

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
JULY 24, 2018 at 7 o'clock p.m.**

The July 24, 2018 meeting of the Riverton Planning Board was called to order at 7:00 PM by Chairman, Mr. Kerry Brandt lead the Flag Salute and announced Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting written notice on the official bulletin board in the Borough Hall on February 2, 2018.
2. Having written notice published in the Burlington County Times on February 6, 2018.
3. Forwarding written notice for informational purposes only to the Courier Post on February 2, 2018.

ROLL CALL:

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| Mayor Suzanne Cairns Wells, present | Kerry Brandt, present | Joe Della Penna, present |
| Craig Greenwood, present | Robert Kennedy, absent | Mary Lodato, present |
| Robert Martin, present | Councilman Ken Mills, present | Joseph Threston, present |
| Richard Gaughan Alt. 1, absent | Ray Paszkiewicz, Alt. 2, absent | Rebecca Reis, Alt 3, present |

Also present was Solicitor Chuck Petrone.

MINUTES: Minutes from June 26, 2018 were approved as submitted by Mr. Threston and seconded by Mr. Greenwood. All unanimously approved in the affirmative

CORRESPONDENCE/ANNOUNCEMENTS NONE

NEW BUSINESS:

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| A. <u>Name</u> | Pitman Properties/JBR |
| <u>Owners</u> | Kevin and Staciann Harris |
| <u>Property</u> | 908 Cedar Block 1600 Lots 10 & 11 |
| <u>Action Desired</u> | Permission for minor subdivision of properties to construct dwelling on an unimproved Lot 10; as previously granted in 2008 |

Ms. Hack confirmed that jurisdictional items were sufficient. Mr. Jim Brandenberger of Golf Road in Cinnaminson was present as the co-owner of Pitman Properties. He was sworn in to provide testimony for this application. He stated the other owner is Lee Aguiar was not present. Also sworn in to provide testimony for this application were the property owners Kevin and Staciann Harris, Jeffrey and Susan Hadden. Representing this application and present was Tom Ehrhardt, Esquire. Mr. Ehrhardt talked about the deed restriction documents and how they pertain to this application. This application was approved in 2008 however, the Harris's didn't file the deed restriction with the County. There were no variances required at that time. Borough Professionals were present and sworn in were Tamara Lee and William Long, PE. Mr. Brandenberger discussed the history of the deed restriction and why/how it's been removed, legally, by both the Harris' and the Hadden's.

Mr. Brandenberger presented into evidence a map of Riverton Acres as Exhibit A1 which showed the original property lines in the neighborhood. He testified that pending approval of the subdivision he would purchase the newly developed lot and construct a single-family dwelling. Mr. Brandenberger further testified that when the new house is built there will be an 11-foot side yard setback on the Harris side and the garage/driveway side will be on the Hadden's side. Mr. Long reviewed his report and stated that the testimony provided addressed his concerns except for the soil-boring requirement, which Mr. Brandenberger acknowledged. He also discussed the availability of public sewer and water and agreed to the sidewalk waiver. Ms. Lee stated that she did not perform a professional review; she is familiar with the application and agrees there are no variances required making it a by-right application. Chairman Brandt opened the floor for public comment on this application, no one came forward to speak therefore closing the public portion. Mr. Greenwood made a motion to approve the application as submitted, for minor subdivision of Block 1600 Lots 10 & 11 to be recorded with the County within 195 days. Approval of this application does not guarantee construction permits. Mayor Cairns Wells seconded the motion. Roll call vote confirmed all approved in the affirmative. 9 ayes, 0 nays, 0 abstain.

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| B. | <u>Name</u> | Annette & Robert Bollers |
| | <u>Property</u> | 604 Broad Street Block 902 Lot 15 |
| | <u>Action Desired</u> | Preliminary and Final Site Plan Approval with Conditional Use for new structure to consist of upper level apartment with floor salon and living space on the first floor requiring a D1 use variance |

Ms. Hack confirmed that all jurisdictional items were sufficient. Mayor Cairns Wells and Councilman Mills recused themselves from the Board as the Application included relief pursuant to N.J.S.A. 40:55D-70(d)(1). Mr. Thomas Ehrhardt, Esquire, represented the Applicants at the July 24, 2018 Public Hearing. Mrs. Annette Bollers, Mr. Michael Galante, PE and Ken Werner were each sworn in to provide testimony of the application. The Applicants are proposing to construct a 2-story building with a 936 square foot hair salon and 2,487 square feet of residential space. 902 square feet of the residential space will occupy a portion of the first floor and 1,584 square feet occupying the entire second floor. During the course of the testimony the following exhibits were entered into evidence: A-1, Architectural Plans, consisting of First Floor Plan and Description and Second Floor Plan and Description; A-2, Building Elevation showing façade sign; A-3, Building Elevations; A-4, Three (3) dimensional view of building from a Broad Street perspective; A-4 Lighting fixture detail.

Mrs. Bollers stated that she and her husband are the owners of the property. She emigrated to the United States from Guyana and is a citizen of the United States. After obtaining citizenship Mrs. Boller's mother also applied for citizenship to the United States lives with her and her husband. Mrs. Bollers currently works for Hair Cuttery and wants to open a salon to be self employed. The salon will be for hair care and the sale of hair products and hours of operation for the salon will be 9:00 a.m to 6:00 p.m Tuesday – Thursday 9:00 a.m. to 7:00 p.m. on Fridays and 9:00 a.m. to 3:00 p.m. on Saturdays. The hair salon will have 5 stations and initially she will have 3 employees, including herself, and ultimately herself and 4 other employees. All of the residential space will be occupied by her and her family with her mother residing in the first floor space and her, her husband and two children residing in the second floor space. The building's appearance will blend in with the neighboring buildings. The garage will be for her and her husband's cars but would be available for

her employees as necessary during the operating hours of the salon; however, she does not anticipate any issue with the number of on-site parking spaces as she expects 10-15 customers per day, all scheduled by appointment only. She further testified that the first floor residential space includes a laundry room, bathroom and bedroom but does not include a separate kitchen. The two residential spaces are intended to function as one residential unit not 2 separate units. The hair salon will have its own laundry room, separate and apart from the residential laundry room. The hair salon does not generate a large amount of trash, mostly empty bottles from hair products used on customers. Mr. Galante was accepted as an expert witness describes the location of the Property and the improvements proposed on the site. He stated that in addition to the parking spaces in the garage, nine (9) off-street parking spaces are provided on site; the on-site parking spaces are 9 feet by 18 feet, smaller than the 10 foot by 20 foot design standard required by the Zoning Ordinance. The smaller parking spaces are appropriate for the site as the proposed hair salon is not an intense use and the larger sized parking spaces are more appropriate for intense uses, like shopping centers and grocery stores that have significant traffic volume and high turnover. The County has conditionally approved the site plan application filed by the Applicants without requiring the submission of a traffic impact study; however, the County is requiring a truck-turning template is added to the Site Plan and revisions made to the striping of the parking area. There is room on the site for vehicles exiting the garage to turn so that these vehicles do not have to back out onto Broad Street. The County comments may result in the elimination of one of the on-site parking spaces; if eliminated, a variance would not be required, as the number of parking spaces provided would still satisfy the Zoning Ordinance. The handicap parking space will be redesigned to provide an 11 foot width and 5 foot loading zone. The sidewalk will be revised to provide a decorative sidewalk to match the existing decorative sidewalk in the area. Equipment will be located on the side of the building and will be enclosed. The Applicants have stated they will increase the amount of landscaping to be added to the site and will utilize a fence on the property to provide additional screening. Plantings will be removed from the basin area. Site lighting will be modified and one decorative light will be added to a landscaped area. A low level light will be added to the rear of the building. The Applicants are not proposing a free standing or monument sign; the only identification sign proposed is a façade sign however this was later agreed that the sign would be hung rather than mounted. Concerning Mr. Hanson's review of the property, Mr. Galante addressed the following: The Applicants will submit a Phase I Environmental Assessment and will address any of the requirements/recommendations listed in the Assessment. There is a monitoring well on site, as well as one on the adjacent dry cleaners' property, the subject of an existing NJDEP file. The Applicants will retain an LSRP if an environmental contamination is discovered. The Stormwater management system has been designed to store a 25-year storm on the property and will utilize an underground system for Stormwater to flow to the County Stormwater system. A mounding analysis will be provided.

The Board Planner and Engineer reviewed their respective Review Memorandum/Letter with the Board and had no objections to the proposed development of the Property based on the testimony presented by the Applicants' witnesses and willingness to address any review comment to the satisfaction of the Board's Professionals. A review of the positive and negative criteria indicate that portion of the first floor can be used for a residential use without a substantial detriment to the zone plan and zoning ordinance as this residential space is not a separate residential unit, it is tied directly to the second floor residence. The second floor residence satisfies the conditional use

requirements as it is constructed above a first floor commercial use, is only one residential unit and is greater than 600 square feet in area. The residential use is particularly suited for the Property as residential space is encouraged in the NB zone and not prohibited. The design of the building advances the 2007 Master Plan Reexamination in that it provides an opportunity for the owner/manager of the retail business to live on site.

Mr. Werner was also accepted to provide expert testimony in the area of architectural design. He describes the floor plans for the hair salon, the first floor residential space and the second floor residential space and that a door adjoins the hair salon and residence. He also describes the front, side and rear elevations of the proposed buildings. The proposed building mounted lighting is lighting that would normally be associated with a residential use as it is more decorative and not site lighting. The building design provides roof leaders either underground or flowing directly to the basin; there will be no Stormwater runoff from the building flowing directly to the sidewalk. The living spaces have been designed to function as one unit, not two separate units, as the first floor residential space does not have a separate kitchen. Limiting the size of the residential living space on the second floor to the size of the hair salon on the first floor would not provide sufficient living area for a family of 5. The size of the building was based on the size of the residential area required for the second floor living needs of the Applicants and their two children, which is greater than the 900 plus square feet required for the hair salon. The HVAC equipment is tucked into the corner of the "L". The Applicants will submit the architectural plans for review by the Riverton Architectural Review Committee.

At this time, the meeting was opened to the Public by the Chairman. The following testimony provided:

1. Mr. Bill Corbi who thought that the proposed building's appearance was too residential;
2. Mrs. Helen Coon who was concerned that the number of parking spaces on site was insufficient for the proposed hair salon;
3. Mr. Ernest Coon who was concerned with the site lighting shining into his home that abuts the Applicants' Property;
4. Mr. Ken Mills who was concerned that there would be insufficient area on-site for vehicles exiting the garage to turn so as not to back out of the property onto Broad Street.

With no further comments or questions pertaining to this application, the Chairman closed the floor. Mr. Threston made a motion to approve the application with all waivers, approvals and conditions deemed necessary. Approval of this application does not guarantee constructions permits. Mr. Della Penna seconded his motion. Roll call vote confirmed all in favor in the affirmative. 7 ayes, 0 nays, 0 abstain.

OLD BUSINESS:

A. Memorialize Resolution PB-2018-08, Brian and Heather Morse. Motion to approve by Mr. Threston and seconded by Mr. Greenwood. Approved 7 ayes, 0 nay, 0 abstain and 2 not called due to being absent at the Public Hearing (Mayor Cairns Wells and Ms. Reis)

B. Approval of Resolution PB-2018-09. Mr. Brandt submitted a memo to Mayor and Council

outlining the front yard setback clarification. Councilman Mills stated that Council introduced an Ordinance (O-2018-04) for the same on July 17, 2018 based on the Chairman's recommendations. The Board reviewed the Ordinance as introduced. Mr. Threston made a motion to approve the resolution that is a memorialization of their support in amending the Borough Code on front yard setbacks. Mr. Della Penna seconded the motion. All members unanimously approved in the affirmative. Council will hold a second reading and Public Hearing on August 21, 2018.

PUBLIC COMMENT The floor was opened for public comment, however no one came forth therefore closing the public portion.

COMMITTEE REPORTS

- **Council Matters/Affordable Housing Update** – Mr. Mills stated that Affordable Housing is close to settling.
- **Environmental Commission** Mr. Threston informed the Board the EC has recently discussed Sustainable Jersey and recycling, in addition to working the newly formed Environmental Club at the Riverton School.
- **Minor Site Plan** – None.
- **Master Plan** - Mr. Brandt shared the updated draft and responses from Mr. Gerkins. The Board agreed to extend the Heritage Trail down to Board Street and agreed to accept all changes. Mr. Gerkins will plan to attend a meeting in August or September for review. Once the Board finalizes the draft, it will be sent to Council for their approval and come back to the Board for Final Approval. There will most likely be a special joint meeting of the Planning Board and Governing Body so these actions can occur at the same time.

ADJOURNMENT: Motion to adjourn by Mr. Mills and seconded by Mr. Brandt.

Respectfully submitted:



Michelle Hack Secretary
RIVERTON PLANNING BOARD

Adopted on: August 28, 2018