

August 12, 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 Chairman Kane.

Roll Call: Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Ms. Avery, Mr. Kenney and Chairman Kane. Mr. Epperly, Mr. Hart, Ms. Carruthers, Mr. Daley and Mr. Stottlemire were absent.

APPROVAL OF MINUTES:

Motion made by Mr. Kenney and Mr. Cicali that the minutes of the July 8, 2013 Regular Meeting be approved.

Ayes – Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Ms. Avery, Mr. Kenney, and Mr. Kane.

Nays – None.

Abstentions – None.

Motion Carried.

OLD BUSINESS:

Hearing on Land Use Plan Element

Mr. Ed Fox, of the Burlington County Bridge Commission (BCBC), came forward and was sworn in by Solicitor Brennan in order to provide testimony on the Riverside Township 2025 Land Use Plan Element. Mr. Fox has been a professional Planner since 1991, and has been the main author of the Plan.

Mr. Fox explained that the purpose of the Board's review of the Land Use Element of the Master Plan, is to finalize and approve a replacement of the existing plan adopted in 1997. The Land Use Plan Element establishes the zoning foundation for future Land Use in the Township. The document is used not only to inform Planning Board members of what is appropriate in the

municipality, but also guides the governing body when making changes to the Land Use Ordinance. The Plan is also instrumental in planning for and developing areas in need of rehabilitation or redevelopment. The Plan is required by the Municipal Land Use Law and must be compatible with land use in the County and State, as well as surrounding municipalities.

The 1997 Master Plan Reexamination predicted the reintroduction of a rail system through the center of town, downtown development, and several redevelopment sites, but did not foresee major changes in the demographics that is a result of the economic recession. Though the recession has impacted Riverside, the Township as a whole is positively positioned to meet the challenges of the next 20 years due to its existing mixed housing stock and downtown business district.

Mr. Fox indicated that the Burlington County Bridge Commission was approached about a year ago to assist in revising the Land Use Plan Element. At that time, the Joint Land Use Board was experiencing a high number of variance requests which the Board felt were unnecessary and the Township was also experiencing zoning impacts due to redevelopment progress that has taken place over the past two decades. The proposed Land Use Element document contains a thorough analysis of the entire town. The following items were noted by Mr. Fox:

- 1) The goals and objectives set forth in the 1997 Plan Element have not significantly changed.
- 2) A few boundary changes have been suggested in the new Plan.
- 3) Changes to lot width, area, and setback are recommended to increase the conformity throughout the zones.
- 4) A few changes have been recommended in the residential zones, specifically home occupations, which it is expected will increase over the next several decades.
- 5) Took the NAICS and married it with Smart Code to determine the types of commercial uses that are best suited to a town with the composition of Riverside Township and where in the Township those uses are most appropriate.
- 6) Expanded professional uses that are permitted in the Township.
- 7) Made recommendations for additional or altered industrial uses.
- 8) Conditional Uses were discussed and it was decided that the wording in the current Code is sufficient and appropriate.

Mr. Fox indicated that this proposed Plan Element is consistent with the plans of neighboring municipalities as well as the County and State. In addition, the Plan makes suggestions to the Township in order to make conformity with the Land Use Code the norm in each zone rather than the exception.

Chairman Kane asked Solicitor Brennan to discuss the matters on which the Board requested a legal opinion, among them the permitting of tattoo parlors. Mr. Brennan indicated that he has done the research on tattoo parlors, and found that the Township cannot prohibit them, but it can place restrictions on those types of conditional uses. Chairman Kane asked Mr. Fox as to where tattoo parlors are addressed in the Plan Element. Mr. Fox indicated that there is general language in the document regarding tattoo parlors, but that there certainly should be language placed in the conditional use section further regulating tattoo parlors. Mr. Brennan commented that the

restrictions cannot, in essence, prohibit the uses. Mr. Fox suggested that the specifics do not have to be addressed in the Land Use Element document, but can be set forth within the Land Use Ordinance. All members were in agreement that when the Land Use Ordinance is revised, language regulating tattoo parlors will be included.

Mrs. Hatcher questioned the final decision on drive through banks. Mr. Fox indicated that the topic was removed from the document so as to permit them.

Chairman Kane asked as to the determination of whether or not the permission to have a home occupation in an apartment in the C-1 zone, but not the C-2 zone was changed to be uniform between the zones. Mr. Fox indicated that he will make sure that the document is uniform throughout these zones.

Chairman Kane indicated that the language change regarding the number of vehicles per employee or family member per home based businesses calls into question whether or not the language precludes family members who work for the business from having a second vehicle. Mr. Fox indicated that it should be part of the application rather than the document. Chairman Kane clarified that the authority for that would come from the Code. Mr. Fox indicated that there are no procedures in the current Riverside Township Zoning Ordinance that address this. He further indicated that an application for home occupation should be created and it should include specific information regarding the vehicles associated with the home occupation business. Ms. Avery asked how one could find the existing home occupations and what you do about them. Mr. Fox indicated that the Township should allow them as is done now and require them to come before the Board if they exceed the requirements of the Plan and Code. Mr. Cicali asked if the number of vehicles are per home or per business. Mr. Fox indicated that it is per business.

Chairman Kane asked about the preparation of the document and as to whether or not the underlining and strike outs contained in the present version would be removed. Mr. Fox indicated yes, but Mrs. Jack indicated that it would be helpful to have a document containing all of the edits so that comparisons are easily made and changes are easily identified.

Chairman Kane asked Engineer Darji for any comments. Mr. Darji indicated that from an engineering standpoint there are no comments. The Plan is well prepared.

Chairman Kane opened the hearing to the public for comment on the Plan.

No public comment.

Motion made by Mr. Kenney and Mr. Cicali to close public portion.

Ayes – Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Ms. Avery, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

Chairman Kane asked for guidance on procedure moving forward. Mr. Brennan indicated that the Board should move for adoption of the Land Use Plan Element with a recommendation to the Governing Body for its adoption. Following a vote of the Land Use Board, a resolution would be drafted by Mr. Brennan for adoption at the next meeting. The Resolution will then be forwarded to the Township Committee, along with the proposed Land Use Plan Element for consideration. Once adopted by the Township Committee, revisions can then be made to the Township Land Use Code. Mr. Kenney expressed thanks to Mr. Fox for his tremendous work on the Plan. Mr. Fox indicated that he appreciated the participation of the municipality.

Chairman Kane asked for a time-line regarding the Code. Mrs. Jack set forth an approximate time schedule for the Plan's review and adoption by the Township Committee. Ms. Jack also indicated that the Board should decide whether or not it would be like to operate as a whole or a small group in drafting changes to the Land Use Ordinance. It was decided that a small group would be best and that meetings will take place on the 2nd and the 4th Wednesdays of the month, beginning on Wednesday, September 11, 2013.

ACTION:

None.

CORRESPONDENCE:

Lightfoot Letter:

Chairman Kane discussed the understanding of the letter from Mr. & Mrs. Lightfoot of Riverlution Church. According to both professionals, the applicant would require additional approval due to the fact that approvals are by location, not by zone. Chairman Kane indicated that in researching this issue, the applicant does not meet the bulk requirements and that the intent the Code for the downtown is for business usage and patronage of the those businesses. Mr. Darji asked if the applicant has looked at other facilities in the area that are already fit for that use. Mr. Brennan indicated that while we do not want to discuss this matter since they have not brought a formal application before the Board, it is worth noting that the work that has been done on the Plan Element does not mean that the Board necessarily must defer to the inherent beneficial use criterion. The applicant must, therefore, make application to the Joint Land Use Board. Mrs. Jack also indicated that the letter listed additional services which are principal uses. The Code is clear that only one principal use is permitted per location and it will be necessary for the Church to apply for approval of these additional, non-conforming uses.

O'Connor Letter.

Mrs. Jack gave the Board some background information to the request made by the O'Connors. Mr. Kenney indicated that this property was never in Delran, as suggested in the latter. Mr. Darji indicated that deed research would be required, which is really incumbent upon the individual,

and that the property would ultimately have to be annexed into Delran upon approval by both municipalities. There are a number of properties that are affected by the boundary line, which runs from Fairview Street through Riverside. Both professionals agreed that the Joint Land Use Board was without authority to consider the matter and the property owners would have to seek independent legal counsel and proceed before both municipal governing bodies..

Chairman Kane indicated that there are antennas on the Watchcase building that do not match the color of the building, which is a violation of the approvals granted to the cell phone carriers. Mrs. Jack indicated that she would address the concern.

Chairman Kane also wanted to draw attention to the article in the Planner regarding the use of email in land use business.

PUBLIC PORTION:

No public comment.

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

Ayes – Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Ms. Avery, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

There being no further business, **motion made by Mr. Kenney and Mr. Cicali that the meeting be adjourned, and so declared by Chairman Kane.**

Meghan Jack, Secretary