

**CINNAMINSON TOWNSHIP PLANNING BOARD**  
**REGULAR MEETING MINUTES**  
**Tuesday, March 11, 2025 – 6:30pm**  
**Cinnaminson Municipal Building, 1621 Riverton Road, Cinnaminson, NJ 08077**

Mr. Gallagher called the meeting to order and led the flag salute.

Sunshine Statement: In accordance with Section V of the Open Public Meetings Act, Chapter 231, Public Law 1975, notice of this meeting was posted on the Township Website and by advertising the Regular Meeting in the Burlington County Times and Courier Post newspapers on January 24, 2025. In addition, notice was filed with the Municipal Clerk.

This meeting is a quasi-judicial proceeding. Any questions or comments should be limited to issues that are relevant to what the Board may legally consider in reaching a decision, and decorum appropriate to such a proceeding must be maintained at all times.

**Roll Call**

Present: Mr. Gallagher, Mr. Minton, Mr. Roadside, Mr. Snyder, Ms. Stewart

Absent: Ms. Lamon, Mr. Maradonna, Mr. McGill, Mr. Segrest, Ms. Woodington

Also present: Mr. Heinold, Board Solicitor; Mr. Barbadoro, Board Engineer; Mrs. Russell, Board Secretary

Mr. Gallagher read the Board's Policy: It is the policy of the Board that no application will be opened after 10:00P.M. It is the policy of the Board that no new testimony will be taken after 10:30P.M.

**Applications**

Case #03-08-P-400

Riverton Country Club, 1416 Highland Avenue (Block 1201/Lot 2) Zone R-2

Minor Site Plan application with design waiver, to authorize construction of an accessory structure (aka shelter/halfway house)

Michael Floyd, Esq., Archer & Greiner PC, Attorney for the Applicant, explained the street address of the application and the Riverton Country Club is 1416 Highland Avenue, and that the golf course has frontage on Highland Avenue, Par Drive, Golf Road, Park Avenue in Riverton, and Thomas Avenue in Cinnaminson. The proposed improvements are on the Thomas Avenue side of the golf course. Mr. Floyd reported the application was initially heard at the January 14, 2025, Planning Board meeting where testimony was given by the Applicant's representative, Tom Kearns, and Engineer, Gary Vecchio, of Taylor, Wiseman and Taylor. Comments were also heard from members of the public and from counsel representing objectors to the application. At that meeting, after a brief recess, the Applicant requested the hearing be continued to the February 11, 2025, meeting to allow time to meet with objectors, listen to their concerns, and possibly revise the plans. The matter was again continued to the March 11, 2025, meeting in order to make necessary revisions. Mr. Floyd explained that testimony would be provided regarding those meetings, what was discussed and the revisions made to the site plans. He stated that the revised plans were shared with opposing counsel prior to this hearing.

Mr. Floyd introduced the three witnesses and the subject of testimony to be given: Tom Kearns, President of the Riverton County Club, to provide testimony regarding the proposed site improvement, location and need for shelter/halfway house and why this location is well suited; Ryan Havey, P.E., Taylor Wiseman & Taylor, Engineer for the Applicant; and James Miller, P.P., AICP, Planner for the Applicant, to speak to the request for the 150' setback design waiver.

Mr. Floyd explained the six (6) exhibits and distributed reduced copies to the Board and Professionals:

A-1 aerial photo of overall property and surrounding uses and road networks

A-2 aerial photo showing detail of Thomas Avenue and location for proposed shelter

A-3 revised minor site plan submitted to Board and Board's Professionals

A-4 conceptual floor plan and elevations

A-5 rendering of proposed shelter

A-6 line of site profile showing the view once completed from Thomas Avenue

Mr. Floyd explained the purpose of the application is demolition and removal of the existing shelter located on the 15<sup>th</sup> tee box, and the new construction of a 432 square foot shelter in a different location with utility connections to water and sewer. He stated supporting testimony will be given as to the need for the proposed shelter, why the location is best suited, the aesthetics of the building, and its use and operations.

Mr. Kearns, Mr. Havey, and Mr. Miller each stated their addresses for the record and were sworn by Mr. Heinold, Esq., Planning Board Attorney.

Mr. Barbadoro, Planning Board Engineer, explained his prior review of the application, finding the Affidavit of Ownership missing, which has since been supplied. He therefore had no exception to the application being deemed complete.

### **Completeness/Notice**

Motion by Mr. Minton, seconded by Mr. Roadside to accept Mr. Barbadoro's opinion that the application is complete.

### **Roll Call**

Those voting in favor: Mr. Minton, Mr. Roadside, Mr. Snyder, Ms. Stewart, Mr. Gallagher

Those voting against: None

Those abstaining/recusing: None

Mr. Kearns testified that he has been the President of the Riverton Country Club Board of Governors for 7 years, a member of the Board for 9 years, and member of the Club for 16 years. He stated he is a regular golfer on the course and testified as to his familiarity with the course layout. Mr. Kearns explained the Club's retention of Ed Wankel, President of Leisure Services Associates, Inc., to address health and safety issues with the 15<sup>th</sup> hole layout. Based on his recommendation, the Club membership approved the relocation of tee boxes, closure of the current shelter, and relocation of a temporary structure from the old pool bar to the 15<sup>th</sup> hole until a more permanent solution could be achieved. Mr. Kearns testified that with the relocation of the tee box, the current shelter is now in the line of play. He further testified that because of the open-air design of the structure, staff are exposed to extremes of the elements, and the lack of restroom facilities creates an inconvenience for staff and golfers. He explained that staff must now leave the shelter unattended, and drive by cart to the maintenance shed to use the restroom. Mr. Kearns addressed security concerns with the open-air shelter, reporting its repeated break-ins after hours. Mr. Kearns explained the proposed new location would provide a better level of service being situated at a crossover of the course, would provide food and beverage service, and restroom facilities, and could be easily visited twice during the course of play.

Mr. Kearns testified that the plan was introduced to the membership on November 25, 2024, at the semiannual meeting. He reported Club Board members met with Ms. Wright at her home on January 10,

2025. He stated that, as the Club representative, he agreed to adjourn the January hearing to allow for time to meet with concerned Club members. He explained the notification process and frequency by the Club Board to setup a meeting. The Club Board met with members on January 31, 2025, to review their suggestions for alternate location of the building, and to discuss why they may or may not fit. Mr. Kearns explained after the meeting, the Club Board met to discuss the concerns, concluding none were viable. Mr. Kearns pointed out the suggested alternate locations on Exhibit A-1 and A-2 and explained that they would not be feasible due to wetlands constraints, setback issues, lack of service to utilities, safety issues with hit golf balls, and the inability to sell alcohol at the location suggested within Riverton Borough.

Mr. Kearns explained the suitability of the proposed location as it complements the flow of movement of golfers playing on the course as it would be conducive to the "pace of play" of 3 hours and 15 minutes. He stated the expectation is that golfers will not stop at the shelter for any length of time, only to order and receive refreshments, and use the restroom facilities before continuing their game. He testified that there would be no tables or chairs, and no amplified music at the new shelter. He reported that not having easily accessible bathrooms has led to public urination on the course and the proposed location will provide golfers with two opportunities to use restrooms. Mr. Kearns testified that trash and recyclables are removed from the shelter daily to the dumpster at the main location.

Mr. Floyd pointed out the area of disturbance on Exhibit A-2 and explained that the disturbance area, being under 5000 square feet, is considered de minimis without need for soil erosion controls. He showed the location of water and sewer utility connections on Thomas Avenue. Mr. Minton asked for clarification of the scale of the drawing on Exhibit A-2. Mr. Floyd testified it was to scale and that additional testimony would be provided supporting that.

Mr. Havey described his education background, credentials, and experience in testifying before planning boards. He stated his license as an engineer was in good standing in the State of New Jersey. The Board recognized Mr. Havey as an expert witness.

Mr. Havey described the application exhibits: A-1 being an overall aerial view pointing out the position of the golf course and surrounding areas relative to public streets in Cinnaminson and Riverton; A-2 an aerial photo with enhanced detail to show location of proposed structure and modifications to cart path, and he explained the scale of the drawings; A-3 site plan showing improvements consisting of a new 432 square foot building, modification to existing cart path, and removal of existing 150 square foot structure. He explained the 280 square foot difference in structure size does not change the overall impervious coverage percentage, and the area of disturbance being under 5,000 square feet, does not require a soil erosion permit application, or stormwater management plan. Mr. Havey testified the distance from the northernmost corner of the proposed structure and Thomas Avenue is 77.2'. He explained the setback requirements, per Township Code Chapter 525-97-B(3)(b), requires a 150' setback, therefore, a design waiver is required to allow for the 77.2' setback. The shelter will be serviced by water and sewer approximately 130' to connection with the main and sanitary main. Using Exhibit A-1, Mr. Havey pointed out the wetlands, as per the DEP's NJ-GeoWeb, and explained the issues with the suggested shelter locations being between two ponds, requiring setbacks that would locate the shelter in wetlands, and the possible impact on wetlands and the ponds. He further explained the safety issue of the suggested location within the line of site of a tee box.

Mr. Havey used Exhibit A-4 to show the conceptual floor plans and elevation of the proposed shelter, the location of the two bathrooms, storage and refreshment prep areas. With Exhibit A-5, color rendering of completed halfway house, he described how the shelter will fit in with the existing style of buildings on

the property and showed the location of restrooms relative to the tee box. Using Exhibit A-6, Mr. Havey explained the line of site profile showing the 5' to 6' installed height of twenty-one (21) Leyland Cypress along Thomas Avenue. He stated the cypress will provide a screen to buffer the view of the structure from Thomas Avenue. He suggested the cypress would grow to 20' tall over the next 5 years and would completely block the view of the shelter. Mr. Gallagher asked if the trees would impede on the view of the golf course and Mr. Havey stated the line of sight would be open along most of the area. Mr. Minton asked for clarification of the length of the planting strip and Mr. Havey stated 150' in total length would be planted. Mr. Floyd explained the purpose is to buffer the view of the shelter but not to block the view of the golf course from the residences along Thomas Avenue.

Mr. Miller described his education, qualifications, and experience as an expert testifying before planning boards, and stated his license as a Professional Planner is in good standing in the State of New Jersey. Mr. Miller reported he has testified before both the Planning Board and the Zoning Board of Adjustment. Mr. Gallagher accepted Mr. Miller's qualifications as an expert witness.

Mr. Miller reiterated the mailing address and location of the proposed improvements and explained that a portion of the Country Club is located in Riverton. Mr. Miller testified that the existing use of the property as a golf course/club/country club is allowed in the R-2 Zone, and that the surrounding properties in the R-2 Zone are mostly single-family detached dwellings. He reported the proposed use of a shelter/halfway house has been extensively described by the prior witnesses. Mr. Miller testified that the proposed shelter would have a 77.2' setback from the right of way on Thomas Avenue, a 102.2' setback from the paved portion of Thomas Avenue, and would be 137.2' from the nearest residential property line.

Mr. Miller explained the Applicant is seeking a waiver from one of the twenty (20) allowed design standards applicable in Chapter 525-97B(3)(b). He stated the bulk front yard setback in R-2 Zone as found in Chapter 525-21C is 50' in depth, and further stated lots with frontage on Golf Road, Par Drive, Coles Lane and Thomas Avenue, shall be not less than 75' in depth. He stated the proposed shelter setback of 77.2' meets the bulk standard setback listed in the code, therefore no bulk variance relief is required. He reported this is a change from the previous plan where the proposed shelter setback was 57', and by increasing the setback to 77.2', the need for bulk relief has been eliminated.

Mr. Miller explained per Chapter 525-97B(3)(b), the minimum spacing between any permitted accessory structure to a golf course and any lot line, shall be 150 feet. He reported the code offers additional controls for golf course/club/country club where all conditions may not be achievable on every site plan, therefore each application shall be carefully considered on its merits and waivers may be granted where appropriate. He stated this was added to the code in 2010 by Ordinance 2010-2. Mr. Miller testified that the language of the code is clear and unambiguous and creates design standards and establishes a process to gain relief from design standards. He stated the code acknowledges the standards may not be achievable on every site plan, and where standards may not be practical or appropriate, the Board may grant relief from those standards in the form of a waiver. He stated the language confirms the Governing Body's intent and that the procedures that govern are the waiver procedures. He concluded the Applicant is seeking a design waiver from the standard that the minimum spacing from an accessory structure to an adjacent lot line be 150', and that the balance of the twenty design standards in Chapter 525-97B(3)(b) are met despite the course having been designed in 1900 as a 9-hole course, and finalized in 1916 as an 18-hole golf course. He stated that country club and golf course are long-established uses in the Township and this meets the code.

Mr. Miller described the proofs required for the waiver of undue hardship and practical difficulties to applicant or property. He stated the practical difficulty justified by the site constraints and operational

characteristic of the use, for which testimony has been given. He stated the existing halfway shelter must be removed due to the realignment of the fairway on the old 15<sup>th</sup> hole, and the proposed halfway shelter meets locational requirements being at a point in the round where there is a need for refreshments and restroom facilities, being near electric and utilities, accessible by cart pathway, and out of range of players on tees and fairways. The proposed shelter location sits near the tee for the 8<sup>th</sup> and 15<sup>th</sup> holes and is interval in the round of play where this type of facility is needed and meets the pace of play of 3 hours and 15 minutes. He described it as an ideal location per the testimony given and in addition provides safety from errant golf balls from adjoining tees and fairways. The proposed site is outside of any significant environmental constraints or wetlands areas.

Mr. Miller testified there are no negative impacts for this site, which has an appropriate and conforming setback of 137.2' from the nearest residential property line which is a comparable distance as recommended in the design standards. The landscape buffering and screening will further reduce the impact, and the location corresponds to the site constraints and operational requirements that impose practical difficulties of the location of a needed accessory structure of a golf course. He stated the location satisfies the criteria established in the MLUL and local ordinance and merits the Board's approval.

Mr. Floyd asked if Mr. Miller had visited the site when preparing for testifying. Mr. Miller stated he visited the property at least three times, spent time walking and driving the course and visited the site of the existing and proposed shelters. He also reviewed local code, the Riverton Country Club website and history of the Club, as well as the aerial photos and plans prepared by the Applicant's Engineer.

Mr. Minton asked if Mr. Miller had reviewed Mr. Barbadoro's letter regarding required waiver and variance. Mr. Miller testified that a variance is not required and the relief sought is a design waiver. Mr. Barbadoro deferred to Mr. Heinold who stated the applicable standard for the current proposal is for a design waiver, while the prior proposed structure setback would have required a variance. Mr. Floyd explained the redesign of the proposed shelter now meets the bulk requirements of the R-2 Zone and therefore only requires a design waiver.

Mr. Barbadoro stated landscaping is not shown on the revised site plan. Mr. Floyd testified the Applicant will work with the Board's Engineer as a condition of approval. Mr. Kearns showed on Exhibit A-5, rendering of completed shelter, the island with river rock and low shrubbery that will soften the appearance of the building but will not block cart traffic, and where shrubs will be planted to mitigate the line of sight view of the bathroom doors. He testified that he will work with the Township on required landscaping. Mr. Barbadoro asked what type of lighting will be installed at the shelter doorways. Mr. Floyd testified there will be lighting for security purposes that does not spill over and that all light will face downward. He stated that lighting will be shown on the final site plans and will not be pole lighting, only wall mounted lighting on sensors.

### **Hearing Open to the Public**

Mr. Gallagher opened the hearing to the public.

- Jeffrey Baron, explained he is an attorney representing two members of Riverton Country Club, one in attendance and one unable to attend due to illness, who are in opposition of the application. He explained receipt of a written statement from his client who was not in attendance but advised the client that written statements are not admissible.

Mr. Baron, who was sworn at the January meeting, began his questioning by asking Mr. Kearns to explain if club members were invited to attend meetings and closed meetings, and how they were notified. Mr. Kearns explained the process of meeting with members outside of the closed meetings. Members did not have an opportunity to hear the reasons why the suggested locations were not viable as they were

discussed in closed meetings of the Club's Board. Mr. Kearns stated the communication was with Ms. Wright as they considered her the lead for the group of objectors.

Mr. Baron asked if cars could park on the cart paths. Mr. Kearns stated no motorized vehicles are allowed within the course, other than golf carts. Mr. Baron asked if any part of the golf course is located within the right of the way. Mr. Floyd testified that there are cart paths and landscaping within the unimproved right of way, which is a preexisting, non-conforming condition of the golf course. Mr. Floyd stated the golf course was founded and developed in 1900 and development continued over the decades, therefore these are lawfully preexisting conditions. Mr. Baron asked if the Township consented to the proposed planting in the right of way. Mr. Floyd explained the Applicant would plant cypress only with the consent of the Township and would maintain the trees in the right of way owned by the Township. Mr. Floyd explained this would be a condition of approval by this Board and approval would be sought from the Governing Body. He explained this is similar to seeking outside approval such as County Planning Board, Soil Conservation District, etc. and would be a condition of the approval by the Planning Board. Mr. Floyd stated planting the cypress would mitigate the line of site from Mr. Baron's client's home, and if the Governing Body does not allow the Leyland Cypress, the Applicant would have to come back before this Board. Mr. Floyd explained the cypress planting was proposed in order to mitigate Ms. Wright's view of the halfway shelter. Mr. Kearns stated the line of site drawing was created to show the view from Ms. Wright's property as she was the primary objector to the view of the halfway shelter.

Mr. Floyd stated the Applicant does not have a legal obligation to meet with objectors and that it is outside of the jurisdiction of this Board to require it. The Planning Board suggested the Club meet with objectors and they did. Mr. Heinold clarified that the Applicant has a right to file an application, submit plans and present exhibits. There is no obligation to hold discourse outside the hearing with objectors and it is not the role of this Board to determine how the Club conducts internal member communications or meetings. This Board is constrained to a code and MLUL and what is applicable. Mr. Baron stated the Board must follow the intent and purpose of the MLUL, NJSA 40:55D-1 when considering applications.

Mr. Baron asked Mr. Miller to define a conditional use, and asked how it is defined in the ordinance. Mr. Miller provided testimony on waivers from the design standard and supplied evidence from Chapter 525-97B(3)(b) to support the request that a design waiver be granted. Discussion continued as to a halfway shelter being an accessory structure to a golf course. Mr. Miller stated his experience writing and interpreting zoning ordinances and the cumulative effect of amending ordinances over the decades. He stated this control is a design standard and the ordinance describes relief from that design standard by design waiver, not a conditional use variance or bulk variance. Mr. Baron asked if a halfway shelter was defined as an accessory facility within the code. Mr. Miller stated it is not explicitly mentioned but the ordinance does not limit what is identified, provides for this as an accessory structure. Mr. Floyd reminded the Board that extensive testimony was given at the hearing in January in support of a halfway shelter as an accessory structure. Mr. Miller explained the expansive clause in the ordinance of "such as" and does not limit the types of accessory structures listed. "Operations" refer to the functionality of a facility and how business is conducted. Mr. Miller continued that as a part of playing a round of golf, players seek refreshments and may need to use a bathroom facility. This structure facilitates the functionality of that.

Mr. Gallagher called for a brief recess at 8:13PM. Mr. Gallagher called the hearing back to order at 8:24PM. Public Comment continued.

- Ms. Wright, 1005 Thomas Avenue, Cinnaminson – Ms. Wright was sworn by Mr. Heinold. She stated the relative proximity of her property, where she has lived for 20 years, to the proposed shelter. She testified that she has been a member of the Country Club for 25 years and is currently not an officer. Ms. Wright reported discussions regarding the disagreement with the proposed location of the shelter by a group of the members. She agreed the current shelter needs to move but expressed concern with the proximity to the street and possible noise and street traffic issues. Ms. Wright stated there is no need for a bathroom at this location. She expressed concern with the proposed color of the building and the planting of the cypress that will block her view of the golf course. Ms. Wright believes the Country Club is expanding its land by placing the structure, tee and cartway in the right-of-way. She further stated that a service facility should not be on a residential street and shared concern that the Country Club has had a lack of regard for Thomas Avenue residents.

Ms. Wright introduced 2 groups of photo exhibits:

Exhibit O-1 –photos of a dumpster, mound of dirt, the pump house and dam (taken by Ms. Wright)

Exhibit O-2 –photos of the trees blocking the pumphouse between Orchard and Shrewsbury, and the corner of Shrewsbury where brush had been dumped (taken by Ms. Wright)

Exhibit O-3 –photo of the pond between Orchard and Shrewsbury (taken by Mr. & Mrs. Rittenhouse)

Exhibit O-4 – photo of waterflow across Thomas Avenue (taken by Mrs. Rittenhouse, July 2021)

Exhibit O-5 – photo of stormwater overflow and property damage on Cherry Lane (taken by Ms. Wright)

Exhibit O-6 – photo of vegetation and debris restricting flow under Thomas Avenue

Ms. Wright stated Exhibits O-1 and O-2 show that the perimeter of the course is not maintained. She further stated Exhibit O-3 shows the degradation of the pond.

- Bob Rittenhouse, 911 Thomas Avenue, Cinnaminson – Mr. Rittenhouse was sworn by Mr. Heinold. Mr. Rittenhouse testified that he has lived at the corner of Thomas and Orchard, across from the pump station and pond, for 20 years and has been a member of the Country Club for 18 years. He stated he learned about the design and location of the halfway house from the original notice sent by the Applicant in January. He shared his objections to the application on the basis of stormwater management and perimeter maintenance. Mr. Rittenhouse explained that rainwater is managed through a series of ponds and exits at the pond at hole 14, across from his driveway. He stated that at the January hearing, Mr. Vecchio testified that the water goes under Thomas Avenue and does not sheet across the road. Mr. Rittenhouse stated that, periodically, water flows across Thomas Avenue into “Jack’s Run.” He pointed to Exhibit O-4 showing waterflow across Thomas Avenue in July of 2021. Mr. Rittenhouse explained that Exhibit O-5 shows stormwater overflow and property damage on Cherry Lane where flood doors were installed and sand bags are kept in preparation of flooding. He referred to Exhibit O-6, explaining the accumulation of vegetation and debris restrict flow under Thomas Avenue as the condition of the pond worsens. He expressed concern that the Country Club will continue to add into the right of way and will not properly maintain the perimeter. He stated this location for the halfway house is inappropriate, expressing concern that additional building will add to the impervious coverage on the property, and that coupled with the unmaintained stormwater system, will lead to increased drainage issues and flooding.

- Matthew Schiffer, 116 E. Moreland Avenue, Philadelphia – Mr. Schiffer was introduced by Mr. Baron and sworn by Mr. Heinold. Mr. Schiffer explained he is a self-employed golf course architect, and a registered civil engineer in good standing in NJ. He testified that as a golf course architect he is qualified to advise on every aspect of golf course design, location of accessory structures, and to advise on common practice. Mr. Schiffer explained his educational background and work experience, and professional affiliations.

In discerning Mr. Schiffer's qualifications as an expert witness, he testified to his work in design of public golf courses as a golf course architect. He has not testified before zoning or planning boards. Mr. Heinold explained the standard for accepting an expert, based on licensing and education in a field, that sets them apart from the general population. Mr. Heinold recommended that Mr. Schiffer has demonstrated his experience in the area of golf course design and therefore should be accepted as an expert in such. Mr. Floyd stated objection that Mr. Schiffer giving any planning testimony. The Board accepted Mr. Schiffer as an expert in golf course design.

Mr. Baron introduced Exhibit O-7 showing the location of four (4) alternative location suggestions. Mr. Schiffer explained that three (3) of the suggested options—option #1, #3, and #4--would meet the needs of the club without the need for a variance or imposition on neighbors. He explained that one (1) suggested location—option #2--would be problematic due to wetlands. Mr. Schiffer stated the proposed building's window, facing the street, would be problematic as all noise will be focused toward neighbors. Mr. Schiffer reviewed Exhibit O-7 with the Applicant and their professionals, pointing out the four suggested locations, their accessibility to the specific holes and tee locations on property in relation to setbacks. It was decided that location #2 would require a DEP permit and therefore may need to be excluded but would be reasonable if wetlands were not a concern.

Mr. Floyd asked for a 5-minute break to discuss these suggested options with his client and to give the members of the public opportunity to review Exhibit O-7.

Mr. Gallagher announced a five-minute break at 9:27PM. The hearing returned to order at 9:32PM and Public Comment continued.

Mr. Floyd asked Mr. Schiffer if a dispersion analysis had been done in consideration of the four suggested locations. Mr. Schiffer explained the locations were judged solely on proximity to adjacent holes and if they would satisfy the requirement of the ordinance. Mr. Floyd explained that "dispersion analysis" refers to all of the possible outcomes of where a hit golf ball may travel. He explained that typically, 15% will go left or right and 85% would go straight. Mr. Schiffer had no comment as he had never before conducted a dispersion analysis when determining placement of accessory structures. Mr. Schiffer stated he had not done water or sewer connection analysis of the suggested locations to determine if a gravity main or pump station were needed.

Mr. Gallagher asked if Mr. Schiffer uses an alternative system to determine safety, and Mr. Schiffer stated he uses distance 100' to 150' away from structure, depending on situation, topography and the shot coming in. It is situational, he explained.

Mr. Floyd stated for the record his respect for the comments from Ms. Wright and Mr. Rittenhouse. He reported that traffic issues on Thomas Avenue with drivers stopping are an enforcement issue for the Police Department and Governing Body, not for Riverton Country Club. He explained the overall increase in impervious coverage is de minimis and basically no change from the current building at 1.24% of the property. Mr. Floyd stated the one (1) acre of total soil disturbance falls under the DEP regulations and does not trigger the need for any new stormwater regulations. He stated communications occurring internally between the Club Board and its members, under MLUL, are not the concern of this Planning Board. He stated that proper notice was made to all property owners within 200' and published in newspaper, and that Applicants are not required to meet with neighbors.



Mr. Barons expressed that the issue of the Club not maintaining the property and extensive flooding are a concern of this Board.

Mr. Floyd stated the proofs are in the record from civil engineering, planning and client testimony and support this minor site plan and design waiver of 150' setback.

Mr. Gallagher invited additional comment from members of the public, reminding the time constraint and asking speakers to be cognizant of this.

- Dan Nolder, 834 Salmon Drive, Cinnaminson – Mr. Nolder was sworn by Mr. Heinold. Mr. Nolder stated he is a member of the Club but does not live on Thomas Avenue. He feels the shelter is a bar and should not be built on a residential street?
- Gail Reedy, 133 E. Homestead Avenue, Collingswood – Ms. Reedy was sworn by Mr. Heinold. Ms. Reedy stated she has been a member of the Club for 66 years, and served on the Greens Committee for 20 years. She explained her work with the design and construction of the bridge between the clubhouse and first tee which had to be changed many times to ensure it conformed with requirement to accommodate an ambulance. She believes the Country Club Board should evaluate the suggested alternative locations.
- Dhaval Desai, 9 Armstrong Drive, Moorestown – Mr. Desai was sworn by Mr. Heinold. Mr. Desai witnessed an incident at the current shelter, where a teenaged worker walking out of the back of the shelter was narrowly missed by a ball whizzing past her head. He expressed how devastating it would be for someone to be injured in this way.
- Ellen Thomas, 1405 Coles Lane, Cinnaminson – Ms. Thomas was sworn by Mr. Heinold. Ms. Thomas stated she lives on the 7<sup>th</sup> tee box and often gets golf balls hit into her yard. She expressed concern with the proposed location in front of 15<sup>th</sup> tee and to the left of 8<sup>th</sup> tee as it is in firing range of two tee boxes and balls go everywhere. She suggested it be built by the maintenance shed where bathrooms are already located.
- Ryan Furlong, 1024 N. Lawrence Street, Philadelphia – Mr. Furlong was sworn by Mr. Heinold. Mr. Furlong stated he is a member of the Riverton Country Club and spoke about safety issues, having hit balls into all of the four suggested locations multiple times. He believes that none of the four options are viable and that the proposed location is best for the operation of the club with the least amount of traffic and traffic stopping. It allows for golfers to place their order, tee off and then pick up their order. He feels it satisfies the need for appropriate shelter for the workers from extreme hot and cold temperatures. Mr. Furlong stated the location is safe, being in between two tee boxes, with no chance for a ball to be hit there. He believes the Board, under the ordinance, shall grant waivers if all bulk regulations are not achievable and the suggested site at the maintenance shack would violate the 150' setback required.
- Sue Rosica, 606 Overlook Road, Cinnaminson – Ms. Rosica was sworn by Mr. Heinold. Ms. Rosica disagreed with the characterization that the shelter is a bar. She stated that bathrooms are needed and the other bathrooms are on the other side of the course. She explained that she can see golfers urinating on the course from her kitchen window and expressed concern with the members of the public, kids playing, and people walking dogs witnessing this as well. She agreed that the proposed location allows for visits to the shelter coming in both directions.

## **Hearing Closed to the Public**

Since there were no further comments or questions, Mr. Gallagher closed the hearing to the public.

## **Comments from the Board**

Mr. Minton asked if Mr. Floyd could testify as to how the structure is covered by the Country Club's liquor license. Mr. Floyd stated the Club holds a valid liquor license, in full force and affect, and is authorized by Trenton to serve alcohol in the main clubhouse, golf center, current shelter and bar, and proposed new facility. He stated they are not allowed to sell alcohol in Riverton due to deed restriction and the halfway house located in Riverton only sells non-alcoholic beverages and is set directly on Park Avenue. Mr. Minton asked about sales to the public and Mr. Floyd stated that Mr. Kearns provided testimony in January that refreshments are only served to golfers on the course and not for the public or members who walk in from Thomas Avenue.

Mr. Gallagher reported, on behalf of the Board, that this is not an easy decision. He stated that the members of the public present are our neighbors who live in the community, and he sympathizes with flooding concerns and sightline issues. He asked Mr. Floyd if the structure could be another color, such as green or tan, that would better accommodate the natural, visual aspect. Mr. Kearns explained the theme of all the buildings has been black and white and though he cannot make a decision tonight, he would take the concerns back to Club's Board for consideration.

Mr. Baron stated he was not ready to sum up and asked if this hearing could be carried to the next meeting.

Mr. Floyd stated that witnesses and proof have been put on the record and that he would forgo a summation as it would not provide anything new for the Board. He stated that the Applicant has had witnesses, Mr. Baron has had witnesses, and the members of the public have spoken. He stated this is not a complicated issue; a minor site plan and design waiver, and he would ask that the Board deliberate and make a ruling.

Mr. Baron felt he could not offer a summation because the Applicant submitted a different plan from the previous meeting, provided testimony from a new planner whom he disagreed with, and believes more research is required to determine if a variance or a waiver is required. Mr. Floyd testified that the revised plan was sent to Mr. Baron's partner ahead of this meeting.

Mr. Heinold stated the legal issues or arguments are not going to change with more time; the plans are on file, were shared with objectors' counsel, and the public has been given ample opportunity to be heard. He explained this is a site plan application at base, with a design waiver and the ordinance is very clear and unambiguous that this a waiver, and the Board can grant relief under waiver standard not a variance. He further stated that the Applicant was before the Board in January, gave notice and after discussion, the hearing was continued and the Applicant re-noticed. In Mr. Heinold's legal opinions, and given the testimony of the Applicant's planner, the application is characterized correctly and the relief sought is a waiver.

Mr. Heinold invited the Board to consider imposing reasonable conditions regarding the planting of the line of Leyland Cypress. The intent is to mitigate the impact but there is objection from those that this is meant to protect. An appropriate condition is to seek approval from the Governing Body and if the condition cannot be met, the Applicant would come back before the Board.

Mr. Minton reported it is common practice of the Board and Township, when planting would occur in the right of way, to come before the Board first. He believes the planting as described may be far too dense, long and excessive and may detract from the project. There may be an opportunity to work with the Township's landscape engineer and Applicant's professionals to revise a plan that softens appearance of the building without excessive planting. He suggested, as a condition of approval, the Applicant would agree to meet with the Township engineer and Township officials to have a landscaping plan that appropriately buffers the neighboring community. Any plantings would need approval by the Governing Body as a condition of approval and failure on either one would require them to come back to the Planning Board. Mr. Floyd agreed this would be acceptable to his client.

Mr. Snyder echoed Mr. Minton's comments, explaining that the dimensions from the roadway may not be what you would like, but believes the facility has come up with a good plan, and needs a minimal waiver on distance. The shelter can be obscured by different shrubs or maybe a berm, or color change on building. Mr. Roadside and Ms. Stewart also agreed with these sentiments.

Mr. Heinold summarized the conditions discussed by the Board as landscape requirement for a buffering solution of the Leyland Cypress proposed or another as directed by the Township's landscape engineer and approved of by the Governing Body. If the Applicant is unable to meet that condition, the Applicant will be required to come back to Planning Board for further discussion. The Board makes a request that the Applicant explore the potential for a less impactful paint color to soften the impact, and while a change of color is not a condition, there must be a good faith effort to look at the issue. Mr. Minton asked if property maintenance could be addressed per Mr. Rittenhouse's comments and concerns. Mr. Minton stated that residents on Cherry Street have complained about flooding but there have not been property maintenance issues reported on Thomas Avenue. He suggested collaboration between the Township and Riverton Country Club to address the property maintenance per the code. Mr. Floyd agreed, on behalf of his client, that they will coordinate with Mr. Rittenhouse and the Township on overall maintenance, sheet flow screening and street scaping along Thomas Avenue.

Mr. Heinold referenced Mr. Barbadoro's letter issued in January and his revised letter issued March 10, 2025, which was discussed during his testimony.

Motion by Mr. Roadside, seconded by Mr. Snyder for site plan approval with the waiver as requested, and with the conditions set forth with respect to landscaping, paint color, property maintenance and stormwater management. Mr. Heinold added there will be standard requirements and outside agency approvals as further conditions.

### **Roll Call**

Those voting in favor: Mr. Minton, Mr. Roadside, Mr. Snyder, Ms. Stewart, Mr. Gallagher

Those voting against: None

Those abstaining/recusing: None

### **Approval of Minutes - February 11, 2025 Regular Meeting Minutes**

Motion by Mr. Minton, second by Mr. Snyder to approve the minutes of the February 11, 2025 Regular Meeting. The minutes were approved by those members eligible to approve them, with no corrections.

**Resolutions**

Resolution 2025-08 Memorializing Board's Decision on Case#2501-Minor Subdivision, Block 606/Lot 2, ANTA Enterprises, LLC, 913 James Avenue

Motion by Mr. Minton, seconded by Mr. Roadside to adopt Resolution 2025-08

**Roll Call:**

Those voting in favor: Mr. Minton, Mr. Roadside, Mr. Snyder, Ms. Stewart, Mr. Gallagher

Those voting against: None

Those abstaining/recusing: None

**Meeting Opened to the Public**

Mr. Gallagher opened the meeting to the public.

**Meeting Closed to the Public**

Since there were no comments or questions, Mr. Gallagher closed the meeting to the public.

**Comments of the Board****Motion to Adjourn**

Motion by Mr. Snyder, seconded by Mr. Roadside to adjourn the meeting. The voice vote by the Board was unanimous in favor.

Prepared By:



Beverly G. Russell, RMC

Board Secretary

Approved: April 8, 2025