

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
JANUARY 16, 2007

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Annual Reorganization – announce mayoral and Council appointments, swear in new/reappointed members, elect chairman and vice chairman
4. Minor Subdivision, 815 Homewood Drive
5. Request for additional continuation by Joe Rainer for the 515 Main Street Site Plan Application
6. Old Business:
 - Response to COAH’s request for revisions to the Petition for Third Round Certification, consideration and discussion and possible action – chair, Tamara Lee
 - Master Plan Reexamination Draft Report – chair
 - Smart Growth Grant ERI project – Suzanne Wells, Councilman Smyth
 - Sign Ordinance Revision Committee – Joe Katella
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report – Chris Halt
 - COAH issues – Muriel Alls-Moffat
 - ARC report – Chris Halt
 - Other old business
7. Adopt minutes of the December 19, 2006 regular meeting
8. Review correspondence and announcements
9. New Business:
 - New vouchers/invoices – chair and secretary
 - Elect/Appoint professionals – chair and secretary
 - Resolutions for meetings and appointment of professionals – chair and secretary
 - Delaware Valley Regional Planning Board – Grants – Councilman Smyth
 - Other New Business
10. Public comment on general Planning Board matters
11. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
FEBRUARY 20, 2007**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Reorganization – announce mayoral appointments, swear in new/reappointed members, elect chairman and vice chairman, appoint an engineer
4. Minor Subdivision, 815 Homewood Drive
5. Request for additional continuation by Joe Rainer for the 515 Main Street Site Plan Application
6. Old Business:
 - Master Plan Reexamination Draft Report – chair, Tamara Lee
 - Impact of court decision on Borough's 3rd Round petition and any other updates – chair, Tamara Lee
 - Smart Growth Grant/ERI project – Suzanne Wells, Councilman Smyth
 - Sign Ordinance Revision Committee – Joe Katella
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report
 - COAH issues – Muriel Alls-Moffat
 - ARC report
 - Other old business
7. Adopt minutes of the January 16, 2006 regular meeting
8. Review correspondence and announcements
9. New Business:
 - New vouchers/invoices – chair and secretary
 - Historical Society proposed revisions to the Zoning Code related to historic properties – chair, Councilman Smyth, Pat Bruner
 - Other New Business
10. Public comment on general Planning Board matters
11. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
MARCH 20, 2007**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Public hearing for the 515 Main Street Site Plan Application
4. Adopt minutes of the February 20, 2007 regular meeting
5. Review correspondence and announcements
6. Old Business:
 - Adopt resolution approving Minor Subdivision at 815 Homewood Drive
 - Master Plan Reexamination Draft Report – chair,
 - Smart Growth Grant ERI project – Suzanne Wells, Councilman Smyth
 - Proposed Zoning Code changes for historic preservation – Pat Bruner
 - Sign Ordinance Revision Committee – Joe Katella
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report & announce new board member – mayor
 - COAH issues – Muriel Alls-Moffat
 - ARC report – Pat Bruner
 - Education class update – secretary/attendees
 - Other old business
7. New Business:
 - New vouchers/invoices – chair and secretary
 - Other New Business
8. Public comment on general Planning Board matters
9. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
APRIL 17, 2007**

1. Meeting called to order at 7:00 PM
2. Swear in new alternate member
3. Open public meetings notice act and roll call
3. Public hearing for 515 Main Street Site Plan Application
4. Public Hearing for 509-511 Main Street & 513 Main Street Minor Subdivision
5. Adopt minutes of the March 20, 2007 regular meeting
6. Review correspondence and announcements
7. Old Business:
 - Master Plan reexamination draft report – chair
 - Smart Growth Grant ERI project – Suzanne Wells
 - Proposed zoning code changes for historic preservation – chair (appoint new committee chair, ARC response letter)
 - Sign ordinance revision committee – Joe Katella
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report – Keith Wenig
 - COAH issues – Muriel Alls-Moffat
 - ARC report – chair (appoint new liaison)
 - Education class update – secretary
 - Other old business
7. New Business:
 - New vouchers/invoices – chair and secretary
 - Riverton Borough Bicycle and Pedestrian Plan Kick Off – Councilman Smyth
 - Other New Business
8. Public comment on general Planning Board matters
9. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
MAY15, 2007

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Public hearing for 515 Main Street Site Plan Application by Joseph Rainer – continuation request
4. Public Hearing for 2 & 4 Thomas Avenue Minor Subdivision by Riverton Square LLC
5. Adopt minutes of the April 17, 2007 regular meeting
6. Review correspondence and announcements
7. Old Business:
 - Adopt & memorialize Resolution P2007-05 approving minor subdivision for 509 Main Street & 513 Main Street
 - Master Plan reexamination draft report – chair
 - Smart Growth Grant ERI project – Suzanne Wells
 - Proposed zoning code changes for historic preservation – chair (appoint new committee chair)
 - Sign ordinance revision committee – Joe Katella
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report – Keith Wenig
 - COAH – Muriel Alls-Moffat, Robert Smyth
 - ARC report – chair (appoint new liaison)
 - Other old business
8. New Business:
 - New vouchers/invoices – chair and secretary
 - Other New Business
9. Public comment on general Planning Board matters
10. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
JUNE 19, 2007

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Public Hearing for 311 Bank Avenue, Minor Subdivision Application by Gary Ford – must be heard by Zoning Board for use variance
4. Public Hearing for 515 Main Street, Site Plan Application by Joseph Rainer – continuation?
5. Public Hearing on Reexamination Report on the Borough of Riverton Master Plan
6. Adopt minutes of the May 15, 2007 regular meeting
7. Review correspondence and announcements
8. Old Business:
 - Adopt & memorialize Resolution P2007-06 approving minor subdivision for 2 & 4 Thomas Avenue
 - Master Plan reexamination report – review next steps – chair and Tamara
 - Smart Growth Grant ERI project – Suzanne Wells
 - Proposed zoning code changes for historic preservation – chair (appoint new committee chair)
 - ARC report – chair (appoint new liaison and combine function with chair of the committee reviewing the zoning code changes for historic preservation)
 - Sign ordinance revision committee – chair
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report – Keith Wenig
 - COAH – Muriel Alls-Moffat, Robert Smyth
 - Other old business
9. New Business:
 - New vouchers/invoices – chair and secretary
 - Other New Business
10. Public comment on general Planning Board matters
11. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
JULY 17, 2007

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Public Hearing for 515 Main Street, Site Plan Application by Joseph Rainer
4. Adopt minutes of the June 19, 2007 regular meeting
5. Review correspondence and announcements
6. Old Business:
 - Demolition Permit for Teresa Larson, 103 Main Street
 - Smart Growth Grant ERI project – Suzanne Wells
 - Proposed zoning code changes for historic preservation – chair
 - Sign ordinance revision committee – chair
 - Council matters of importance to board – Councilman Smyth and mayor
 - ARC report – chair
 - Environmental Commission report – Keith Wenig
 - COAH – Muriel Alls-Moffat
 - Other old business
7. New Business:
 - New vouchers/invoices – chair and secretary
 - Other New Business
8. Public comment on general Planning Board matters
9. Adjourn

BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
PRELIMINARY
AUGUST 21, 2007

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Public Hearing for 515 Main Street, Site Plan Application by Joseph Rainer
4. Public Hearing for Shops at Riverton LLC, Broad & Fulton Streets, Minor Subdivision Application.
5. Adopt minutes of the July 17, 2007 regular meeting
6. Review correspondence and announcements
7. Old Business:
 - Proposed zoning code changes for historic preservation – chair
 - Smart Growth Grant ERI project – Suzanne Wells
 - Sign ordinance revision committee – chair
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report – Keith Wenig
 - COAH – Muriel Alls-Moffat
 - Other old business
8. New Business:
 - New vouchers/invoices – chair and secretary
 - Other New Business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
SEPTEMBER 18, 2007**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Public Hearing for Conditional Use Application to co-locate cell phone antennas on the T-Mobile tower by Verizon Wireless
4. Public Hearing for 515 Main Street, Site Plan Application by Joseph Rainer
5. Adopt minutes of the August 21, 2007 regular meeting
6. Review correspondence and announcements
7. Old Business:
 - Adopt and memorialize resolution approving minor subdivision for Shops of Riverton LLC
 - Proposed zoning code changes for historic preservation – chair
 - Smart Growth Grant ERI project – Suzanne Wells
 - Sign ordinance revision committee – chair
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report – Keith Wenig
 - COAH – Muriel Alls-Moffat
 - Mandatory education update – secretary
 - Other old business
8. New Business:
 - New vouchers/invoices – chair and secretary
 - State Smart Growth Planning Assistance – Councilman Smyth
 - Other New Business
9. Public comment on general Planning Board matters
10. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
OCTOBER 16, 2007**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the September 18, 2007 regular meeting
4. Review correspondence and announcements
5. Old Business:
 - Adopt and memorialize resolution approving conditional use to co-locate cell phone antennas on the T-Mobile tower by Verizon Wireless
 - Smart Growth Grant ERI project – Suzanne Wells
 - Proposed zoning code changes for historic preservation – chair
 - Sign ordinance revision committee – chair
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report – Keith Wenig
 - COAH – Muriel Alls-Moffat
 - Mandatory education update – secretary
 - Other old business
6. New Business:
 - New vouchers/invoices – chair and secretary
 - Other New Business
7. Public comment on general Planning Board matters
8. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
NOVEMBER 20, 2007**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the October 16, 2007 regular meeting
4. Review correspondence and announcements
5. Minor Site Plan: Riverline Dance Academy, 609 Main St., Linda Slowiski
6. Old Business:
 - Smart Growth Grant ERI project – Suzanne Wells
 - Proposed zoning code changes for historic preservation – chair
 - Sign ordinance revision committee – chair
 - Council matters of importance to board – Councilman Smyth and mayor
 - Environmental Commission report – Keith Wenig
 - COAH – Muriel Alls-Moffat
 - Mandatory education update – secretary
 - Other old business
7. New Business:
 - New vouchers/invoices – chair and secretary
 - 2008 Budget – Councilman Smyth and chair
 - Other New Business
8. Public comment on general Planning Board matters
9. Adjourn

**BOROUGH OF RIVERTON PLANNING BOARD
AGENDA
DECEMBER 18, 2007**

1. Meeting called to order at 7:00 PM
2. Open public meetings notice act and roll call
3. Adopt minutes of the November 20, 2007 regular meeting
4. Review correspondence and announcements
5. Smart Growth Grant/ERI project state impacts and timetable – Tamara Lee
6. Public hearing, minor subdivision, 101 Lippincott Ave.
7. Old Business:
 - Proposed zoning code changes for historic preservation – chair
 - Sign ordinance revision for side walk signs committee – chair
 - Council matters of importance to board – Councilman Smyth and Mayor
 - Environmental Commission report – Keith Wenig
 - COAH – Muriel Alls-Moffat
 - Mandatory education update – secretary
 - Other old business
8. New Business:
 - New vouchers/invoices – chair and secretary
 - 2008 Budget – Councilman Smyth and chair
 - Other New Business
9. Public comment on general Planning Board matters
10. Adjourn

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
January 16, 2007**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Joseph Katella.

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 23, 2006.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2006.

PRESENT: Joseph Katella, Muriel Alls-Moffat, Mayor Robert Martin, Councilman Robert E. Smyth, and Mary Lodato.

Also Present: Solicitor Chuck Petrone, Planner Tamara Lee, and Secretary Ken Palmer.

ABSENT: Christopher Halt and Keith Wenig.

REORGANIZATION - 2007

Solicitor Petrone had sworn in Class II member Mary Lodato and Class III member Councilman Robert E. Smyth prior to the start of the meeting. The mayor informed the board that Frank Siefert had notified him that he did not wish to be reappointed. Joe announced that he had been informed by the mayor that at the next Council meeting he will announce the appointments of Suzanne Wells as a regular member and Joseph Creighton as an alternate member. Joe asked the secretary to conduct the reorganization. Secretary Palmer announced that since he is considered an employee of the Borough his appointment as secretary was made by the mayor. Ken stated that of course this was at the pleasure of the board.

Chairman and Vice Chairman: Muriel Alls-Moffat stated she felt the selection of the chair and vice chair should be tabled until all members of the board had been appointed/reappointed. The board concurred and decided that Joe Katella would chair the meeting for tonight.

Solicitor: Thomas Coleman, Esq. was nominated by the mayor and seconded by Councilman Smyth to serve as the Planning Board Solicitor for 2007. The nominations were closed. A voice vote was taken and the vote was four in favor and one opposed.

Planner: Tamara Lee, of Tamara Lee Consulting LLC was nominated by Muriel Alls-Moffat and seconded by the mayor to serve as the board's Planner for 2007. The nominations were closed. A voice vote was taken and the vote was unanimous.

Engineer: The board is still considering selection of an engineer following Mark Malinowski and Pat Ennis leaving Lord, Worrell & Richter, Inc. The suggestion was made and the board concurred, that the selection of an engineer be tabled until next month while additional research is done.

Administrative Officer: The secretary reviewed that the position dovetails with Mary's position as Borough Clerk, is normally considered part of her duties, is required by the Municipal Land Use Law, and that Mary is probably the only qualified person in the Borough. Mary Longbottom was nominated by the mayor and seconded by Muriel Alls-Moffat to serve as the Administrative Officer pursuant to N.J.S.A. 40:55D-3 for the Planning Board for 2007. The nominations were closed. A voice vote was taken and the vote was unanimous.

Environmental Commission Representative: It is the mayor's appointment and the mayor announced that Chris Halt would continue as the board's representative.

Borough COAH Official: It was announced that Muriel Alls-Moffat would continue as the Borough's COAH Official for 2007.

Joe Katella resumed chairing the meeting.

PUBLIC HEARINGS

Minor Subdivision Application by the Estate of Agnes L. Greco, James J. Greco, Executor, for 815 Homewood, Block 1600, Lot 16

Introduction and testimony – The chair introduced the topic. The secretary and Mr. Petrone reviewed that the matter had been properly re-noticed in the paper and to all neighboring property owners. The application fulfilled all jurisdictional requirements and the hearing could be held. No board members had any conflict of interest and the hearing commenced. Thomas H. Ehrhardt, attorney for the applicant was introduced. Mr. Ehrhardt reviewed that a deficiency noted by the county had been addressed in the revised drawing submitted to the board. The secretary stated he had received the letter from the county and had distributed copies to the board. Mr. Ehrhardt noted that the existing lot has two existing variances, for front footage and front yard setback which are subject to consideration in this matter. Mr. Greco was introduced and was sworn in by Mr. Petrone. Mr. Greco explained that he was executor of the estate and wished to subdivide the lot with hopes of maximizing the value of the estate. There are no plans beyond obtaining the subdivision and selling the properties. Members of the board asked questions to clarify that the new lot would front on Eighth Street. The minor technical deficiency noted by the county was explained. Explanations were provided of the calculations related to impervious coverage.

Public comment – There was no further testimony and the hearing was opened to public comment. All of the people who commented were sworn in prior to presenting their comments:

- Lynn Bresnahan, 810 Homewood, asked what the applicant intended to do with the new lot. The applicant stated he only wanted to subdivide the existing lot and sell the properties. He had no plans to build on the new lot. Lynn asked about construction details and it was explained those details are subject to the various inspection approvals and was not part of this process. She asked what would happen to the Copper Beech trees along Eighth Street. It was explained that while the trees were beyond the scope of the subdivision, the board could stipulate that preservation of the trees be addressed in any approving resolution. Lynn noted that she had noticed the property being surveyed twice and asked why. Mr. Greco explained that the first was probably done in connection with selling the property as is and the second was done when it was decided to apply for a subdivision. She asked about the easement and it was explained it was a utility easement. Lynn stated she was against the application since she moved into what she considers an established neighborhood and doesn't feel it should be changed. She wanted to present a petition concerning the application and Mr. Petrone stated that was not permitted. Muriel stated she doesn't feel that density should be increased; but, it appears the size of the lot allows subdivision into two properly sized lots.
- Kerry Brandt, 719 Main Street, does not feel the application is "by right," the impact of the subdivision on the frontage issues needs to be considered and that a hardship needs to be demonstrated. Kerry feels there is a side yard issue that has not been addressed. Kerry stated that self imposed or financial hardships are not valid hardships. He also feels the board should not permit a fence too close to Lot 15. Tamara Lee stated she does not feel it is a by right application since the existing conditions must be evaluated to consider if the proposed subdivision makes them less acceptable. In addition, if any new variances are being created, self imposition is not a valid hardship for granting a variance. Increased density can be a consideration. Since there are variances involved the impact must be considered. Muriel asked what the applicant felt about the possible financial impact on the neighboring properties. Mr. Greco feels it would only improve values. The types of hardships allowed were further discussed. Kerry feels that a rear yard setback variance is needed based on the definition in the code and the way it is proposed on the survey. Joe Katella asked Mr. Petrone what the board was being asked to do. Mr. Petrone explained the board is being asked to grant a subdivision with variances, which it is permitted to do. As presented there are existing variances and there is concern that perhaps additional variances either exist or are being created. Joe confirmed with the applicant that the intent of the subdivision was solely to maximize the value of the property. What happens in the future is purely speculative and beyond the scope of the application. Lynn Bresnahan asked if self imposed variance were

allowed. Tamara stated that so far only the existing variances had been confirmed. Financial consideration is certainly a valid reason for wanting to subdivide a property; however, financial hardship cannot be used to justify creating or granting a new variance. The board can weigh the change of impact of the existing variances. The mayor asked about financial impact on neighboring properties. Chuck stated that there has been no testimony to fully ascertain the financial impact on neighboring properties.

- Suzanne Wells, 304 Eighth Street, doesn't think the existing variances are a hardship and as long as the proposed lots meet all the requirements, the board should grant the application. Muriel feels the impact on density is a valid concern and should be considered. Tamara stated that since the code permits lots of the size proposed, it cannot validly consider increased density. To deny the application based on density would be grounds for a challenge. Mr. Petrone stated the board can consider that approval is based on not creating any new variances.
- Edward Bresnahan, 810 Homewood, feels that erecting a big home close to his property would be a negative impact financially and aesthetically. He also feels there could be a negative impact on the schools if increased enrollment increase taxes. Finally he feels the hedge is a noted part of the town and should be preserved.
- Joe Augustyn, 634 Elm Terrace, feels that if the hedge is in the established right of way, it is the duty of the Borough to protect it. The hedge is considered very rare and expensive. He feels the board should do whatever is possible to protect it. He also suggested that perhaps a conservation easement can be created for the hedge. Perhaps any approvals can include that the width of any driveway access be limited. Any disturbance for utility access laterals can be confined to a minimum of area or confined to the driveway clearance. The mayor feels that density may be a concern even if it cannot be considered. Councilman Smyth hopes that any approval does not have to be carte blanche and that there can be caveats included.
- Kerry Brandt, feels that a side yard variance is being created by the subdivision. He also feels that there are rear yard issues on the proposed lot. He feels that prior to granting any new variances, a hardship must be demonstrated and he has not heard any. The mayor asked if the board had enough to determine who is correct. Tamara stated she would be willing to thoroughly review the issues and try to render an opinion; but, she needs some time to do so.

There being no further public comment, the hearing was closed to public comment.

Deliberation and continuance – Councilman Smyth suggested there have been enough issues raised concerning variances that a continuance is warranted to allow additional research. He feels the applicant should accept that the matter needs to be continued to allow the board to have a further professional review of the issues. The board concurred as well as the applicant. The chair asked if there was any discussion and there being none, Councilman Smyth motioned, Muriel Alls-Moffat seconded, and the board unanimously approved to grant applicant a continuance at the applicant's request to the February meeting of the board so the board's planner can review the application and the applicable sections of the code. The secretary read the following:

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on January 16, 2007:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Estate of Agnes L. Greco, James J. Greco, Executor, for a minor subdivision of 815 Homewood, (Block 1600, Lot 16), is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on February 20, 2007.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made. The secretary will have the notice posted as required. A copy of the application and survey will be mailed to Tamara.

Request for Continuance on Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9) – The secretary reviewed with the board Mr. Rainer’s request for an additional continuance until February. Due to a death in the family, he has not been able to complete the revisions agreed to at the first hearing. The chair asked if there was any discussion and there being none, the mayor motioned, Muriel Alls-Moffat seconded, and the board unanimously approved to grant applicant a continuance at the applicant’s request to the February meeting of the board. The secretary read the following:

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on January 16, 2006:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Joseph Rainer for preliminary and final site plan approval and all related waivers, variances and other as needed to erect an addition on the property at 515 Main Street (Block 803, Lot 9) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on February 20, 2007.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made. The secretary will have the notice posted as required.

CORRESPONDENCE/ANNOUNCEMENTS

1. **Announcement from ANJEC of a Water Allocation Workshop, 1/25/07, Vineland, NJ.**
2. **Announcement and registration form from NJPO regarding Winter-Spring Mandatory Training Sessions.**
3. **1/8/07, Copy of Tom Coleman’s comments regarding the Riverton Economic Development Committee’s suggestions for sidewalk signs.**
4. **1/11/07, copy from Tamara Lee of the Office of Smart Growth Progress Report submitted to state regarding Smart Growth Grant/ERI Study.**
5. **1/10/07, copy of letter to mayor from COAH regarding public comment period on the attached proposed amendments to Third Round Rules regarding RCA Recipient Certification; and Growth Share Exclusions, Payment in Lieu of Construction Calculation, and Clarifications.**
6. **3 vouchers/invoices as presented under New Business.**

OLD BUSINESS

Revisions to COAH Petition for Third Round Certification – Tamara asked if everyone had received a copy of her 12/8/06 memo to COAH and all said they had. Tamara stated that except for a few minor items, that was the response due COAH by 1/22/07. She reviewed the COAH memo and discussed the open items. Tamara prefaced her comments with the fact that COAH wants to get towns certified but is having difficulty with many of the petitions. Some, among them Riverton’s, are very close and Tamara feels that COAH is anxious to approve Riverton so it can demonstrate progress. Tamara stated that no comment was needed to item 1. Responses to Items 2 and 3 are completed. Item 4, revising the density of the AH-1 district to 5,000 square foot lots will permit nine lots instead of the current seven and will permit the construction of two affordable units (seven market rate and two affordable). Muriel commented that she had spoken with Alice at COAH and received assurance that COAH was willing to work with the Borough, whatever that means. Tamara stated that COAH was no longer requiring the Borough to revisit the vacant land adjustment so the request to revise the AH-1 district is quite reasonable. Item 5 regarding contamination at National Casein, was responded to by forwarding the information supplied by National Casein regarding conditions at the site. Tamara recommends that language be included in the ordinances for the AH-2 district that include the requirement that proper studies be done to determine any contamination. Joe Katella summarized that things are okay with COAH and that we are awaiting review. Tamara stated that was correct. Item 7, the rental issue, will not be waived by COAH. COAH requires that 25% of affordable units must be rental. The Borough can stipulate that 25% of the affordable units in the AH-2 district be affordable or it can look elsewhere in town. Tamara has contacted the county and there are a number of non-profits they work with that provide units and the town could use monies from the housing fund to assist them. However that would require rewriting the Housing Plan. Tamara recommends revising the AH-2 district to

require that 25% of the affordable units be rental and work on engaging the non-profits organizations to see what they have to offer. She also recommends the town move forward with forming the Affordable Housing Committee and the board should recommend that Council move on this. Several members of the board offered to volunteer to serve on this committee. Councilman Smyth motioned that the board recommend that Council form an Affordable Housing Committee. The chair seconded the motion and it passed unanimously. Tamara asked and it was confirmed she could tell COAH that this matter was going to be addressed by Borough Council. Tamara stated that the committee can be any town residents it does not have to be strictly planning board personnel. Tamara recommended that the required new Borough position of Municipal Housing Liaison be a member of this committee. With no affordable units in place there is little or no work for this position at this time; but, COAH is requiring the position to exist. Item 8 has been completed. Item 9, rehabilitation, the county will not expand its program. The county may be looking to set up a new program to administer rehab units. Tamara feels a waiver will not be granted and may be another reason to engage the services of the non-profit organizations. Item 10 regarding bonding will be done once COAH grants approval. For item 11, regarding payments in lieu of, Tamara has been able to calculate what that should be and that the amount is updated as costs rise. At present the amount is \$24,000 per unit. Items 12-14 are completed. Item 15 regarding the Municipal Housing Liaison employee was discussed already and Tamara asked that she be advised who that person is as soon as the information is available. Items 16 and 17 are complete. The new and changed ordinances do not have to be done now but need to be done within 45 days once the town is certified. The board thanked Tamara for all her efforts in guiding the town through this complicated process.

Reexamination of the Master Plan – Joe asked Tamara if there was anything to report on the draft reexamination document. Tamara stated she was still waiting for comments so she could revise the document as needed and then the board could present it to the public, hold a hearing and consider adopting it. Joe stated that the board should be prepared to hold a discussion at the next meeting. The mayor asked if he could receive a copy of any comments received to date. Joe stated he would follow up with Frank on any other issues. Tamara will get the comments out to the members. Final comments should be prepared for submission to Tamara at next month's meeting.

Smart Growth Grant/Environmental Resource Inventory study – Project Scope and Timetable – Tamara has sent a status report to the state. Writing the ERI is taking longer than planned so that it will be free of boiler plate, user friendly, and something people would want to read and find useful. Tamara is proposing that she amend the timeline to allow the public outreach and other activities to commence while writing continues throughout the project. The workshops will be based on presentations and final writing can continue and be kept current as developments warrant. Then everything can be presented as a complete package.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair asked if everyone had received Tom Coleman's comments to the Economic Development Committee's suggestions. Councilman Smyth asked what the next step should be. The chair stated that he thought that perhaps the next step would be to begin crafting the revisions. The chair asked Gary Ford if the suggestions include the gist of the Haddonfield and Moorestown ordinances that were proffered as offering a good basis for controlling these signs. Gary stated yes but greatly simplified from the rather onerous details that may be too rigid for what the committee feels the Borough needs. Joe asked if copies of the two towns ordinances were available and Gary replied yes they were. Chuck Petrone reviewed the process. The ordinance is drafted and once the board feels it is ready, recommends it to Council for adoption. Council then reviews and when it is ready holds hearings and hopefully adopts it. Concerning the size of the signs, Gary feels the proposed size allows for sufficient visibility without being obtrusive. Concerning review of the design, Joe feels that controls beyond the size, and types of signs may be asking for more trouble than it is worth. Other than adopting an ordinance that controls the size, type, and placement of the signs and assuring that the public is best served by their presence, any other design controls should probably be deferred unless it is proved needed. The market place will go a long way to ensure that the signs are not offensive and best serve the public and businesses. Joe Katella feels the signs are good for business. The chair suggested that perhaps board counsel could prepare a draft for the next meeting. Joe suggested that board members familiarize themselves with the type and uses of the signs being currently used even though not currently permitted. Member comments continued and raised additional questions. The issue of what types, just a-frame or sandwich board signs, and perhaps the times allowed should also be considered. Should wheeled signs be allowed? Will there be any review? Are permits and fees going to be involved? Based on the number of questions being raised, Joe revised his prior suggestion and suggested to hold off starting any draft until further review can be conducted and hopefully better direction can be provided at the February meeting. This was agreed to. Also, the board is still interested in input from the zoning board. The secretary stated he would bring the issue up at tomorrow's zoning

board meeting, and if volunteers are obtained they will be instructed to contact Joe. Moorestown's and Haddonfield's ordinances are on line and available for review.

Council Matters of Importance to the Board – Councilman Smyth reported the proposal for a Safe Routes to School Grant had been submitted. Applications for Centers of Place Grants are due by March. Bob reported that new applications for new DVRPC TCDI planning grants are due by 2/23/07. The Bridge Commission has offered the services of Dave Gerkins to help draft grant requests. The town continues to be involved with the River Route Advisory Group which is part of the County Economic Development and Regional Planning Group.

Environmental Commission – Report tabled due to absence of Chris Halt.

COAH Activity – Muriel had nothing additional to report.

Architectural Review Committee – Report tabled due to absence of Chris Halt.

MINUTES: A motion was made by the mayor and seconded by Muriel Alls-Moffat to approve the minutes of the December 19, 2006 regular meeting as distributed. The voice vote was unanimous.

NEW BUSINESS

Vouchers and Invoices:

1. 1/1/07, Tamara Lee, \$1,360.00, for work during December on the COAH 3rd Round Report and Borough response.
2. 1/3/07, Raymond & Coleman, \$400.00, general services and meeting attendance during December.
3. 1/3/07, Raymond & Coleman, \$154.00, legal advice and services during December regarding 815 Homewood minor subdivision application. (PAY FROM ESCROW)

A motion was made by Muriel Alls-Moffat, seconded by the mayor, and passed unanimously to pay the items as presented. The board secretary will have them signed and submitted for payment.

Board Meetings for 2007 – Resolution P2007-01, the calendar of meetings for February 2007 through January 2008 was reviewed. A motion was made by the mayor and seconded by Councilman Smyth to adopt the resolution that meetings will be held on the third Tuesday of the month at 7:00 PM. The board unanimously approved that the resolution: be adopted, published in the Burlington County Times and posted in the Borough Hall.

Appointment of Solicitor and Planner – Resolution P2007-02 announcing the appointment of a solicitor and planner was reviewed. A motion was made by the mayor and seconded by Councilman Smyth to adopt the resolution. The board approved by a voice vote of four in favor and one opposed that the resolution: be adopted, published in the Burlington County Times and the appointed parties formally notified and requested to submit contracts.

PUBLIC COMMENT – The meeting was opened to public comment:

- Suzanne Wells, 304 Eighth Street, asked what the Centers of place Grant for sidewalks covered. Councilman Smyth explained. Suzanne reviewed the information she had found regarding the length of deed restrictions on COAH units. Muriel stated she had different information on rental units from Alice D'Arcy of COAH. The discrepancy will be looked into.

There was no further comment and the meeting was closed to public comment.

Meeting adjourned at 9:40 PM.

Next meeting is on 2/20/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
February 20, 2007**

At the direction of board counsel, the secretary was instructed to call the meeting to order until a chair had been selected by the board. The Public Session of the Planning Board was called to order at 7:00 PM by Secretary Ken Palmer.

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

PRESENT: Joseph Katella, Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Joseph Creighton, and Patricia Brunker.
Also Present: Solicitor Tom Coleman, Planner Tamara Lee, and Secretary Ken Palmer.

ABSENT: None.

REORGANIZATION - 2007

Solicitor Coleman administered the oath of office to new regular members Suzanne Wells and Keith Wenig, and new alternate members Joseph Creighton and Patricia Brunker. The mayor introduced the new members.

Chair: Joseph Katella was nominated by Councilman Smyth and seconded by Muriel Alls-Moffat to serve as the Chairman. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous. Joe Katella assumed chairing the meeting and asked the secretary to finish the reorganization tasks.

Vice Chair: Suzanne Wells was nominated by Mayor Martin and seconded by Joe Katella to serve as the Vice Chairwoman. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous.

Engineer: Following review of two proposals submitted by Stout & Caldwell and Remington, Vernick & Arango, Mark Malinowski of Stout & Caldwell Engineers, LLC was nominated by Councilman Smyth and seconded by Mayor Martin to serve as the Planning Board Engineer for 2007. The nominations were closed. A voice vote was taken and the vote was unanimous.

Environmental Commission Representative: Borough code requires that one of the members of the commission be a regular Class IV member of the planning board. Chris Halt, while resigning from the board has not resigned from the commission. Muriel and Keith volunteered to serve. The mayor stated that he would hopefully resolve the issue by the next meeting. The appointment was tabled.

Resolution Appointing Engineer – Resolution P2007-03 announcing the appointment of an engineer was reviewed. A motion was made by Suzanne Wells and seconded by Muriel Alls-Moffat to adopt the resolution. The board approved by a unanimous voice vote that the resolution: be adopted, published in the Burlington County Times and the firm be formally notified and requested to submit a contract.

PUBLIC HEARINGS

Minor Subdivision Application by the Estate of Agnes L. Greco, James J. Greco, Executor, for 815 Homewood, Block 1600, Lot 16

Introduction and testimony – The chair introduced the topic. This matter was continued from the January

meeting when it was deemed that, due to the irregular shape of the proposed rear yard line between the two lots being created by the subdivision, further review was needed to determine if a rear yard variance was needed or if the area was a side yard that did not require a variance. The applicant consented to the continuation until the board's planner conducted a review. Tamara Lee was introduced and presented her findings. There appears to be a conflict in the way the ordinance is written as to whether a variance is needed and the applicant could either proceed under the assumption that a variance is needed or it could request an interpretation of the ordinance. Interpretations can only be made by the zoning board. The frontage and front yard set back variances pertaining to the original/ proposed remainder lot are pre-existing and are not impacted or changed by the subdivision. After conferences between the board's and applicant's attorneys, the applicant has decided to request a bulk variance from the rear yard set back provisions created by the proposed subdivision. The board's solicitor concurred with Tamara's review and conclusions. Tom stated that the applicant should be allowed to present testimony regarding the rear yard variance as well as be permitted to speak to any other issues raised during the previous testimony. In addition the hearing should be reopened to public comment before the board deliberates on the application. Tom Erhardt, counsel for the applicant, concurred with the statements presented. Mr. Ehrhardt reviewed the testimony to date and updated several items. Concerning the question about the percent impervious coverage of the remainder lot shown on the plan, it was stated that it was the amount as subdivided. Mr. Ehrhardt reintroduced Mr. Greco who testified that he felt the code permitted the subdivision of the lot and that the benefits of the subdivision outweighed any perceived detriments and that the variance was warranted. As to the issue of the hedgerow of trees along Eighth Street, a 1959 survey of the original property was introduced as exhibit A1 which showed that the trees were on the applicant's property. The applicant stated that he did not intend to disturb the hedge. Mr. Greco consented to establishing a conservation easement regarding preservation of the trees except for any required access to the new property being granted even though he feels it is an unfair burden to place the easement only on the one property since the row extends the length of the street. Mr. Greco responded yes to a question from Mr. Coleman that the irregular shape of the property necessitated the irregular lot line being proposed and otherwise a variance would not be needed. There was no additional testimony and the applicant, Tamara Lee, and Tom Coleman responded to questions from the board to clarify where and why the variance was needed.

Public comment – A motion was made by Muriel and seconded by Bob Smyth to open the hearing to public comment. All of the people who commented were sworn in prior to presenting their comments:

- Walter Croft, 2 Woodside Lane, asked and received a brief review as to why the row of trees was under discussion. Mr. Croft asked if the board feels it is unfair to the applicant, should the restrictions apply to all the properties on that side of the street. Also he feels it is unfair to restrict access to the property to an area closer to Cedar Street. It was explained that the board could only consider the property that is part of the application. Borough Council is the only body that can consider the other properties.
- Kerry Brandt, 719 Main Street, reiterated that he does not feel the owner has a "by right" ability to request a subdivision excepting the variance being considered. He feels that all existing and created conditions and non-conformities require consideration and warrant conditions being set by the board if it chooses to grant the application. He feels the placement of future fences unless conditioned by height or placement would impact both the properties involved and the neighboring properties. He feels that the hedgerow becomes a front yard fence on the new property and that a variance is needed to allow it since front yard fences are not permitted. There was discussion on his points. Mr. Brandt re-stated his belief an additional variance was needed concerning a front yard fence and that the fact that any variances exist negates any "by right" ability to be granted approval. The board needs to consider and impose conditions on any approval. The board asked and received clarification from Mr. Coleman concerning the points raised by Mr. Brandt. Tom stated that the front yard fence issue is valid and must be considered.

There being no further public comment, a motion was made by Muriel and seconded by Keith to close the hearing to public comment.

Deliberation and continuance – The chair asked for comments and guidance by Mr. Coleman. Tom asked the applicant, if he, based on the issue regarding front yard fences, wished to amend the application to request a variance for a front yard fence of the trees or if he would he agree to the removal of the trees. The applicant stated he feels removal is counter to the wishes of the town, detrimental to the character of the area, adversely impacts the existing streetscape, and outweighs the restriction prohibiting front yard fences. He therefore wishes

to amend the application to request a variance to preserve the trees as previously discussed. Mr. Ehrhardt asked if the previously discussed conservation easement was still an issue. Mr. Coleman stated that the board had the right to consider such an easement. Muriel asked if a separate deed restriction was needed to preserve the hedge and Tom stated an easement is a restriction. The form of the conservation easement and amount of opening permitted was discussed. The issue of sight lines was discussed. It was discussed that the conservation easement can be formed to maintain the hedge in its current condition after all construction requirements had been determined. This allows for the ongoing preservation of the remaining hedge. As to the concern that granting the variance establishes precedence for front yard fences, Tom explained that a variance only applies to the property at issue and is granted solely because the particular merits or conditions warrant the granting of a variance. Any future requests must be consider on the same basis. The board discussed the conditions and variances needed if it approves the application. Tom Coleman suggested that the board may be willing to consider approval conditioned on:

- recognizing that the existing two non-conforming issues on lot 16.01 are two preconditioned variances,
- that a rear yard variance be granted for the new rear yard line between the two lots,
- that a variance for a front yard fence be granted to preserve the hedgerow of trees on proposed lot 16.02,
- that a conservation easement be created for lot 16.02 which preserves the hedge as it exists after allowances for a safe and approved access to the new lot, said easement to be developed between Tamara and the applicant and approved by the board,
- that access for utilities be restricted to the driveway access with no additional disturbance of the trees,
- that any fence between the two properties be limited to four feet, and
- that any fences between the neighboring lot 15 and lot 1be limited to four feet in height.

A motion was made by Muriel Alls-Moffat and seconded by Councilman Smyth that the approval with conditions as discussed and suggested by Mr. Coleman be granted. A poll vote of the members eligible to vote (present for the previous hearing in January) passed the motion unanimously as follows:

Mr. Katella	aye	Mrs. Moffat	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye		

Housekeeping

Mr. Coleman stated that based on court decisions he recommends the board's professionals be sworn and attest to their qualifications to represent the board as qualified professionals in their respective fields. Mr. Stout and Mrs. Lee attested under oath to their qualifications. A motion was made by the mayor, seconded by Councilman Smyth and passed unanimously to accept the qualifications made under oath by the professionals. The professionals are considered sworn for all business they are required to present testimony for the duration of their appointments.

NEW BUSINESS

Proposed Revisions to the Zoning Code by the Historical Society – The chair announced he wished to consider this topic now before continuing with the rest of the agenda. Councilman Smyth introduced the topic. He stated that Patricia Bruncker of the Historical Society had presented to Council a proposed set of revisions to the current Zoning Code which are designed to provide better control over the preservation of historic structures in the town. Council has agreed the matter has merit and has requested the board review the proposal and to hopefully draft revisions as needed to implement the stated purpose of the proposal. The board has been provided copies of the proposal. Mrs. Bruncker was asked to review the proposal. Pat stated that the society had become very concerned there was not enough protection in the code to encourage and provide for preservation of the many recognized historic structures in the town. After a thorough review of codes in other towns, principally Haddonfield and Moorestown, the society put together the proposals delivered to Council and now before the board. The proposal includes increased binding authority by the ARC and requires issuing of a certificate of appropriateness by the planning board for any building permits over \$1,000.00. Design guidelines should be developed for residential structures. A mandatory public hearing must be held before any demolition permit is granted for a historic

structure within the historic district. The proposal included a list of properties that had been deemed having historic value when the original list was compiled for submission to have the town designated a historic site by the state and federal governments. The chair asked Hank Croft of the ARC what the committee felt about the proposal. Hank replied that the committee while aware of the proposal had not made a complete review of it. The committee feels that any procedures and criteria be clearly spelled out regarding historic preservation and that any changes fully protect the rights of homeowners. The Architectural Review Committee does not have any binding authority now and some committee members feel that might be best. The proposal increases the number of things that would require approval by the committee and while this may be warranted for historic structures, perhaps it doesn't need to be applied to a structure solely because it lies within the district. Not every home within the district was/is considered of historic relevance. Councilman Smyth commented on the recent lawsuit filed against the Moorestown ordinance and wonders if anything in the proposal would lead to similar action in Riverton. Bob feels the board and Council do not wish to establish an adversarial relationship with homeowners. Hank commented that Burlington City has a very strong historic review committee that the board may wish to examine. Hank feels that any ordinance with enforcement provisions will always have some adversarial impact. Asked if he feels the committee should have more binding authority, Hank stated he would reserve judgment at this time. Suzanne stated that since the board was seeing this for the first time, perhaps the members should have time to review it before coming to any conclusions. Tamara and Tom were asked if they had comments. Tamara stated that this represented a substantial change and should be reviewed from a planning perspective. She suggested that the issue could either be included in the current consideration of the reexamination report or it can be handled later by a minor amendment to the master plan. Both methods ensure any changes were discussed and considered during a public hearing on the issues and that the master plan then provides a firm foundation for any changes made to the code. The mayor suggested that further discussion be tabled at this time until the members had time to review the material and consider the possible impact. The chair concurred especially since he wanted the new members to have time to review the draft reexamination report before discussion next month. The secretary stated that he would also bring up the topic and distribute copies of the proposal at tomorrow's zoning board meeting. He asked who he could refer the zoning members to if they had questions and/or wished to make known they wished to participate in any committee established to further consider the proposed changes. Joe stated and the members concurred that Pat Bruncker should be the point of contact.

Request for Continuance on Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9) – The secretary reviewed with the board Mr. Rainer's request for an additional continuance until March to submit requested revisions to the plan prior to continuation of the hearing. While the board felt that a further continuance was warranted, there was discussion that the number of continuances was unfair to the public who are interested in the matter and have come to every meeting only to find out there is a further postponement. Asked how many continuance are permitted, Tom replied that as many as the board was willing to grant. Tom further stated that given the number of continuances and the time that has past since the hearing was first continued, it was not unheard of and the board was warranted in requesting that the continuance be conditioned on the applicant republishing and re-noticing the property owners. Tom stated that the board could also deem the application abandoned and require a new application to be filed and restart the entire process. Suzanne Wells motioned and Joe Katella seconded, that the board grant the continuance conditioned on the applicant republishing and re-noticing the property owners. Muriel objected since she feels the process has been dragged on for too long, is unfair to the board and the public, and if the applicant wishes to proceed he should re-file his application. There was no further discussion and because of the requirement that the applicant re-notice, a poll vote was called for. The motion was adopted by a poll vote of six to one as follows:

Mr. Katella	aye	Mrs. Warren	aye
Mrs. Moffat	nay	Mr. Wenig	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye		

The secretary read the following:

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on February 20, 2007:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Joseph Rainer for preliminary and final site plan approval and all related waivers, variances and other conditions as needed to erect an addition on the property at 515 Main Street (Block 803, Lot 9) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on March 20, 2007.

This continuation is conditioned on the applicant re-noticing in the newspaper and proper service of notice on the listed property owners. Said re-noticing must comply with the statutory time requirements.

This notice to be posted as required on the Borough Hall bulletin board together with the required re-noticing provides the only official notification required of this continuance. The secretary will communicate this decision to the applicant.

CORRESPONDENCE/ANNOUNCEMENTS

- 1. Announcement from Burlington County Department of Resource Conservation of a Stormwater Management Forum March 8, 2007.**
- 2. 1/15/07, Letter to Board chair (copy of same letter to mayor) and announcement from ANJEC of 2007 Smart Growth Planning Grants for Municipalities with instructions and application cover sheet – applications are due March 30th.**
- 3. 1/26/07, Copy of letter to mayor from Eileen Swan, Executive Director Office of Smart Growth acknowledging receipt of town's Center Designation Monitoring Report with attached 1/19/07 submission cover letter from Mary Longbottom and 1/16/07, letter from County Department of Economic and Regional Planning answering concerns that East Riverton is officially part of Cinnaminson Township and not Riverton Borough.**
- 4. Announcement by the Burlington County Chamber of Commerce of the Quarterly Economic Development Forum on 2/27/07. The event is free to board members.**
- 5. Four vouchers/invoices as presented under New Business.**

OLD BUSINESS

Reexamination of the Master Plan – Joe stated that he wished to set a deadline on this matter. However he also wished to provide the new members time to review the draft document and he requested that all comments be addressed through him or directly to Tamara by March 10th so the board can begin considering the matter next month. Copies will be provided to new members.

Revisions to COAH Petition for Third Round Certification – Tamara reported that the Borough had made the deadline and filed the requested changes and was waiting for a decision when last month the courts struck down several provisions of COAH's Third Round rules. COAH has been given six months to come up with revisions. Tamara reviewed the areas struck down and those not changed and the impact on the Borough's submission. Tamara stated that there was nothing further the town needed to do regarding the submission since all petitions are stayed until COAH comes up with the required revisions. She also emphasized that the Borough should not stop the agreed upon processes to form the Affordable Housing Committee, create and staff the new Municipal Housing Liaison employee position and to begin reaching out to non profits for assistance. All continuing efforts only help to create "bonus points" in COAH's eyes. The mayor and Bob Smyth stated the matter would be addressed at the next Council meeting. The employee can be a member of the committee. Joe Augustyn has

already volunteered for the committee. It was suggested that Muriel as the current COAH Liaison be a member. Bob Smyth volunteered to serve on the committee. Tamara recommended the committee have at least four members. The committee will need at least one more volunteer. Bob suggested that Muriel be appointed as the new Municipal Housing Liaison and that was countered that Bob hold the position. Bob stated that if that was acceptable he would accept.

Smart Growth Grant/Environmental Resource Inventory study – Suzanne reviewed the progress to date and Tamara’s efforts with the county. Progress is being made in establishing the outreach meetings. Tamara reviewed that there would be four targeted group meetings (waterfront residents, business owners, seniors, plus one more to be determined) and one general meeting with concentration on families. It is hoped the meetings may be completed by the end of March. Tamara is continuing to draft the report. Suzanne stated she would make sure the new members received copies of the scope and the original draft document.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair stated he had nothing new to report at this time.

Council Matters of Importance to the Board – Councilman Smyth reported that budget submissions are needed ASAP or at least no later than the first week in March. Concerning redevelopment, Bob stated an application is being submitted for a grant to conduct a redevelopment and revitalization study. Bob briefed the board on progress concerning other grant applications being considered or made. Bob mentioned that the town will be featured on the local access cable channel tomorrow night as part of a series profiling all the communities along the light rail line.

Environmental Commission – Report was tabled until the mayor appoints a new board member to the commission.

COAH Activity – Muriel stated she felt Tamara had covered everything. Muriel did however relate that she had received an inquiry looking for affordable housing and she had referred the person to MEND in Moorestown since there are currently no units in Riverton.

ARC Report – Chris Halt was the liaison. Pat Bruner agreed to act as a board liaison to the ARC.

Mandatory Education for Board Members – The secretary reported that there was sufficient time to register for the March 17 session in Burlington Township. Ken reviewed the time limits for completing the course. He plans to attend the March 17 session and will coordinate registering all members who wished to attend this session. Interested members need to advise Ken within the next week. Ken reviewed the session contents. There is short test that must be passed to be certified as having successfully attended the course.

MINUTES: A motion was made by Muriel Alls-Moffat and seconded by Joe Katella to adopt the minutes of the January 16, 2007 regular meeting as distributed. The voice vote was unanimous.

NEW BUSINESS

ANJEC 2007 Smart Growth Planning Grants – Councilman Smyth asked Tamara if this was something the Borough should consider since it was already working on a smart growth planning grant. Tamara replied that while it cannot be used for the ERI study, new grants are always helpful and she recommended that a worthwhile choice would be for the shade tree commission which dovetails with the ERI. Bob remarked that the Borough can receive free grant writing from the bridge commission.

Vouchers and Invoices:

1. 2/1/07, Tamara Lee, \$637.00, for work during January on the COAH 3rd Round Report and Borough response.
2. 2/1/07, Tamara Lee, \$170.00, for work during January on the 815 Homewood Drive minor subdivision. (PAY FROM ESCROW.)
3. 2/2/07, Raymond & Coleman, \$715.00, for general services and meeting attendance during January.
4. 2/2/07, Raymond & Coleman, \$182.00, legal advice and services during January regarding the 815 Homewood Drive minor subdivision. (PAY FROM ESCROW)

A motion was made by Muriel Alls-Moffat, seconded by the mayor, and passed unanimously to pay the items as presented. The board secretary will have them signed and submitted for payment.

PUBLIC COMMENT – The meeting was opened to public comment:

- Josh Cooper, 513 Main Street, asked what was required for a plan by him to acquire 10 foot strip of his neighbor's property along the side yard line for his property. He feels that the purchase would meet all bulk requirements. Tom Coleman stated that this would be a minor subdivision of both properties similar to the matter heard earlier this meeting. Tom reviewed the requirements for submitting the application and complying with the jurisdictional requirements to present a complete application which can be heard.

There was no further comment and the meeting was closed to public comment.

Meeting adjourned at 9:420 PM.

Next meeting is on 3/20/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
March 20, 2007**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella.

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

PRESENT: Joseph Katella, Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Joseph Creighton, and Patricia Brunker.

Also Present: Solicitor Tom Coleman, Engineer Mark Malinowski, and Secretary Ken Palmer.

ABSENT: None.

MINUTES: A motion was made by Mayor Martin and seconded by Muriel Alls-Moffat to adopt the minutes of the February 20, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **Announcement from ANJEC of Planning to Protect Habitat Hands-on Computer training Seminar, March 27, 2007.**
2. **2/23/07, Rutgers University Center for Government affairs announcement of a manual Planning and Zoning in New Jersey, a guide to the state MLUL and the planning and zoning function. Copies are \$25.00 each.**
3. **3/6/07, Copy of Mayor's Fax Advisory Newsletter from NJLM voicing opposition to Assembly & Senate bills which would modify the "Time of Decision" rule and curtail municipal zoning authority for residential housing.**
4. **3/6/07, County preliminary approval of the 815 Homewood subdivision.**
5. **3/9/07, Copy of letter to mayor from COAH, providing guidelines regarding the Appellate Division Decision on COAH Third Round Rules.**
6. **3/7/07, Copy of Rainer site plan review by Fire Official. (Copies distributed.)**
7. **3 vouchers/invoices as presented under New Business.**

PUBLIC HEARINGS

Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9)

Introduction and testimony – The chair reviewed the topic and confirmed that the members had all the submissions and reports. This matter was first heard at the October 2006, meeting and has been continued multiple times until tonight's meeting. There were no members who requested to be recused due to conflicts. While the entire board may participate, only the members present at the original hearing may vote on any motions in conjunction with the application. Mr. Coleman stated the re-noticing contained some errors but was substantially okay. The application was deemed jurisdictionally complete and can be heard. This matter was continued at the applicant's request from the October 2006, meeting in order to revise the site plan and produce additional information pertaining to the application. The applicant Joseph Rainer was sworn in and presented his testimony. Mr. Rainer reviewed the history of the site and that he is proposing to construct a two-story addition on the Main Street side of the building to provide additional space for the existing business as well as for the existing apartment over the business. The addition will occupy area currently fenced off and formerly used for storage of business equipment. Mr. Rainer referred to the sketches. As to the concerns in the fire official's review, Mr. Rainer stated that similar concerns were raised regarding the exterior staircase on the other side of the property when the original second story addition was added and that they were resolved. He feels any issues raised can also be resolved with the Borough's building officials during construction. The applicant stated his architect feels the concern over the number of windows and construction code issues can also be resolved. A decrease in the number of proposed windows while detracting from the architectural style of the building is

actually more economical. There will be no change of operations by the current occupant or hours of operation. The chair suggested that board engineer Mark Malinowski discuss his review letter and then have questions and comment from the board. Mr. Malinowski stated that his review showed that 17 submission requirements were missing and should either be submitted or waived by the board. He reviewed the requirements and Mr. Rainer's response. He also commented on what issues he felt were critical for this application. Mr. Malinowski feels that drainage issues need to be addressed to show there will be no adverse impact on neighboring properties. At a minimum a method to collect and direct roof runoff is needed. Mr. Rainer testified that a gutter system will be installed at the rear of the new addition to collect and direct runoff away from the neighboring property. There is no way to construct a gutter on the back of the main building without encroaching on the neighboring property. This is an existing condition and will not be changed by the addition. Mr. Coleman asked if the applicant had sought or received professional advice that there will not be any adverse impact. Mr. Rainer stated his plans would improve drainage from the side of the property but he did not have a professional opinion to that statement. As to submission of a lighting plan, Mr. Rainer stated that the only exterior lighting planned for the addition would be residential style wall sconce lighting at the door. There will be no floodlighting. There are no plans to change the existing site lighting. Except for rebuilding and improving the existing planter area along the addition, there are no other landscaping plans. The plan should include all existing traffic control signage. The plan should clearly show the location and dimensions of existing parking spaces and any changes if proposed. Since it is an existing site and no changes to access or egress are planned, Mark feels a traffic report is not required. The plans should include the location and details of existing and proposed signs and/or fences. Any new walkways should be shown on the plans.

Regarding his general comments, Mark stated the plan should be prepared, signed and sealed by a licensed professional engineer. Mr. Rainer stated he is requesting a waiver on this due to the costs involved relative to the scope of the exterior changes being made to the site. Other than the addition, no other changes are being proposed. Mr. Coleman stated that without the professional assurances, the board is being asked to rely solely on the applicant's testimony that the plans accurately represent what is being proposed. This places an undue burden on the board and does not provide a legally reliable basis for them to determine the accuracy of the plans. The survey must be sealed and the existing and proposed building lines accurately defined. The exhibits presented to date are open to interpretation. Applicant stated that supplied zoning requirements will be added to the plan. Mr. Rainer stated that he could possibly reduce the footprint of the proposed addition to ensure it doesn't extend beyond the property line. All existing setbacks both on Main Street and Howard Street need to be clearly shown on the plan and survey. Details regarding size and usage of the existing building and proposed addition are needed to properly evaluate the parking requirements for the site and variances that may be needed. The ADA requirement issues need to be resolved. Information on trash storage and removal should be provided. Mr. Rainer stated that standard residential style trash containers are and will continue to be used and in compliance with Borough code. The landscaper will repair and make the parking area access more appealing and resistant to damage by vehicles. The existing parking lot striping and pavement markings must be shown on the plan and should be repainted on the site to clearly show them to users of the site. Any additional planters that can be installed may help to reduce impervious coverage. Any encroachment by the neighbor's building onto the site should be shown on the plans and addressed as needed. Mr. Rainer stated his testimony was concluded.

Members of the board commented. The mayor feels there is a lot of work to be done. Mr. Rainer feels it is mostly paperwork to properly prepare and show documented details on the plan. Muriel feels the applicant should heed the advice of Tom and Mark to provide accurate sealed plans that the board can rely upon. The mayor is concerned and wonders if the board is also concerned about the proximity of the proposed addition to the property line. Tom Coleman asked Mr. Rainer to speak to the three variances. Why does the building need to be that close to the property line, why the lot coverage needs to be even closer to 100% impervious, and why the parking variance. The applicant should demonstrate why the variances are warranted and that granting them does not negatively impact the community. Mr. Rainer feels the parking is needed to maximize the ability to park on site and is needed now. Providing parking on site reduces strain on the Borough's facilities. When the business is not open, patrons of other businesses in the area use the spaces not reserved for the apartment residents. The business owner needs additional space to properly operate her business as it exists now. Mr. Rainer feels that the business owner may relocate if she cannot gain have additional space. The space to be built on is impervious now and is a storage area that can easily collect trash. It was his ladder storage area when he occupied the building. It serves no other purpose. He feels the type of business there is preferable to him moving his painting business and

its trucks back there. He feels that the changes he has made to the site benefit the town. He has gone way beyond the building code to make the site appealing and to fit in with the town. He will make sure the survey is accurate and shows the existing and proposed building lines; however he still feels the expense estimates quoted to him for a professional engineer to provide their services far outstrips the value of the proposed improvements. Suzanne Wells stated she very much likes the building and that its style complements the town. However, she is concerned about the addition being so close to the property line. Mr. Rainer commented that the sidewalk in that area is actually double-wide. Only the one corner of the proposed addition is that close since the addition will be on a diagonal line to the property line. Mr. Rainer stated he wants to maximize the building size to benefit the tenant. The original building (prior to the current structure) on the site actually went to the sidewalk on all sides. The adjacent property on Main Street is also essentially on the front property line, so he does not feel the addition will negatively impact that property. Mr. Rainer said that he can perhaps scale back the addition slightly if it is agreeable to the business owner. He does not want the business owner to feel she has to relocate to have the space needed to operate the business. Suzanne feels that the plans submitted do not provide the accuracy the board needs to properly determine the proposed building lines. Suzanne asked if the existing building is that close to the Howard Street property line. Mr. Rainer stated he feels the stairs may be out to the property line; but the building is further setback. Bob Smyth asked if the Howard Street setbacks set a precedent. Tom Coleman stated that each variance stands on its own and the existing building is already non-conforming so the variance is expanding a non-conforming structure. Mr. Smyth commented that he feels the business and the site is beneficial to the town and he would like to see the type of use remain. Also, if possible he would hate to see any existing parking lost. There is not an ADA parking space there now. Mr. Rainer stated the building and business are fully ADA compliant now. Mr. Smyth stated he would like to have reliable assurance that any drainage issues are resolved. Mr. Katella commented that the original survey is very simple and does not have a lot of detail regarding the current use of the site. The secretary who was a member of the planning board at the time of the original addition testified to the background of the current second story addition and its proposed use before it later was converted to an apartment and received a conditional use approval as such.

Public Comment – Following a motion made by Muriel Alls-Moffat, seconded by Joe Creighton, and unanimously approved, the chair opened the hearing to public comment.

- Josh Cooper, 513 Main Street, agrees that the loss of any existing parking should be avoided if possible. He is concerned that the existing back roof of approximately 650 square feet drains onto his property. He feels if there is there no easement needed for the existing electric service and HVAC pipes on the back of the building; then it should not be an issue to install a gutter to direct that runoff from his property. Asked by the chair if he had any comment regarding drainage from the proposed addition, Mr. Cooper stated that as long as it does not drain onto his property, he has no problems. He feels the addition if it improves the use of the building is a good idea.

There was no further comment and Muriel motioned, Suzanne seconded and the hearing was closed to public comment.

Board Discussion and Continuance – Muriel feels that basing approval solely on “what is good for the town or economic development” is not good enough. It has to be what is best for the site and meet requirements or variances be justified. Everyone who submits a site plan must be held to the same standards. Mr. Smyth agreed; but, stated that economic development is very important to the business area of the town. The chair commented that he feels the parking variance is pre-existing, it benefits the town, and could be considered a detriment if spaces are lost. It appears that the impervious conditions already exist and may not be worsened by the addition since the ground is for all practical purposes impervious now. He is concerned about the setback of the addition and the inability to reliably determine the location of the addition from the submitted plans. He is also concerned about the impact on police and pedestrian access to the site if the building is that close to the property line. Mr. Rainer understands and feels he may be able to take two feet off the one dimension of the addition. The chair stated he doesn’t feel he can sign off on the plan until the setback issue is resolved and the submitted survey and plans accurately show the building lines. Mr. Rainer stated he would have the site re-surveyed. The rest of the board concurred with the chair’s comments. Tom Coleman asked if the board was considering tabling the matter until an accurate survey was prepared and submitted. The chair stated that was correct and Tom and Mark Malinowski reviewed the issues to be resolved. Mark stated that the issue of drainage from the addition needs to be demonstrated on the plan. The number, location and size of the existing parking spaces need to be shown on

the plan. The exact setbacks, current and proposed, need to be accurately shown and asserted to. Details of how stormwater will be controlled need to be provided. How the sidewalk will be protected and repaired need to be provided. Changes to the planter(s), retaining wall, and fences need to be detailed. Tom stated the applicant and his professional should confer with Mark if he has concerns. Mark stated that the ADA parking issue needs to be resolved and county approval is also needed. On the question if the board is agreeable to using the municipal lot for ADA parking, Mary Lodato feels the ADA parking is better if on site. Suzanne asked if the spot needs to be van accessible and Mark replied yes. Bob Smyth confirmed that the business and building are handicap accessible and that employees or patrons today would use the municipal lot if they wanted to use a designated spot rather than one of the other on-site spots. Suzanne feels that the if a handicapped space needs to be designated, it is best if it is on-site even if it means an existing parking space will be lost due to the increased space needed for the handicapped space. Tom Coleman asked if the board feels a continuance is needed and the chair stated that the building envelope and other checklist items as discussed need to be addressed on the plan with sufficient accurate detail provided to enable a valid sign off. Tom asked Mr. Rainer if he would consent to the board's request for a continuance until the issues are addressed and he stated yes. Mr. Rainer also stated he would also advise the board if he was going to withdraw the application if that was his decision. Mr. Smyth asked and received clarification that this was a full site plan application being heard and not a minor site plan as mentioned in some of the documentation. The mayor motioned, Muriel Alls-Moffat seconded, and the board unanimously approved granting a continuance. The secretary read the following:

The Planning Board of the Borough of Riverton approves the following resolution at its regular meeting on March 20, 2007:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Joseph Rainer for preliminary and final site plan approval and all related waivers, variances and other as needed to erect an addition on the property at 515 Howard Street (Block 803, Lot 9) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on April 17, 2007.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made. The secretary will have the notice posted as required.

OLD BUSINESS

Adopt and Memorialize Resolution P2007-04 on the Approval of the Minor Subdivision Application by the Estate of Agnes L. Greco, James J. Greco, Executor, for 815 Homewood, Block 1600, Lot 16 – Tom Coleman reviewed that the resolution before the board has been reviewed by the applicant and his attorney and is acceptable to them. The chair asked if the board had any comments or questions on the resolution and if not he would entertain a motion. There was no discussion and a motion was made by the mayor and seconded by Councilman Smyth to adopt and memorialize the resolution referenced by title. A poll vote of the members eligible to vote on the matter approved the motion by a vote of 5 to 0 as follows:

Mr. Katella	aye	Mrs. Moffat	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye		

Reexamination of the Master Plan – The chair reported that he had received some comments. He has spoken with Tamara and there is still some time to review the draft report. The chair stated he wanted all comments to him by March 30 so he can get them to Tamara. Joe stated that if anyone needs a copy of the draft to see him.

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells reviewed the progress to date and the plans for the public meetings. The study is over half way done and Tamara’s efforts continue. There will be four targeted group meetings (waterfront residents, recreation, business owners, and seniors), and one town wide meeting with concentration on families. It is hoped the meetings will be completed by early to mid-April. The first meeting is scheduled for next Monday. Suzanne reviewed plans to advertise the meetings. The target meetings will be held in the library and the town wide meeting may be in the fire hall. Suzanne feels the project is on target for the October completion date.

Proposed Revisions to the Zoning Code by the Historical Society – Patricia Brunker reported that the proposal had been discussed in general terms by the ARC. Not all members were present. Hank Croft of the ARC has stated the ARC is preparing a formal position paper on the topic and following review by all the members will present it to the board. The secretary reported that the proposal has been provided to the zoning board and they are very interested in participating on any committee. The chair stated he feels it is best to wait until the ARC report is received before proceeding further. The board concurred.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair stated he has not had a chance to meet with Gary Ford; but, the committee has been researching the Moorestown ordinance which is online. Joe has also acquired some general information regarding signage ordinance content and the preparation of same that will be shared with the committee and will be utilized when they begin drafting revisions.

Council Matters of Importance to the Board – Councilman Smyth reported that Council is heavily into the budget process, it has been presented to the public, and is on target for April adoption. Three bids were received for the Centers of Place Grant which will extend the side walk improvements along Main Street to the municipal parking lot and along Broad Street from Main Street to Fulton. Bob mentioned that the 2007 Borough Directory is out and complimented the people who put it together, the improvements made, and the amount of details available in the directory. The mayor announced that Keith Wenig has been appointed as the planning board member of the Environmental Commission. An ordinance change to add two additional members to the environmental commission will receive a second reading in April.

Environmental Commission – Report was tabled until next month.

COAH Activity – Muriel stated she had nothing new to report on the changes to be made by COAH. She has tried to contact Mark Remsa as well as MEND in Moorestown regarding assistance in the Borough’s COAH activities. Bob Smyth referenced the recent letter from COAH regarding the court decision and providing a list of FAQ’s for reference. Muriel does not know how the Borough is going to meet the rental requirement because little is available in the town and there is little or no interest by landlords to take on the long obligation for meeting affordable housing requirements.

ARC Report – Chris Halt was the liaison. Pat Brunker agreed to act as a board liaison to the ARC.

Mandatory Education for Board Members – The members and secretary reported on the class attended on March 17. The general opinion was that it is very worthwhile. The secretary stated he had e-mailed a notice to the members concerning future course offerings. The guides were ordered but have been backordered and will be mailed later. There was discussion on ordering copies of the Municipal Land Use Law offered by NJPO. There was also discussion on whether the course was a one time requirement or had to be taken at least every 18 months. This latter point will be researched.

NEW BUSINESS

Vouchers and Invoices:

1. 3/2/07, Tamara Lee, \$510.00, for work during February to review setback regulations and attend meeting for the 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
2. 3/2/07, Raymond & Coleman, \$400.00, general legal services and February meeting attendance.
3. 2/2/07, Raymond & Coleman, \$476.00, legal advice and services during February regarding 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)

A motion was made by Muriel Alls-Moffat, seconded by Suzanne Wells, and passed unanimously to pay the items as presented. The board secretary will have them signed and submitted for payment.

PUBLIC COMMENT – Muriel motioned, the mayor seconded and the meeting was opened to public comment:

- Mike Scencindiver, 717 Main Street, stated he was very interested in the proposed historic preservation changes to the zoning code and that there was a lot of interest by the town members. He encouraged that the board keep people informed of developments. The secretary reported that the entire proposal presented by the Historical Society is on the Borough's web site.
- Jim Brandenburger, Thomas Avenue, discussed developments at his company's Broad Street site. He is proposing to subdivide the site into fee-simple lots to better manage the site. He would also like to subdivide a portion along Fulton Street as a R8 residential building lot, build a home, and donate the profits from the sale to a charity suitable to the town. The entire site is in the GB district and is not zoned for residential use. Jim wants to know how best to proceed; whether to pursue a use variance for residential use or to appeal to Council to rezone the subdivided lot as residential. Board Counsel Tom Coleman feels it is premature and improper for the board to offer any opinion as to the merits of the plan or the best approach regarding the residential use. The cleanest method is to try and have the lot rezoned since then the need for a major use variance is avoided; however, that is up to Jim how he wants to proceed. The board thanked Jim for sharing his plans with them. The mayor asked if Jim wished to approach Council regarding the matter and when affirmed, told Jim he would see that the topic was placed on the April 4 agenda.
- Kerry Brandt, 719 Main Street, commented that as chair of the zoning board he feels the best approach for Mr. Brandenburger is if the lot is rezoned rather than trying to pursue a use variance since there is a heavy burden of proof to grant a use variance specifically because the town through its master plan and codes does not consider that use suitable for the site. Regarding the proposed historic preservation changes to the zoning code, Kerry stated he has concerns regarding the level of authority being proposed for the ARC when considering what he feels are very subjective and aesthetic issues. He feels it may be an infringement on an individual property owners rights. He encourages wide spread publication far enough in advance of any meetings to consider changes so the town can participate in the process.

There was no further comment and Muriel motioned and the mayor seconded that the meeting be closed to public comment.

Meeting adjourned at 9:25 PM.

Next meeting is on 4/17/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

RIVERTON BOROUGH PLANNING BOARD
MINUTES
April 17, 2007

The Public Session of the Planning Board was called to order at 7:02 PM by Vice Chairwoman Suzanne Wells.

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

REORGANIZATION: New Alternate Member Jeffrey Myers was sworn in to replace Patricia Brunner who had resigned.

PRESENT: Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Joseph Creighton, and Jeffrey Myers.
Also Present: Solicitor Tom Coleman, Engineer Mark Malinowski, and Secretary Ken Palmer.

ABSENT: Joseph Katella.

PUBLIC HEARING

Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9)

Introduction and testimony – Mr. Rainer reviewed the photographs of the site he had submitted. He discussed the survey concerns offering the new survey which shows the revised addition size which has been reduced by one foot to ensure it remains inside the property lines. Mr. Rainer offered that the builder he would be using always hires a surveyor to set the site marks to ensure compliance with the plans. He has received assurances that the amount of runoff from the proposed addition is almost insignificant. However he has made sure that the final design will direct all runoff from the addition to the front of the site and towards the street. The position of the gate at the back of the addition has been added. The mayor asked about maintaining the setback of the addition the same as the addition along Howard Street. It was remarked the steps to the second floor apartment along Howard Street are out to the property line.

Suzanne asked Mark Malinowski to go over his review. Mark stated that he retained the list of missing submission requirements for the board's information and consideration if they should be waived. Mark reviewed the comments section of his report.

- The site plan should be prepared, signed and sealed by a licensed engineer. Suzanne asked if a surveyor was satisfactory in this case. Mark explained that a surveyor identifies the existing conditions on the site while an engineer designs the improvements and a surveyor is not licensed to do that in NJ. In addition Mark stated that discrepancies between the survey and the site plan still exist and need to be rectified as well as the actual setbacks on Howard Street need to be shown on the survey and site plan. The site plan needs to reflect that the existing dimensions were taken from the survey. Mark is still concerned the addition may encroach on the property line. Suzanne inquired that the side and/or front yard setbacks required a variance and Tom Coleman stated very definitely. So does impervious coverage and most likely parking.
- Schedule requirements on the plan need to accurately reflect the NB District. The site plan needs to accurately reflect the square footage of the existing and proposed building as well as provide use details to assist in determining the parking requirements. Muriel asked about the use of the addition to the apartment. Mr. Rainer stated it could be any thing the tenant wished; however, it cannot be designated or used as a bedroom since by code a bedroom cannot be accessed through another room. It must have direct access to a common hallway.
- Details of the proposed roof drainage down pipe including construction need to be added to the plan.
- The location of the existing plastic shed needs to be defined. Mr. Rainer stated the shed will be removed.

- The site plan should clearly show the pavement markings including the signage and markings for the handicapped space. Mr. Rainer stated the proposed number of spaces had been revised to only include those spaces that fully comply with the code thus reducing the total number down to six total, including the two required for the apartment. Spaces removed included those that accommodated a vehicle but the vehicle might encroach slightly on the sidewalk because it was not quite long enough. Mark's comments included that the site itself needs to be re-stripped to properly locate the parking spaces. Muriel stated her concerns about traffic and parking on Howard Street. Muriel asked if the plan was professionally prepared and Mr. Rainer stated no since the cost to retain a professional engineer still resulted in estimates that far exceeded the value to be gained from the changes. The plan was based on the old plan and survey and prepared by Mrs. Rainer. The renderings of the addition were prepared by an architect. Muriel asked about the fire official's concerns regarding too much glass and Mr. Rainer replied he already planned to reduce the amount as needed. Such reduction was not only cost effective for him but probably better served the tenant's use.
- The location of the trash containers needs to be shown.

Board Discussion and Continuance – Suzanne Wells asked Tom if the board had any options and if the issue of professionally engineered plans was that great a concern for this application. Tom Coleman stated that for the board to decide on the materials presented so far was really close to winging it and may leave any decision very open to a challenge. Tom stated there is not enough accurate information on the materials presented to date on which either the board can reliably base its decision or where he feels comfortable advising the board on the variance(s) needed. The setbacks cannot be accurately determined. The parking variance cannot be accurately determined. Tom feels the board is really winging it if it bases a decision on the plans before them. Mr. Rainer feels the board does have the information needed based on the new and old plans. Bob Smyth asked if an engineer could do some of the things needed to accommodate the board's needs without requiring a full blown engineering study. Tom stated that he is concerned that the board needs to be perceived as treating all applicants equally. He also feels the board needs assurances that the things shown and attested to by the architect etc. are truly as represented. Mr. Coleman is concerned that what has been presented would not be suitable for the construction official. There is also concern that the county would not complete its review process based on what has been submitted. The project does require county review because it fronts on Main Street, a county road. Asked if he could recommend moving forward on the matter, Tom stated no and he doesn't recommend that the applicant pursue a decision tonight. If the applicant requests an up or down vote tonight and he is denied, it is game over for the applicant unless he decides to appeal the decision. Tom feels the applicant should consent to a continuance until he can resolve the issues. Perhaps the applicant's professionals and Mark can meet and come to a professional conclusion that any plans submitted fairly and accurately represent what is going to occur. Mr. Rainer feels that his plans provide the details needed to base an accurate decision without requiring what appears to be the substantial costs of retaining a professional engineer. Mark feels he and the board need better assurances that the plan as presented will actually work and that there is accountability if it does not. Suzanne asked Mr. Rainer what he wished to do. Mr. Rainer stated he feels he is at the limits of what he and the tenant feels is worth investing in this small addition. He feels that if the addition is not approved the tenant will be compelled to relocate. Suzanne asked if he was willing to consider a continuance to once again try to address the concerns of the board. Mr. Rainer stated yes, but he isn't convinced he can comply within a reasonable cost to him. Councilman Smyth stated the cost of the engineer concerns him and he urged Mr. Rainer to further pursue securing the perhaps minimal engineering services needed for this plan. Mr. Rainer stated he had approached the local engineering firms to no avail. Muriel stated that like Zena's previous site plan, she does not feel the county would approve the plan as submitted. Suzanne asked for a motion to continue and a motion to grant a continuance at the applicants request was made by Bob Smyth, seconded by Muriel Alls-Moffat, and passed unanimously.

The secretary read the following:

The Planning Board of the Borough of Riverton approves the following resolution at its regular meeting on April 17, 2007:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Joseph Rainer for preliminary and final site plan approval and all related waivers, variances and other as needed to erect an addition on the property at 515 Howard Street (Block 803, Lot 9) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on May 15, 2007.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made. The secretary will have the notice posted as required.

MINUTES: A motion was made by Muriel Alls-Moffat and seconded by Joseph Creighton to adopt the minutes of the March 20, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **4/11/07, 3/30/07, letter to mayor, Council, planning board, and zoning board, from Walter Croft, Chair of the ARC, ARC review and position on Historical Society proposed zoning changes regarding preservation of historic housing stock. Also included TOC for the International Code Council's model Property Maintenance Code. (Board copied)**
2. **3 vouchers/invoices as presented under New Business.**

OLD BUSINESS

Reexamination of the Master Plan – Suzanne stated that Joe had requested that comments be submitted by the end of March. She has no further updates from Joe and suggests the matter be tabled until next month. Suzanne stated a copy of the plan would be procured for Jeff Myers. The mayor stated he feels the board needs to move forward on the project. Suzanne stated she feels there is not too much more to do before it might be ready for formal review and hearing. The mayor stated the board may wish to revisit the apartment over business provision in the NB district. He has heard a number of concerns that the provision should be removed. There was additional discussion on this issue. There have only been two conditional use applications for new apartments over businesses since the conditional use was adopted and made part of the code. The others are pre-existing and were recognized as desirable and should be provided for. Councilman Smyth quoted from the reexamination draft concerning the subject. Muriel stated that if the use is to be continued, she feels they should be designated for COAH use. Suzanne asked that discussion end for this meeting and that everyone should attempt to review the draft document and get comment Joe ASAP. If anyone needs a copy they will be provided one.

Copies of the Master Plan – The secretary reported that there are currently no copies available and the board either needed to approve printing of more or perhaps approve the secretary and Borough Clerk using their own discretion to have them printed as needed to make sure copies are available. Funds are supposed to be in the budget for their printing. Councilman Smyth stated the recent interest was probably generated by the Smart Growth ERI study that references the master plan. The costs were not readily available. The board okayed Mary and Kenny having copies made to meet any requests for copies.

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells reviewed the progress to date. The meeting with the water front home owners was held; however, there was concern that holding the meeting during the day prevented people attending. The committee is currently re-visiting the plans for the meeting in hopes of getting more volunteers involved, rescheduling the meetings for the evenings in order to allow greater attendance and that the waterfront group would be re-invited to attend a session for them. Once dates are sent for all the groups, they will be announced and the groups notified. All the sessions except perhaps the session for senior citizens will be held at night. The town-wide meeting will also be scheduled.

Proposed Revisions to the Zoning Code by the Historical Society – Except for acknowledging that Patricia Brunner had resigned and the need for a new committee chair is needed, and that the ARC report had been received, additional discussion was tabled until next month. The members were urged to review the ARC position paper.

Revision to Sign Ordinance to Allow Sidewalk Signs – The topic was tabled due to Joe Katella’s absence.

Council Matters of Importance to the Board – Councilman Smyth reported that the budget has been adopted and hopefully the school board budget will be approved tonight. A grant has been awarded for a study of the downtown area including redevelopment and parking issues. The County Economic Development and Planning Group represented by Mark Remsa plan to address Council and the public at the next Council workshop on May 2, on the services they can provide to communities. The CVS store is close to opening. A kick-off meeting was held for the Centers of Place Grant which will extend the side walk improvements along Main Street to the municipal parking lot and along Broad Street from Main Street to Fulton. The secretary commented that he was receiving material from the County related to the CVS which addressed him as the construction official for Cinnaminson Township and the granting of a TCO. Since this is obviously incorrect both to the individual as well as the governing municipality, it could impact granting of needed documents. The secretary gave the materials to Keith Wenig who works for Mr. Brandenburger’s firm so he could follow up with the County and Borough officials.

Environmental Commission – Keith Wenig reported that there had not been a meeting since he was appointed. However, he had talked with Michael Robinson and received an update. The Commission’s man effort is still pursuing the widening of the buffer along the Pompeston Creek.

COAH Activity – Muriel stated she had nothing new to report on COAH’s efforts to revise the third round rules. She has received a call from an affordable housing company in Pennsylvania.

ARC Report – Tabled until a new liaison is appointed.

Mandatory Education for Board Members – The secretary reported there was no update on new classes other than previously reported on the possibility of a class in Maple Shade in September. The secretary also briefed the board on his research on class requirements. He had obtained information from the state DCA web page that states the class must be taken one-time only. In addition, for members serving as of July 2006, when the law was enacted, the deadline for taking the course is January 2008.

PUBLIC HEARING

Minor Subdivision Application by Richard J. Suter, 509-511 Main Street to subdivide a portion of Block 803, Lot 7 to sell to Joshua Cooper, 513 Main Street, Block 803, Lot 8.

Introduction and testimony – The vice chair introduced the topic. The secretary and Board Counsel attested that except for a copy of the notice to property owners, the application was jurisdictionally complete and could be heard. The applicants attested that the notice was essentially the same as the notice published in the paper and a copy would be provided. Mr. Coleman stated that this was proper if the board concurred. The board concurred. **(Secretary’s note: said notice has been provided and is okay.)** No members of the board had any conflicts. The applicants were sworn in and described the proposed subdivision. Mr. Suter owns a double lot (6 and 7) and desires to subdivide a section of lot 7 along the property line with lot 8 owned by Mr. Cooper. Mr. Coleman stated that Mr. Suter technically is requesting that the two lots he owns be joined and that he will then subdivide the proposed section to Mr. Cooper. This is because the remainder of lot 7 would be non-conforming after the subdivision. The remaining property is fully compliant with all requirements of the district. Mr. Cooper’s property is currently non-conforming in several of the bulk and setback requirements and he feels the additional property will lessen the non-conformities. Board members had no questions or comments except to state it appeared the application was basically straight forward.

Public comment – A motion was made by Muriel and seconded by Bob Smyth to open the hearing to public comment. There was none and a motion to close the hearing to public comment was made by Muriel and seconded by Jeff Myers.

Deliberation – Following a five minute recess to resolve an apparent discrepancy in the noticing, the hearing resumed. The secretary reaffirmed that all noticing was correct and there was no discrepancy. The vice chair asked if there was any further discussion or concerns from the board. There was none and Tom Coleman was asked to summarize the matter for the board. Tom suggested the board was being asked to approve a minor subdivision of allow subdivision of 933 square feet from lot 7 to lot 8 and that applicants provide the two deeds for review by board counsel and signature by the chair and secretary of the board. The mayor moved that the application be approved as discussed by counsel and the motion was seconded by Muriel Alls Moffat. A poll vote of the seven members eligible to vote passed the motion unanimously (7 to 0) as follows:

Mrs. Wells	aye	Mrs. Moffat	aye
Mr. Wenig	aye	Mr. Martin	aye
Mr. Smyth	aye	Mrs. Lodato	aye
Mr. Creighton	aye		

NEW BUSINESS

Vouchers and Invoices:

1. 4/2/07, Raymond & Coleman, \$400.00, general legal services and March meeting attendance.
2. 4/2/07, Raymond & Coleman, \$301.00, legal advice and services and prepare subdivision resolution during March, regarding 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
3. 4/2/07, Raymond & Coleman, \$238.00, legal advice and services during March, regarding the Rainer, 515 Main Street site plan application. (PAY FROM ESCROW).

A motion was made by the mayor, seconded by Keith Wenig, and passed unanimously to pay the items as presented. The board secretary will have them signed and submitted for payment.

Riverton Borough Bicycle & Pedestrian Plan Study – Councilman Smyth reported that the scope document had been received and the kick-off meeting of the steering committee would be held May 2, in the Fire Hall meeting room. There will eventually be some planning board input; but not at present.

PUBLIC COMMENT – Muriel motioned, the mayor seconded and the meeting was opened to public comment:

- Richard Suter, 509 Main Street, is concerned about traffic on Fulton Street when the CVS store opens. He feels there will be an increase in traffic on Fulton and feels that Fulton between Broad and 5th Streets should be designated no parking. It was explained that this is a police/Council matter. Keith Wenig added that perhaps Mr. Suter's concerns were based on the current high volume connected with stocking the store which will not exist on an ongoing basis.
- Don Deitz, 304 7th Street, reviewed four paragraphs from the Master Plan which he feels are being short changed or being ignored concerning protecting and preserving the character of the town. He feels there is too much connectedness among board and Council people and the folks who are asking for changes.
- Scott Gutman, 425 Elm Avenue, is concerned about the amount of traffic on Elm and speeding. It was explained that this was a police/Council issue. Suzanne also referred him to the Drive 25 Campaign. The bicycle and pedestrian study will probably also address these types of issues.

There was no further comment and Muriel motioned and the mayor seconded that the meeting be closed to public comment.

Meeting adjourned at 9:15 PM.

**Next meeting is on 5/15/2007 at 7:00 pm in the Borough Hall.
Tape is on file.**

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
May 15, 2007**

The Public Session of the Planning Board was called to order at 7:05 PM by Chairman Joseph Katella.

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

PRESENT: Joseph Katella, Suzanne Wells, Mayor Robert Martin, Councilman Robert E. Smyth, and Mary Lodato.

Also Present: Solicitor Tom Coleman, Planner Tamara Lee, and Secretary Ken Palmer.

ABSENT: Muriel Alls-Moffat, Keith Wenig, Joseph Creighton, and Jeffrey Myers.

PUBLIC HEARINGS

Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9)

Request for Continuation – The secretary reviewed the telephone call he received from Mr. Rainer asking that the board grant him a continuance while he pursued his work regarding professional assistance on his application. He also conveyed to the secretary that he did wish to move forward on his application. The chair asked if there was any discussion and asked for a motion to continue. There was no discussion and a motion to grant a continuance at the applicants request was made by the mayor, seconded by Suzanne Wells, and passed unanimously.

The secretary read the following:

The Planning Board of the Borough of Riverton approves the following resolution at its regular meeting on May 15, 2007:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Joseph Rainer for preliminary and final site plan approval and all related waivers, variances and other as needed to erect an addition on the property at 515 Main Street (Block 803, Lot 9) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on June 19, 2007.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made. The secretary will have the notice posted as required.

Minor Subdivision Application by Riverton Square LLC, of 2 and 4 Thomas Avenue, Block 204, Lots 12 & 13 to create two equally sized lots with a side yard setback variance for a detached garage in the rear yard.

Introduction and testimony – The chair introduced the topic. The secretary and Board Counsel attested that except for a copy of the proof of current taxes paid, the application was jurisdictionally complete and could be heard. The applicant attested that the proof would be provided. Mr. Coleman stated that this was proper if the board concurred. The board concurred. The mayor stated he must recuse himself as a notified property owner and stepped down. David Oberlander of Flaster Greenburg, attorney for the applicant, described the need for the application to join the two lots and then subdivide them into two equal parcels. Two new single family homes will be constructed on the lots. The lots are fully conforming for the residential district in which they are located.

In addition the applicant is seeking a side yard variance to erect a detached garage in the rear yard on each site that will be closer to the side yard line than the ten feet required by the code. Mr. Brandenburger, the applicant was sworn in and described the proposed construction and the need for the variance for the garages. They are asking for a four-foot side yard setback which complies with building codes and is in keeping with the character of most existing detached garages in the area. Mr. Smyth asked about a fence shown on the plan and it was explained that the fence was on an adjoining property. Board members confirmed that the lots were compliant for lot coverage, that the application was a reconfiguration of the lot lines to make the lots equal in size and that the bulk variance was being requested to locate the detached garage closer than the code currently permits. The lots and proposed construction will comply with all other bulk requirements in the zone. Board members had no questions or comments except to state it appeared the application was basically straight forward except for the side yard bulk variance.

Public comment – A motion was made by Suzanne Wells and seconded by Bob Smyth to open the hearing to public comment. All members of the public who commented were sworn in prior to commenting.

- Ellen DiPiazza, 4632 Cronin Dr., Sarasota FL, used to reside in Riverton and wanted to know why the garages were so far back from the residences. Jim explained that he wished to maintain the character of the homes with garages in the area and to allow sufficient access to the back yard.
- Townsend Wentz, 201 Bank Ave., wanted to know what the set back requirements were for a garage and what exactly Jim was planning and requesting. Jim explained.

There was no further comment the hearing was closed to public comment.

Deliberation – The chair asked if there was any further discussion or questions from the board. Suzanne feels it is a positive aspect to have a detached garage. She also feels the requested side yard setback of the garage is in keeping with the character of the area. Joe asked and received an answer as to the style of the planned homes. The only sticking point so far is the projected property taxes causing some reluctance to purchase. Bob Smyth asked if a design had been considered to have the garages on the two sites adjacent to each other and Jim explained that he was trying to maintain as much separation of living between the two properties. There was concern raised that the proposed driveway for one of the lots might have a tree in the way. Jim testified that he had no plans to request removal of Borough trees and that the location of the drive would be located to ensure the trees were not disturbed. The chair asked if there was any further discussion or concerns from the board. There was none and Tom Coleman was asked to summarize the matter for the board. Tom suggested the board was being asked to approve a minor subdivision to permit realigning the lot line between the two lots to create two conforming lots of approximate equal size and to grant a side yard bulk variance for each lot to locate the detached garages in the rear yard of the sites four feet from the side yard property line where 10 feet is required, conditioned on the applicant providing the required proof of taxes, the applicant obtaining all other approvals needed, the payment of all affordable housing fees associated with new residential construction, and the plan be corrected to state the correct allowable lot coverage bulk requirement. Jim stated that he thought affordable housing fees were not associated with subdivision but part of the normal construction process. Tamara stated that a development fee is part of the construction permit process. Joe stated that the reference to the fees while recognized as not directly related to subdivision would serve in the resolution of approval as a reminder to the construction code officials that development fees need to be collected. Suzanne Wells moved that the application be approved to grant the minor subdivision as defined, that the side yard bulk variance be granted and that all conditions as discussed be met. The motion was seconded by Joseph Katella. A poll vote of the four members eligible to vote passed the motion unanimously (4 to 0) as follows:

Mr. Katella	aye	Mrs. Wells	aye
Mr. Smyth	aye	Mrs. Lodato	aye

MINUTES: A motion was made by Councilman Smyth and seconded by Suzanne Wells to adopt the minutes of the April 17, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **4/17/07, copy of letter from Dorothy Guzzo, Deputy State Historic Preservation Officer to project engineer for Broad Street Enhancement Project signing off that there is no adverse impact on the historic district by plans received by them for review on 9/14/06.**
2. **May 2007, announcement from ANJEC of the state's new interactive environmental mapping tool "i-MapNJ" that is a free on-line tool on the DEP page of the state's web site.**
3. **5/11/07, certified notice from Borough of Palmyra Planning Board that a meeting will be held 5/21/07 at 7:30 PM to consider changes to their Stormwater Management Plan Ordinance.**
4. **1 voucher/invoice as presented under New Business.**

OLD BUSINESS

Adopt and Memorialize Resolution P2007-05 on the Approval of the Minor Subdivision Application by Richard J. Suter, 509-511 Main Street to subdivide a portion of Block 803, Lot 7 to sell to Joshua Cooper, 513 Main Street, Block 803, Lot 8 – Tom Coleman reviewed that the resolution before the board has been reviewed by the applicant and his attorney and is acceptable to them. The chair asked if the board had any comments or questions on the resolution and if not he would entertain a motion. There was no discussion and a motion was made by the mayor and seconded by Councilman Smyth to adopt and memorialize the resolution referenced by title. A voice vote of the four members eligible to vote on the matter approved the motion unanimously.

Reexamination of the Master Plan – The chair reviewed that Tamara had made changes suggested by the members and submitted a "marked up" copy for the boards' final review. Tamara stated that the board and its committee had done the bulk of the work. She reviewed the scope of the changes as well as the structure of the report. Joe asked what the next steps are. Tamara stated that once the board is satisfied that the report is complete, the board needs to conduct a public hearing on the report and hopefully adopt it and forward it to required parties along with the requisite resolution that the report has been made part of the master plan. Council has no action on this. The changes were reviewed in detail and several additional, mostly minor and related to the desired wording, changes were discussed and agreed to. The report was also updated to reflect current grant and redevelopment efforts. There being no further discussion, a motion was made by Joe Katella, seconded by Suzanne Wells that the report as amended tonight be prepared and made available for public review and that a public hearing on the report be held as the first topic of business at the board's June 19th meeting. The vote in favor was unanimous. Tom Coleman stated he would provide the appropriate wording of the notice as well as those who needed to be notified by certified mail to the secretary. Tamara stated she would have the revised report available within a week.

Smart Growth Grant/Environmental Resource Inventory study – Tamara distributed CD's of the draft of the plan completed to date. The wording is essentially complete and some exhibits are still needed. Tamara reviewed the layout of the study and encouraged comments. Suzanne Wells reviewed the progress to date on the public meetings. Suzanne and Bob Smyth stated that any and all help could be used in pulling together the public meetings. Several groups and individuals have offered to help and additional assistance is welcome. The dates of the meetings are still to be determined. Tamara feels the timeline for completing the project is still doable. While there may be some slippage, Tamara feels that nothing is in jeopardy as long as progress is demonstrated.

Proposed Revisions to the Zoning Code by the Historical Society – The chair asked and it was agreed that appointment of a new chair for the committee be tabled until next month. The chair also stated that this will be a long term effort and he feels work on it should be tabled until the reexamination effort is concluded. Bob Smyth referred to a press release by the NJ Preservation Group (preservationnj.org) that annually identifies the top ten endangered sites in the state. This year, the "Biddle Mansion" on Bank Avenue was included.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair stated he had nothing to report and that he wished to see the conclusion of the reexamination effort before this project was tackled further.

Council Matters of Importance to the Board – Councilman Smyth reported that the CVS store is opened and an official grand opening event is scheduled for the upcoming weekend. He reported on the status of various grant efforts underway. Bob also encouraged participation in the upcoming Victorian Day on June 2nd. There is an effort underway to restore and upgrade the War Memorial.

Environmental Commission – The report was tabled due to Keith Wenig's absence.

COAH Activity – Bob Smyth reported that the training class for Municipal Liaison Officers was full and he will attend the next one. There was no other report due to Muriel Alls-Moffat's absence.

ARC Report – The chair stated that if the board concurred, he would like to combine the ARC liaison position with the same individual who will head the historic preservation ordinance review committee. The board concurred and the topic was tabled until next month.

Mandatory Education for Board Members – The secretary reported that the books ordered were in and had been distributed. He further reviewed that there was nothing new on the next schedule of the required course offerings.

Copies of the Master Plan – The secretary reported that he had spoken with Mary Longbottom and she had contacted Deb Lengyl for an update on her firm's estimate to provide reprints. Councilman Smyth stated that there is renewed interest by Council members in having a copy.

NEW BUSINESS

Vouchers and Invoices:

1. 5/1/07, Tamara Lee Consulting, LLC, \$135.00 for work on the conservation easement for the 815 Homewood Drive minor subdivision. (PAY FROM ESCROW)

A motion was made by Suzanne Wells, seconded by the mayor, and passed unanimously to pay the item as presented. The board secretary will have it signed and submitted for payment.

PUBLIC COMMENT – The mayor motioned, Suzanne Wells seconded to open the meeting to public comment:

- Tom Ehrhardt, attorney for the applicant of the 815 Homewood Drive minor subdivision updated the board on the ongoing efforts to develop a suitable conservation easement which was made a condition of approval of the minor subdivision. Jim Brandenburger, 203 Thomas Avenue, is the contract purchaser of the new lot once it is officially registered. Jim, who plans to erect a home and sell it, has been trying to work out the language of the easement that resolves the problems he sees with strict adherence to the guidelines that appear to be intended in the adopting resolution. Mr. Brandenburger feels he needs additional width to the allowed access opening for proper vehicle ingress and egress. He is also concerned about the irregular spacing of the bushes and the location of the access. The board and its counsel agreed that the width of the opening is certainly open for interpretation to ensure that it provides for safe sight lines. However, the approval does specify that the opening be restricted to a single width driveway entrance. Any deviation would require that the applicant appear before the board at a public hearing to request that the approval be amended. While preference of the location of the access was alluded to during the hearing the final location is flexible enough to ensure that destruction of the bushes is minimized, the developer can reasonably maximize the placement of the drive and house, and that sufficient sight lines and accepted location relative to intersections is permitted. Jim is also concerned that the language of the easement while doing everything possible to ensure preservation of the hedge is not too onerous. He and Mr. Ehrhardt wondered if the easement should have an expiration date. Tamara Lee stated that her research showed that the type of tree is very disease resistant and long lived. Further, the species is not irreplaceable. While replacements may not be commonly available and perhaps pricey; nevertheless they are available. Tamara also feels the easement must contain sufficient language to discourage destruction and insure preservation. The chair commented that while the sight line issues are valid and should be provided for, the public concern for preservation was the basis for the easement requirement and any significant deviation cannot be entertained without a new public hearing. He feels the board has

confidence in its planner to hopefully resolve the differences between Jim and the intent of the resolution. Jim stated he was glad to hear that the hedge is not irreplaceable and it changed some of his concerns about the language of the easement and he would continue to work with the applicant/seller and with Tamara. Asked by a board member about transplanting the bushes that need to be removed, Jim replied that he had considered that; however, he had been advised by a landscape professional that the intertwining of the long established root systems made separation essentially impossible to guarantee a sustainable bush could be relocated.

- Eric Saia, 401 Martha's Lane, commented that he thinks it is possible to purchase, at a very reasonable charge, a rider to a homeowner's insurance policy that provides coverage for the cost of replacing the hedge if needed. The board concurred that sounded like a very good idea.

There was no further comment and the meeting was closed to public comment.

Meeting adjourned at 8:50 PM.

Next meeting is on 6/19/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
June 19, 2007**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella.

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

PRESENT: Joseph Katella, Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, and Jeffrey Myers.

Also Present: Solicitor Chuck Petrone, Planner Tamara Lee, and Secretary Ken Palmer.

ABSENT: Mary Lodato and Joseph Creighton.

PUBLIC HEARINGS

Application by Gary Ford, 311 Bank Avenue, (Block 304, Lot 9), for a Minor Subdivision with variances

The chair, Mr. Petrone, and the secretary reviewed that the application could not be heard before the planning board because the subdivision requires a use variance as an existing nonconforming use (it is a multi-family apartment building). Case law has determined that subdividing the property is considered an expansion of a nonconforming use which requires a use variance. Use variances can only be heard by the zoning board. Mr. Ford has been informed of this and it is up to him to decide if he wishes to modify his application and go before the zoning board.

Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9)

Request for Continuation – The secretary reviewed that he had he received a telephone call from Mr. Rainer asking that the board grant him a further continuance. He has retained an engineer; but has not been able to get the plans from him. He had again expressed to the secretary that he still wishes to pursue the application and will file the plans as soon as he receives them. Muriel asked how many continuances he has received. It was explained he had re-noticed the last time he appeared. Mr. Petrone suggested it would be appropriate for the board to grant the continuance with the understanding that if he is not prepared for the next meeting he will have to re-notice any further continuances. There was no further discussion and a motion to grant a continuance at the applicants request was made by the mayor, seconded by Suzanne Wells, and passed unanimously.

The secretary read the following:

The Planning Board of the Borough of Riverton approves the following resolution at its regular meeting on June 19, 2007:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Joseph Rainer for preliminary and final site plan approval and all related waivers, variances and other as needed to erect an addition on the property at 515 Main Street (Block 803, Lot 9) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on July 17, 2007.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made. The secretary will have the notice posted as required.

Public Hearing on the Required Reexamination Report of the Borough's Master Plan

Introduction and testimony – The chair introduced the topic. The secretary and Board Counsel attested that all required noticing to adjacent municipalities and the county had been completed and the required notice had been published correctly. The chair introduced Board Planner Tamara Lee and asked her to conduct the review. The chair asked if the board had any comments or questions before Tamara began. Councilman asked and received clarification on the timing of the reexamination and the timeline. Tamara stated she would present the report to the public and after public comment the board would deliberate. If there were no revisions or only minor changes, the board could move to adopt the report tonight. If there were substantial changes, the report would need to be revised and another public hearing held. Once adopted the report becomes an amendment to and part of the Master Plan. Tamara explained the legal requirements and time frames for conducting the review. Following the review, the board can either prepare a report containing the findings and recommendations or it could rewrite the plan. The board had decided to issue a reexamination report. Tamara proceeded to review in detail the structure and contents of the report as well as the recommendations contained in the report. The report reviews element by element of the plan what has occurred since the plan was adopted, changes that have occurred, and recommendations for the future. The primary areas for future work are to review and remove inconsistencies that exist in the Borough's codes and the ongoing effort to help the Borough meet its COAH obligations for affordable housing.

Public comment – A motion was made by Muriel Alls-Moffat and seconded by Suzanne Wells to open the hearing to public comment. All members of the public who commented were sworn in prior to commenting.

- Debra Weaver, 103 Penn Street, asked about the subdivision of 311 Bank Avenue. The reasons the hearing did not occur were explained and that the same forms of notification would occur if the applicant chooses to bring the application before the zoning board.
- Maryanne Shea, 205 Bank Avenue, inquired about affordable housing especially rentals. The levels of affordable housing, the qualifications that must be met, how rents are a percentage of the renter's income, the incentives that might be afforded the landlord, and the need for the deed restriction that must remain for up to 30 years. Suzanne Wells asked if the deed restriction was for the entire building or only the unit designated as an affordable unit. Tamara explained that only the designated unit(s) was deed restricted and that the term does not start over if the renters change. The restriction is on the unit for the time designated. Councilman Smyth asked about condominiums if the town would decide to permit them and any of the larger apartment buildings were changed to condominium units. Tamara explained that the situation is similar. The deed restriction only applies to units designated as affordable housing and that the selling price of the units is restricted.

There was no further comment and Muriel Alls-Moffat motioned and Suzanne Wells to close the hearing to public comment.

Deliberation – The chair asked the members if based on the public comment there was any further discussion or questions from the board or if the board was prepared to move on the adoption of the report. Muriel stated that she had heard and she also is concerned that the objective allowing apartments over businesses in the Neighborhood Business zone was in direct contradiction to the goal of discouraging further conversions of homes to apartments. She feels there are too many apartment units already and conversions should be discouraged throughout the town. Personally she feels the allowance in the NB zone should be removed. Tamara explained how the planning policy can be changed. Suzanne and Bob Smyth asked if statements need to be in the report. Tamara reviewed that a statement doesn't have to be specific to the goals and objectives; but can be of a general recommendation. Muriel is concerned that until changes are made there is no way to prevent the conversions. It was explained that each conditional use is decided strictly on the merits of the site. Tamara said a statement can be added that conversions should be deterred or the existing number should be reduced. Tamara stated the board can craft an ordinance revision and recommend it Council or that Council can request the board consider changes. Tamara asked if the board wished to modify the report concerning Goal Two/Objective Two and its position regarding apartments. She suggested that language could be added that states the objective is to limit new conversions. Chuck suggested that the conditions to warrant a conditional use approval can be bolstered. Joe stated he liked the idea of wording that uses limiting rather than deterring. Tamara stated that if the board concurs she can make what can be considered minor changes to the report which will reflect the feelings of the board

toward this subject. Bob Smyth commended the efforts of the board and Tamara to bring this report to a conclusion. The chair stated that he would still like to conclude the process tonight and if the board might consider approving the report as presented with the minor changes discussed. Muriel Alls-Moffat motioned and Councilman Smyth seconded that the board adopt the reexamination report as amended at the meeting and that all requirements to memorialize the action. A poll vote unanimously (7 to 0) approved the motion to adopt the report as follows:

Mr. Katella – aye Mrs. Wells – aye Mrs. Alls-Moffat – aye Mr. Wenig – aye
Mr. Martin – aye Mr. Smyth – aye Mr. Myers – aye

The chair commended everyone for their efforts. Tamara and Chuck stated they would prepare and forward the resolution and report as soon as possible. The secretary stated that he would take care of publishing and mailing the required notice of the adoption. When the resolution and revised report are received, the resolution will be signed and both documents will be distributed as required.

MINUTES: A motion was made by Suzanne Wells and seconded by the mayor to adopt the minutes of the may 15, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 6/6/07, copy of Meeting Minutes for May 31, 2007 River Route Advisory Committee meeting.
2. 6/13/07, letter from Ed Schaefer, Borough Construction Official, requesting board review of the demolition permit for the carriage house at 103A Main Street. Mr. Schafer states the property is in a deteriorated condition and recommends demolition be approved. Councilman Smyth asked if the owner needs to make a formal notice to appear before the board. It was stated that the permit is requested from the construction official and then reviewed by the board. The secretary stated he had not received a request from the homeowner to be on the agenda and had advised the homeowner to appear tonight and bring up the matter during public comment.
3. 7 vouchers/invoices as presented under New Business.

OLD BUSINESS

Adopt and Memorialize Resolution P2007-06 on the Approval of the Minor Subdivision Application by Riverton Square LLC, of 2 and 4 Thomas Avenue, Block 204, Lots 12 & 13 to create two equally sized lots with a side yard setback variance for a detached garage in the rear yard – Suzanne Wells motioned and the mayor seconded that the board adopt the resolution referenced by title. There was no discussion and a voice vote of the members eligible to vote on the matter approved the motion unanimously.

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells updated the board on the progress to schedule and hold the series of public meetings. She commended the volunteers helping her coordinate the meetings and distribute the flyers. Suzanne reviewed the number of meetings and target audience for the specific meetings and the fact that a town wide meeting will also be held.

Proposed Revisions to the Zoning Code by the Historical Society – The chair stated he would like to combine the chair of any committee for this topic along with the liaison to the ARC. Both activities need a new chair following Mrs. Bruncker's resignation. The mayor asked if the consensus of the board was that it did not wish to move the topic forward. The chair stated that he did not feel the board has not yet done due diligence in reviewing the report from the ARC and examining the proposal from Mrs. Bruncker. Suzanne agreed the board needed to conduct a thorough review before making a decision on the matter. Muriel asked if the board feels the scope of the ARC should be expanded as recommended in the proposal or if the ARC is prepared willing to take on the responsibilities. It was agreed that the board was getting ahead of itself until a more thorough review has been completed. The chair stated he would accept responsibility for getting the proposal reviewed. He feels it is less important that the board has a formal liaison with the ARC. He will put together an action list and the first discussion can occur at the next meeting.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair stated he had nothing to report this month and that he would work on the topic now that the reexamination of the master plan has concluded.

Council Matters of Importance to the Board – Councilman Smyth and the mayor reported on the various grant related activities being pursued and/or awarded. Bob Smyth reported that Muriel Alls-Moffat has accepted the position of Municipal Housing Liaison and that he would be a member of the committee. The mayor reported on the efforts of the horn abatement committee to seek assistance from State Senator Dianne Allen seeking relief from the increased horn noise from the NJT River Line trains. There is a petition that residents can sign in support of this initiative. The Peace Pole will be erected in the park at Eighth and Cedar Streets. State Senator Dianne Allen was able to assist in getting approval for the Horners to construct a straight line alignment and tie in their river wall reconstruction with the Borough's rather than having to follow the existing erosion line.

Environmental Commission –Keith Wenig reported on the activity to educate the town on the impact of herbicide and pesticide use on the watershed and environment friendly alternatives. The commission is also supporting efforts to increase the buffer zone along the Pompeston Creek watershed. The commission will also review the draft ERI study.

COAH Activity – Muriel reported on the Affordable Housing Committee and the town members that are part of the committee. She reported on a meeting with Donald Garfinkle of Eldon a developer of low and moderate income housing and his ideas regarding the “gut and rehab” approach to providing affordable condos and rentals. Muriel had taken him on a tour of what she considers some of the prime candidates of properties in need of rehabilitation. Muriel stated that recent census data indicated that the Borough has 134 rental units. Tamara stated that COAH considers “gut & rehab” as new construction rather than just rehabilitation which is beneficial to the town meeting its COAH obligation.

ARC Report – Tabled.

NEW BUSINESS

Vouchers and Invoices:

1. 4/19/07, Stout & Caldwell, \$1,062.50, engineering services and meeting attendance during March and April regarding Rainer, 515 Main Street site plan application. (PAY FROM ESCROW)
2. 5/4/07 Raymond & Coleman, \$400.00, general legal services and April meeting attendance.
3. 5/4/07, Raymond & Coleman, \$98.00, legal advice and services during April regarding Rainer, 515 Main Street site plan application. (PAY FROM ESCROW)
4. 5/4/07, Raymond & Coleman, \$119.00, legal advice and services during April regarding Greco, 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
5. 5/4/07, Raymond & Coleman, \$84.00, legal advice and services & prepare subdivision resolution during April regarding Suter/Cooper 509 & 513 Main Street minor subdivision application. (PAY FROM ESCROW)
6. 6/3/07, Tamara Lee Consulting, LLC, \$180.00, planning services during May regarding Greco, 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
7. 6/3/07, Tamara Lee Consulting, LLC, \$552.50, planning services during May regarding master plan reexamination report.

A motion was made by Suzanne Wells, seconded by Muriel Alls-Moffat to accept the invoices as presented. There was discussion that the charges from Stout & Caldwell seemed excessive as well as concern that their contract stated there would not be a charge for attending meetings. Joe stated that he would like to hold approval of this invoice and he would follow up with them. Suzanne Wells amended her motion and the mayor seconded, and it was passed unanimously to pay the items as presented except the invoice from Stout & Caldwell. The board secretary will have them signed and submitted for payment.

PUBLIC COMMENT – Suzanne Wells motioned and the mayor seconded to open the meeting to public comment:

- Teresa Larson, 103 Main Street, has applied for a demolition permit to demolish the 127 year old carriage house on her property after removing the cupola and weather vane. She reviewed the history of the building which is the only part of the original Biddle estate that remains. She stated that she has made numerous attempts over many years to secure aid in preserving the structure but none is available for privately owned structures. The building is in a serious state of disrepair. The secretary reviewed the letter from the construction official attesting to the state of the building and his recommendation that the board approve the permit. Teresa reviewed a letter from the construction official from 1986 that even at that time stated the cost of rehabilitating the structure far exceeded the cost to demolish. She plans to repair the cupola and weather vane and use them on her garage. She had offered the building to the Historic Society; but they had declined due to lack of parking and the lack of funds to rehabilitate the structure. It cannot be moved without deconstructing the entire building. She would like to make a provision if possible that the weather vane not leave the town. Hank Croft of the ARC commented that they also support her permit and that at least 3 or 4 years ago the ARC had deemed the building too far gone to save. Today it his opinion that the condition is even worse and could be deemed in danger of collapse. Only the cupola and weather vane have any architectural significance and are worth preserving. Joe Katella stated he would like to thoroughly research the code before approving the permit and asked if the board would consider postponing a decision until the July meeting. The board and Mrs. Larson concurred and the decision is tabled until the July meeting.
- Maryanne Shea, 205 Bank Avenue, asked if the reexamination report is on the Borough web site and she was told it is. She asked if the report recommends that the inspection of apartments. She was told it is an existing part of the plan and is not being changed. She asked if there were particular buildings that prompt this need and why the existing regulations are not being enforced. Muriel commented that stepped up enforcement of the existing regulations are underway. Joe suggested that if violations are found they should be reported to the code enforcement officer. Maryanne stated that complaints are not made due to fear of possible reprisals. Tamara stated that she thought that the law permits the person reporting a possible violation to remain anonymous.
- Debra Weaver, 103 Penn Street, asked about the zoning map being put on the website. It was commented that it was being looked into.

There was no further comment and Muriel Alls-Moffat motioned and Jeff Myers seconded to close the meeting to public comment.

Meeting adjourned at 9:12 PM.

Next meeting is on 7/17/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
July 17, 2007**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella.

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

PRESENT: Joseph Katella, Suzanne Wells (arrived after the vote on Mrs. Larson's demolition permit), Muriel Alls-Moffat, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Joseph Creighton, and Jeffrey Myers.

Also Present: Solicitor Tom Coleman and Secretary Ken Palmer.

ABSENT: Keith Wenig.

MINUTES: A motion was made by the mayor and seconded by Muriel Alls-Moffat to adopt the minutes of the June 19, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 6/27/07, copy of memo and registration form from Burl. County. Chamber of Commerce regarding the Quarterly Economic Development Forum, "The River Route Corridor," Tuesday, July 24, 2007, at A Touch of Class, Delran, NJ.
2. 6/26/07, copy of the "Mayor's Fax Advisory" bulletin from the NJLM regarding Affordable Housing 3rd Round Challenges – copies were provided to all members.
3. 14 vouchers/invoices as presented under New Business.

PUBLIC HEARINGS

Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9)

Request for Continuation – Note, this topic was discussed in the middle of old business following consideration on Mrs. Larson's demolition permit for the carriage house on her property at 103 Main Street. Mr. Rainer was present and reviewed his efforts to secure the revised plans from his engineer. He is requesting an additional continuation. The secretary reviewed the deadlines for submitting materials to be reviewed. The chair stated he and the board appreciated Mr. Rainer appearing in person to explain the delays. There was no further discussion and a motion to grant a continuance at the applicants request was made by the mayor, seconded by Jeff Myers, and passed unanimously. The secretary read the following:

The Planning Board of the Borough of Riverton approves the following resolution at its regular meeting on July 17, 2007:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Joseph Rainer for preliminary and final site plan approval and all related waivers, variances and other as needed to erect an addition on the property at 515 Main Street (Block 803, Lot 9) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on August 21, 2007.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made. The secretary will have the notice posted as required.

OLD BUSINESS

Demolition Permit for Teresa Larson, 103 Main Street – The chair reviewed that last month Mrs. Larson had requested the board review and approve the demolition permit to demolish the carriage house on her property. The chair asked if any members had comments and if they had visited the site. Muriel stated that she had visited the property and had to unfortunately concur that the condition of the carriage house was probably too far deteriorated to be saved. Bob Smyth asked again if there was any possible chance to save the building by having someone take it over and/or move it. Mrs. Larson, reviewed attempts to secure preservation funds which are not available to private property owners. She also reviewed attempts to donate the building and the inability to find an organization that would take over the building and remove it from her property. The need for ARC review and approval was discussed and the fact that the permit had been signed by Hank Croft of the ARC was deemed sufficient for ARC approval. After discussion regarding procedural issues regarding the permit, the chair asked if there was any further discussion or if a motion regarding the permit was forthcoming. The mayor stated he felt that Mrs. Larson had made a good faith effort to preserve the building; but, it is an undue burden to compel Mrs. Larson to expend considerable sums to try and preserve the building given its deteriorated condition. The mayor motioned to grant the demolition permit and the motion was seconded by Muriel Alls-Moffat. A poll vote unanimously (7 to 0) approved the motion to approve the permit as follows:

Mr. Katella – aye Mrs. Alls-Moffat – aye Mr. Martin – aye
Mr. Smyth – aye Mrs. Lodato – aye Mr. Creighton – aye
Mr. Myers – aye

The secretary will prepare a memo to the construction official of the board's decision.

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells updated the board on the progress to schedule and hold the series of public meetings. A meeting for several of the targeted audiences was held June 29. Two more targeted meetings are to be held before the general meeting. Dates for the meetings were not yet decided. Suzanne feels the town wide meeting will probably occur in September.

Proposed Revisions to the Zoning Code by the Historical Society – The chair stated he still wishes the board to discuss the Mrs. Bruncker's proposal especially in light of the comments prepared by the ARC and the board's preliminary recommendations on the proposal. He has promised the ARC that their comments would receive careful consideration by the board. The chair requested that this be the first order of old business next month.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair stated he was not yet prepared to present the committee's activities except to report that work is continuing and he hopes to have a more definitive report next month.

Council Matters of Importance to the Board – Councilman Smyth and that Council has adopted the ordinance establishing the COAH mandated Municipal Housing Liaison position and it will be filled by Muriel-Alls-Moffat. Bob commented on recent print articles profiling development activities in the Borough. Bob provided additional detail on the Burlington County Chamber of Commerce Quarterly Economic Development Forum, "The River Route Corridor." Bob reported that Mr. Turley's had withdrawn his proposal regarding artist studio/residences in the NB District. Comments are due from the Environmental Commission on the proposal to expand the buffer zone along the Pompeston Creek. The mayor reported on meetings held with State Senator Dianne Allen regarding attempts to lessen the impact of the horn blowing by the River Line trains. There will be a meeting at Palmyra Borough Hall on Monday, August 6, at 7:00 PM with representatives from the Federal Railway Administration as well as NJ Transit's River Line operations. Some preliminary possible suggestions were discussed; and the mayor and Bob emphasized that only issues that maintain/improve safety will be considered by the town.

ARC Report – The chair stated this topic will be dropped as an agenda item and included as their activity impacts or is related to zoning code changes.

Environmental Commission – This topic was tabled due to Keith Wenig’s absence.

COAH Activity – Muriel reported that there doesn’t appear to be any immediate solution to the continued challenges to COAH’s third round rules; however, the Affordable Housing Committee will be prepared to do its part to make sure the Borough is not caught short by the revised regulations when they are finally adopted. The committee has held its first meeting and Muriel provided the names of the volunteers. Muriel discussed the preliminary list of seven properties/sites that may be suitable for COAH rehabilitation use.

Copies of the Master Plan – the secretary reported that he understands that an estimate is still forthcoming on re-printing the plan. The board recognizes the need for copies of the plan and stated research is needed on trying to get the plan on the website.

NEW BUSINESS

Vouchers and Invoices:

1. 5/16/07, Stout & Caldwell, \$1,062.50, engineering services during March and April regarding Rainer, 515 Main Street site plan application. (PAY FROM ESCROW) ((ITEM HELD FROM JUNE MEETING!!))
2. 6/4/07 Raymond & Coleman, \$420.00, general legal services and May meeting attendance.
3. 6/4/07, Raymond & Coleman, \$189.00, legal advice and services during May regarding Greco, 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
4. 6/4/07, Raymond & Coleman, \$70.00, legal advice and services & prepare subdivision resolution during May regarding Suter/Cooper 509 & 513 Main Street minor subdivision application. (PAY FROM ESCROW)
5. 7/2/07, Tamara Lee Consulting, LLC, \$225.00, planning services during June regarding Greco, 815 Homewood Drive minor subdivision conservation easement. (PAY FROM ESCROW)
6. 7/2/07, Tamara Lee Consulting, LLC, \$152.50, planning services during June regarding master plan reexamination report public hearing. (Note: Tamara only billed \$152.50 for the time since the rest – \$60.00 was in excess of the contract limit.)
7. 7/2/07, Tamara Lee Consulting, LLC, \$90.00, planning services during June regarding Third Round COAH Certification and conferences with COAH housing developer.
8. 7/2/07, Tamara Lee Consulting, LLC, \$45.00, planning services during June regarding Brandenburger, 2 & 4 Thomas Avenue minor subdivision lot realignment. (PAY FROM ESCROW)
9. 7/2/07, Tamara Lee Consulting, LLC, \$315.00, planning services during June regarding Ford, 311 Bank Avenue minor subdivision with use variance. (PAY FROM ESCROW)
10. 7/5/07, Raymond & Coleman, \$35.00, general legal services regarding the Master Plan Reexamination Report resolution.
11. 7/5/07, Raymond & Coleman, \$56.00, legal advice and services during June regarding Ford 311 Bank Avenue, minor subdivision application. (PAY FROM ESCROW)
12. 7/5/07, Raymond & Coleman, \$400.00, legal advice and June meeting attendance.
13. 7/5/07, Raymond & Coleman, \$70.00, legal advice and services during June regarding Greco, 815 Homewood Drive minor subdivision application. (PAY FROM ESCROW)
14. 7/5/07, Raymond & Coleman, \$175.00, legal advice and services during June regarding Brandenburger, 2 & 4 Thomas Avenue minor subdivision application. (PAY FROM ESCROW)

The chair commented that he hasn’t received an answer to the concerns with the Stout and Caldwell invoice and approval should be held on that invoice. There was no discussion on the other invoices and Suzanne Wells motioned and the mayor seconded, and it was passed unanimously to pay the items as presented except the invoice from Stout & Caldwell. The board secretary will have them signed and submitted for payment.

Purchase NJPO Planning and Zoning Books for non members – The secretary reported that a Council member had requested a copy of the book and an extra copy had been found and supplied. The board is being asked to consider purchasing additional books for new members and other requests. The secretary commented that if a departing member does not return the book, a new copy can be purchased with little lead time or when the new member took the required course. The opinion of the board was to only order copies if they were needed and not in advance.

422 Lippincott Avenue – Muriel commented that she has heard that the deteriorated property at 422 Lippincott is now vacant. This property has been the subject of efforts to have it maintained and Muriel is concerned that it does further deteriorate.

PUBLIC COMMENT – Suzanne Wells motioned and Joseph Creighton seconded to open the meeting to public comment:

- Cynthia Brooks, 304 Broad Street, discussed the previously approved minor site plan to renovate the first floor of the building for Zena's Patisserie. When purchased, the first floor was commercial and there were apartments on the second and third floors. She discussed that research as well as discovery during the renovations revealed that when the building was constructed in 1882, the second floor was originally used as an office and only the third floor was residential. Since the second floor had to be totally renovated, she feels renovating and using the second floor as an office would be a better use than the current apartment and wants to know what is involved. She, as well as her architect, feels returning the use to the original office use is beneficial to the town and serves the historical preservation of the building. She feels it would be well suited to start up professional use. It is a permitted use and parking would be handled by using Mr. Moccia's adjacent lot. The town's building official feels the proposed plans are doable; however, there could be ADA issues. Muriel commented that if the apartment was converted to affordable housing, there is money available for the renovations. Mr. Coleman stated a change of use requires a site plan review and a decision as to whether it is major or minor needs to be made. He reviewed the qualifications that permit a minor site plan review procedure to be used in lieu of a full review. Based on the statements provided, it is possible that it may qualify for a minor review. Mr. Schaeffer the building official has stated he would accept the changes to the building plans. The mayor discussed that changing the second floor back to office space may represent a grandfathered use. Mr. Coleman stated that if perhaps a case for interrupted grandfather use can be made. Muriel is concerned that Mr. Moccia is renting spaces in his lot properly reserved for the residents of the apartments on the site. Tom Coleman stated it is not an issue and the owner is free to rent spots in excess of those needed for the apartment residents. Mrs. Brooks was instructed on who and what she needs to obtain for submitting an application. The chair and Mrs. Lodato feel the plan may qualify for minor site plan approval but want the board's opinion. Mrs. Brooks stated that from the outside, except for permitted signage, there would be no evidence of the change of use from the outside. The mayor feels returning the use to its original use is beneficial as long as there were no problems obtaining the proper building approvals. There was no objection and the board confirmed they feel a minor site plan is in order. Mr. Coleman urged that Mrs. Brooks research with the code official exactly what type of permitted uses are suitable. Mr. Smyth recommended organizations that might provide a source of the type of start up tenants she is after. It was discussed that since the original approval covers necessary renovations, a minor site plan application is not needed to complete them. However an application is needed when a tenant is secured.
- Eric Saia, 401 Martha's Lane, commented that he would be happy to recommend a website vendor for assistance in getting the master plan on the website. It was explained the current site is maintained by website developer. Concerning the FRA and light rail issues, Eric commented he works with similar organizations and he would be glad to get the Borough information that may assist in understanding the issues involved and how best to seek the approval of these agencies. Eric commented on the nature of the types of agreements that may be involved.

There was no further comment and Muriel Alls-Moffat motioned and Suzanne Wells seconded to close the meeting to public comment.

Meeting adjourned at 9:12 PM.

Next meeting is on 7/17/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

RIVERTON BOROUGH PLANNING BOARD
MINUTES
August 21, 2007

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairwoman Suzanne Wells.

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

PRESENT: Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Joseph Creighton, and Jeffrey Myers.

Also Present: Solicitor Chuck Petrone, Planner Tamara Lee, Engineer Mark Malinowski, and Secretary Ken Palmer.

ABSENT: Joseph Katella.

PUBLIC HEARINGS

Application by Shops of Riverton, LLC., for Minor Subdivision Approval and All Required Variances and Waivers and Other Relief As Needed to permit approval of redefining the current four lots into three lots at 700-716 Broad Street, (Block 1501, Lots 20, 21, 22, & 23)

Introduction and Housekeeping: The vice chair introduced the topic and introduced David Oberlander, counsel for the applicant. The secretary attested that the applicant had properly noticed and that all jurisdictional requirements had been met and the board solicitor concurred that the hearing could proceed. Keith Wenig stated that he needed to recuse himself from voting on the matter and stepped down until the conclusion of the hearing. The secretary noted that both alternate members were eligible to vote. Applicant James Brandenburger was sworn in.

Testimony and Board Questions: Mr. Oberlander reviewed that the history of the project. The applicant wishes to join the existing four lots and to subdivide the site into three new lots that delineate the current construction of the CVS store, the four strip stores, and the pad site. There are no changes planned for the site. The sole purpose of the subdivision is to facilitate financing for the sites. Mr. Brandenburger was introduced. Jim explained that due to the credit worthiness of the various types of clients, to obtain reasonable financing, it was necessary to finance the sections of the project separately. CVS is highly rated and thus receives the most favorable financing. The strip stores being small businesses will be the least favorable and the proposed bank tenant of the pad site better rated. There are no plans by Jim to sell and part of the financing agreement requires the current site owners to own for at least ten years. Because the site was developed and can only be maintained and operated as a single contiguous site, the applicant realizes and agrees the site needs to be encumbered by a cross access and restriction easement. To that end, the applicant's professionals and the board's professionals are working to finalize a Restrictive Covenant, Easement and Maintenance Agreement (easement) for the site. The easement is close to being finalized between the professionals. The types of variances are technical in relation to developing the proposed lot lines. The vice chair asked Tamara and Mark to discuss their reviews. Tamara discussed her memo. The applicant agreed to revise the plan to reflect the variances. The easement is needed and should protect the town if ownership of the site is broken up. The lot lines for Martha's Lane need to be clearly defined. Proposed Lot B needs to front on a public street and that can only be Martha's Lane. Mr. Oberlander explained that as part of the original approval the applicant had improved that portion of Martha's Lane needed to service the site. The right of way can be dedicated to the Borough any time the Borough desires. There was discussion and agreement that the Borough doesn't need the street dedicated at this time since it only serves the current site. It best serves the town if the applicant maintains responsibility for the maintenance of the road. If the other lots along the line of the paper street are developed/redeveloped and the street needs to be extended, then the street can be dedicated to the Borough. The technical reasons for defining the conditions of the street dedication were discussed and

agreed to by the applicant. Mark Malinowski reviewed his memo and the applicant agreed to clearly define the lot lines for proposed Lot C and other minor changes suggested. Chuck Petrone explained the concept and content of the discussed easement and how it addresses the need for common maintenance and access to the entire site. Muriel asked about recent activity at the detention basin. Jim explained that the basin had been cleaned of accumulated construction runoff and was now properly functioning as a detention basin. When the pad site is developed and/or as needed ongoing, the proper functioning of the basin will be maintained. There were no further questions from the board.

Public Comment: A motion was made by Councilman Smyth and seconded by Muriel Alls-Moffat to open the hearing public comment:

- Eric Saia, 401 Martha's Lane, asked about the possible dedication of Martha's Lane and if it impacts National Casein's deed. It was explained there was no impact on National Casein. The easement still exists if the street is ever fully developed.
- Nick Coletti, 309 Manor Court, wanted to know when the buffer zone would be completed and was concerned about the detention basin. Jim explained that the landscaping will be completed. There are no requirements that the detention basin be fenced. Except for following an exceptionally heavy rainfall event, the basin is usually dry or maybe has a few inches of water for a short period following normal rainfalls. The existing sediment buildup has been removed. The original approvals granted the board the ability to require fencing the basin if deemed necessary. Maintenance requirements don't expire even if the property is sold.
- Jeff Mack, 311 Manor Court, is concerned about the lights. It was discussed that the lights were supposed to be dimmed/extinguished after close of business. This will be looked into. Mr. Mack was concerned about what type of lighting would be on the rear of the strip stores. Jim explained that at the most, normal entrance style lamps would exist and would be extinguished when the stores are closed. Mr. Mack asked when the additional trees would be planted. Jim stated he thought they would be planted in a few months. The board discussed the existence of the existing fencing that has been installed. The vice chair stated that while it appears that current concerns have been or will be addressed, future concerns should continue to be brought to the board's attention. Mr. Mack asked who had any approval on the sale of the lots. The answer is no one; however any redevelopment of the site is subject to site plan approval. Furthermore, any purchaser is subject to the easement and maintenance agreements.

There being no further comment, Muriel Alls-Moffat motioned and Joseph Creighton seconded to close the hearing to public comment.

Board Deliberation and Voting: The mayor asked the professionals if they saw any negatives. All concurred that the easement was needed and that properly worded, the town's interests would be protected and also the site would properly function as designed. Chuck stated that he saw some minor changes needed to the easement and that there was nothing that should prevent things being worked out. Chuck stated these types of conditions and agreements were not unique to this site. Mr. Oberlander feels the variances are technical in nature and the board can condition any approval on all issues being worked out subject to meeting approval of the board's professionals. Suzanne is concerned the board has not seen the proposed agreement. It was agreed that the existing as well as final drafts will be submitted to the board. Mr. Oberlander stated that while it was convenient to his client to have the agreement this far along, typically the drafting of such agreements did not start until approvals had been granted. Chuck and Tamara stated they would be glad to make sure the board was aware of the progress and to keep them informed of changes and to see the version they were considering approving. However, it is generally the policy for the board to allow their professionals to act on the board's behalf on developing a final version that meets the needs of all the parties. Jim commented that he hoped the approval could be granted tonight due to the increasing fluid condition of the finance market. There were no further comments or questions from the board and the vice chair asked Chuck Petrone what the board could reasonably consider tonight. Chuck stated the board may wish to consider approving the minor subdivision, conditioned on:

- any variances to be identified and finalized by the board's professionals,
- a final version of the Restrictive Covenant, Easement and Maintenance Agreement approved by the board's planner and solicitor being prepared,
- that there are no changes to the prior approvals granted in the site plan approval process,
- that legal descriptions requested are submitted,
- that the plans are revised according to the professionals review memos and/or as amended during the hearing,

and

- that the subdivision is approved by the county.

The mayor made the motion as suggested by Mr. Petrone and Muriel Alls-Moffat seconded the motion. There was no further discussion and the motion was approved by a poll vote of 7 to 0 as follows:

Mrs. Wells	aye	Mrs. Alls-Moffat	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye	Mr. Creighton	aye
Mr. Myers	aye		

Mr. Wenig rejoined the board.

Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9)

Introduction and testimony – The vice chair introduced Mr. Rainer. Mr. Rainer stated that he had submitted the plans as prepared by his engineer and hoped they satisfied the board and its professionals. Suzanne reviewed the application’s history. Mr. Petrone advised the board that while all members may participate in the hearing, only the four members of record present can actually vote. The members eligible to vote are Wells, Lodato, Martin, and Smyth. Mr. Rainer asked for a copy of Mark’s review since it had been sent to his engineer and he had not seen it. It was provided. Copies of Mark’s memo were distributed to the board. Mark reviewed his comments. The setback variances were discussed. The protrusion of the foundation (below grade) extending into the right of way even though the building itself is within the property line may be a problem with the county. The lack of any buffering may be a problem. The parking variances were discussed. Mr. Rainer stated he wanted to know what he needed to do to resolve the issues and hopefully favorably conclude the process. Mark feels the parking plans need to be nailed down so the variance needed can be determined. It appears that one spot is required for every two employees, two spots for the apartment residents, and for the salon patrons at least two spots. Mark feels the spots should be delineated for purpose. Mr. Rainer feels not dedicating spots for the apartment residents allows better utilization of the two spaces since they are normally empty during the day. Chuck Petrone had no comment on the review. Mr. Rainer addressed his concerns that some of these items while still requiring a waiver or variance still represents an improvement over what is currently there and he wants to know how much more he needs to do. Councilman Smyth stated that the county also has to review and approve the plans and many of the concerns mentioned by Mark are most likely going to be required by the county before they approve them. The county may also have concerns about access to the parking from Main Street. Councilman Smyth stated his concerns that even if the board approves the plans, the county may not, and the applicant then has to amend the plan and come back for another hearing. The mayor asked and received clarification on the location on the irregular shaped lot of the various setbacks being discussed, particularly rear yard versus side yard setback locations. Keith Wenig voiced concern that while the walls may be inside the setback line, the roof overhangs will encroach and that is not allowed. Keith is also concerned about fire ratings. Mr. Rainer stated that issue has already been discussed and the addition will contain fewer windows than planned.

Public Comment – The mayor motioned and Mary Lodato seconded that the hearing be opened to public comment. There was none and Mary Lodato motioned and Muriel Alls-Moffat seconded to close the hearing to public comment.

Board Discussion and Continuance – Vice Chair Suzanne Wells asked the applicant if he wished to request a continuance to discuss the review with his engineer. Mr. Rainer stated he wished to do so and agreed to a continuance on his behalf although he was not sure how long it might take. At this point he is not certain of the tenant’s opinion about the suitability of the revised size of the addition. It was recommended Mr. Rainer apply to the county as soon as possible or at least get a preliminary opinion from them since the county approval is required prior to the board signing off on the plans. Suzanne asked for a motion to continue and a motion to grant a continuance at the applicants request was made by the mayor, seconded by Councilman Smyth, and passed unanimously by the four members eligible to vote.

The Planning Board of the Borough of Riverton approved the following resolution at its regular meeting on August 21, 2007:

Be it resolved by the Planning Board of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Joseph Rainer for preliminary and final site plan approval and all related waivers, variances and other as needed to erect an addition on the property at 515 Main Street (Block 803, Lot 9) is continued, applicant having requested an extension of time for consideration of the matter until the regular meeting of the Board on September 18, 2007.

This notice provides the only official notification required of this continuance granted by the applicant unless subsequent amendments to the application require that formal notification be made. The secretary will have the notice posted as required.

MINUTES: A motion was made by Muriel Alls-Moffat and seconded by Mary Lodato to adopt the minutes of the July 17, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 1 voucher/invoice as presented under New Business.

OLD BUSINESS

Proposed Revisions to the Zoning Code by the Historical Society – Discussion was tabled due to the chair’s absence.

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells updated the board on the progress to schedule and hold the series of public meetings. She is attempting to schedule the rest of the meetings. Keith stated that there has been no response or input from the Environmental Commission. Suzanne asked him to pursue the matter with them since their input is important.

Revision to Sign Ordinance to Allow Sidewalk Signs – Discussion was tabled due to the chair’s absence.

Council Matters of Importance to the Board – Councilman Smyth stated that on 8/9, a letter was received from the Post Office of their plans to vacate the current site; however, they plan to maintain a presence in the Borough. They need about 500 square feet. They will probably vacate Spring, 2008. Following an appraisal, the existing building goes on the market with right of first refusal going to the state, county, and borough in that order before it goes on the market for public sale. The NJDOT bike and pedestrian grant study will be presented at a meeting on 8/30. The Borough did not get a safe routes to school grant. The Borough is pursuing possible shared services with Palmyra and Council members will attend an upcoming conference on 9/18. The proposed skateboard ordinance is being reconsidered. The mayor commented on the train horn issue. The meeting on 8/6 in Palmyra was attended and options are being reviewed and considered as long as they make things safer if implemented. The mayor thanked Eric Saia, Jerry Cureton, and Councilman Brown for their efforts. Quiet zones are being looked at which may require “quad gates” to be installed.

Environmental Commission –Keith Wenig reported that the commission had supported the attempt to stop planned dumping of dredge spoils in Palmyra Cove. The commission is trying to expand recycling efforts, especially regarding latex paints. The commission has been working getting comments together on the regional stormwater management plan for the Pompeston Creek.

COAH Activity – Muriel reported that there was no meeting this month. She has asked Tamara to attend the next meeting in September.

NEW BUSINESS

Vouchers and Invoices:

1. 5/16/07, Stout & Caldwell, \$1,062.50, engineering services during March and April regarding Rainer, 515 Main Street site plan application. (PAY FROM ESCROW) ((ITEM HELD FROM JUNE MEETING!!))
2. 8/2/07, Raymond & Coleman, \$442.00, general legal services and July meeting attendance.

Due to the chair's absence, consideration of the Stout & Caldwell invoice was tabled. There was no discussion on the other invoice and the mayor motioned and Muriel Alls-Moffat seconded, and it was passed unanimously to pay the other item as presented. The board secretary will have it signed and submitted for payment.

PUBLIC COMMENT – Mary Lodato motioned and the mayor seconded to open the meeting to public comment. There was none and Muriel Alls-Moffat motioned and Joe Creighton seconded to close the meeting to public comment.

Meeting adjourned at 10:00 PM.

**Next meeting is on 9/18/2007 at 7:00 pm in the Borough Hall.
Tape is on file.**

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
September 18, 2007**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairwoman Suzanne Wells. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 23, 2007.

PRESENT: Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Joseph Creighton, and Jeffrey Myers (arrived after vote on Resolution P2007-08).

Also Present: Solicitor Tom Coleman, Planner Tamara Lee, Engineer Mark Malinowski, and Secretary Ken Palmer.

ABSENT: Joseph Katella.

MINUTES: Councilman Smyth commented that the comments regarding the Post Office on page 4 were unclear. The statement was clarified and a motion was made by the mayor and seconded by Muriel Alls-Moffat to adopt the minutes of the August 21, 2007 regular meeting as amended (correction on page 4). The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 8/8/07, copy of latest edition of the (RSIS) Residential Site Improvement Standards from State Department of Community Affairs.
2. Announcement from ANJEC of the 2007 Annual Environmental Congress “The Heat Is On –What to do Now” Friday, 10/12, Mercer County Community College.
3. Announcement from Rutgers of Fall schedule of their “Land Use for Municipal Planning Boards and Zoning Boards of Adjustment” – qualifies as the mandatory course. Note: This is a more extensive course and costs three times the NJPO course.
4. Invitation from Burlington County Chamber of Commerce for River route Corridor Train and Bus Tours on 10/30/07 and 11/9/07.
5. 9/17/07, letter from Joe Rainer, to the board stating that expense and inability to resolve parking and other issues have forced him to withdraw his site plan application for 515 Main Street.
6. 6 vouchers/invoices as presented under New Business.

OLD BUSINESS

Adopt and Memorialize Resolution P2007-08 Approving Application by the Shops of Riverton, LLC., for Minor Subdivision Approval and All Required Variances and Waivers and Other Relief As Needed to permit approval of redefining the current four lots into three lots at 700-716 Broad Street, (Block 1501, Lots 20, 21, 22, & 23) – Suzanne Wells asked if the members had reviewed the resolution and if there was any discussion. There was none and Muriel Alls-Moffat motioned and Joseph Creighton seconded that the board adopt the resolution referenced by title. There was no further discussion and a poll vote of the members present and eligible to vote approved the motion by a vote of 6 to 0 as follows:

Mrs. Wells	aye	Mrs. Alls-Moffat	aye
Mr. Martin	aye	Mr. Smyth	aye
Mrs. Lodato	aye	Mr. Creighton	aye

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells updated the board on the schedule for the public meetings. October 10 will be the seniors meeting in the afternoon and the business community in the early evening. The meetings will be at the library. There was nothing further to report.

Proposed Revisions to the Zoning Code by the Historical Society – Discussion was tabled due to the chair’s absence.

Revision to Sign Ordinance to Allow Sidewalk Signs – Discussion was tabled due to the chair’s absence.

Council Matters of Importance to the Board – Councilman Smyth stated that the Post Office officials were present at the 9/12 Council meeting and discussed the plans to vacate the current building and locate to a smaller site in the Borough. Councilman Smyth reviewed the details with the board. Following an appraisal, the existing building goes on the market with right of first refusal going to the state, county, and borough in that order before it goes on the market for public sale. RFP’s are being prepared for the DVRPC grant for downtown revitalization study. Work continues with groups and meetings on the train horn abatement. The state and NJLOM are sponsoring an economic development forum and encourage participation by planning and zoning board members on 10/12/2007. The train and bus tours were discussed. The Pompeston Watershed Plan was also discussed.

PUBLIC HEARING

Application by Cellco Partnership d/b/a Verizon Wireless, for Conditional Use and Site Plan Approval to collocate antennas on the T-Mobile Tower and Erect the Ground Facilities Located At the Borough of Riverton Waste Treatment Site – Third Street, (Block 1501, Lot 1)

NOTE: A court reporter retained by the applicant was present for this hearing. A copy of the transcript, when provided, will be appended to the minutes and serve as the official record of the hearing.

Summary: Following determination that the application was jurisdictionally complete and could be heard, the attorney for the applicant introduced and had the applicant’s professionals sworn in. There followed testimony in which the board’s questions were addressed. The reviews of the board’s professionals were discussed and their concerns resolved. Concerns of the Environmental Commission were addressed. Following conclusion of testimony and board discussion, there was public comment. Following guidance from the board’s attorney a motion to approve the application as submitted was made, seconded, and unanimously approved by a poll vote as follows:

Mrs. Wells	aye	Mrs. Alls-Moffat	aye
Mr. Wenig	aye	Mr. Martin	aye
Mr. Smyth	aye	Mrs. Lodato	aye
Mr. Creighton	aye		

The chair declared a five minute recess.

OLD BUSINESS

COAH Activity – Muriel and Tamara reported on developments and the last meeting which was also attended by COAH officials. Additional members have been added to the committee. Plans are in the works to possibly form the committee as a non-profit organization which better enables it to pursue grants and funding to assist in acquiring properties for COAH rehabilitation efforts. The mayor commented that their were concerns among Council about a non-profit being able to act without seeking Council approval. Tamara reviewed the efforts and possible consequences of COAH’s efforts to revise and obtain court approval of its third round regulations. Tamara reviewed the advantages of the committee being a non-profit organization. Muriel commented that being a historic town has its benefits when seeking funding. There was considerable discussion regarding forming the non-profit.

Environmental Commission – Keith Wenig reported that there had not been a meeting since the last board meeting.

Mandatory Education Update – The secretary reviewed the latest course offerings form NJPO and that he had submitted the registration for the 9/29 session in Maple Shade. Ken also passed along the request from Mary Longbottom that she needed names from people by September 19, if they wished to register for the League Conference through her. Otherwise, you can register individually and submit the cost for reimbursement.

Withdrawal of Application by Joe Rainer, for Preliminary and Final Site Plan Approval and All Required Variances and Waivers and Other Relief As Needed to Erect an Addition to 515 Main Street, (Block 803, Lot 9) – Following the advice of Council, Muriel Alls-Moffat motioned, the mayor seconded, and the board unanimously approved a motion to accept the withdrawal of the application by Mr. Rainer. The letter from Mr. Rainer was discussed. Suzanne Wells wanted to go on the record that if it is inferred from the letter that the Board's stance regarding parking was the breaking point, she disagreed since she feels the board had worked hard to help the applicant arrive at a parking design that would best serve the ordinance and the applicant. Other members felt it was more likely the County's requirements regarding parking and site access that probably dissuaded Mr. Rainer from pursuing the application. While the board regrettably accepted the withdrawal after the time and effort spent by the applicant, the board also concurred that it felt it had treated the applicant fairly and had held him to no different standard than any other applicant.

NEW BUSINESS

Vouchers and Invoices:

1. 5/16/07, Stout & Caldwell, \$1,062.50, engineering services during March and April regarding Rainer, 515 Main Street site plan application. (PAY FROM ESCROW – ITEM HELD FROM JUNE, JULY & AUGUST MEETINGS – the chair has the original!)
2. 9/4/07, Raymond & Coleman, \$400.00, general business advice and August meeting attendance.
3. 9/4/07, Raymond & Coleman, \$455.00, Brandenburger Shoppes at Riverton minor subdivision application. (PAY FROM ESCROW)
4. 9/4/07, Raymond & Coleman, \$28.00, Cooper/Suter minor subdivision application. (PAY FROM ESCROW)
5. 9/5/07, Tamara Lee, \$855.00, Brandenburger Shoppes at Riverton minor subdivision application and easement work. (PAY FROM ESCROW)
6. 9/5/07, Tamara Lee, \$135.00, Rainer 515 Main Street site plan application. (PAY FROM ESCROW)

Due to the chair's absence, consideration of the Stout & Caldwell invoice was again tabled. There was no discussion on the other invoices and Mary Lodato motioned and Joseph Creighton seconded, and it was passed unanimously to pay the other items as presented. The board secretary will have them signed and submitted for payment.

State Smart Growth Planning Assistance – Councilman Smyth asked Mr. Coleman whether Riverton was a Planning Area 1 or 2 designation. Mr. Coleman discussed that permitted construction and availability of assistance is highest in Planning Area 1 and 2 communities. Tom Coleman explained the significance of the issue.

PUBLIC COMMENT – Joe Creighton motioned and the mayor seconded to open the meeting to public comment.

- Eric Saia, 401 Martha's Lane, commented that he agreed with the board's stance that it had to hold all applicants to the same burden of proof and compliance regarding site plan applications. He also feels the board and its professionals leaned over backwards to assist Mr. Rainer in his application. Commenting on concerns of the powers of the non-profit status of the Affordable Housing Committee, Eric stated that the mission statement and charter could control, define, and limit the powers of the committee.

There was no further comment and Muriel Alls-Moffat motioned and the mayor seconded to close the meeting to public comment.

Meeting adjourned at 8:30 PM.

Next meeting is on 10/16/2007 at 7:00 pm in the Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
October 16, 2007**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella Wells. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 27, 2007.

PRESENT: Joseph Katella, Suzanne Wells, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, and Jeffrey Myers.

Also Present: Solicitor Tom Coleman and Secretary Ken Palmer.

ABSENT: Muriel Alls-Moffat, Keith Wenig, and Joseph Creighton.

MINUTES: A motion was made by the mayor and seconded by Suzanne Wells to adopt the minutes of the September 18, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **9/25/07, public notice via certified mail from PSE&G on its application for freshwater wetland Statewide General Permits in conjunction with repair and replacement of electric distribution infrastructure within existing utility and road rights-of-way.**
2. **10/4/07, public notice from Cinnaminson Township of hearing on new ordinance to modify permitted uses in the Business Development District and BD District within the Redevelopment Area to exclude hotels and conference centers in the BD Business Development District but to permit same within the BD District within the Redevelopment Area.**
3. **8 vouchers/invoices as presented under New Business.**

OLD BUSINESS

Adopt and Memorialize Resolution P2007-09 Approving Application by Cellco Partnership d/b/a Verizon Wireless, for Conditional Use and Site Plan Approval to collocate antennas on the T-Mobile Tower and Erect the Ground Facilities Located At the Borough of Riverton Waste Treatment Site – Third Street, (Block 1501, Lot 1) – The chair asked if the members had reviewed the resolution and if there was any discussion. There was none and Suzanne Wells motioned and the mayor seconded that the board adopt the resolution referenced by title. The secretary reviewed the names of the members eligible to vote on the resolution. There was no further discussion and the motion was passed by a unanimous voice vote of the members eligible to vote

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells updated the board on the last two small group meetings. She and Tamara feel that good results were obtained from both meetings. Plans for the town-wide meeting scheduled for 11/14 in the school gymnasium were discussed. Additional ways to publicize the meeting were discussed.

Proposed Revisions to the Zoning Code by the Historical Society – The chair asked that the matter be tabled until November as he had nothing to report.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair asked that the matter be tabled until November as he had nothing to report.

Council Matters of Importance to the Board – Councilman Smyth reported on the status of the DVRPC grant, completion of the bike and pedestrian study funded by a NJDOT grant, updates on the quiet zone/bell zone efforts for the light rail in Riverton and Palmyra, and upgrades planned for the War Memorial. The mayor discussed the annual tree lighting on 12/7 and library house tour on 12/8. The mayor stated he and his wife would be hosting an open house on 12/8. The secretary stated that the model railroad club he belongs to had not been contacted if they

would display their layout. The mayor stated he would follow up on this. Councilman Smyth provided additional details on what is required by the town if the quiet zone is granted.

Environmental Commission – This topic was tabled due to Mr. Wenig’s absence.

COAH Activity – Councilman Smyth reported that there had been no meetings after the one discussed last month and that he was not aware of any update in the revisions to the COAH third round rules mandated by the court.

Mandatory Education Update – The secretary reviewed the NJPO course offerings at the upcoming League of Municipalities conference in Atlantic City. He will follow up with members interested in attending and will register them. He reviewed the requirements for completing the course.

NEW BUSINESS

Vouchers and Invoices:

1. 5/16/07, Stout & Caldwell, \$1,062.50, engineering services during March and April regarding Rainer, 515 Main Street site plan application. (PAY FROM ESCROW)
2. 9/25/07, Stout & Caldwell, \$757.50, engineering services during September regarding Rainer, 515 Main Street site plan application. (PAY FROM ESCROW)
3. 9/25/07, Stout & Caldwell, \$613.75, engineering services September regarding the subdivision application for the Shoppes of Riverton site on Broad Street. (PAY FROM ESCROW)
4. 10/2/07, Raymond & Coleman, \$238.00, Shoppes at Riverton minor subdivision application. (PAY FROM ESCROW)
5. 10/2/07, Raymond & Coleman, \$342.00, general business advice and September meeting attendance.
6. 10/2/07, Raymond & Coleman, \$287.00, Verizon Wireless conditional use application. (PAY FROM ESCROW)
7. 10/1/07, Tamara Lee, \$360.00, Verizon Wireless conditional use application. (PAY FROM ESCROW)
8. 10/1/07, Tamara Lee, \$517.50, for COAH Third Round Certification work.

There was no discussion on the invoices and the mayor motioned and Suzanne Wells seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

PUBLIC COMMENT – Suzanne Wells motioned and the mayor seconded to open the meeting to public comment.

- Frank Cioci, Economic Development Committee, 318 Amy Way, Cinnaminson, asked about the meetings for the ERI Smart Growth Study and Suzanne Wells briefed him. Mr. Cioci commented that he felt the Business Group meeting went well. Mr. Cioci also asked when it was appropriate to begin generating the “public” appeals for support of the proposed “bell zone” area for the River Line. Councilman Smyth reviewed progress and efforts to date and suggested holding off for now until the advised by Councilman Smyth that the item is on the docket to be heard and public comment will be appropriate.

There was no further comment and Suzanne Wells motioned and the mayor seconded to close the meeting to public comment.

Meeting adjourned at 7:35 PM.

**Next meeting is on 11/20/2007 at 7:00 pm in the Borough Hall.
Tape is on file.**

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
November 20, 2007**

The Public Session of the Planning Board was called to order at 7:00 PM by Chairman Joseph Katella. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 27, 2007.

PRESENT: Joseph Katella, Suzanne Wells, Muriel Alls-Moffat, Mayor Robert Martin, Councilman Robert E. Smyth, and Mary Lodato.
Also Present: Solicitor Tom Coleman and Secretary Ken Palmer.

ABSENT: Keith Wenig, Joseph Creighton, and Jeff Myers.

MINUTES: A motion was made by the Muriel Alls-Moffat and seconded by Suzanne Wells to adopt the minutes of the October 16, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. **None except 4 vouchers/invoices as presented under New Business.**

MINOR SITE PLAN APPLICATION

Riverline Dance Academy, 609 Main Street, Block 906, Lot 2 – The chair introduced Mary Slowiski, 805 Lincoln Ave., Palmyra, NJ, who was sworn in by Tom Coleman. Ms. Slowiski explained that she wished to open a dance studio to conduct classes for primarily youngsters ages 18 months and up. She would also offer instruction to adults. She intends to rent the 20 x 60 foot room current occupied by a martial arts studio. She currently teaches out of the Riverton Health and Fitness Center. There are no changes except signage and maybe an awning over the door planned to the structure. She has been in business for about 18 years operating a similar business in Philadelphia. Her weekday hours would generally be in the afternoon 3:30-4:00 PM until 9:00 PM. She may offer some daytime hours mostly for adults. Except for the very young, students are generally dropped off and picked up following the 45minute to 1 and ½ hour classes. Average class size is 10 students. She plans to offer Saturday classes also from 9:30-3:30. Muriel asked and received clarification on the hours. Councilman Smyth asked about parking and she plans to use whatever was used by the current business and repeated that most are drop offs. When asked she answered she hopes to be open by January 2008. At most there may be two or three employees. She currently plans to re-letter the existing sign. There were no further questions from the board and there was general agreement that the site would support the use. Tom Coleman stated that the application fit the terms established for a minor site plan and as long as any sign provisions were followed he saw no problems. The chair announced that as long as the Code Officer Mary Lodato had no problems, he and Mary would sign and approve the application.

OLD BUSINESS

Smart Growth Grant/Environmental Resource Inventory study – Suzanne Wells updated the board on the town-wide meeting. Tamara is currently compiling the information from all the meetings for review by the board and to revise the Open Space Element of the Master Plan. Councilman Smyth inquired if the in-kind services used to make the Borough's match requirement. A draft should be done by February and then the process of amending the Master Plan can proceed.

Proposed Revisions to the Zoning Code by the Historical Society – The chair suggested that a public discussion be held in January and that the board prepare for that. He would also prepare some guidance points the board might want to consider in their review. Suzanne suggested that the board might wish to discuss the proposal itself and come to some kind of agreement as to what they feel they might wish to support. Councilman Smyth and Muriel both supported that the board review and discuss the proposal in December and have the public

input in January. The chair stated that was fine but he also felt that it was wise to get a good gauge in what the general public feels about the plan. It was agreed to discuss the matter among the board in December and invite public opinion in January. Tom Coleman also reviewed the steps for formal revision of the zoning code if changes are proposed to Council.

Revision to Sign Ordinance to Allow Sidewalk Signs – The chair had nothing to report and that hopes to have something to report next month.

Council Matters of Importance to the Board – Councilman Smyth reported on the status of the DVRPC downtown revitalization grant and plans to meet with County officials for assistance in preparation of the RFP. The NJDOT bike and pedestrian study is finished and plans to implement the findings are in progress. The petition for the light rail quiet zone/bell zone waiver document has been submitted to the federal government. Once the item gets on the agenda, it will be time for the public comment to be submitted in support of the petition. The mayor discussed the annual tree lighting on 12/7 and library house tour on 12/8 from 4-9:00 PM. The secretary stated that the model railroad club will be displaying trains in the bank.

Environmental Commission – Councilman Smyth reported on the Pompeston Creek Watershed Commission meeting on 11/5. Comments from Riverton were considered. Following adoption of provisions may entail some changes by the Borough.

COAH Activity – Muriel Alls-Moffat reviewed things discussed at the education session and the rumor that there may be a rebuttal to the original COAH lawsuit that will drag on through 2008 and there may not be any resolution until 2009. The changes in the stream buffer requirements were discussed. There is confusion as to what the buffer includes and if there are various ranges. Eric Saia who works for National Casein asked and was permitted to address the question since National Casein borders the creek. He discussed what he was aware of and generally confirmed the residential buffer. It includes the flood plain. National Casein's area has also been identified as a possible habitat for an endangered species. Tom Coleman commented that most of the development related issues are further up the creek in Cinnaminson and Moorestown townships.

Mandatory Education Update – The secretary reviewed that several members had attended the sessions offered at the League of Municipalities conference in Atlantic City and that NJPO has not yet released their Winter/Spring sessions.

NEW BUSINESS

Vouchers and Invoices:

1. 11/5/07, Tamara Lee, \$90.00, Shoppes of Riverton subdivision and cross easement review. (PAY FROM ESCROW)
2. 11/5/07, Raymond & Coleman, \$49.00, Shoppes at Riverton minor subdivision application. (PAY FROM ESCROW)
3. 11/5/07, Raymond & Coleman, \$406.00, Verizon Wireless conditional use application. (PAY FROM ESCROW)
4. 11/5/07, Raymond & Coleman, \$214.00, general business advice and October meeting attendance.

There was no discussion on the invoices and Suzanne Wells motioned and the mayor seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

2008 Budget – Councilman Smyth reviewed the current 2007 budget figures with the board and requested that the 2008 budget be submitted as soon as possible.

Miscellaneous – The mayor asked Mary Lodato about neon signs in windows and Mary replied that no flashing signs are permitted. The mayor also inquired about the issues surrounding the Porch Club wishing to erect a commemorative sign and Mary reviewed her conversation with Janet Smith regarding permitted uses in residential districts. The Porch Club is not listed as a permitted use in the code. Sign sizes and other issues in residential vs. GB and NB zones were discussed.

PUBLIC COMMENT – Muriel Alls-Moffat motioned and Suzanne Wells seconded to open the meeting to public comment.

- Eric Saia, 401 Martha's Lane, asked if there were funds being put into the Borough's 2008 budget to control the runoff from Third Street onto National Casein's property. Councilman Smyth stated he would bring up the matter with Council.

There was no further comment and Suzanne Wells motioned and the mayor seconded to close the meeting to public comment.

Meeting adjourned at 7:50 PM.

**Next meeting is on 12/18/2007 at 7:00 pm in the Borough Hall.
Tape is on file.**

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
December 18, 2007**

The Public Session of the Planning Board was called to order at 7:08 PM by Vice Chairwoman Suzanne Wells. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2007.
2. Required Service of notice and publication in the Burlington County Times on January 27, 2007.

PRESENT: Suzanne Wells, Muriel Alls-Moffat, Keith Wenig, Mayor Robert Martin, Councilman Robert E. Smyth, Mary Lodato, Joseph Creighton, and Jeff Myers.

Also Present: Solicitor Tom Coleman, Planner Tamara Lee, and Secretary Ken Palmer.

ABSENT: Joseph Katella.

MINUTES: A motion was made by the Muriel Alls-Moffat and seconded by the mayor to adopt the minutes of the November 20, 2007 regular meeting as distributed. The voice vote was unanimous.

CORRESPONDENCE/ANNOUNCEMENTS

1. 11/27/07, Mayor's Fax Advisory, from NJLM advising on possible changes to the redevelopment law.
2. Copies of the 11/26/07, and 12/3/07, letters to the mayor from Benjamin Spinelli, Executive Director Office of Smart Growth, regarding the status of the Borough's Smart Future Grant and that the contract had expired and the intent of the state to recall the grant funds. Copies were provided the members.
3. 12/14/07, Mayor's Fax Advisory, from NJLM advising that the newly revised COAH regulations are due to be released 12/18/07 and that following public comment would most likely be official by June 2008.
4. 12/17/07, copy of letter to the mayor from Benjamin Spinelli, Executive Director Office of Smart Growth, regarding the requirement that certain members of planning and zoning boards must complete the Basic Course in Land Use law and Planning by January 18, 2008 for members appointed as of July 2006, or within 18 months of their appointment for members appointed after July 2006. The letter also reviewed the procedures that are to be followed if a member does not complete the requirement.
5. 4 vouchers/invoices as presented under New Business.

MINOR SUBDIVISION APPLICATION

Robert Recchiuti, 101 Lippincott Ave., Block 305, Lot 1 – The vice chair introduced the topic. Suzanne explained that the application could not be deemed complete based on the determination of the Board's solicitor that the notice as published and mailed to the surrounding property owners was insufficient because it failed to notice that variances were needed. The applicant concurred with the conclusions and stated that he intends to re-notice for the January 2008 meeting. The vice chair explained that all people notified of the hearing would receive a new notice. Mr. Coleman suggested since there appeared to be members of the public present for the hearing that the board may wish to briefly open the meeting to brief general comments or questions on the matter. A motion was made by Muriel Alls-Moffat and seconded Bob Smyth to open the matter to the public.

- David Styer, 107 Lippincott Ave., commented that he had reviewed the application and was concerned that there was never a subdivision previously granted. He recalled that approximately 25 years ago when he was a member of the planning board the matter of a subdivision of the property had come before the board but a subdivision had not been granted. It was explained that the applicant was aware that his deed treated the entire property as one tract and that he needed to be granted a subdivision to have a right to sell the proposed lot. It so happens that the lot he is proposing appears to be the same as a lot that appears to exist on paper on the Borough's maps. Questions from the board elicited the professional comment that the deed governs the property description and since the entire tract has been treated as one property that is what legally exists. It was explained to Mr. Styer that the applicant was seeking the approval to subdivide the property.

There was no further public comment on the matter and a motion was made by Muriel Alls-Moffat and seconded by Joe Creighton that public comment be closed. Later in the meeting during Old Business, the secretary discussed having Tamara review the plans since there may be more variance issues than first meet the eye. Tom Coleman stated that after reviewing the application he would appreciate review by another set of eyes that looks more from the planning side rather than just the strictly legal side. He feels there could be some more complex issues that additional review could help render a more complete opinion. The board concurred having Tamara review the application.

OLD BUSINESS

Smart Future Grant/Environmental Resource Inventory study – Suzanne introduced board planner Tamara Lee who was asked to bring the board up to date on the developments regarding the project. Tamara explained that while the grant was originally awarded in 2001, no activity occurred until 2006 when the Borough sought to surrender the grant and at the encouragement and agreement by the Office of Smart Growth the Borough agreed to a revised scope for the grant and undertook the Environmental Resource Inventory. The office of Smart Growth granted a revised completion date of July 2007 with the possibility of an extension as long as substantial progress was exhibited and that completion was guaranteed within a reasonable period of time. The state Office of Management and Budget (OMB) has announced that it intends to close the project and to seek return of the funds. Tamara has been working with the Office of Smart Growth and hopes to have established a reasonable request for an extension until July 31, 2008, based on the previously submitted progress reports, the present status of the project, and the preparation of an extremely ambitious time table for completion of the remaining tasks. Tamara stated that the Office of Smart Growth is open to the Borough completing the project; but, the approval of any extension rests with the OMB. Tamara has prepared a detailed list of the tasks needed to complete the project including the required amendment to the Master Plan and the adoption of enabling ordinance(s). Tamara has also prepared a very aggressive timeline in which to complete all the remaining tasks. She feels her plan is doable and feels that the Borough cannot wait for OMB's decision before it moves ahead with the proposed schedule. The state OMB needs to approve her submission. Given that much of the original first half of the grant actually released has been spent, Tamara feels it is best to proceed with her plans as if the state will grant approval and subsequently release the rest of the funds. Tamara reviewed in detail the schedule and timeline with the board and it is her opinion that it can be accomplished. Tamara requested that the board needed to agree to try everything possible to adhere to the schedule and place it at the head of any business before the board. Councilman Smyth reviewed that Council has agreed to fund the work until the second half of the grant funds is released. Tamara feels confident that the extension will be approved since the board has acted primarily at the state's urging. The appointments to the subcommittees to work with Tamara were discussed. For the ordinance and subdivision subcommittee, Suzanne suggested that in addition to Council and board members, members of the Environmental Commission such as Chris Halt and Michael Robinson should be included. The board concluded that it should proceed with Tamara's proposal and hopes the state grants the extension.

Proposed Revisions to the Zoning Code by the Historical Society – The vice chair reviewed that at the last meeting, it was decided that the members would discuss their feelings about the proposal and that the public would be invited to present comments at the January meeting. Suzanne asked if the members wished to discuss their feelings. Councilman Smyth stated he feels that the town if it adopts anything does not want to create a situation such as exists in Moorestown where their ordinances are being challenged. Bob has heard unsolicited opinions that the proposal would mean too much control over what should be a property owner's rights. He has also heard that many feel the proposed dollar threshold limits that would trigger binding reviews are too low since it would not take very much more than minor renovations to trigger such a review. Muriel commented she feels the town is historic and that its character should be preserved. She feels that perhaps the ARC should be larger and that more architects be appointed especially those with historic preservation expertise. She feels the concerns over density and the physical size of any new construction needs to be addressed. She also feels the dollar limits may be too low and trigger unnecessary reviews. The board concurred that the proposal was only one segment of the town, the Historical Society's. There is mixed feeling that the plan goes into too much or not enough detail. Muriel feels that more than a cursory yes/no review is needed before a decision is made. Jeff Myers asked if the proposal was based on another town's ordinances. It was stated that while Haddonfield's was reviewed it was supposed to be tailored for Riverton. It was commented that the proposal would only apply to the historic district and homes currently subject to review by the ARC which the proposal wishes to further protect. The mayor

stated he appreciated the comments provided by Hank Croft for the ARC. Suzanne stated she feels the ARC should have more teeth when it comes to trying to enforce preservation. Presently the ARC is advisory only and homeowners are not bound by requests or suggestions that would help preserve the character of the structure yet meet the homeowner's needs and desires. Mary Lodato commented the proposed changes may generate even more negative feelings that are at times present that the town only wants to further complicate or delay a homeowner's plans. There was comment that perhaps what some perceive to be a prevalent problem of people choosing to willingly destroy the historic character of their homes was not that prevalent. Agreed there are certain commercial properties that probably generate the most concern; but, it may not be all that widespread as some would make out to exist. There is also the concern that consideration may be needed of the possibly prohibitive costs to strictly maintain the materials originally used. Suzanne suggested the Historical Society be invited to present to the board their rationale for the proposal. She feels that the proposal came hard on the heels of the board's decision to grant a demolition permit for a structure that had a lot of emotional attachment but little historic architectural significance. Bob Smyth stated that he was impressed on the amount of renovation going on in town that is trying very hard to go the extra mile needed to preserve the character of their homes. He again stressed that it may be the few large commercial structures that may be driving much of the concern. Suzanne asked what the board feels they should do to move forward. She feels that the board should next encourage the public to give comment at the next meeting. It was discussed that the January agenda was already fast filling up and maybe the board should shoot for comment at the February meeting. It was agreed that should be the case. While no official notice is needed it was discussed that perhaps something could be put on the Borough's web page regarding the desire to hear public comment on the issue and when it would occur.

Revision to Sign Ordinance to Allow Sidewalk Signs – The topic was tabled due to the chair's absence.

Council Matters of Importance to the Board – Councilman Smyth reported that the budget process has started. The joint proposal by Palmyra and Riverton for a bell zone waiver for the Light Rail has been submitted by NJ Transit to the Federal Railway Administration. When it goes on the docket, letters of support from the town governments and public will be submitted during the period for public comment. At the Council reorganization meeting on 1/2/08 Bob expects that he will remain on the Planning Committee and Suzanne will be appointed as the new Class III member of the board. The US Postal Service has completed a site selection review and has selected space in the new Riverton Square building on Main Street. It will be approximately 500 square feet. Following upgrades to present building, it will be put up for sale. Council and the mayor are concerned about the increasing number of complaints by the public regarding the increasing number of subdivisions being granted especially where variances are being granted to permit them. The mayor commented that he was interested in comments by Tamara Lee or Tom Coleman especially regarding down zoning. Tamara reviewed how the current land use map and new zoning districts were established. It was the intent to make the code conform to what already existed and that that there would be few "by right" subdivisions and that it should be very hard to justify variances. The topic can be reviewed and changes to the master plan and the zoning codes can be revisited. Tamara feels that the changing market has perhaps contributed to the increase in submissions. Bob Smyth asked if the board can deny an application that needs variances. Tom and Tamara commented that the board can deny the application if it feels that the need for variances have not been justified; however, the applicant can always appeal if they feel the denial was not fairly considered. On an appeal, the hearing is reviewed, briefs submitted, and a ruling issued. Every application should stand on its own merits. Tom further reviewed the appeal process and what the judge may base his decision on. The secretary commented that the zoning board's solicitor makes a practice of reminding its members the importance of stating why they make their decision when voting on an application. Bob asked how the board felt about possibly considering down zoning (increasing the allowable lot size in a zone thus making it more difficult to subdivide a lot in a zone). It was commented that the master plan and zones should represent what exists. Tamara suggested that other bulk requirements can be looked at. Perhaps the zone lines need to be reviewed if it can be shown that lots were improperly classified and should be in a larger zone instead of a smaller one.

Environmental Commission – Keith Wenig stated he wished to resign from the commission and as the board's representative. He does not feel he can adequately serve the commission or understand the mission of the commission. The mayor stated he would take it under advisement and asked if Keith would remain until a new appointee can be decided. Keith stated he would.

COAH Activity – Muriel Alls-Moffat reviewed that COAH is releasing its revised third round regulations and asked Tamara to comment. Tamara reviewed the changes at a high level and commented that most are going to make things more difficult for towns to comply. If adopted as proposed, all third round submissions will have to be reworked. COAH has asked for an extension and it appears June 2, 2008 will be the earliest anything becomes law. Once official, towns have two years to draft a new housing plan. Housing monies will also have to be spent in a defined period of time. Tamara feels there may be lawsuits forthcoming that may further delay the process. Tamara encouraged that the town governments stay in touch with each other and possibly present a joint front on their feelings on the impact of the proposed rules. Tamara also urged the Affordable Housing Committee to sit down with the county and seek help in establishing contacts with the various non-profits that specialize in helping towns develop low and moderate income units in a community. She feels this will be even more important since smaller developers are pulling out of the business as COAH makes it increasingly difficult for a developer to provide viable solutions.

Mandatory Education Update – The secretary reviewed that there was nothing new besides the previously reviewed memo from the state and that NJPO has not yet released their Winter/Spring sessions.

NEW BUSINESS

Vouchers and Invoices:

1. 11/21/07, Stout and Caldwell Engineers, \$218.75, Shoppes of Riverton/Broad Street Subdivision related work. (PAY FROM ESCROW)
2. 11/21/07, Stout and Caldwell Engineers, \$603.75, Cellco/Verizon Conditional use cell tower antennas related work. (PAY FROM ESCROW)
3. 12/4/07, Raymond and Coleman, \$28.00, Shoppes of Riverton/Brandenburger Subdivision related work. (PAY FROM ESCROW)
4. 12/4/07, Raymond and Coleman, \$597.00, General business advice and November meeting attendance.

There was no discussion on the invoices and Muriel Alls-Moffat motioned and Councilman Smyth seconded, and it was passed unanimously to pay all the items as presented. The board secretary will have them signed and submitted for payment.

2008 Budget – Councilman Smyth stated that the preliminary budget has been submitted. He also commented that Council has agreed to fund any shortfalls in the ERI project until the state releases the other portion of the funds at the completion of the project. There are concerns that possible COAH related expenses are budgeted for.

PUBLIC COMMENT – Joe Creighton motioned and the mayor seconded to open the meeting to public comment.

- Eric Saia, 401 Martha's Lane, congratulated the board on its professional conduct of matters before it this year and thanked the board for listening to him and others from the public.

There was no further comment and Muriel Alls-Moffat motioned and Mary Lodato seconded to close the meeting to public comment.

Meeting adjourned at 9:48 PM.

Next meeting is on 1/15/2008 at 7:00 pm in the Borough Hall. Annual reorganization will take place. Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON PLANNING BOARD**