

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
AUGUST 28, 2018 at 7 o'clock p.m.**

The August 24, 2018 meeting of the Riverton Planning Board was called to order at 7:00 PM by Chairman, Mr. Kerry Brandt. The Planning Board conducted the Flag Salute and the Secretary stated that 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:**

Mayor Suzanne Cairns Wells, present	Kerry Brandt, present	Joe Della Penna, absent
Craig Greenwood, present	Robert Kennedy, present	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 and Secretary Michelle Hack.

**MINUTES:** Minutes from July 24, 2018 were approved with typographical corrections by Mr. Threston and seconded by Mr. Martin. All unanimously approved in the affirmative.

**CORRESPONDENCE/ANNOUNCEMENTS NONE**

**NEW BUSINESS:**

**A. Interpretation Hearing and Consideration of Section 128-12 Accessory Structure**

Ms. Lodato made a request for an interpretation and consideration of Section 128-12, Definitions, specifically to include the definitions of “accessory building; accessory residential use; and accessory use or accessory”. Solicitor Petrone confirmed this was a valid request to be made by the Zoning Official in accordance with N.J.S.A. 40:55D-70B. Ms. Lodato provided history on how this hearing came to be. Last year a different resident asked if they were allowed to place a “Little Free Library” (LFL) in their front yard and was advised by the Borough it would require a variance due to it being a structure placed in the front yard. This year a resident on Lippincott placed a Little Free Library in their front yard, without consent. It was determined to be a violation and the proper notification was sent to the homeowner. After follow up discussion with the homeowner, Ms. Lodato requested this hearing. Solicitor Petrone read the definitions as prescribed by the New Jersey Municipal Land Use law, which confirms Ms. Lodato acted accordingly. The Board discussed other, more customary items that are typically placed in a front yard such as lampposts, benches, bird feeders, etc., and according to the definitions provided these items are also “accessory structures”. The Board discussed when ornamental structure is deemed diminutive on a property and determined this could only be determined on a case-by-case basis due to various property sizes. There

are concerns in requiring every front yard accessory structure to apply to the Planning Board and where and when to draw the line; it is not a good way to govern for the volunteers on the Board nor for the residents. There are other concerns of something not as friendly as a Little Free Library could appear on someone's front yard and what would be in place to stop it, in addition to structures that could be a safety hazard or sight line blockage. There was a discussion of amending the code to accommodate such structures; however, that would be impossible to canvas. At this time, Chairman Brandt motioned to open the floor to the public, which by Mr. Threston seconded. Justin Lucas of 631 Lippincott stated he is the property owner in receipt of Ms. Lodato's notice to remove the structure. He appreciates the Borough's cooperation and after this discussion has a better understanding of why these rules are in place. He further stated that he is willing to comply with any requirements set forth by the Board to keep the Little Free Library in place. He lastly commented that he used concrete to adhere the LFL for safety/tipping over reasons. Mr. Jim Quinn of Elm Terrace was present to support Mr. Lucas and stated that he appreciates the forum to understand the laws. No one else was present to speak therefore Mr. Threston moved to close the floor, which Mayor Cairns Wells seconded. After all discussions it was decided the Little Free Library at the Lucas residence, is de minimis in nature and can stay in place as currently situated with no variance is required. If other accessory structures appear within the Borough, the Zoning Official should act in a manner that she deems necessary. Mr. Threston made a motion to memorialize to interpret the accessory / building structure at 631 Lippincott is in fact an accessory structure as prescribed in the Borough code however is de minimis and does not require any variance relief. Future Little Free Libraries or other non-customary structures in the front yard shall not be covered under this interpretation hearing. Councilman Mills seconded his motion. Roll call vote confirmed 8 aye, 0 nay and Ms. Lodato abstained.

#### **OLD BUSINESS:**

- A. Approval to Memorialize Resolution PB-2018-10, Pitman Properties/JBR at 908 Cedar Block 1600 Lots 10 & 11. Motion to approve by Mr. Threston and seconded by Mayor Cairns Wells. Approved 8 ayes, 0 nay 0 abstain.
- B. Approval to Memorialize Resolution PB-2018-11, Annette & Robert Bollers, 604 Broad Street Block 902 Lot 15. Motion to approve by Mr. Threston and seconded by Ms. Lodato. Approved 6 ayes, 0 nay, 0 abstain. Mayor Cairns Wells and Councilman Mills recused from this application.

#### **COMMITTEE REPORTS**

- **Council Matters/Affordable Housing Update** – Mr. Mills stated that Council hopes to have a resolution by the end of 2018. He also reported Council, as recommended by Planning Board adopted the Ordinance (O-2018-04) to amend front yard setbacks. Mayor Cairns Wells updated that proposed Dog Park at Riverton Memorial Park and Council are still trying to work out an agreement. She formed a Dog Park Committee to meet with RDP volunteers to review the construction plans and fundraising, and discuss Borough resources however, this project is not ready for Master Plan review at this time.

- **Environmental Commission** - Mr. Threston stated the group is working toward Sustainable Jersey Bronze status, which Councilman Quinn is very helpful in working with the Green Team.
- **Minor Site Plan** – None.
- **Master Plan** – Mr. Gerkins will be present at the September Planning Board meeting to go over the draft Master Plan and clarify the process to accept the Master Plan review. Mr. Threston addressed the proposal of Senator Steve Sweeny (D), Gloucester to merge small towns throughout the state however this plan has been dismissed however Mayor Cairns Wells commented this plan, nor the school merging discussions are not under the jurisdiction of the Planning Board.

**PUBLIC COMMENT** Mr. Jim Quinn was present to ask questions concerning the process of getting the necessary approvals started for the Dog Park and feels it should have been placed on the agenda for this meeting. Chairman Brandt stated that at this point, there is nothing physical provided for the Board to review. Solicitor Petrone explained the process for Capital Improvements per the New Jersey Municipal Land Use Law. No one else came forth therefore closing the public portion.

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

Respectfully submitted:

Michelle Hack Secretary  
RIVERTON PLANNING BOARD

Adopted on: September 25, 2018