

February 11, 2013  
**Regular Meeting**  
7:00p.m.

**STATEMENT:**

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

1. Posting written notice on the official bulletin board at the Township Municipal Building on January 23, 2013.
2. Written notice was delivered to the Burlington County Times and mailed to the Courier Post on January 23, 2013.
3. Filed written notice with the Clerk of the Township of Riverside on January 23, 2013.

The Regular Meeting of the Riverside Township Planning Board was held on the above date at the Riverside Municipal Building and called to order by Vice-Chairman Kenney.

**Roll Call:** Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Mr. Epperly Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire (7:27), Mr. Daley, and Mr. Kenney. Chairman Kane was excused.

**APPROVAL OF MINUTES:**

**Motion made by Mr. Hart and Ms. Carruthers that the minutes of the November 12, 2012 Regular Meeting be approved as written.**

**Ayes – Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Daley, and Mr. Kenney.**

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

**Motion made by Mr. Cicali and Mr. Epperly that the minutes of the January 14, 2013 Reorganization and Regular Meeting be approved as written.**

**Ayes – Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Daley, and Mr. Kenney.**

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

## **RESOLUTIONS:**

None.

## **NEW BUSINESS:**

- 1) HovBros, Riverside, LLC  
Block 904, Lots 1 & 2.01  
Block 1201, Lots 1, 1.01 & 2  
Minor Subdivision & Preliminary & Final Major Site Plan Application

Mr. McAndrew, Esq. came forward as Attorney for the applicant. Mr. McAndrew introduced Mr. Peter Hovnanian, Mr. Jeffrey Brown, Mr. Martin Katz, and Mr. Tom Mirande as the individuals that will provide testimony on the application.

Mr. Cappelli swore in Mr. Hovnanian, Mr. Brown, Mr. Katz and Mr. Mirande as professionals potentially providing testimony.

Mr. McAndrew stated that J.S. Hovnanian was before the Board in July, received preliminary site plan approval, and is back before the Board for final site plan approval. A few variances are required at this time: width and square footage of ADA units due to fit and special purpose, temporary signage for site that would be 31 square feet and 10 feet high so that it fits the site and is visible for the train.

Mr. Brown came forward to provide engineering testimony. Mr. McAndrew asked that he be accepted as an expert witness. Mr. McAndrew marked the first engineering plan as A-1 and provided an orientation of streets. Mr. Brown explained that

- 1) The applicant is proposing to construct 188 units, 11 of which are handicap accessible.
- 2) Given the size of the property, there would be 45 units per acre, which is under the allowable density.
- 3) There would be two spaces for each unit and public parking available. The total number of parking spaces on the site is 349, with additional off-site spaces on New Jersey Avenue and Delaware Avenue. This is an excess of 50 stalls over what is required by RSIS.
- 4) Alleys run in the back of the buildings to provide access and driveways, and a network of sidewalks provided through site and to pedestrians.
- 5) Water run-off will be picked up from a series of drains throughout the complex, which will be diverted to outside piping.
- 6) Lighting will be provided along alleys and courtyards on decorative poles.
- 7) Landscaping will be provided along street line and throughout the site. There are also identified areas for screenings.

Mr. Brown further explained the layout of the site, the utilities for the site, which will be underground, the open spaces and walkways on and through both lots, and the buffering on each site. Mr. Brown also indicated that there is a need for relief from RSIS for curb radii.

Mr. McAndrew asked Mr. Brown if there any significant changes from the preliminary site plan that was approved. Mr. Brown indicated that there was a minor change from grass to paver strips between the sidewalk and the curbing.

Mr. Cappelli asked if Mr. Brown has reviewed the Engineer letter, which he indicated he did. Vice-Chairman Kenney indicated that the letter would be discussed in depth at a later time.

Mr. Tom Mirande, Director of Land Planning for J.S. Hovnanian, came forward and provided testimony on the project. Mr. Mirande discussed the location and type of sign that is requested, which is a sales sign only and will come down after construction. Mr. Mirande indicated that the sign was selected due to its visibility from the train. Mr. Mirande further indicated that the variance required for the ADA units is due to the fact that they are in end units.

Mr. Mirande then walked the Board and public through a rendering of a building, which Mr. McAndrew marked as exhibit A-2. On the first floor are the garages, which are directly behind open porches, and will be accessible to all of the tenants. On the second floor, there is a single floor condominium of approximately 1150 square feet and a third and fourth floor stacked townhouse units of approximately the same size. Mr. Hovnanian came forward to explain the layout of the floors and the reason for which the concept change was prompted.

Mr. Kenney asked if there were still three garages for each unit. Mr. Hovnanian indicated that there was.

Ms. Carruthers asked for clarification as to the location of the ADA unit. Mr. Mirande indicated that there was one unit per side of the building and that the end condominium is a wrap around unit. Mr. Mirande marked and explained A-3 to indicate the set-up of each end condominium unit.

Mr. Hovnanian also clarified that there are two units without garages. Mrs. Jack asked whether or not there will be walls within the garages. Mr. Mirande indicated that there would be, but Mr. Hovnanian indicated that there would not be walls separating each bay, but rather each set of three garages. Mr. Stottlemire asked what prevents a car fire. Mrs. Jack asked if there was a fire suppression system. There is not. Mr. Hart asked for clarification that the three garage unit are owned separately, which was confirmed. Mr. Epperly stated that it is a car port with storage, which Mr. Hovnanian confirmed. Mr. Cicali asked if this is a common area. Mr. Hovnanian indicated it was a limited common element.

Vice-Chairman Kenney then asked Mr. Darji, Board Engineer, to go through his report. Mr. Darji discussed the following items in his report, which is attached herein:

- 1) The units must be numbered.
- 2) Testimony should be provided on recreational opportunities. Mr. McAndrew indicated that they do not anticipate a large number of students.
- 3) HOA documents should be made a condition of approval for review.
- 4) Mail Services. Mr. Brown indicated that they would be put in the entrance ways so that they are out of the sight line and they are covered.
- 5) Condominium plan must be provided so that it can be recorded for filing purposes.

- 6) Title 39 authority over the roadways so that all traffic law requirements are adhered to.
- 7) Hancock Street right-of-way (carried from prior review) cannot be expanded.
- 8) Radii of the curbing was addressed by the applicant and is keeping with the neighborhood. A fire truck template was provided and no objection to the waiver.
- 9) RSIS requires 375 parking spaces. Ms. Carruthers asked as to the location of the proposed parking on New Jersey Avenue. Mr. Brown indicated that the developer would improve it, which would require approval from NJ Transit. Mr. Darji pointed out, however, that those spaces are not required for parking approval.
- 10) Addressed above. Parking on New Jersey Avenue.
- 11) Applicant has agreed not to have a grass strip between the sidewalk and curb and would include a paving strip instead. This would carry through the entire site.
- 12) Applicant provided a template plan to the Engineer's office.
- 13) Applicant agreed requested changes
- 14) Mr. Darji asked for additional information on trash enclosures. Mr. Brown indicated that they would be placed in the storage areas and put out to the curb or alley. Board will limit trash placement to the alley and prohibit curbside collection.
- 15) Alley C dead ends and trash collection will be done in accordance with RSIS.
- 16) Alley C may require a temporary easement in order to construct.
- 17) Each driveway includes grass strips and Mr. Darji has requested that they be paved. Mr. Hovnanian indicated that they have no objection other than cost figures. Mr. Darji indicated that his concern was over the slope and the ability to grow grass in that area. Mr. Darji also asked that the 8 inch gap on the driveway is addressed.
- 18) A copy of the access easement be provided and that the apron Mr. Mirande indicated that there was an initial sign off on an agreement with the property owner.
- 19) Stop signs and stop bars are required.
- 20) Details must be provided for signage and they must meet the retroreflectivity requirements.
- 21) One ADA unit on Hancock Street has to be on an angle, which Mr. Brown explained is an angled approach due to the proximity to Hancock Street and the need for curbing. Mr. Epperly asked if they are handicap driveways. Mr. Brown indicated that they are. Mr. Cicali asked if they could just stripe out the back for no parking.
- 22) Surface treatment of easement should be identified.
- 23) Question as to whether applicant will be milling and paving any additional area with the roadways on Delaware Avenue and New Jersey Avenue. The applicant is requesting that the improvements to New Jersey Avenue be considered.  
Ms. Carruthers asked about improvements on Delaware Avenue. Mr. Darji indicated that Delaware is worse than New Jersey, but the applicant is willing to improve New Jersey Avenue. Mr. Hovnanian indicated that previous conversations resulted in an agreement. Mr. Kenney indicated, however, that any damaged items will have to be addressed. Mr. Hovnanian agreed.
- 24) Previously addressed. Discussion on driveways.
- 25) Applicant will work with Engineer on modification for drainage.
- 26) Applicant will work with Engineer on grading.
- 27) Applicant will work with Engineer on modify drainage and inlets in this area.
- 28) Previously addressed. Discussion on inlets.
- 29) Applicant will modify to standard size of 14" and that they work.
- 30) Location of stock pile will be moved

31) Address on revised plans. Roof drains will be tied directly into storm drains.

Items 32 through 44 have been agreed to.

45) Applicant will work with the Engineer to address securing the poles given the tightness of the area. Pre-cast will potentially be used.

46) Revised plan will address pole heights.

47) Applicant agrees to additional lighting on Alley A.

48) Applicant will provide a revised lighting plan which will address all items.

49) Sewer will require easements since it is a private development.

50) Fire District must approve the fire truck circulation.

51) Restoration detail for utilities must be provided and applicant has agreed.

52) Mr. Darji has asked for clarification as to whether or not there will be additional permanent signage on the property. Mr. Hovnanian indicated that they are still visiting this. Mr. Darji cautioned that this might require future approvals. Mr. Darji also indicated that the request for the signage variance is warranted and will be outside the sight triangle.

Mr. Epperly asked to go back to 51 and advise where the utilities are cutting in. Mr. Brown indicated that they would cut the street to tie into existing.

Ms. Carruthers asked how many. Mr. Brown indicated that there would be approximately three (3). Ms. Jack indicated that each opening will have to be sealed.

53) A traffic study has been conducted for this area by the Township.

54) Developers agreement required to address COAH.

55) EIS was reviewed and found to be satisfactory.

Items 56 through 58 have been addressed by the applicant. A remedial action outcome must be submitted to the State by the Applicant's LSRP for any area that has been identified for areas of potential concern (Phase II) and the LSRP must submit an opinion letter for the limit on potential exposures (Phase I).

Mr. McAndrew asked Mr. Brown to go over the phasing. Mr. Brown marked the phasing plan as A-4 and identified the 5 phases of the project, which are roughly equal in size and are done for a purpose of financing. Mr. Darji indicated that it makes sense for the NJ Avenue improvements to be a condition of Phase II approvals, and that the proper RAO letters must be secured in order to move forward with each phase.

Mr. Stottlemire asked about the phasing and if the first project will finance the next project. Mr. Hovnanian indicated that was correct. Mr. Stottlemire asked at what point there would be a break in the ability to continue with the project. Mr. Hovnanian indicated that there is hope that Phase I fuels the success of the balance of the project. The best part of this is that the balance of the project (Phase II through Phase V) is clean to move forward. Mr. Stottlemire asked if Phase I does not go well would there be the ability to come back to discuss. Mr. Hovnanian indicated that they have been here for a number of years and intend to see the project through to fruition. Mr. Hovnanian thanked Mr. Darji for his work in getting up to speed.

The Board recessed for 5 minutes.

Vice-Chairman Kenney asked if there were any additional questions or comments from the Board. Hearing none, Vice-Chairman Kenney opened the meeting to the public.

Mr. Cappelli indicated that Mr. Epperly will recuse himself due to the fact that he lives within 200 feet of the project area.

Public Portion opened.

Mr. Gary Haman of 800 Rancocas Avenue came forward as a representative of the Business Development Committee with his colleague Bruce, who is a local business owner. Mr. Haman indicated that he is not a native, but this is the first project since the 60's, and the project is geared towards the train, business district. Mr. Haman indicated that these units would not have a tremendous impact on the schools, are for-sale units, and would help stimulate the business district.

Ms. Carol Ann Holt of Carroll Street came forward with a few concerns. Ms. Holt lives at the corner of Fairview and 2<sup>nd</sup> Street and has concerns about Alley B coming out onto 2<sup>nd</sup>. Ms. Holt asked if the access was two way. Ms. Holt has concerns about the sewer man hole, which already backs up. Ms. Holt also asked about the number of for-sale versus rental units. Ms. Holt also had concerns about potential layoffs and an influx of people.

Mr. Richard Horton of 412 Heulings Avenue came forward to express potential concerns over the radii, which was discussed, but the real concern is the storage bays that are going to be open. Anything can be stored within these units, along with the cars, so fire suppression may be required.

Ms. Betty Parker of East Hancock Street came forward to ask when the project will start if it is approved. Mr. Hovnanian indicated that financing is the key to getting this project started, as there are very strict limits on the limits to which they are able to expose themselves. As a result, the success of Phase I would dictate the success of the project and, thus, there is no concrete answer to the question.

Rich McMullen of 408 Rancocas Avenue came forward to express his concerns over the rental of these units and the number of rentals that are potential. Mr. Cappelli indicated that the percentage of rentals is set by Ordinance of the Township, but that the applicant indicated that the units will be owner occupied.

Bruce Behmke of 214 Lemon Lane Edgewater Park came forward to present his views as a business owner. Mr. Behmke indicated that this project is like oxygen to the business owners of this town. Every river town is in the same position, but Riverside has an advantage over all the other towns. This project is going to help us build a bigger tax base, so we should rally around this project.

Mrs. Julie Shulin of 30 Hancock Street came forward to ask if the site plan is a final rendering. Mr. Hovnanian indicated that it was probably as close as it could be. Mrs. Shulin has concerns about the driveway, which has been answered, and the use of the green area. Mrs. Shulin asked if the green area would remain passive. Mr. Hovnanian indicated yes, but that there would be a driveway through that area. Mrs. Shulin asked if it was a necessity and indicated that there are no trucks that go through that area. Mr. Hovnanian asked Mrs. Shulin to confirm her belief that they driveway is not used.

Mr. Scott Bordick, Site Development Manager for J.S. Hovnanian, came forward and was sworn in and indicated that according to the Canducci brothers the easement is needed and used.

Mrs. Shulin indicated that access is not directly across from her property at present and that the driveway being across her driveway is not conducive to the street. Mr. Kenney asked if the building was occupied. Mr. Bordick indicated that it was. Mr. Hovnanian illustrated where the easement would be. Mrs. Shulin indicated that she has an objection to the easement due to the fact the people cut through, speed, and trucks get hit all the time.

Mr. Robert Parker of Fairview and Hancock Street indicated that there are also issues with cars coming from Pavilion Avenue that speed and go the wrong way.

Mr. Haman asked if there could be a gate for Canducci deliveries only.

**Motion made by Ms. Carruthers and Ms. Avery to close public portion.**

**Ayes – Mrs. Jack, Mrs. Hatcher, Mr. Cicali, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, Mr. Daley, Mr. Kenney.**

**Nays – None.**

**Abstentions – Mr. Epperly.**

**Motion Carried.**

Mrs. Hatcher asked about the selling price. Mr. Hovnanian indicated that they would start at about \$150,000.00. Mr. Daley asked what the ceiling would be. Mr. Hovnanian indicated that there has been no final determination on the upgrades that would be offered, which would ultimately affect the selling price.

Public Portion reopened due to the fact that Mr. Parker entered the meeting and requested to provide comment.

Lonnie Parker came forward and asked if Hancock Street was going to be repaved. Mrs. Jack explained that the applicant is not going to improve any roadways other than New Jersey Avenue.

Mr. Cicali asked if we can limit the storage of vehicles in the garage to registered vehicles. Mr. Hovnanian indicated that it is an interesting idea and would like to take it under advisement.

Ms. Carruthers indicated that grills are not commonly allowed in these communities. Mr. Hovnanian indicated again that they would take it under consideration.

Mr. Cappelli indicated that the applicant has applied for three (3) bulk variances: ADA unit width to 14 from 16, square footage to 600 from 750, and relief for temporary signage requirements. The applicant is also seeking final site plan approval. Mr. Cappelli recommended that there be two votes on the variances and one vote on the site-plan approval.

Mr. Cappelli further indicated that the applicant has the burden of proof to satisfy the positive criteria and the negative criteria. Each member should explain his/her reason for the vote.

**Motion made by Mr. Cicali and Mr. Kenney to approve the bulk variances for the ADA units.**

**Ayes – Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Mr. Hart, Ms. Avery, Carruthers, Mr. Stottlemire, Mr. Daley, and Mr. Kenney.**

**Nays – None.**

**Abstentions – Mr. Epperly recused himself.**

**Motion Carried.**

**Motion made by Ms. Carruthers and Mr. Daley to approve the bulk variance for relief from the temporary signage requirements.**

**Ayes – Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, Mr. Daley, and Mr. Kenney.**

**Nays – None.**

**Abstentions – Mr. Epperly recused himself.**

**Motion Carried.**

Mr. Cappelli stated that the next vote is for final site plan approval with the noted conditions outlined by the Engineer and the Board.

**Motion made by Ms. Carruthers and Ms. Avery to approve final site plan approval for the construction of 188 condominiums on the identified block and lots.**

**Ayes – Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, Mr. Daley, and Mr. Kenney.**



**Nays – None.**

**Abstentions – Mr. Epperly recused himself.**

**Motion Carried.**

**CORRESPONDENCE:**

Mrs. Jack reviewed the letter from Garrison Architects representing the Riverside School District regarding the temporary classroom units. It was agreed that architects should appear before the Board at the March meeting to discuss the project.

**PUBLIC PORTION:**

No public comment.

**Motion made by Ms. Avery and Mr. Daley to close public portion.**

**Ayes – Mrs. Jack, Mrs. Hatcher, Mr. Cicali, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, Mr. Daley, and Mr. Kenney.**

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

**There being no further business, motion made by Ms. Carruthers and Mr. Stottlemire that the meeting be adjourned, and so declared by Vice-Chairman Kenney.**

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Meghan Jack, Secretary