can certainly be discussed as to said design, but there is not a better use of the site. Attorney Incollingo added that it is a workable site plan.

Chairman opened meeting to public. All members of the public that testified were sworn in by the Attorney.

Jon Janowicz advised that he and his wife are very supportive of the use variance, but are concerned about the drainage, lighting and landscaping, so would want to see the full site plan.

Renee Janowicz advised she and her husband have spoken to Dr. Brady, as their property abuts both 12 and 14 Broad Street. Over two decades the property at 14 Broad Street has not been maintained well. Mrs. Janowicz advised that it is decrepit and stated that she cannot see it being rehabilitated as a home, as it would likely have to be demolished and rebuilt. A parking lot is probably the best use for the lot, so that the business can thrive.

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

Ayes – All members present.

Nays - None.

Abstentions – None.

Final comments were made by Mr. Incollingo on the application.

Motion made by Mr. Martin and seconded by Mr. Flade to approve the application for 14 Broad Street LLC for Use Variance.

Ayes – All members present.

Nays - None.

Abstentions – None.

The Board took a short recess as the previously excused members returned. Secretary Jack took a second roll call.

Melanie & Brian Donnelly
612 Thomas Avenue
Block 1000, Lot 6
Bulk Variance

Mr. Brian Donnelly and Mr. Sloane Springer came forward to testify on the application and were sworn in by the Board Attorney.

Mr. Hansen gave a synopsis of the application before the Board, which is for a bulk variance for percentage of coverage and the existing side yard setback in order to construct an addition at the rear of the property. There are two additional existing non-conforming conditions that are not being exacerbated but do require bulk variances.

Mr. Donnelly explained that he and his wife have lived in town for almost a decade. Mr. Donnelly advised that they simply need more living room space and another full bathroom given their family composition and circumstances. As a result, the plans are to renovate the kitchen while adding a family room and a full bathroom as an addition on the ground floor. There is a closet, so eventually this can be used as a sleeping area as well if necessary.

Engineer reviewed his letter, commenting on the following:

- 1) Leave driveway as is and install an appropriately sized drywell, to be placed outside of the existing driveway limits.
- 2) Remove concrete from the back yard.
- 3) Use cohesive materials to tie the addition to the existing structure.
- 4) Advised that this application will have to be reviewed by the HRPC to receive comment and construction permits must be obtained.

Mr. Brandt asked how dry well is handled. Engineer advised Mr. Sloan to send those to him for the addition. Engineer asked if there are any drainage issues in the yard. Mr. Donnelly advised no.

Chairman opened the hearing to public comment. No public comment was made.

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

Ayes – All members present.

Nays - None.

Abstentions – None.

Attorney surmised the application and the actions that the Board can take.

Motion made by Mr. Martin and seconded by Mr. Flade to approve the application for 612 Thomas Avenue for Bulk Variances.

Ayes – All members present.

Nays - None.

Abstentions – None.

COMMITTEE REPORTS:

Ordinance Review Committee Update – Chairman Threston advised a meeting is forthcoming.

Council Liaison Report – Mr. Wilburn advised that the meetings are beginning thirty minutes early, mosquito spraying will take place in the Spring. Mayor advised that concerns regarding Committees were discussed and have been voted upon by the Council and that the HPC has been created with the inaugural members. Chair asked if schedule of meetings is set. Mayor answered no, but that is what is being worked on at present.

Environmental Commission Report – Chairman advised that there was no meeting this month.

Minor Site Plans Report – Mr. Ruggiano advised that one application has been approved.

PUBLIC PORTION:

Hal Feinstein advised that he is impressed with the Board and thanked the members for serving.

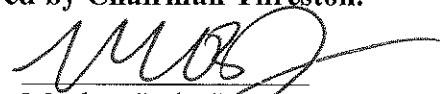
Motion made by Mr. Martin and seconded by Mr. Flade to close the public portion.

Ayes – All members present.

Nays - None.

Abstentions – None

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


Meghan Jack, Secretary