

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
JANUARY 19, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Swear in new/reappointed members
4. Annual reorganization
5. Approve minutes from December meeting
6. Public Hearings on Applications before the Board:
 - Initial presentation session for preliminary site plan approval of site plan application of Cedar Lane Mews for bulk variances, development and site plan approval, to construct townhouses on site of the apartments on Cedar Street
7. Old business
 - Resolutions:
 - ⊖ Approved, use variance for site plan application to construct townhouses on site of the apartments on Cedar Street for Cedar Lane Mews
 - ⊖ Approved, existing side yard setback relief to construct an addition on their residence by Kathleen and Andrew Shover, 422 Linden Avenue, Block 701, Lot 12
 - Any old business before the board
8. Review correspondence
9. Consider vouchers/invoices
10. New business:
 -
11. Public Comment
12. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
FEBRUARY 16, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from January meeting
4. Public Hearings on Applications before the Board:
 - Request for continuance by applicant of hearing for preliminary site plan approval of site plan application of Cedar Lane Mews for bulk variances, development and site plan approval, to construct townhouses on site of the apartments on Cedar Street
5. Old business
 - Review professional contracts
 - Any other old business before the board
6. Review correspondence
7. Consider vouchers/invoices
8. New business:
 - Any new business before the board
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
APRIL 20, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from February meeting
4. Public Hearings on Applications before the Board:
 - approval/disapproval of the application of Cedar Lane Manor, t/a Cedar Lane Mews for site plan approval and all related variances to develop and construct town homes on the same site as existing apartment buildings at 811-817 Cedar Street, (block 1700, lot 2).
 - approval/disapproval of the application of Brandenburger/Sheridan, Inc. for site plan approval and all related variances as needed to develop the former "Sitzler" properties along Main & Cinnaminson streets, (block 904, lots 2&3; block 905, lot 6; block 906, lot 1).
 - approval/disapproval of the application of Bernard Swiderek for side yard setback relief to build a garage addition at 305 Carriage House Lane, (block 305, lot 4).
5. Old business
 - Any other old business before the board
6. Review correspondence
7. Consider vouchers/invoices
8. New business:
 - Zoning Board input/representation at upcoming joint Planning/Council meeting on reexamination of the Master Plan.
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
MAY 18, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from April meeting
4. Public Hearings on Applications before the Board:
 - approval/disapproval of the application of Cedar Lane Manor, t/a Cedar Lane Mews for site plan approval and all related variances to develop and construct town homes on the same site as existing apartment buildings at 811-817 Cedar Street, (block 1700, lot 2)
 - approval/disapproval of the application of Brandenburger/Sheridan, Inc. for site plan approval and all related variances as needed to develop the former “Sitzler” properties along Main & Cinnaminson streets, (block 904, lots 2&3; block 905, lot 6; block 906, lot 1)
5. Old business
 - Resolutions:
 - ⊖ Approved, side yard setback relief to construct an addition by Bernard Swiderek, 305 Carriage House Lane, Block 305, Lot 4
 - Any old business before the board
6. Review correspondence
7. Consider vouchers/invoices
8. New business:
 - Any new business before the board.
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
JUNE 15, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from May meeting
4. Public Hearings on Applications before the Board:
 - **Application will NOT be heard. It is being continued at request of applicant:** approval/disapproval of the application of Brandenburger/Sheridan, Inc. for site plan approval and all related variances as needed to develop the former “Sitzler” properties along Main & Cinnaminson streets, (block 904, lots 2&3; block 905, lot 6; block 906, lot 1)
 - **Application will NOT be heard. It is being continued at request of applicant:** approval/disapproval of the application of Cedar Lane Manor, t/a Cedar Lane Mews for site plan approval and all related variances to develop and construct town homes on the same site as existing apartment buildings at 811-817 Cedar Street, (block 1700, lot 2)
5. Old business
 - Resolutions:
 - ☉ Adopt and memorialize approved of: final subdivision, use variance for residential zone lot, bulk variances, and preliminary site plan for Brandenburger/Sheridan, Inc. for site plan approval and all related variances as needed to develop the former “Sitzler” properties along Main & Cinnaminson streets, (block 904, lots 2&3; block 905, lot 6; block 906, lot 1)
 - Any old business before the board
6. Review correspondence
7. Consider vouchers/invoices
8. New business:
 - Any new business before the board.
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
JULY 20, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from June meeting
4. Public Hearings on Applications before the Board:
 - **Note: There will be no testimony from the applicant on this matter. The matter will be continued until August!**
Approval/disapproval of the application of Cedar Lane Manor, t/a Cedar Lane Mews for site plan approval and all related variances to develop and construct town homes on the same site as existing apartment buildings at 811-817 Cedar Street, (block 1700, lot 2)
 - Approval/disapproval of the application of Brandenburger/Sheridan, Inc. for final site plan approval and all related variances as needed to develop the former "Sitzler" properties along Main & Cinnaminson streets, (block 904, lots 2&3; block 905, lot 6; block 906, lot 1)
 - Approval/disapproval of the variance application of James and Janet Brandenburger, 203 Thomas Avenue, Block 600, Lot 1.02, for front yard setback relief.
5. Old business
 - Any old business before the board
6. Review correspondence
7. Consider vouchers/invoices
8. New business:
 - Any new business before the board.
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
AUGUST 17, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from July meeting
4. Public Hearings on Applications before the Board:
 - Approval/disapproval of the application of Cedar Lane Manor, t/a Cedar Lane Mews for subdivision and site plan approval and all related variances to develop and construct town homes on the subdivided lots at 811-817 Cedar Street, (block 1700, lot 2)
 - Approval/disapproval of the variance application of James and Janet Brandenburger, 203 Thomas Avenue, (block 600, lot 1.02), for front yard setback relief.
5. Old business
 - Adopt and memorialize the resolution granting final subdivision approval and final site plan approval for Brandenburger/Sheridan, Inc. to develop the former "Sitzler" properties along Main & Cinnaminson streets, (block 904, lots 2&3; block 905, lot 6; block 906, lot 1)
 - Any other old business before the board
6. Review correspondence
7. Consider vouchers/invoices
8. New business:
 - Any new business before the board.
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
SEPTEMBER 21, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from August meeting
4. Public Hearings on Applications before the Board:
 - **Request to Continue – No testimony will be heard:** Approval/disapproval of the application of Cedar Lane Manor, t/a Cedar Lane Mews for subdivision and site plan approval and all related variances to develop and construct town homes on the subdivided lots at 811-817 Cedar Street, (block 1700, lot 2)
5. Old business
 - Adopt and memorialize the resolution granting a front yard set back variance to James and Janet Brandenburger, 203 Thomas Avenue, (block 600, lot 1.02)
 - Any other old business before the board
6. Review correspondence
7. Consider vouchers/invoices
8. New business:
 - Any new business before the board.
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
OCTOBER 19, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from September meeting
4. Public Hearings on Applications before the Board:
 - Approval/disapproval of the application of Cedar Lane Manor, t/a Cedar Lane Mews for subdivision and site plan approval and all related variances to develop and construct town homes on the subdivided lots at 811-817 Cedar Street, (block 1700, lot 2)
5. Old business
 - Any old business before the board
6. Review correspondence
7. Consider vouchers/invoices
8. New business:
 - Request by Borough Council to review Section 128-64
 - Any other new business before the board
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
NOVEMBER 16, 2005**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from October meeting
4. Old business
 - Adopt and memorialize the resolution granting a use variance, subdivision approval, bulk variances, and preliminary and final site plan approval to Cedar Lane Manor, t/a Cedar Lane Mews to develop and construct two-family twin homes on the subdivided lots at 811-817 Cedar Street, (block 1700, lot 2)
 - Any other old business before the board
5. Review correspondence
6. Consider vouchers/invoices
7. New business:
 - Any new business before the board.
8. Public Comment
9. Adjournment

**RIVERTON BOROUGH ZONING BOARD
MINUTES
January 19, 2005**

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:46 PM by Chairman Kerry Brandt.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 26, 2004.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

REORGANIZATION - 2005

John Trotman, Ken Mills, Fred DeVece, and Bill Brown – alternate were sworn in as reappointed members of the board by Board Solicitor Janet Zoltanski Smith.

PRESENT: Kerry Brandt, Edward Smyth, John Trotman, Richard Mood, Ken Mills, Fritz Moorhouse, Alfred DeVece, Alan Adams, and Bill Brown.

ABSENT: None.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilwoman Muriel Alls-Moffat, Secretary Ken Palmer, Board Engineer Richard Arango, and Board Planner Tamara Lee were present. Code Enforcement Officer Tony Dydek was not present.

Chairman: Kerry Brandt was nominated by Fritz Moorhouse and seconded by Rick Mood to serve as Chairman. A voice vote was taken and the vote was unanimous.

Vice Chairman: Ed Smyth was nominated but declined saying while he was honored to be nominated this was his last year on the board and it was time for someone new to take over. The chair thanked Ed for his assistance during the chair's time on the board. John Trotman was nominated by Kerry Brandt and seconded by Al Adams to serve as Vice Chairman. A voice vote was taken and the vote for vice chair was unanimous.

Secretary: Kenny Palmer was nominated by Kerry Brandt and seconded by Rick Mood to serve as the Board Secretary for 2005. Fritz Moorhouse wished to be on the record that he thanked the secretary for his excellent work during the past two years and especially his work preparing the minutes for the Brandenburger and Cedar Lane Mews hearings. A voice vote was taken and the vote for secretary was unanimous.

Solicitor: Janet Zoltanski Smith Esq. was nominated by Fritz Moorhouse and seconded by Ed Smyth to serve as the Zoning Board Solicitor for 2005. Janet thanked the board for its confidence in her. A voice vote was taken and the vote for solicitor was unanimous.

Planner: It was agreed that the board should retain a professional planner on call for more complicated matters that may involve site plan issues. A motion was made by Fritz Moorhouse and seconded by Rick Mood that Tamara Lee of Tamara Lee Consulting LLC be reappointed to serve the board as its planner on an on call basis for 2005. A voice vote was taken and the vote was unanimous.

Engineer: It was agreed that the board should retain a professional engineer on call for more complicated matters that may involve site plan issues. A motion was made by Fritz Moorhouse and seconded by Kerry Brandt that Rick Arango of Remington, Vernick & Arango Engineers be reappointed to serve the board as its consulting engineer on an on call basis for 2005. A voice vote was taken and the vote was unanimous.

MINUTES: A motion was made by Ken Mills, seconded by Bill Brown, and unanimously approved to adopt the minutes of December 15, 2004 as distributed.

PUBLIC HEARINGS:

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TOWNHOUSES AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2:

The chair reviewed developments during the last month. The applicant is developing a revised site plan and has not yet submitted the plans for formal review. There is also the question regarding the need for a density variance and the issue regarding riparian rights to portions of the property. Research by the engineer and solicitor has confirmed that part of the property is considered impacted by tidal waters and as such a riparian grant from the state is required. Such grants are no longer given and if one does not already exist, it will never exist. Since no plans have been presented for professional, board or public review, the board is not yet prepared to begin considering any approvals. However, to keep the process moving forward, to enable the applicant to be kept abreast of concerns and to allow the public to be kept current, the chair stated the board would permit the applicant to present their efforts to date. There would be no comment from the board. The board could question the applicant and his professionals. The board's professionals could ask questions and offer comments. The Environmental Commission and public would also be given time to comment. Janet concurred with the chair's review and stated that a presentation with public response would be helpful; but, no official action would be taken at this time. Janet reminded all presenters that they were still under oath.

Presentation and Questions – Louis A Colaguori, the applicant's attorney reviewed that the applicant was prepared to seek all state DEP approvals. He stated the riparian issue would be resolved. Tamara reviewed that the riparian issue was fixed; either the owner had the grant or does not. A grant cannot be sought if one does not now exist. Lou stated that following receipt of the use variance, the applicant was preparing to seek preliminary site plan approval and is revising the plan to address concerns by the board, public and Environmental Commission that the initial plan was for too many units, that were too high and too close to the creek. The revised plan will contain substantial modifications. Referring to an aerial photograph (from 2002 in answer to a question from Mr. Arango), of the site overlaid with the new plans, Lou commented that:

- The number of units is being reduced to five from 16 with two facing 8th Street and three facing 9th Street.
- The units have been relocated closer to the street and further back from the wetland boundary.
- They will not be readily visible from the creek.
- The height has been reduced to two stories and the units will have a slightly larger footprint to accommodate the reduced height.
- The units will be staggered to break up the façade facing the street and provide owners a view of the property along the creek.
- The units will meet or exceed current setback requirements from the street.
- A condominium concept will be followed that accommodates the new units and the apartments.
- With the reduced number of units proposed, there should not be a density issue since the number of apartments plus the proposed units was substantially less than the theoretical 4.75 units per acre discussed previously.

Mr. Robert Stout, the engineer, offered the following:

- There is much less impervious surface.
- There is much less or no clearing of the land along the creek boundary.
- The reduced number of units will not require constructing a stormwater basin. Stormwater runoff from the roofs which is considered clean will be directed to catch tanks and allowed to percolate into the ground.
- The revised plan will eliminate the basin, maintain the wetland buffer, preserve vegetation and no longer require an access road.
- There will be green space in front of the driveways.
- There will be two sections of two and three units.
- The existing fence line will not be disturbed except for a small section near 9th Street.

- In response to a question from Mr. Colaguori, Mr. Stout feels the revised plan is much more environmentally safe than the original plan.
- There will be no disturbance of the wetlands buffer and the closest point will be approximately 25 feet from the existing 50 foot buffer. Mr. Stout further explained the buffer boundaries in response to a question by John Trotman.

Mr. Walter (Hank) Croft, the architect, reviewed the revised elevations:

- The units would now be two-story with an attached garage
- They will be approximately 2,200 square feet on the first floor.
- This is about 500 square feet total increase from the prior plan.
- There will be no elevator with the master suite on the first floor and two bedrooms sharing a bath on the second floor.
- Flexibility of the floor plans is planned to accommodate individual tastes and needs.
- It is proposed that they will be all brick or brick and stucco sided to provide as maintenance free a façade as possible.
- John Trotman asked about the position of the front façade and garage and Hank replied they will face the Street.

Lou stated that their presentation was concluded and that they wished to hear questions from the board. The chair reminded the board that since no formal consideration would occur, questions and no comments should be observed. Ed Smyth stated he appreciated the applicant's efforts to address the concerns previously raised and asked and received clarification about the proposed two clusters of two units facing 8th Street and three units facing 9th Street. Ken Mills asked about the distance from the street and loss of existing parking and it was stated the new units would be no closer to the street than the apartments and additional parking was planned along Ninth Street. Asked by Fritz about the setback along 8th Street, it was commented that the plan would meet all current requirements. Janet asked about off street parking at the new units and it was commented that the requirements will be exceeded by the two-car garage and two-car width driveway. Fritz asked if the driveways would be impervious and the answer was yes. The number of spaces for the apartments was discussed and it was commented that new parking cuts are planned on Cedar Street to increase the number of spaces available. Ed asked and was assured that all stormwater runoff would be discussed with the board's engineer and would meet all mandated impact requirements. Percolation tests would be conducted as needed and that the proposed solutions met commonly accepted practices. Tamara was concerned about the proximity of the two-unit cluster to the apartments and was assured they would be at least 20 feet from the apartments. The gross height of the new units at about 30 feet is higher than the apartments but the impact would be lessened due to the slope of the property. Tamara stated that orientation of any roof slopes should be such as to lessen impact on the apartments. There were no further questions from the board or professionals at his time.

The Environmental Commission representatives were asked if they wished to comment. Michael Robinson read a letter, copies of which were provided to the board. The letter thanked the applicant for his efforts to address the commission's concerns and that all decisions should be what is best for the town and the environment. The letter reiterated the commission's concerns about setbacks and impacts on the creek. The letter addressed the fact that the decisions being made were precedent setting on how the stream, marsh, and corridor are treated and protected and represented the Borough's efforts in these areas. The commission feels things are moving in the right direction but wishes that all impacts be kept to a minimum and or steps taken to preserve the environment where disturbed.

Public Comment: The hearing was opened to public comment and questions.

- Cynthia Pierson, 626 S. Pompess Avenue, Cinnaminson, NJ, asked if there would be basements and how deep they would be. There will be full height basements and the depth of exposed foundation walls will be dependent on the contours of the property. The plans do not call for extensive re-contouring of the site. Placement and size of windows will be made accordingly. She also reminded the board and applicant about the concerns for the turtles and disturbing of their egg laying areas along the creek.
- Michael Robinson, Six Second Street, has concerns about the riparian issues and stated he and the Environmental Commission strongly oppose further encroachment on the creek and any riparian grants. Tamara explained that she doesn't feel the applicant plans any such encroachment and further if they do not

already have a riparian grant, it can no longer be purchased. Mike hopes that things do not move backwards, only forward. Michael also is concerned about public access to the creek area. He and the commission wish to see access available but realize there may be liability issues to the property owner(s). It was stated that this is not an issue for tonight. Fred DeVece asked if there was room for a path and Michael thought there was. Michael just wishes that the path not be forgotten. Lou commented that there had been no unwillingness by the applicant to consider such things.

- William Henry Harris, 502 Cinnaminson Street, asked if the applicant plans to turn the apartments into condominiums and the answer was no. Kerry asked for further clarification on the plans and Lou replied that the current thinking was not to pursue any subdivision but to have a sectionalized condominium association which allows the property owner to continue ownership of the apartments, designate an association governing the property occupied by the condos and to management of the entire site. The condo units themselves are owned fee simple by the purchasers. The condo owners and owner of the apartments would compose the association not the residents of the apartments. Mr. Harris stated he had concerns about conflicts between the owners of the condominiums and the owner of the apartments.
- Councilwoman Muriel Alls-Moffat was concerned about COAH impact. Tamara stated that the new regulations set a one COAH unit for every eight units of new construction in the town. As to plans to perhaps designate one or more of the apartments as COAH units, there are issues as to whether the apartments meet the size requirements for COAH units.

There being no additional comment, the hearing was closed to public comment.

Mr. Colaguori asked if the applicant and his professionals are allowed free access to the board's professionals. The chair stated that while correspondence is probably fine, he desires that the whole process be kept as open as possible and no decisions would be considered binding or official unless fully reviewed during the public hearing process. Mike Robinson asked if the commission could avail itself of the board's professionals. Janet replied that they are entitled to see and review all submitted materials. The chair stated that it was not acceptable if the board was billed for such efforts since the board's professional's time is charged to the applicant where issues involving an application are concerned. Rick Arango suggested that all contact should be reduced to writing and the board and applicant copied. Concerning next steps, Lou stated he did not think any new notices were required since this is a continuation of the process. The applicant plans to proceed developing the plans and will keep the secretary informed if additional time is needed. Tamara reminded the board that sufficient time to review all submissions is needed, since essentially everything is a variance from the current code requirements.

Continuance – The chair, board and applicant's attorney agreed that it was a good point to break the proceedings and continue them next month. The applicant plans to continue the process and move forward to present the revised site plan. The applicant agreed to supply any plans directly to the professionals for review and to supply eighteen copies to the secretary for distribution. If the plans will not be available in time for review prior to the next meeting, the applicant will request a further continuance. Fritz Moorhouse made a motion seconded by Fred DeVece that the hearing be continued at the request of the applicant. There being no further discussion, the question was called and the motion passed unanimously to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Cedar Lane Manor t/a Cedar Lane Mews for development, site plan approval, and all necessary variances to construct townhouses at 811-817 Cedar Street, Block 1700, Lot 2 is continued, applicant having agreed to a continuance for consideration of the matter until the next regular meeting of the Board on February 16, 2005 or thereafter if an additional extension of time is deemed necessary.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

OLD BUSINESS

Adoption and Memorialization of Resolutions – The following resolutions were reviewed, considered and adopted by the Board:

Resolution Case #Z2005-01:

Application For Side Yard Setback Relief For Construction Of An Addition On The Rear Of The Home, By Andrew and Kathleen Shover, 422 Linden Avenue, Block 701, Lot 12: Following a statement summarizing the resolution and confirmation that members had read and reviewed the resolution, there was no further discussion and a motion was made by Ken Mills and seconded Rich Mood to adopt the resolution. A poll vote of the members eligible to vote unanimously adopted the resolution by a vote of 7 to 0 as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Trotman	aye	Mr. Mood	aye
Mr. Mills	aye	Mr. Moorhouse	aye
Mr. DeVece	aye		

Resolution Case # Z2005-02:

Application By Cedar Lane Manor t/a Cedar Lane Mews For Development, Site Plan Approval, Use, And Bulk Variances To Construct Townhouses At 811-817 Cedar Street, Block 1700, Lot 2: Following a statement summarizing the resolution and confirmation that the members had reviewed the resolution, there was no further discussion and a motion was made by John Trotman and seconded by Fred DeVece to adopt the resolution granting a use variance permitting multi-family, age restricted, side by side, condominiums with existing apartments, with the number of units to be determined at the site plan, contingent on site plan approval. A poll vote of the members eligible to vote unanimously adopted the resolution by a vote of 5 to 0 as follows:

Mr. Smyth	aye	Mr. Trotman	aye
Mr. Mood	aye	Mr. Moorhouse	aye
Mr. DeVece	aye		

Fence Committee – The chair reported there would be a meeting on January 24. The secretary stated that committee member Donna Tyson had reported to the planning board that meetings continued, good progress was being made and that a draft should be available in the near future.

2005 Budget – The chair reported that he was attempting to put together preliminary figures, that he wished to meet with the secretary to go over figures supplied by the Borough Treasurer, and that the board had gone over budget last year. The chair also stated that the board needs to decide how Janet’s professional services are charged. Typically the board has absorbed all charges for Janet’s presence at meetings and only charged applicants for items directly related to the application. It needs to be considered that much of the time the solicitor is present at a meeting is directly related to the board’s hearing an application and perhaps the time related to hearing the application should also be charged to the applicant. Councilwoman Alls-Moffat stated she and the rest of the Finance Committee needed to get input as soon as possible. Fritz Moorhouse stated he feels if Janet is working for the board, she should be paid by the board. Janet stated that other boards she serves do have her charge her time according to the service provided and if applicable split the time among applicants. Janet stated that, for this board, she currently invoices the charges the applicant all work directly related to an application and the board is charged for the time she is present at the meeting. Concerning the practice of charging a flat fee for meeting attendance, she feels that since this board meets only on call and the length of the meetings can greatly vary, a flat fee may be a disservice to the board and the community and she feels the hourly rate is better. It is up to the board how or if she allocates her time. The consensus of the board was that Janet’s time should be allocated among the applicants as applicable. Janet stated she would begin to charge accordingly.

Escrow Accounts – The secretary reviewed that he is monitoring all accounts and notifying applicants when necessary. A follow up notice will be sent to Mr. Brandenburger.

CORRESPONDENCE

The secretary reviewed the correspondence.

- 1/3/05, letter to chair and board from the Environmental Commission concerning their position regarding the Cedar Lane Mews proposal. A copy was also sent to the applicant. Copies had been provided to board members.
- 1/5/05, copy of memo from Mark L. Husik, Exec. Director, NJ Society of Professional Land Surveyors concerning a Division of Consumer Affairs Notice – regarding that only professional land surveyors can prepare Topographical Surveys and Existing Conditions Depicted on Site Plans. The full text of the notice is included. It was commented that most land use engineering firms retain surveyors to ensure proper compliance.
- 1/5/05, brochure from New Jersey Planning Officials regarding 2005 Basic Accreditation Programs in Planning and Zoning being offered.
- Winter 2004-05 Vol. 65, No. 5, “The New Jersey Planner,” bimonthly publication of the New Jersey Planning Officials.

NEW BUSINESS

Board Meetings for 2005 – Resolution Z2005-01, the calendar of meetings for February 2005 through January 2006 was reviewed. Meetings would continue to be held on the third Wednesday of the month at 7:30 PM. A motion was made by Fred DeVece, seconded by Fritz Moorhouse and passed unanimously to accept the resolution, to have it published in the Burlington County Times and posted in the Borough Hall.

Appointment of Professionals for 2005 – Resolution Z2005-02 announcing the appointments of a solicitor, planner and engineer was reviewed. A motion was made by Fritz Moorhouse, seconded by Rick Mood and passed unanimously to accept the resolution, and to have it published in the Burlington County Times.

Vouchers and Invoices:

- 1/5/05, Tamara Lee – voucher for \$467.50 for work on the Cedar Lane application. Pay from escrow.
- 1/19/05, Janet Smith – voucher for \$1,662.50: for general services (\$468.75), work on the Shover application (\$156.25), and work to date on the Cedar Lane application (\$1,037.50). General services to be paid by the board and application work to be paid from escrow.

Fred DeVece moved, Al Adams seconded and the vote was unanimous to pay the invoices as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment. There was none and the meeting was closed to public comment.

Meeting adjourned at 9:37 PM.

Next meeting is scheduled for 2/16/2005, 7:30 PM at Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**

**RIVERTON BOROUGH ZONING BOARD
MINUTES
February 16, 2005**

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:36 PM by Vice Chairman John Trotman.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2005.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, John Trotman, Edward Smyth, Ken Mills, and Bill Brown.

ABSENT: Richard Mood, Fritz Moorhouse, Alfred DeVece, and Alan Adams.

OFFICIALS: Secretary Ken Palmer was present. Board Solicitor Janet Zoltanski Smith, Councilwoman Muriel Alls-Moffat, Board Engineer Richard Arango, and Board Planner Tamara Lee were not present.

MINUTES: A motion was made by Ed Smyth, seconded by Bill Brown, and unanimously approved to adopt the minutes of January 19, 2005 as distributed.

PUBLIC HEARINGS:

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TOWNHOUSES AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2 (CONTINUED):

Continuance – The vice chair and secretary reviewed February 7, 2005, correspondence from the attorney for the applicant requesting an additional continuance since their professionals had not completed the revised site plan materials. Ed Smyth made a motion seconded by Bill Brown that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by a unanimous voice vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Cedar Lane Manor t/a Cedar Lane Mews for development, site plan approval, use, and bulk variances to construct townhouses at 811-817 Cedar Street, Block 1700, Lot 2 is continued, applicant having agreed to a continuance for consideration of the matter until the next regular meeting of the Board on March 16, 2005 or thereafter if an additional extension of time is deemed necessary.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

The chair stated that he was concerned that the matter is being continually postponed with no notification being sent out or published. The secretary reviewed that the continuation notice is the only notification required by law and it is always posted on the Borough Hall bulletin board. Further, the secretary always follows up with any inquiries as to the status of the matter and the upcoming agenda is posted on the Borough's website and available at Borough Hall prior to the meeting. Ken had also spoken with Board Solicitor Janet Smith and she advises that it is entirely up to the board whether to grant continuances or not. If not granted, the applicant would be required to re-notice by mail and publication in the paper when the hearing was to resume. If the board feels that the applicant is making a good faith effort to comply, then a continuance is warranted. The board concluded that as long as the process was moving towards a finite date and it appears the public is being properly informed, it would work with the applicant.

OLD BUSINESS

Fence Committee – The chair reported that the committee had met in January, that a draft for review was very close, and he hoped to have materials available for zoning board review and comment prior to submitting it to the planning board for formal review and consideration.

2005 Budget – The chair reported that he had e-mailed his preliminary figures to the Borough Treasurer. As to concerns about salaries and such, the treasurer makes sure they are included. Betty needs the board's input as to actual operating expenses and professional fees estimated to be incurred by the board. The chair also reviewed that the solicitor is being asked to break out expenses for meeting attendance for hearing related issues versus general counsel. The secretary stated that was now being done based on the solicitor's invoice for the January meeting. The secretary also reported that he was able to find over \$800.00 that should have been charged to escrow accounts or to other departments.

Escrow Accounts – The secretary reviewed that he is monitoring all accounts and notifying applicants when necessary. Everything is currently in order.

CORRESPONDENCE

The secretary reviewed the correspondence.

- Contracts from all professionals have been received, reviewed and signed.
- 1/20/05, memo from Councilman Robert Smyth, Finance Committee Chairman to department heads concerning the 2005 budget review process.
- 2/5/05, copy of letter from the Burlington County Soil Conservation District regarding a resolution concerning review, certification and inspection requirements for single family dwelling construction under Chapter 251, Soil Erosion and Sediment Control Act.
- 2/7/05, letter from Lou Colaguori, attorney for the Cedar Lane Mews requesting continuation until March 16th.

NEW BUSINESS

Vouchers and Invoices:

- 1/13/05, Remington Vernick & Arango Engineers, \$560.00 for work on the Cedar Lane Mews application in November and December. Pay from escrow.
 - 1/27/05, Janet Smith, \$112.50 for meeting attendance and general legal services in January.
 - 1/27/05, Janet Smith, \$125.00 for work on the Cedar Lane Mews application. Pay from escrow.
 - 2/3/05, Tamara Lee, \$382.50, for work on the Cedar Lane Mews application. Pay from escrow.
- Kerry Brandt moved, Ed Smyth seconded, and the vote was unanimous to pay the invoices as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment.

Councilman Ed Gilmore spoke to the park and parking concerns and his and the Environmental Commission's ongoing desire to purchase property along the east side of the park to ensure adequate parking and access to the creek. Ed Smyth asked Mr. Gilmore if there were any attempts being made to handle the lack of access to toilet facilities by the children's sports teams. Mr. Gilmore stated he would follow up with the committees involved.

There was no further comment and the meeting was closed to public comment.

Meeting adjourned at 8:00 PM.

Next meeting is scheduled for 3/16/2005, 7:30 PM at Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**

**RIVERTON BOROUGH ZONING BOARD
MINUTES
April 20, 2005**

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:30 PM by Chairman Kerry Brandt.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2005.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, John Trotman, Edward Smyth, Richard Mood, Alfred DeVece, Alan Adams, and Bill Brown.

ABSENT: Ken Mills and Fritz Moorhouse.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilwoman Muriel Alls-Moffat, and Secretary Ken Palmer were present. Code Enforcement Officer Tony Dydek, Board Engineer Richard Arango, and Board Planner Tamara Lee were not present.

MINUTES: A motion was made by Fred DeVece, seconded by Alan Adams, and unanimously approved to adopt the minutes of February 16, 2005 as distributed.

PUBLIC HEARINGS:

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TOWNHOUSES AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2 (CONTINUED):

Continuance – The secretary reviewed the April 19, 2005, correspondence from the attorney for the applicant requesting an additional continuance to complete the review of the professional reports from the board's planner and engineer as well as correspondence from the Environmental Commission. Rick Mood made a motion seconded by Fred DeVece that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by a unanimous voice vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Cedar Lane Manor t/a Cedar Lane Mews for development, site plan approval, and bulk variances to construct townhouses at 811-817 Cedar Street, Block 1700, Lot 2 is continued, applicant having agreed to a continuance for consideration of the matter until the next regular meeting of the Board on May 18, 2005.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

In matters related to the application, Janet Smith concurred that distribution to the board of the 4/6/05 correspondence from the Environmental Commission regarding the application was proper. The secretary stated that he had reviewed that the noticing and publishing for the hearing for the March 16, 2005 date was in order prior to the applicant requesting the prior continuance until April.

APPLICATION BY BRANDENBURGER/SHERIDAN, INC. FOR SITE PLAN APPROVAL AND ALL RELATED VARIANCES AS NEEDED TO DEVELOP THE FORMER "SITZLER" PROPERTIES ALONG MAIN & CINNAMINSON STREETS (BLOCK 904, LOTS 2&3; BLOCK 905, LOT 6; BLOCK 906, LOT 1). (CONTINUED):

Continuance – The secretary reviewed the April 20, 2005, correspondence from the attorney for the applicant requesting an additional continuance to complete review of and resolve issues raised in the professional reports from the board’s planner and engineer. Fred DeVece made a motion seconded by Rick Mood that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by a unanimous voice vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Brandenburger/ Sheridan, Inc. for Site Plan Approval and all related variances as needed to develop the former “Sitzler” Properties Along Main & Cinnaminson Streets (Block 904, Lots 2&3; Block 905, Lot 6; Block 906, Lot 1) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on May 18, 2005.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

The secretary stated that he had reviewed that the noticing and publishing for the hearing for the April 20, 2005 date was in order prior to the applicant requesting a continuance until May.

APPLICATION FOR SIDE YARD SETBACK RELIEF FOR CONSTRUCTION OF A GARAGE ADDITION ON THE SIDE OF THE HOME, BY BERNARD J. SWIDEREK, 305 CARRIAGE HOUSE LANE, BLOCK 305, LOT 4:

Introduction –The chair and solicitor reviewed that all jurisdictional requirements had been met and the hearing could commence. The applicant Mr. Swiderek and his architect Walter Croft were sworn in.

Testimony and Board Questions/Comments – The residence is in the R8 zone and within the historic district. The zone requires a combined side yard setback of 25 feet with a minimum of 10 feet on any one side. The applicant wishes to construct a 24’ by 24’ two-story, two-car garage addition. Including a proposed eve overhang, the addition would leave a side yard set back of 4.2 feet where a minimum of 10 feet is required; thus necessitating a variance. The condition is further worsened by the other side yard setback being only 14.8 feet. The proposed combined side yard set back would be 19 feet where 25 feet is required. Currently there is no garage on the property and the applicant needs the garage to protect an antique automobile and also wishes to garage his other vehicle. The construction codes require a landing from the interior entrance to the house to the garage floor which necessitates the 24 foot width. Constructing the garage to the rear of the house would impact the lighting available to the breakfast area and an existing patio. The applicant desires the garage be attached to the dwelling. The lot adjacent to the side where the garage will be constructed is currently vacant. The applicant needs to maintain off street parking due to parking conditions along the street.

Public Comment – The hearing was opened to the public. Remy Jones, 301 Carriage House Lane, spoke in opposition to the plan. While agreeing that parking is difficult, he feels having a building that close to the property line will detract from the value of the site. He feels there are other ways of constructing the garage without having it so close to the property line.

There being no further comment, the hearing was closed to public comment.

Deliberation and Vote – The board members commented on the application and the majority of members expressed concern that a hardship had not been demonstrated since there appeared to be alternatives to the proposed plan. Several possible alternate methods were discussed. The applicant asked for an explanation of what is going on. Janet explained that the board was not voting on the garage as such but on the requested setback variance. The applicant stated he is willing to make concessions or amend his plan. Janet explained that the board should continue to discuss their feelings concerning the variance and make their concerns known to the applicant. Only the applicant can decide the final course of action. The applicant is entitled to have a vote on the application as submitted or could request to amend the application. Following further discussion by the board, the applicant

requested to amend the application to construct a 20 foot wide garage with no overhang on the side. This would result in a 9.2 foot set back on this side and total side yard setback of 24 feet leaving only a 0.8 foot variance on the one side and a combined one foot variance. The board felt this was a significant compromise by the applicant. The hearing was reopened to public comment. Remy Jones stated that he did not object to granting a variance for the plan as amended. The hearing was closed to public comment. Following further discussion by the board, a motion was made by Bill Brown, seconded by John Trotman to grant a bulk variance for the plan as amended to construct an addition that would be no closer than 9.2 feet from the side yard line and provide a total combined side yard set back of 24 feet. A poll vote unanimously approved the application by a vote of 7 to 0 with several members commending the applicant for his willingness to compromise as follows:

Mr. Brandt	aye:	Mr. Trotman	aye
Mr. Smyth	aye	Mr. Mood	aye
Mr. DeVece	aye	Mr. Adams	aye
Mr. Brown	aye		

OLD BUSINESS

Fence Committee – The chair apologized for any delays in concluding the draft of the revised ordinance and that he hoped to have something ready for the planning board soon.

Escrow Accounts – Considering the continued need to continually request additional escrow on the site plan applications, discussion occurred if it was appropriate to request that the accounts be prepaid to cover additional charges. It was discussed that an application only requires that accounts make up shortfalls as they occur. The secretary reviewed that he is monitoring all accounts and notifying applicants when necessary. Everything is currently in order. The matter will be researched further. Councilwoman Alls-Moffat stated she would discuss the subject at the next Council meeting.

CORRESPONDENCE

The secretary reviewed the correspondence.

- 4/6/05, letter to chair with copy to Mr. Flamini, applicant for Cedar Lane Mews, from the Environmental Commission regarding the Cedar Lane Mews Proposal. Copies were distributed to the board and solicitor.
- 4/19/05, request for continuance of the Cedar Lane Mews matter from Louis Colaguori.
- 4/20/05, request for continuance of the Brandenburger/Sheridan, Inc. matter from David Oberlander.
- Copies of the Borough Code applicable to land use, site plan review and subdivisions were copied from the Borough's website and distributed to the members.

NEW BUSINESS

Vouchers and Invoices:

- 2/13/05, Remington Vernick & Arango Engineers, \$280.00 for work on the Brandenburger/Sheridan application in December 2004. Pay from escrow.
- 3/13/05, Remington Vernick & Arango Engineers, \$560.00 for work on the Cedar Lane Mews application in January 2005. Pay from escrow.

Fred DeVece moved, Bill Brown seconded, and the vote was unanimous to pay the invoices as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment.

Reexamination of the Master Plan: – The secretary reviewed that the planning board will be conducting the mandatory reexamination the master plan. There had been plans to conduct a joint meeting with Borough Council and solicit input from the zoning board in early May. The secretary informed the board any decision regarding a meeting has been tabled the next planning board meeting.

Scheduling Special Meetings: – Bill Brown raised the issue of how to provide enough time at a meeting when multiple applications are on the agenda. It was discussed that the board is obligated by law to conduct a timely hearing on applications. The applicant can always request/agree to continue the matter and waive the time

requirements; but it is the applicants decision not the board's decision. Conducting special meetings often becomes a logistical problem regarding scheduling the room and availability of all parties. In addition there is a legal requirement that timely notice be given of a special meeting. The time to consider a special meeting is usually at a meeting preceding any special meeting with all parties present.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment and was closed as there was no comment.

Meeting adjourned at 9:27 PM.

Next meeting is scheduled for 5/18/2005, 7:30 PM at Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**

**RIVERTON BOROUGH ZONING BOARD
MINUTES
May 18, 2005**

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:30 PM by Chairman Kerry Brandt.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2005.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, John Trotman, Edward Smyth, Richard Mood, Fritz Moorhouse, and Bill Brown.

ABSENT: Ken Mills, Alfred DeVece, and Alan Adams.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilwoman Muriel Alls-Moffat, Board Planner Tamara Lee, Board Engineer Richard Arango, and Secretary Ken Palmer were present. Code Enforcement Officer Tony Dydek was not present.

MINUTES: A motion was made by Bill Brown, seconded by Ed Smyth, and unanimously approved to adopt the minutes of April 20, 2005 as distributed.

PUBLIC HEARINGS:

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TOWNHOUSES AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2 (CONTINUED):

Continuance – The secretary reviewed the May 18, 2005, correspondence from the attorney for the applicant requesting an additional continuance to complete their plans to address the density issues as regards the riparian rights issue. Fritz Moorhouse made a motion seconded by Rick Mood that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by a unanimous voice vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Cedar Lane Manor t/a Cedar Lane Mews for development, site plan approval, and bulk variances to construct townhouses at 811-817 Cedar Street, Block 1700, Lot 2 is continued, applicant having requested a continuance for consideration of the matter until the next regular meeting of the Board on June 15, 2005.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

APPLICATION BY BRANDENBURGER/SHERIDAN, INC. FOR SITE PLAN APPROVAL AND ALL RELATED VARIANCES AS NEEDED TO DEVELOP THE FORMER “SITZLER” PROPERTIES ALONG MAIN & CINNAMINSON STREETS (BLOCK 904, LOTS 2&3; BLOCK 905, LOT 6; BLOCK 906, LOT 1). (CONTINUED):

The chair asked the board if personal or business conflicts prevented any member from hearing the application. John Trotman stated he had a potential conflict of interest and would recuse himself from this matter. The chair reviewed with the secretary that all jurisdictional requirements have been met and site plan application review could be heard.

Introduction – Chairman Brandt reviewed the issues he thought were before the board. A major subdivision is needed to construct the four residential units in the NB zone, the lots to be used for the commercial area need to be joined, there is a long list of bulk variances needed, and there is concern over the traffic study and the completeness of the application. The chair introduced David Oberlander, the applicant’s attorney.

Testimony – Mr. Oberlander reviewed the history of the matter and that the use variance granted by the board was based on the original site plan and a revised concept plan that answered many of the board’s concerns reducing the residential area and increasing the commercial area. The revised site plans presented to the board incorporated the concepts presented when the use variance was granted and have taken the concept further. The applicant is now proposing four semi-detached homes along Cinnaminson Street and the commercial area off Main Street and paralleling the rail line/Broad Street corridor. There are no town homes planned. While more residential units are permitted under the variance, the applicant is currently planning only the four semi-detached homes. The commercial space will be two stories and all retail or office space. The applicant realizes this may impact the COAH obligation, but hopes this can be resolved. David outlined the applicant is seeking preliminary and final subdivision for the residential lots, an additional minor use variance to permit use of the R4 residential lot at the end of Cinnaminson Street next to the NB zone as parking area for the commercial area, bulk variances for the residential lots, and finally the hoped for preliminary and final site plan approval. Mr. Oberlander introduced the three individuals that would offer testimony: Jim Brandenburger, the applicant; Andrew Ott, applicant’s engineer; and Tiffany CuvIELLO, applicant’s planner. They were sworn in. The following exhibits were entered:

- A1 – Old proposed plan.
- A2 – Colorized version of the new proposed plan (SP1) which is part of the revised site plan submitted for this hearing.
- A3 – Color rendition the proposed elevations of the proposed commercial building.
- A4 – Proposed floor plans of the commercial buildings.

Mr. Brandenburger (Jim) testified that the proposed block of four homes has been broken into four homes built as two semi-detached “twins.” While not shown on the current plan, he plans to connect his path along the side of the property adjacent to the rail line to the town’s war memorial and if access can be obtained, to extend a path all the way to Cedar Street. While the commercial modules are changed, the total square footage stayed the same. He visualizes retail and office uses on the first floor with probably all office use on the second floor. Elevator service to the second floor is planned. Actual uses will be market driven and as permitted by ordinance in the NB zone.

The chair raised his concerns regarding the COAH impact and the possibility of utilizing the permitted apartments over commercial space as one possible solution. Jim stated he wanted to keep the commercial area all commercial and thus did not plan for residential use in the modules. To include residential uses would make for rather drastic changes in the design and construction of the commercial units. Mr. Oberlander (David) reviewed that the applicant will not cause the town to suffer by any increased COAH obligation incurred by the variances granted. Tamara Lee (Tamara), the board’s planner and David discussed the technical aspects of COAH both current and the newly passed Phase III and how the town is basically caught in the middle of the old and new requirements due to the way COAH wants them enforced. It was discussed that there are many methods to satisfy COAH and until all avenues are researched, Tamara feels the issue should be left open for now and made part of the final approval process. The entire issue must be determined by input from Council and perhaps preliminary site plan approval can be granted subject to satisfactory resolution of the COAH concerns. Jim reviewed the plans for the residential units. They will be two-story “twins” with garages and space for one car in the driveway. As to a suggestion by board solicitor Janet Smith to use one of the four residences as two apartments to satisfy the COAH obligation, Jim stated that was more or less a best and worst case. Jim wants to keep the residential area as four single family residences. Jim concluded that he hoped to keep the commercial and residential uses separate and to do that he wants only to construct the four residential units and keep the commercial area all commercial. He has no intention, unless there is no alternative, to mix residential apartments in the commercial space and doesn’t want to increase the residential component. Jim feels it is critical to increase the commercial use in the area. Jim hopes he may be able to satisfy the COAH obligation through an appropriate funding method.

Mr. Ott (Andy) the applicant's engineer was introduced and his qualifications were reviewed as an expert. Andy reviewed the layout of the plan and the proposed parking. Primary access to the commercial area will be from Main Street with access also provided from the end of Cinnaminson Street. The original need for a detention basin is no longer needed and the applicant will fund the cost to tie into the existing municipal drainage system that is available and capable, with proper modification, to handle the site. The proposed drainage construction will alleviate an existing drainage problem at the end of Cinnaminson Street. An easement from NJ Transit for access to the drainage has been applied for. Parking will meet all ADA requirements for handicapped access and a total of 58 spaces are proposed. Extensive landscaping is planned and a landscape plan has been submitted and they are willing to work with the board's professionals to iron out concerns. A walking path is proposed that will tie into the town's War Memorial and, if access rights can be obtained from NJ Transit, will extend all the way to Cedar Street. Suitable downcast lighting is planned for the commercial area.

In response to questions by Rick Arango (Rick), the board's engineer, as to how the calculations were derived, Andy replied that while the code could require a maximum of 69 spaces, their traffic engineer has used higher figures than the professionally recognized manual allows them to use to provide a conservative calculation. Thus he believes 62 spaces is a more appropriate figure given the planned mix of retail and office. It is hoped a variance for four spaces to allow the planned 58 spaces can be granted. Rick commented on the request for a 9x18 foot parking stall size versus the required 10x20 foot space and stated he felt the board could, if it desires, appropriately grant a variance for stall size based on the proposed uses of the site. Ed Smyth raised concerns about people using the site for parking for non-site related purposes such as for the light rail. David stated that the applicant was prepared to post the appropriate patron only signage and if problems exist to pursue the proper approvals to permit enforcement of the regulations. Tamara suggested that the office tenants could be given restricted spaces for their use during office hours. The chair stated that it was not the owner's responsibility to address existing parking issues as long as they meet the needs of their site. Fritz Moorhouse asked about handicapped parking and was informed that the site would be fully compliant including van accessible spaces. David asked Andy to address any specific points in Rick's review letter. Andy stated the only issue they had at this time was the comment recommending the use of underground utilities in the residential area. Andy feels such a requirement is not suited to the small area planned in a well established residential area that has existing overhead utilities. Rick replied that in the residential area it was more of an ascetic suggestion and he doesn't have a problem with Andy's contentions. The chair stated he had some concerns but would defer to Rick to address concerns he has in his review. Regarding the extension of Cinnaminson Street, the latest Residential Site Improvement Standards permits a board to allow the extension of an existing street. However the RSIS requires a 28 foot cartway; but, the existing street is only 24 feet. Andy stated the applicant would widen the street to 28 feet in the new area. The applicant will also address all concerns regarding sight triangles and cross sections raised in Rick's review. Concerning loading, it was commented that loading requirements for the small business uses envisioned did not require dedicated loading areas and could be accomplished from the parking area during off peak hours. Concerning trash enclosures, it will be properly concealed and accessible from the end of Cinnaminson Street. Concerning residential parking, the two spaces required will be provided by a garage and space in the driveway. Concerning the grading of the commercial site and the resulting low spot that ends on the one residential lot, this is unavoidable. Since the commercial site must correct the condition, a field drain on the residential lot is proposed to direct any runoff into the commercial areas drainage provisions. It was suggested that since the need for the drain results from the commercial site development, a suitable method be found to have maintenance of the drain be the responsibility of the commercial site. This issue will be pursued as part of any final approvals. The chair had concerns about the lighting which were addressed by Andy. Regarding signage, nothing is being requested or planned since the needs aren't known at this point. The applicant intends to comply with the town's ordinances and will approach the proper authorities when the plans can be finalized. The need for a variance is not contemplated at this time.

Tiffany CuvIELLO (Tiffany), the applicant's planner was introduced and her qualifications were attested to as being considered an expert witness for her testimony. Tiffany proceeded to address the various issues specifically the variances being requested. As is required, she demonstrated the positive and negative criteria for each variance requested. Valid hardships were demonstrated to further the need for the parking variances. Tiffany provided testimony to the fact that the benefits to the community outweighed any detriments arising from the project and that the plan presented a best use of the site and was suitable for the proposed use. She provided testimony that there was no substantial detriment to the public good or impairment of the zone plan. The plan will enhance and promote

the town concept cited in the master plan. The plan provides improved buffering, improved drainage, enhanced pedestrian circulation and will enhance and build up the business area. Tiffany addressed concerns regarding the shortage of parking and the inadequate buffering between the commercial and residential area. She provided testimony in support of the town vacating the four-foot "Mattis Lane" easement in favor of the pathways planned by the applicant and how that would address the buffering issues. The reduced rear yard setbacks of the residences will provide an enhanced visual impact along the street. The only major outstanding issue appears to be the COAH issue which Tiffany understands will be subject to continued review with the Borough.

Tamara raised concerns of the impervious coverage of the parking proposed in the residential area. Tiffany, Andy, and David concurred that while the planned coverage was allowed in the NB zone it exceeded the residential zone, but was needed for the parking requirements of the site. If the lot is to be considered separately, the 49% coverage is only 9% over the 40% permitted and the rest of the lot will remain green with substantial, improved, and maintained buffering. The impervious coverage of the planned residences will be 60 to 65% which is under the allowable coverage in the NB zone. Semi-detached homes usually have different ratios of coverage versus detached homes and the plan has addressed any drainage issues. The chair asked if the applicant had any concerns regarding the landscape issues defined in Tamara's report and the reply was they did not. The chair raised the issue of the traffic study which has only recently been supplied. Rick stated that their firm's traffic engineer had made a preliminary review and had not seen any major concerns so far; however, Rick stated he cannot render a professional opinion at this time until a proper review has been completed. The chair raised a concern that the location of the proposed entrance on Main Street is often blocked now and would the situation be worsened when the site is developed. Rick stated he would like to reserve any comment until the review of the study is completed. Tamara stated she feels lighting of the site should be in keeping with the historic character of the area and she feels the "acorn" style referenced by the applicant's plan is not a good example. Andy stated they will be glad to work with the town on finalizing the style as long as it permitted the site to meet the lighting standards. It was agreed that bicycle racks could be included. Andy agreed to review issues concerning making driveways and crossing walks pedestrian oriented and to enhance the purpose of traffic calming where possible. This concluded the testimony of the applicant. The applicant, his professionals, and the board's professionals stated that unless needed to respond to questions from the board or public, they had no further comments at this time.

Board questions and comments – Ed Smyth commented that he thought the professionals had done a commendable job in addressing the variances and issues involved. He feels the plans presented will address a long standing eyesore in the center of the town. Bill Brown emphasized that traffic calming was needed and he is concerned for the safety of the children that use the area as a principal school crossing area. Andy stated that they are willing to work with the board's professionals on the subject. Bill asked if the traffic study is vehicle or pedestrian oriented and the answer is traditionally it is vehicle centered. Bill is also concerned about any impact on secondary roads during construction. It was stated that a soil erosion and sediment control plan will be filed as is required; however, the applicant's professionals do not think it will be appropriate to use Cinnaminson Street as a construction access point. Jim replied that he envisioned constructing the parking surfaces first to hopefully lessen any impact as much as possible. There being no additional comments or questions from the board at this time, the chair stated that he would open the hearing to public comment. He stated that comments and questions from the public would be limited to three minutes each person. He asked that there be no interactive type of discourse either between the public or with the applicant, applicant's professionals, the board, or its professionals. If questions were asked or if comments required a reply, this would occur after the person had finished speaking. The chair reinforced that the board wants to hear from everyone who wishes to comment. The public's thoughts and concerns are important and the decisions the board is being asked to make effect the town and the feelings of everyone is important. The chair reviewed for everyone what the board is being asked to do. The things the board can approve or deny are the major subdivision for the four residential lots, allowing the use of the residential lot for commercial use, preliminary site plan approval, and the numerous bulk variances defined. The chair raised the issue with the applicant that the use variance requires an approval of five votes and there are only five members present. Asked if they would care to defer consideration of the use variance as is their right, David replied that they were prepared to go forward with everything the board was prepared to rule on tonight.

Public comment:

The chair asked and received a vote of approval to open the hearing to the public.

- Ed Gilmore, 103 Main Street, reviewed the impact of town's Center's of Place Grant on the area. He reviewed that that the town is negotiating with the bank to utilize their parking lot for town business. Negotiations with NJ Transit are under way to gain access through to Cedar Street. The Broad Street Enhancement project includes improvements to the sidewalks in the immediate area of the project.
- William Henry Harris, 502 Cinnaminson Street, asked if an environmental impact study had been done given that there used to be large fuel oil storage tanks on the site and there was an auto body shop on the premises. Concerning vacating historic Mattis Alley, he feels the applicant should provide remuneration to the town. He does not feel it should be vacated. It has been neglected for many years. There was a reply by the applicant's professionals that they thought a phase one study was done.
- Donna Tyson, 206 Carriage House Lane, addressed a long list of specific questions to Rick and Tamara concerning handicapped parking, parking requirements versus use, COAH impacts, landscaping, proposed uses, impact on the immediate area, the master plan, the traffic study, the Borough's moratorium on apartments, loading areas, the River Line and parking, and the impact on this project of the degradation in service projected in the traffic study done for the Kaplan project in Cinnaminson Township. Both Rick and Tamara provided a point by point response to Donna's questions. The chair responded that the applicant must comply with all codes. The board cannot rule on an applicant putting in an approved use. The board and community view the site as a difficult property. However the board can set conditions on how the property is improved. The chair feels this is not an excuse to allow variances; but, the board is willing to work with an applicant to reach a reasonable and proper decision.
- Michael Heine, 206 Carriage House Lane, feels the chair's discretionary time limit on public comment is a violation of due process and cited code to Janet to back up his point. He discussed why he feels the application is a violation of statutes. He feels a hardship has not been demonstrated. He feels parking issues have not been properly addressed and the board cannot consider granting any form of preliminary approval.
- Roger Luce, 707 Main Street, is concerned about the impact of delivery trucks. He was concerned about ADA compliance until explanation proved to him that misunderstood the testimony. He is strongly opposed to the proposed residences, especially the proposed form. The chair responded that the plans before the board are based on a use previously granted after a lengthy hearing process. The proposed plans are much closer to what the public expressed they wanted when the use variance was granted. The chair feels the prior decisions of the board were good decisions. It was known that the granting of the use would necessitate bulk variances and he does not believe that there have been any surprises presented in the plans.
- Ed Cascarella, 603 Cinnaminson Street, believes traffic is a problem now, it will only get worse, and he feels most people will use Cinnaminson Street. He is concerned about the impact on the residential character of Cinnaminson Street. The chair responded that no matter what is done with the site, irregardless if variances are granted, it will impact traffic in the area.
- Jon Laverty, 616 Main Street, commented that the building that used to occupy the site was twice the size being proposed now, was four stories high and there were only four parking spots on site. The Borough has endured a hardship with the site since the site was cleared following a fire in 1979. There has not been a line of prospective buyers or developers waiting to redevelop the site. He believes the trash storage needs further review. He believes it is insufficient as proposed. There should not be any outside, open storage of the containers. He feels the planned serpentine walkway should be revised to be more in line with the angles and straight lines predominant in this part of town and see if can be made an integral part of the existing walkway along the rail line. He commends the applicant for bending over backward to work with the board and town and hopes the town realizes these efforts. Jim replied that straightening the walkway would involve drainage issues and possibly impact the proposed parking. Andy replied that the trash storage concerns will be examined further.
- Tom Ehrhardt, 410 Thomas Avenue, feels the testimony regarding the bulk variances have not properly addressed the reasons they should be granted. He feels the number of units being created is driving the number of parking spaces needed and that shouldn't be a consideration for granting the variance for the number of spaces. He feels a problem exists if the board based its decision on the fact that the COAH units would be built and now they will not. He believes that if the parking issues especially regarding the transit concerns is not addressed it will be a substantial hardship to the town. The chair commented that the board knew that granting of the bulk variances would be a logical outcome of granting the previously granted use variance to construct

other than detached homes. Tamara stated that the defense based on the fact that the benefits outweigh any detriments was a proper defense. Tamara commented that hardship was presented especially as regards the parking situation. As for COAH, Tamara stated that there are many ways to satisfy a COAH obligation and by deferring a final decision on this issue allows the full research needed. The chair stated that he personally and he thought the board was of a similar mind, never intended to let the COAH issue “slide by.” It is an important issue and will be resolved.

There being no further comments, Fritz Moorhouse moved, Rich Mood seconded, and it was unanimously approved to close the hearing to public comment.

Board Deliberation:

The chair asked if there were any further questions or comment from the board. There were none. The chair reviewed that as he understood it the board was being asked to rule on the subdivision, the use of the residential lot for parking, the variances being requested, and on at least preliminary site plan approval. Janet asked if there were any particular concerns that the board had about the application. Janet stated that the board, unless it wanted to deal with a specific point separately, could treat the issues in groups such as subdivision, use, bulk variance, etc. The chair stated he wanted to make sure the open issues such as COAH, ARC review, the traffic study, and such were not missed and made conditions of any approvals. It was decided that all approvals should be conditioned on obtaining final site plan approval. The board agreed that for site plan approval, at most it could only consider preliminary site plan approval tonight since there are numerous issues that need to be resolved. The board could move through the various points and include all the conditions when it came to considering any site plan approval. It was decided that the subdivision issue should be considered first, followed by the use variance, then the bulk variances, and lastly preliminary site plan approval. The board went on to act on the issues defined below.

Subdivision – Janet Smith guided the board in crafting a motion granting preliminary and final subdivision approval contingent on the applicant obtaining final site plan approval to subdivide Lot 1 of Block 906 into four residential building lots to contain semi-detached homes as shown on the plan submitted; and, to merge Lots 2& 3 of Block 904 and Lot 6 of Block 905 for the commercial construction as shown on the plan submitted. Fritz Moorhouse made the motion as suggested and it was seconded by Rick Mood. There being no further discussion, a poll vote of the members unanimously approved the motion as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mood	aye	Mr. Moorhouse	aye
Mr. Brown	aye		

Kerry: Consistent with the previously granted use variance.

Use variance – Janet Smith guided the board in crafting a motion granting a use variance to permit the use of a portion of Block 905, Lot 6 currently merged to be used as a parking lot and landscape buffer as shown on the plan submitted contingent on the applicant obtaining final site plan approval. Fritz Moorhouse made the motion as suggested and it was seconded by Rick Mood. There being no further discussion, a poll vote of the members unanimously approved the motion with comments as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mood	aye	Mr. Moorhouse	aye
Mr. Brown	aye		

Kerry Brandt: Use is specifically suited to the site since it is next to light rail and provides a space and landscape buffer from the light rail for the adjoining residential lot. The use variance is warranted based on the testimony provided by the applicant’s planner. Ed Smyth and Rick Mood seconded Kerry’s comments. Fritz Moorhouse: The site is specifically suited to the use and the parking area is needed to provide parking required for the plan. Bill Brown also concurred.

Bulk variances – There being no disagreement from the members and no objection from the solicitors, the chair entertained and Janet Smith guided the board in crafting a motion based on the reviews of the board’s planner and engineer, and contingent on the applicant obtaining final site plan approval, granting bulk variances to:

- permit a residential lot size of 2,625 square feet for each residential lot where 4,000 square feet is required,
- permit side yard set backs of zero (0) feet and 6.25 feet for each residential lot where 10 foot each side and 20 feet combined are required,
- permit a rear yard depth of 22.6 feet where 25 feet is required for two of the lots as shown on the plan,
- permit a lot frontage of 26.25 feet for each residential lot where 50 feet is required,
- permit maximum lot coverage of 49% where 40 % is the maximum on the lot in the residence zone which will be used for part of the commercial parking,
- permit a landscape buffer of 8.3 feet between the proposed residences and the commercial site with the contingency that if the existing four foot public access easement is vacated, a full 10 foot buffer will be installed as required,
- permit the number of commercial parking spaces to be 58 where a maximum of 69 may be required, and
- permit a parking stall size of 9 feet by 18 feet where 10 feet by 20 feet is required in the commercial zone.

Fritz Moorhouse made the motion as suggested and it was seconded by Rick Mood. There being no further discussion, a poll vote of the members unanimously approved the motion with comments as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mood	aye	Mr. Moorhouse	aye
Mr. Brown	aye		

Kerry Brandt: Should be granted to enable the uses previously granted and doesn’t think there is a substantial detriment to the neighborhood. Ed Smyth: Feels the applicant has paid particular attention to the comments and concerns of the board in developing his plans. Rick Mood, Fritz Moorhouse and Bill Brown concurred.

Preliminary Site Plan Approval – Janet Smith guided the board in crafting a motion granting preliminary site plan approval conditioned upon that prior to the granting of final site plan approval, the applicant will:

- develop a satisfactory strategy for meeting the anticipated COAH obligations generated by the development plans,
- resolve issues resulting from professional review of the traffic study,
- comply with the board engineer’s review letter except for allowing overhead utilities in the residential area,
- comply with the board planner’s review letter,
- complete the review by the ARC and make known that group’s suggestions,
- develop provisions that maintenance of the yard drain on the residential lot will be the responsibility of the commercial lot owner(s).

Fritz Moorhouse made the motion as suggested and it was seconded by Rick Mood. There being no further discussion, a poll vote of the members unanimously approved the motion with comments as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mood	aye	Mr. Moorhouse	aye
Mr. Brown	aye		

Kerry: Plans well presented.

Continuance – The applicant’s attorney requested that the matter be continued with all time limits being waived by the applicant until the board’s next meeting or further if needed. Fritz Moorhouse motioned and Rick Mood seconded that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by a unanimous voice vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Brandenburger/Sheridan, Inc. for Site Plan Approval and all related variances as needed to develop the former "Sitzler" Properties Along Main & Cinnaminson Streets (Block 904, Lots 2&3; Block 905, Lot 6; Block 906, Lot 1) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on June 15, 2005 or beyond if needed.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

OLD BUSINESS (Conducted before and after the hearing)

(Before Hearing)

Resolution Case #Case 2005-02:

Application For Side Yard Setback Relief For Construction Of An Addition On The Side Of The Home, By Bernard J. Swiderek, 305 Carriage House Lane, Block 305, Lot 4: Following a statement summarizing the resolution and confirmation that members had read and reviewed the resolution, there was no further discussion and a motion was made by Ed Smyth and seconded by Bill Brown to adopt the resolution. A poll vote of the members eligible to vote unanimously adopted the resolution by a vote of 5 to 0 as follows:

Mr. Brandt	aye	Mr. Trotman	aye
Mr. Smyth	aye	Mr. Mood	aye
Mr. Brown	aye		

(After Hearing)

Fence Committee – The chair reported that a preliminary draft has been given to the committee members.

Reexamination of the Master Plan: – The secretary reviewed that the planning board may be conducting a joint meeting with Borough Council to solicit their input. The planning board also wants and welcomes comments from all other boards and organizations. A subcommittee has been formed.

CORRESPONDENCE

Due to the late hour, and that except for the invoices considered under new business, none of the correspondence was critical or time sensitive, review of correspondence was tabled until the next meeting.

NEW BUSINESS (Conducted before the hearing)

Vouchers and Invoices:

- 4/28/05, Janet Smith, \$112.50 for attendance at the April meeting.
- 4/28/05, Janet Smith, \$293.75 for the Swiderek hearing and preparation of the resolution. (ESCROW)
- 5/2/05, Tamara Lee, \$828.75 for review and report preparation for the Cedar Lane Mews application. (ESCROW)
- 5/2/05, Tamara Lee, \$765.00 for plan review and report preparation for the Brandenburger/Sheridan application. (ESCROW)
- 5/13/05, Remington Vernick & Arango Engineers, \$902.50 for plan review and report preparation for the Brandenburger/Sheridan application. (ESCROW)
- 5/13/05, Remington Vernick & Arango Engineers, \$532.50 for plan review and report preparation for the Cedar Lane Mews application. (ESCROW)

Fritz Moorhouse moved, Rick Mood seconded, and the vote was unanimous to pay the invoices as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment

Councilwoman Alls-Moffat commended the board on the professional way the hearing had been conducted and the amount of business that was concluded.

There being no further comment, the meeting was closed to public comment.

Meeting adjourned at 11:20 PM.

Next meeting is scheduled for 6/15/2005, 7:30 PM at Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**

**RIVERTON BOROUGH ZONING BOARD
MINUTES
June 15, 2005**

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:30 PM by Chairman Kerry Brandt.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2005.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, Edward Smyth, Richard Mood, Fritz Moorhouse, Alfred DeVece, and Bill Brown.

ABSENT: John Trotman, Ken Mills, and Alan Adams. All had notified the chair prior to the meeting.

OFFICIALS: Councilwoman Muriel Alls-Moffat and Secretary Ken Palmer were present. Board Solicitor Janet Zoltanski Smith, Code Enforcement Officer Tony Dydek, Board Planner Tamara Lee, and Board Engineer Richard Arango, were not present.

MINUTES: A motion was made by Fritz Moorhouse, seconded by Ed Smyth, and unanimously approved to adopt the minutes of May 18, 2005 as distributed.

PUBLIC HEARINGS:

APPLICATION BY BRANDENBURGER/SHERIDAN, INC. FOR SITE PLAN APPROVAL AND ALL RELATED VARIANCES AS NEEDED TO DEVELOP THE FORMER "SITZLER" PROPERTIES ALONG MAIN & CINNAMINSON STREETS (BLOCK 904, LOTS 2&3; BLOCK 905, LOT 6; BLOCK 906, LOT 1). (CONTINUED):

Continuance – The chair reviewed that the applicant was still seeking final site plan approval and had asked for a continuance until July to complete work. The secretary reviewed the correspondence he had received from Mr. Oberlander regarding the continuance. Fritz Moorhouse made a motion seconded by Ed Smyth that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by a unanimous voice vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Brandenburger/Sheridan, Inc. for final site plan approval and all related variances as needed to develop the former "Sitzler" Properties Along Main & Cinnaminson Streets (Block 904, Lots 2&3; Block 905, Lot 6; Block 906, Lot 1) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on July 20, 2005.

This notice will be posted on the bulletin board and is the only official notice required of the continuation. The secretary will follow up with the applicant.

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TOWNHOUSES AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2 (CONTINUED):

Continuance – The secretary reviewed the June 14, 2005, correspondence from the attorney for the applicant requesting an additional continuance to complete their plans to address the density issues as regards the riparian rights issue. Possible changes have been discussed with the board's attorney, planner and engineer. The chair

stated that he was troubled that there appear to have been substantial changes to the plan and that the board and public were not aware of them. The secretary stated that he understood Mr. Colaguori had told the board's attorney of their plans to appear in July and that they were going to republish and re-notice providing the revisions. The ramifications of not granting a continuance were discussed. A use variance has been granted for an age restricted condominium. The chair understands they may now be considering a form of fee simple housing; but nothing formal has been submitted. The board was in agreement that if a continuance was granted it is conditioned that the applicant or his representative(s) must appear at the next meeting and they must republish and re-notice with a complete description of the revised application. Fritz Moorhouse made a motion seconded by Rick Mood that the hearing be continued at the request of the applicant and that the continuance is conditioned upon an appearance in July to at least explain the delays and discuss any substantial changes to the application. There was no further discussion and the motion was passed by a unanimous voice vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Cedar Lane Manor t/a Cedar Lane Mews for development, site plan approval, and bulk variances to construct townhouses at 811-817 Cedar Street, Block 1700, Lot 2 is continued, applicant having requested a continuance for consideration of the matter until the next regular meeting of the Board on July 20, 2005.

This notice will be posted on the bulletin board and is the only official notice required of the continuation. The secretary will follow up with the applicant.

OLD BUSINESS

Resolution Case # 2005-03:

Application by Brandenburger/Sheridan, Inc., For Site Plan Approval And All Related Variances As Needed To Develop The Former "Sitzler" Properties Along Main & Cinnaminson Streets (Block 904, Lots 2&3; Block 905, Lot 6; Block 906, Lot 1): The chair stated the resolution needed to be read. Prior to the reading of the resolution, Mr. Michael Heine, an attorney, attempted to interrupt the proceedings claiming that having entered an appearance he had a right to be heard. The chair informed Mr. Heine that the meeting was not open to public comment. Mr. Heine stated he is not a member of the general public and has a right to be heard. The chair informed Mr. Heine that he was out of order and he should please sit down. Mr. Heine continued his demands and the chair again asked Mr. Heine to please stop disrupting the meeting and if he did not, that the police would be notified. Mr. Heine did not sit down and continued his attempt to be heard. The chair once again stated to Mr. Heine and other members of the public that this is not the time for public comment and he advised Mr. Heine that he needed to properly advise his clients. Mr. Heine continued his attempt to interrupt the meeting and the chair stated one last time that he was going to summon the police. Mr. Heine did not cease and the chair summoned the police. Prior to the police arriving Mr. Heine and several members of the public left the meeting. When the police arrived, Mr. Heine walked back in and the chair explained why he had summoned the police. Mr. Heine attempted to interrupt again but left the meeting. A member of the public who had also made some comments asked if he had to leave. The chair stated that if he could remain quiet until the meeting was opened to public comment, he was more than welcome to remain. The chair asked the police officer if it was okay if he spoke with them after the meeting since he did not want to delay things any further. He was informed it was okay. Fred DeVece, being absent from the last meeting, asked what had just occurred. The chair stated that during the last meeting, Mr. Heine had attempted to disrupt the meeting by demanding as much time as he thought he needed to comment at the hearing when everyone had been informed that there was a time limit on public comments. The chair stated there is a time for public comment, that this was not the time, it was not fair to the public or the board to allow someone to disrupt the meeting, and he was not going to allow it at zoning board meetings.

The board proceeded to read the resolution which grants, with numerous conditions: final subdivision approval, a use variance for use of a residential lot for parking, numerous bulk variances, and preliminary site plan approval. There was some discussion surrounding the Mattis Lane issue and a minor typographical error was corrected in Item 28 of the findings. Following reading of the resolution and confirmation of the members eligible to vote on the resolution, there was no further discussion and a motion was made by Fritz Moorhouse and seconded by Rick Mood to adopt the resolution as amended. A poll vote of the members eligible to vote unanimously adopted the

resolution by a vote of 5 to 0 as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mood	aye	Mr. Moorhouse	aye
Mr. Brown	aye		

Fence Committee – The chair distributed a draft of the proposed revisions to the board and asked if the members would informally review and get back to him if there were any concerns prior to the revisions being submitted to the planning board for official consideration. The chair discussed the major revisions including front yard fences. Front yard fences will be require the formal approval of the ARC with provision of appeal to the planning board. The members should get back with Kerry within two weeks with the hope the draft can be presented to the planning board at its July meeting. Fred DeVece asked about hedges and it was replied they are still considered a fence and enforcement is up to the Code Enforcement Officer.

Reexamination of the Master Plan – The secretary reviewed the planning board’s responsibility to reexamine the master plan and stated that a joint meeting had been held with Borough Council on June 8th. Councilwoman Muriel Alls-Moffat distributed a handout from the planning board’s subcommittee. She reviewed the subcommittee’s efforts in greater detail and stated that the subcommittee wants comments and suggestions from the zoning board. It was discussed that a member of the zoning board should be on the subcommittee. It was decided that, if he accepts, John Trotman will be the board member of the subcommittee. Muriel discussed several issues with the members and again stated that the comments of the board would be duly considered since the zoning board has probably the best insight as to the types of variances that are coming before it and whether or not it indicates a need for change or not. Ed Smyth voiced his concern regarding apartments. The chair is concerned about future lawsuits perhaps outlawing age restricted developments. Concerning cell towers, the chair reviewed that they are very hard to turn down since the “beneficial use” defense has generally prevailed when denials are appealed.

CORRESPONDENCE

- 5/20/05 copy of the latest edition of the State’s Residential Site Improvement Standards.
- 5/24/05 copy of a “Legislative Alert” from the New Jersey League of Municipalities explaining their opposition to how bill S-2133/A-3803 defining education requirements for zoning and planning board members would be implemented.
- 5/24/05, copy of open unsigned letter to borough officials, Council, and boards concerning operations at the New Leaf property. Deemed not a board issue, Code Official’s responsibility.
- Borough Fire Official’s review of the latest Cedar lane site plan with four units.
- Board Engineer’s review of the latest Cedar Lane site plan revisions.
- An additional letter from the Riverton Environmental Commission regarding the Cedar Lane application.
- The chair asked that acknowledgement of the receipt of Mr. Heine's letter requesting to appear be noted for the record. The chair stated again he did not feel it would have been appropriate to allow testimony or comments regarding the application without the applicant being present.

NEW BUSINESS

Vouchers and Invoices:

- 6/2/05, Tamara Lee, \$807.50 for work and hearing attendance for the Brandenburger/Sheridan application. (ESCROW)
- 6/13/05, Janet Smith, \$62.50 for attendance at the May meeting for general advice.
- 6/13/05, Janet Smith, \$1,250.00 for the Brandenburger/Sheridan hearing and preparation of the resolution. (ESCROW)
- 6/13/05, Remington Vernick & Arango Engineers, \$420.00 for plan review and report preparation for the Brandenburger/Sheridan application. (ESCROW)

- 6/13/05, Remington Vernick & Arango Engineers, \$627.50 for plan review and report preparation for the Cedar Lane Mews application. (ESCROW)

Bill Brown moved, Rick Mood seconded, and the vote was unanimous to pay the invoices as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment. The secretary reviewed that he advises the applicants when shortages arise in escrow accounts. To date, accounts have been made current when advised that shortages exist.

Code Enforcement and Zoning Officer's Resignation – Councilwoman Muriel Alls-Moffat discussed that Tony Dydek had resigned effective the end of the month due to pressures from his full time business and that efforts to secure a replacement have begun. Fred DeVece felt the person should be more proactive and not wait for official complaints. Muriel stated Tony had been proactive but his contract is just for approximately two hours a week. She has requested that additional time be authorized but given budget constraints she doubts it will be approved. Fritz Moorhouse provided thoughts on his experience in the position and how he would hope the new official would be a resident of the town. He concurs that it is more than a two hour a week job.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment with a limit of five minutes set.

Mary Ann Shea, 205 Bank Avenue, asked how the proposed revised fence ordinance impacted existing fences. It was explained that existing fences that are or become nonconforming are always grandfathered. Asking about a row of trees in the middle of a property, it was explained that this was probably a code enforcement issue subject to the terms of the ordinance.

There being no further comment, the meeting was closed to public comment.

Miscellaneous

- The secretary informed the board that due to a personal conflict, he would not be present for the July meeting and would make arrangements with the chair.
- Jim Brandenburger's application for a setback variance on his new home due to an error in construction should be on the heard in July since Mr. Brandenburger had asked the secretary to be on the July agenda.
- Rick Mood commended the chair on how he handled the disruption of the meeting and fully supports him. The rest of the board concurred. Councilwoman Alls-Moffat recommended that if the chair does fill out a complaint that he do so in his official capacity as the chairman. As to board concerns about further developments on the issue, the chair commented that he feels any further legal action connected to this matter might be considered as a "slap lawsuit" designed to intimidate members of public bodies and, as such, have been deemed illegal by the courts.

Meeting adjourned at 9:12 PM.

Next meeting is scheduled for 7/20/2005, 7:30 PM at Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**

**RIVERTON BOROUGH ZONING BOARD
MINUTES
September 21, 2005**

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:31 PM by Secretary Kenny Palmer.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2005.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Edward Smyth, Richard Mood, Ken Mills, Fritz Moorhouse, and Bill Brown.

ABSENT: Kerry Brandt, John Trotman, and Alfred DeVece.

OFFICIALS: Councilwoman Muriel Alls-Moffat and Secretary Kenny Palmer were present.

HOUSEKEEPING: In the absence of the chair and vice chair, the secretary called the meeting to order, called the roll, and established that a quorum was present. A motion was requested to appoint an acting chair for the meeting. Bill Brown motioned and Fritz Moorhouse seconded that Ed Smyth act as chairman for the meeting. There were no other nominations and the motion was unanimously approved. Acting Chairman Ed Smyth took over as chair for the meeting.

MINUTES: A motion was made by Fritz Moorhouse, seconded by Rick Mood, and unanimously approved to adopt the minutes of August 17, 2005 as distributed.

PUBLIC HEARINGS:

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR SUBDIVISION, DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TOWNHOUSES AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2 (CONTINUED):

Continuance – The secretary reviewed that on September 16, 2005, he had been notified by Mr. Colaguori, attorney for the applicant, that they would not be able to appear and that he had notified Kerry of the same. The secretary read the subsequent letter to the board explaining that the applicant was not able to appear and requesting a continuance and waiving all time requirements. Fritz Moorhouse made a motion seconded by Rick Mood that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by a unanimous voice vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Cedar Lane Manor t/a Cedar Lane Mews for subdivision, development, site plan approval, and any and all variances to construct townhouses at 811-817 Cedar Street, Block 1700, Lot 2 is continued, applicant having requested a continuance for consideration of the matter until the next regular meeting of the Board on October 19, 2005.

This notice will be posted on the bulletin board and is the only official notice required of the continuation. The secretary will follow up with the applicant as needed. Mr. Smyth explained the board's actions to the members of the public present for the matter. The secretary reviewed that board planner Tamara Lee had submitted a review of the application and informed the chair that unfortunately she would not be available for the October meeting due to a conflict.

OLD BUSINESS

Resolution, Case # 2005-05: Application by James and Janet Brandenburger, 203 Thomas Avenue, Block 600, Lot 1.02 for front yard setback relief – The chair asked if the members had received and read the resolution. All present stated they had. Only members present for the hearing and voting for approval may act on the resolution. Members Smyth, Mood and Brown qualify. The chair asked if there were any comments or questions and there were none. Bill Brown motioned and Ed Smyth seconded that reading the motion be waived and the motion referenced by title be adopted and memorialized. The motion passed by a unanimous voice vote of the three

members eligible to vote.

Fence Ordinance Review Committee – The secretary reviewed that consideration of the draft ordinance by the planning board was tabled at the last meeting due to time constraints.

Reexamination of the Master Plan and Petitioning COAH for Third Round Certification – The secretary reviewed progress of the reexamination and Councilwoman Alls Moffat, a member of the reexamination subcommittee distributed a questionnaire to the board asking for their input. The secretary reviewed the background of the need to comply with COAH's requirement that the Borough submit the petition for re-certification by the December 2005 deadline in order to have the Borough's revised Development Fee Ordinance remain in effect and to protect the Borough. Ed Smyth asked if this matter impacted the Cedar Lane application currently before the board. The secretary replied that Tamara would guide the board as needed and that she had already taken this pending application into consideration with her work on the new Housing Element which is the part of the master plan that deals with the Borough's Fair Share Plan and COAH certification.

CORRESPONDENCE

- 9/7//05, Communication addressed to chair from New Jersey Planning Officials inviting board to join NJPO and including the latest copy of "The New Jersey Planner" newsletter. The newsletter contains information regarding mandatory education requirements for members and discussion on COAH third round rules. The finalized education requirements and related courses should be released in January 2006.

NEW BUSINESS

Vouchers and Invoices:

- 8/24/05, Remington, Vernick & Arango Engineers (8/13/05), \$1,090.00, for Brandenburger/Sheridan application work, June 16 – July 15, 2005. (PAY FROM ESCROW)
- 8/21/05, Janet Smith (8/19/05), \$543.75, for Cedar Lane Mews application work, 2/5/05 – 8/17/05. (PAY FROM ESCROW)
- 8/21/05, Janet Smith (8/19/05), \$162.50, for James & Janet Brandenburger, 203 Thomas variance application. (PAY FROM ESCROW)
- 8/21/05, Janet Smith (8/19/05), \$100.00, for general legal services, 8/12/05 and 8/17/05.
- 9/7/05, Tamara Lee (9/4/05), \$106.25, for Brandenburger/Sheridan application work, 8/1-8/31/05. (PAY FROM ESCROW)
- 9/7/05, Tamara Lee (9/4/05), \$595.00, for Cedar Lane Mews application work, 8/1-8/31/05. (PAY FROM ESCROW)

Fritz Moorhouse moved, Rick Mood seconded, and the vote was unanimous to pay the invoices as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment. The secretary reviewed that he advises the applicants when shortages arise in escrow accounts. To date, accounts have been made current when advised that shortages exist.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment.

- Councilman Ed Gilmore, 103 Main Street, commented that he hoped to come up with some alternate parking arrangements for the park since it appears that space now used is on the property that is part of the Cedar Lane application.

There being no further comment, the meeting was closed to public comment.

Meeting adjourned at 7:52 PM.

Next meeting is scheduled for 10/19/2005, 7:30 PM at Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**

**RIVERTON BOROUGH ZONING BOARD
MINUTES
October 19, 2005**

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:30 PM by Chairman Kerry Brandt.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2005.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, John Trotman, Edward Smyth, Richard Mood, Ken Mills, Fritz Moorhouse, Fred DeVece, and Bob Hoag.

ABSENT: Bill Brown.

OFFICIALS: Solicitor Janet Smith, Councilwoman Muriel Alls-Moffat, Board Engineer Rick Arango, and Secretary Kenny Palmer were present.

MINUTES: A motion was made by Fritz Moorhouse, seconded by Rick Mood, and unanimously approved to adopt the minutes of September 21, 2005 as distributed.

REORGANIZATION: Prior to the commencement of any hearings, Robert Hoag was sworn in as a new alternate member of the board.

PUBLIC HEARINGS:

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR SUBSIVISION, DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TWO-FAMILY DWELLINGS AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2 (CONTINUED):

The chair asked the board if personal or business conflicts prevented any member from hearing the application. There were none.

Introduction – Chairman Brandt reviewed the application and reviewed wit the members the types of variances he thought were needed to consider granting the application. The chair introduced Louis Colaguori, the applicant’s solicitor.

Testimony – Mr. Colaguori provided an overview and discussed the history of the application. This is a continuance of the hearing on the original application which has been substantially modified to take into consideration many of the concerns raised by the board, its professionals and the community during the prior presentations. The applicant has reduced the number of proposed units from 16 town homes to four residences to be built as two two-family detached homes on either end of the current apartment complex. The four residential lots would be subdivided from the existing lot and sold as fee simple lots. It is proposed that the lots would be deed restricted as for age restricted housing and that a homeowners association would be formed to maintain the age restricted covenant and to provide the necessary common services familiar to age restricted developments. The applicant also concedes that all previously granted use variances should be rescinded as they are not applicable to the amended application. The applicants also concede that since they do not have a riparian claim of ownership to the portion of the property along the creek, that the portion of the property that can ever be developed is approximate 4 ½ + acres and not the 8 ½ + acres on the site. Their planner will provide testimony in support that all the criteria including the special criteria for granting a use variance have been met. He will also provide testimony that supports granting the subdivision and the beneficial needs for granting the bulk variances.

The applicant’s planner, Thomas J. Scangarello, PP was sworn in. He distributed a hand out entered as Exhibit

10/19/2005-A which provided the talking points regarding his testimony to the use variance. Mr. Scangarello proceeded to review all the positive and negative criteria as well as the special criteria need to support having a use variances granted. Included in his testimony was that the amended plan saves the integrity of an environmentally sensitive area, provides a currently unmet need to the older citizens of the Borough, that the positive criteria greatly outweigh any negative criteria, and the use of twin homes reduces the overall impervious lot coverage. The chair responded that the board must carefully consider the special reasons or criteria and if they are not met, the board legally cannot grant the use variances. The chair feels that while it is a positive that a new identified need is being met, there are negatives issues. The chair discussed his concerns. He feels that subdividing the property rather than preserving the area is making it worse by increasing density in an already dense site. Increasing density is counter to the goals of the Master Plan. Four units will not support a homeowner's association. He doesn't see the special reasons being met. It is less suited to other permitted uses in the R8 district and there are no other twin homes in that area. Finally, the chair feels it impairs current zoning. Mr. Scangarello replied that the plan provides a specific type of housing for a group of people that is not currently provided and has been identified as a need in the town. Based on what currently exists, the plan is an improvement. He feels the site is well suited for the proposed development. It meets the low/no maintenance need for age restricted housing. The chair again stated his concern that the reasons have not been met. The four fee-simple lots proposed are no different than the rest of the town. Mr. Colaguori summarized that they feel they have presented their case and are willing to stand or fall on its merits.

Walter Croft, the applicant's architect was sworn in and provided testimony as to the style and construction of the proposed units met the particular needs more common to age restricted housing. He described that these will be higher end units that will appeal to the targeted client of older empty nesters wanting to down size yet remain in the town and retain the feel of the large older homes they have occupied.

Joseph Raday, the applicant's engineer from Stout Caldwell was sworn in. Mr. Raday provided testimony to support the need for granting the various bulk variances. The decreased front footage on two of the lots allows for the preservation of the foliage buffers and minimizes any encroachment of the building site (property not construction) into the wetlands area. The side yard variances are supported in that more open space is maintained. The rear yard issue does not apply to the new lots, only the existing lots and is minimal in its impact. The parking variance is needed for the apartments and extends an existing non-compliance with the parking requirement of the ordinance. In reviewing the board engineer's report it was noted that there were no outstanding issues. In reviewing the board planner's review, the applicant stated they had no problem with the recommendations regarding stabilizing ground cover in the areas defined in her report.

The COAH requirements and resulting obligations were discussed and the applicant agreed to work within all established regulations to meet its obligation needs. The chair revisited the density issue and the figures were discussed. It was agreed that the density of the new lots was not an issue; however, the increase of density on the remaining apartment lot is a concern. The applicant feels the increase in density is not that great given the existing density. The applicants stated they had concluded their planned testimony and wished to address any concerns or questions from the board. Ed Smyth commented that the issue is hard to follow. He sees as positive the decrease from 16 to 4 units. Ed wanted to know if the applicant was seeking a variance for a valid hardship or that the benefits outweighed the detriments. The answer was the latter since the only hardship is not preexisting but is self imposed by wanting to develop the site. Regarding the pros and cons, Ed cannot see the inherent benefit. The town already has duplexes. It will only benefit eight people given that they will be age restricted. Ed feels there is the need for more convenience than afforded by the site. There were no further questions from the board and Rick Arango, the board's engineer, stated he had no issues from an engineering standpoint.

Public Comment – The hearing was opened to public comment on the application. All speakers were sworn in before commenting.

- Michael Robinson, Six Second Street, spoke as for the Borough's Environmental Commission. He referred to the points in the correspondence previously mailed to the board members and the applicant. Additional copies were provided as needed. Revisions to the plan have made some of the issues moot. Points 1, 2, and 4 of the latest note were discussed. The issue of donation of property along the creek was discussed and it was conceded that the matter was outside the scope of the application. There is concern on the possible intrusion of one of the new lots into the wooded slope.

- Deborah Lord, 551 New Albany Road, Moorestown NJ, is President of the Pompeston Creek Watershed Association and she referenced the plan and the mitigation efforts needed. She is also concerned with the impact of the one lot on the wooded slope area. In answer to Michael’s and Deborah’s comments, Mr. Colaguori conceded that the applicant shared concerns over the environmental impact of the area. The applicant is willing to work with the agencies to help preserve the site and to meet all requirements regarding stabilization of the site and mitigating any impact. The applicant plans to exercise due diligence to avoid damaging the existing shade trees where possible. It is noted that sedimentation in the creek is a concern and the applicant will follow all required, accepted and appropriate steps to not worsen the situation. Ms. Lord feels that the proposed and existing standards do not solve the problem of sedimentation and hopes the applicant is willing to try harder. Mr. Scangarello stated they are willing to work closely with the environmental commission and the watershed association to mitigate and resolve concerns. Asked if the applicant will meet any new requirements being developed, the answer was yes. Concerning the proposed plant legend in the plan and the desire of the commission and association to utilize native species, the applicant requested a listing and they would look into.
- John Shaw, 703 Ninth Street, asked about the new sewers for the units and if the existing residents on the street could tie in. The answer was no since they will be laterals to the existing main. They will utilize injector pumps to force flow to the existing gravity main. The applicant will review all plans with the municipal sewage authority.
- Mike Robinson asked for clarification on certain issues. The applicant is willing to pursue more stringent means than silt fences to control sedimentation during construction. The applicant will endeavor to protect all remaining trees. The homeowners association will probably be the best avenue to pursue compliance with the principles agreed to at this hearing. On working directly with the watershed association, Mr. Colaguori stated it is preferred to work with the local bodies in the Borough and they can bring in whatever experts they wish. Mr. Colaguori thanked Michael and the commission for helping the project to mature especially in trying to address the environmental concerns.

There was no further comment and the hearing was closed to public comment.

Deliberation and Voting – The chair asked if the members had any additional comments or questions. Ed Smyth commented that the applicant had tried to address the concerns raised. Ed asked for clarification of the variances being requested. Lou responded that the “C” bulk variances were being requested as C2 variances since they comply beneficially with the ordinance. The “D” use and density variances not only require the beneficial proofs but the special enhanced quality of proof that it is consistent with the Master Plan. Ed stated he hasn’t been completely sold on those proofs. The chair stated and Janet Smith concurred that the board should consider the “D” variances first and the “C” variances second. Janet stated that the board could consider both “D” variances together since the project cannot go forward without both variances.

Motion 1

Following discussion, a motion was made by Fred DeVece and seconded by Fritz Moorhouse that the former use variance be rescinded and that use variances be granted to permit construction of two two-family detached (or twin) homes as proposed on the plan and as defined in the ordinance; and to grant the density increase for the existing apartments caused by subdividing the four new lots; with such approvals contingent on receiving other approvals as required to complete the development. There being no further discussion, a poll vote of the members hearing the matter approved the motion 5-2 as follows:

Mr. Brandt	nay	Mr. Trotman	nay
Mr. Smyth	aye	Mr. Mood	aye
Mr. Mills	aye	Mr. Moorhouse	aye
Mr. DeVece	aye		

Kerry commented that he did not think the special reasons had been proved. He concedes the need exists but, the plan does not meet the proofs required. He feels the plan as presented is a detriment to the Master Plan and hurts the zoning ordinance. John Trotman feels it is not a good use in the R8 district. Ed Smyth stated the applicant answered his questions, the existing complex has been well maintained and he feels the environmental concerns are in good hands. Ken Mills feels the applicant has made great strides in addressing the concerns raised. Fritz agreed with Ken.

Motion 2

Following discussion, a motion was made by Fritz Moorhouse and seconded by Rick Mood to approve the subdivision creating the four lots for the construction of age restricted housing as indicated on the plans; contingent that the project complies with all federal requirements to meet age restricted housing; and that deeds are to be submitted to the zoning board for review and approval; and that the applicant comply with all COAH Round Three Growth Share obligations. There being no further discussion, a poll vote of the members hearing the matter approved the motion 6-1 as follows:

Mr. Brandt	nay	Mr. Trotman	aye
Mr. Smyth	aye	Mr. Mood	aye
Mr. Mills	aye	Mr. Moorhouse	aye
Mr. DeVece	aye		

There were no additional comments on the votes.

Motion 3

The board referred to Tamara’s letter, specifically points 4.2 through 4.6 and related paragraphs in defining the bulk variances needed. It was determined that variances were needed for:

- the 65 front footage on the two lots
- the less than 25 foot side yard aggregate setback for the zone and the zero setback between the attached units
- the rear yard setback for the apartments
- the number of parking spaces required for the apartments
- The extension of the non-conforming compliance with the location of the parking spaces for the apartments per 128-65D(1) and 128-65A of the code.

Ed Smyth motioned and Fritz Moorhouse seconded that bulk variances be granted as enumerated above and per paragraphs 4.2 – 4.6 and related paragraphs of Tamara Lee’s letter of 9/14/2005. There being no further discussion, a poll vote of the members hearing the matter approved the motion 5-2 as follows:

Mr. Brandt	nay	Mr. Trotman	nay
Mr. Smyth	aye	Mr. Mood	aye
Mr. Mills	aye	Mr. Moorhouse	aye
Mr. DeVece	aye		

Kerry stated that his reasons were along the same lines as stated before. John Trotman stated he felt there were too many variances needed.

Motion 4

Following comment that review by the Architectural Review Commission was not required, a motion was made by Fritz Moorhouse and seconded by Fred DeVece to grant preliminary and final site plan approval contingent on: consulting with the ARC on the plans; obtaining all county and state approvals as required; that the engineers letter be complied with; that Tamara’s letter be complied with; that the final plans be signed off by both the board’s engineer and planner; and that the Environmental Commission submit input to the applicant and board’s engineer. There being no further discussion, a poll vote of the members hearing the matter approved the motion 5-2 as follows:

Mr. Brandt nay Mr. Trotman nay
Mr. Smyth aye Mr. Mood aye
Mr. Mills aye Mr. Moorhouse aye
Mr. DeVece aye

There was no additional comment on the votes.

OLD BUSINESS

Fence Ordinance Review Committee – The secretary reviewed that consideration of the draft ordinance by the planning board was tabled at the last meeting due to time constraints.

Reexamination of the Master Plan and Petitioning COAH for Third Round Certification – The chair discussed that Muriel had distributed a questionnaire from the planning board’s Reexamination of the Master Plan Subcommittee soliciting input from the board members at the previous meeting. Kerry apologized that he had not yet responded. Muriel stated that several members had already replied to her. Kerry distributed copies of the questionnaire to members who had not received one and requested that the members reply either directly to Muriel or to him.

CORRESPONDENCE

- 9/14/05, memo from Michael Robinson of the Environmental Commission requesting the board incorporate the commission’s previous concerns from the attached copy of their letter of May 20, 2005. (Copies distributed to the board.)
- 9/19/05, copy of Tamara Lee’s 9/14/05 review of the latest plans for the Cedar Lane Mews application. (Copies distributed to the board.)
- 10/5/05, copies of 9/21/05 letter from Walter Croft, ARC Chairman to mayor and 10/11//05 response from Mayor Martin concerning ARC’s participation in planning and zoning application matters. (Copies distributed to the board.)
- 10/14/05, copy of 10/13/05 letter from Janet Smith to the board concerning the Cedar Lane Mews application. (Copies mailed directly to the board)

NEW BUSINESS

Vouchers and Invoices:

- 9/28/05, Remington, Vernick & Arango Engineers (9/13/05), \$1,070.00, for Brandenburger/Sheridan application work, July 16 – August 15, 2005. (PAY FROM ESCROW)
- 9/28/05, Remington, Vernick & Arango Engineers (9/13/05), \$140.00, for Cedar Lane Mews application work, July 16 – August 15, 2005. (PAY FROM ESCROW)
- 10/18/05, Remington, Vernick & Arango Engineers (10/13/05), \$260.00, for Cedar Lane Mews application work, August 16 – September 15, 2005. (PAY FROM ESCROW)
- 10/5/05, Tamara Lee (10/3/05), \$340.00, for Cedar Lane Mews application work, 9/1-9/30/05. (PAY FROM ESCROW)

Fritz Moorhouse moved, Rick Mood seconded, and the vote was unanimous to pay the invoices as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment. The secretary reviewed that he advises the applicants when shortages arise in escrow accounts. To date, accounts have been made current when advised that shortages exist.

Conflict with November Meeting and League of Municipalities Convention: The chair asked if any members had a conflict between attendance at next month’s meeting and the LOM convention. There were none.

Review of Section 128-64 “Off-street Parking – The chair reviewed that there was a request to Council that the section be revised to alleviate businesses having to request variances for parking when there is a permitted change of use at an existing site where parking issues already exist. The request to Council was that portions of the section be repealed. Council has referred the matter to the planning and zoning boards and is seeking input on the matter.

The chair reviewed his preliminary response to the mayor with the board and asked for the members to review the matter and get back to him with any comments. The secretary reviewed that Kerry's letter had been distributed to the planning board. The planning board is also reviewing the matter and their consensus is initially supportive of Kerry's response. The zoning board's preliminary take is also supportive along the lines of the chair's letter.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment. There was none and the meeting was closed to public comment.

Meeting adjourned at 11:30 PM.

Next meeting is scheduled for 11/16/2005, 7:30 PM at Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**

**RIVERTON BOROUGH ZONING BOARD
MINUTES
November 16, 2005**

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:35 PM by Vice Chairman John Trotman.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2005.

PRESENT: John Trotman, Edward Smyth, Richard Mood, Ken Mills, Fritz Moorhouse, Fred DeVece, and Bob Hoag.

ABSENT: Kerry Brandt and Bill Brown.

OFFICIALS: Secretary Kenny Palmer was present.

MINUTES: A motion was made by Fritz Moorhouse, seconded by Rick Mood, and unanimously approved to adopt the minutes of October 19, 2005 as distributed.

OLD BUSINESS

Resolution Case # 2005-06:

Application by Cedar Lane Manor t/a Cedar Lane Mews: For Use Variances, Final Subdivision Approval, Density Variances, Bulk Variances, and Preliminary and Final Site Plan Approval; To Construct Two Age Restricted, Two-Family, Semidetached Dwellings on Property Located at 811-817 Cedar Street (Block 1700, Lot 2): The vice chair asked if the members had received and read the resolution. All present stated they had. The vice chair asked if there were any comments or questions and there were none. Fritz Moorhouse motioned and Fred DeVece seconded that reading the motion be waived and the resolution referenced by title be adopted and memorialized. A poll vote of the members eligible to vote unanimously adopted the resolution by a vote of 5 to 0 as follows (Mr. Trotman and Mr. Hoag did not vote):

Mr. Smyth	aye	Mr. Mood	aye
Mr. Mills	aye	Mr. Moorehouse	aye
Mr. DeVece	aye		

Review of Section 128-64 “Off-street Parking – The secretary reviewed that there had been no further discussion by the planning board. Council has reviewed and agrees that the comments in Kerry’s letter were the right way to approach the matter and that Council would not take any further action at this time.

Fence Ordinance Review Committee – The secretary reviewed that consideration of the draft ordinance by the planning board was tabled at the last meeting due to time constraints and waiting to receive additional revisions from the subcommittee.

Reexamination of the Master Plan and Petitioning COAH for Third Round Certification – The secretary updated the board on the progress of the reexamination and reviewed that the new Housing Element of the Master Plan had been adopted by the Planning Board at its November 15th meeting following a public hearing. The secretary reviewed that the Housing Element and Fair share Plan would be before Council at the December 7, workshop meeting for endorsement and then to be forwarded to the COAH so the Borough can remain certified as to its Affordable Housing plans. The secretary reviewed the various details of the affordable housing plan with the board. The secretary also reviewed the application before the planning board to redevelop the Nu-Way and Riverton Motors sites.

CORRESPONDENCE

- 10/14/05, (Recv'd. 10/26/05), copy of letter to land use board secretaries from County Engineer's Office regarding Procedures for Subdivision Approvals.
- 11/1/05, memo from Mary Longbottom, 2006 budget request.
- 11/15/05, Burlington County Soil Conservation District, 11/9/05 Approval of Soil Erosion and Sediment Control Plan for Brandenburger/Sheridan "Sitzler Property" project.

NEW BUSINESS

Vouchers and Invoices:

- 11/16/05, Remington, Vernick & Arango Engineers (11/13/05), \$350.00, for Cedar Lane Mews application work, September 16 – October 15, 2005. (PAY FROM ESCROW)
- 11/16/05 Janet Smith (11/16/05), \$1,312.50, for work and hearing attendance for Cedar Lane Mews application, October 7, 2005 – November 16, 2005. (PAY FROM ESCROW)

Fred DeVece moved, Rick Mood seconded, and the vote was unanimous to pay the invoices as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment. The secretary reviewed that he advises the applicants when shortages arise in escrow accounts. To date, accounts have been made current when advised that shortages exist.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment. There was none and the meeting was closed to public comment.

Meeting adjourned at 7:55 PM.

Next meeting is 1/18/2006, 7:30 PM at Borough Hall – the Annual Reorganization meeting and any other business if it comes before the board.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**

RIVERTON BOROUGH ZONING BOARD
MINUTES
July 20, 2005

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:35 PM by Chairman Kerry Brandt.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2005.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, John Trotman, Edward Smyth, Richard Mood, Ken Mills, Fritz Moorhouse, Alfred DeVece, Alan Adams, and Bill Brown.

ABSENT: None.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilwoman Muriel Alls-Moffat, Board Planner Tamara Lee, and Board Engineer Richard Arango were present. Secretary Kenny Palmer was not present.

MINUTES: A motion was made by Fritz Moorhouse, seconded by Rick Mood, and unanimously approved to adopt the minutes of June 15, 2005 as distributed.

HOUSEKEEPING: The chair reviewed several items concerning public comment during the meeting and hearings:

- Interruptions and inappropriate comments would not be permitted.
- During periods of public comment each person would be permitted five minutes during each period of public comment.
- While a person is certainly entitled to be represented by counsel, the chair whenever possible would prefer to hear directly from the speaker. If a person is going to be represented by counsel, the procedure will be for the person to identify him- or herself, announce they are being represented by counsel and then introduce their representative.

PUBLIC HEARINGS:

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TOWNHOUSES AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2 (CONTINUED):

Continuance – The chair stated that he had received a request dated July 18, from the attorney for the applicant requesting an additional continuance to complete their plans and make sure they were ready to proceed. The chair reviewed the correspondence with the board. To properly address the concerns of the board and environmental commission the scope of the project has changed. Mr. Colaguori stated that the changes will require re-notice and republication which the applicant will do prior to their next appearance. The chair again summarized the ramifications of not granting a continuance. If the board is not willing to grant a further continuance, the chair is prepared to request that the board vote to deny the application rather than having the clock continue to run and risk that the application be approved by default. Ken Mills made a motion seconded by John Trotman that the hearing be continued at the request of the applicant and that the continuance is conditioned upon the applicant re-noticing and republishing prior to appearing. There was no further discussion and the motion was passed by a unanimous vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Cedar Lane Manor t/a

Cedar Lane Mews for development, site plan approval, and any and all variances to construct townhouses at 811-817 Cedar Street, Block 1700, Lot 2 is continued, applicant having requested a continuance for consideration of the matter until the next regular meeting of the Board on August 17, 2005.

This notice will be posted on the bulletin board and is the only official notice required of the continuation. The secretary will follow up with the applicant.

APPLICATION BY BRANDENBURGER/SHERIDAN, INC. FOR FINAL SITE PLAN APPROVAL AND ALL RELATED VARIANCES AS NEEDED TO DEVELOP THE FORMER "SITZLER" PROPERTIES ALONG MAIN & CINNAMINSON STREETS (BLOCK 904, LOTS 2&3; BLOCK 905, LOT 6; BLOCK 906, LOT 1). (CONTINUED):

The chair asked the board if personal or business conflicts prevented any member from hearing the application. John Trotman, Ken Mills and Fred DeVece stated they needed to recuse themselves from the matter. John and Ken have personal and business relationships with the applicant and Fred is an adjoining property owner. They stepped down for the hearing.

Introduction – Chairman Brandt reviewed that the main issues to be discussed were the traffic study and the COAH obligation. Mr. Heine attempted to interject that he represented clients and the chair reminded him that he was out of order and the matter was not yet open to the public.

COAH Obligation – The chair reviewed that the Borough, due to legal considerations, had not provided any definitive guidance on the COAH matter and he presented to the board two possible options as to how the applicant could satisfy the two unit obligation arising from the proposed construction. One option would have the applicant make a payment of \$35,000.00 per COAH unit for a total of \$70,000.00. This payment would be to the Borough which would put the amount into an appropriate escrow account. A second option would be to have the applicant provide the two units somewhere on the site. Without definitive guidance from the town, it is up to the board to arrive at a satisfactory resolution that does not leave the town with an unfunded obligation. Tamara explained that COAH's new retroactive growth share rules will cause the plan to generate a COAH obligation of two units for the Borough. If the developer does not satisfy the obligation, it becomes the responsibility of the Borough to make arrangements to satisfy the obligation. The desired result is to not have an unfunded obligation for the town. The payment of \$35,000.00 per unit is equal to the value of a regional contribution agreement (RCA) which the Borough could then seek to pay to another community as a method of satisfying the obligation. The Borough could also decide to use the funds in another manner to satisfy its obligation. Tamara concluded it is a reasonable number since it has a basis in fact and practice since it represents the current value for a RCA. The other option is to have the developer include the obligation within the residential component of the project. While it is not required for the board to come up with a decision, the Borough is caught in the middle of a dilemma in that it is currently certified under the old COAH rules which did not require meeting this new calculation method and it does not therefore have a currently approved method of meeting the obligation if it is not met by the developer. Because the RCA is a tried and approved method of satisfying a COAH obligation, the proposal therefore is based on current and accepted practices. At the chair's request, Tamara also reviewed the new Development Fee Ordinance requirements. The ordinance is currently approved by the state but contingent on the town making an early submission for third round certification under COAH. If the submission is not made in time, the ordinance will be revoked.

The applicant and Mr. Andrew Ott the applicant's engineer were re-sworn and Mr. David Shropshire a traffic engineer was sworn in and all provided testimony throughout the hearing. Mr. Oberlander, attorney for the applicant reviewed the progress of the application and the approvals granted to date. The applicant hopes to obtain final site plan approval tonight and is prepared to offer testimony that it has satisfied the conditions made at the last approvals. The review before the Architectural Review Committee has been completed and a favorable review obtained. The applicant desires to satisfy the COAH obligation and if the board grants approval, would prefer to make a financial contribution in lieu of providing the units on the site. Since the applicant prefers the financial consideration option, the chair is prepared if the board agrees, to accept this option which would also be in lieu of any obligations under the development fee ordinance. The consensus of the board was that proposed \$70,000.00

payment in lieu of option was acceptable.

Review comments and traffic study – Mr. Oberlander referred to the review letters from Rick Arango and Tamara Lee and wished to respond to them. The development as proposed will generate less traffic than if a pure buy-right commercial development was proposed. Mr. Ott testified point for point as to the issues raised in the review letters. The applicant is in the process of obtaining the necessary easements from NJ Transit for the stormwater hookups. Mr. Shropshire presented his credentials and the board was satisfied as to his being an expert in traffic matters. Mr. Shropshire reviewed the study previously submitted and addressed Rick Arango's comments. There will be no decrease in the levels of service currently in effect. They plan to approach the county to adjust the traffic light timing that should improve existing level of service impacts and make the intersection more efficient. As to the recommendation that the site entrance from Cinnaminson Street be made an entrance only, the applicant feels that may be an unreasonable burden to the success of the project and to the residents of the Borough. In addition one way flow would possibly be an enforcement issue. The chair is concerned that there not be an undue impact on the surrounding residents. The applicant is willing to entertain traffic calming methods. There was agreement that there should be no commercial traffic to and from the site on Cinnaminson Street. All deliveries and trash removal should use Main Street. It was agreed that traffic throughout the Borough is a problem; however, the concerns raised by residents at the prior hearing should be addressed as much as feasibly possible. Mr. Heine again tried to interject his right to cross examine and was again reminded he was out of order and would be recognized at the appropriate time. The chair stated he thought it was fair that a proposal regarding traffic concerns be worked out and then finalized following public comment. The applicant agreed to abide by all traffic signage requirements. The applicant's engineer stated all requirements for final lot plans would be submitted once final approvals firmed them up. The applicant agreed to a raised hump at the Cinnaminson Street entrance to calm traffic. There will a sign on Main Street to please not block the intersection. All deliveries will be restricted to the Main Street entrance. Tamara's concerns regarding lighting were reviewed. The applicant would like to light the site with lights similar to Main Street and with "can" lights along the residential area that provide forward lighting on the parking lot with a minimum of spillage into the residential area. With the Borough lighting existent on the residential portion of Cinnaminson Street, no additional lighting is proposed unless it is required. The applicant agreed to work with Tamara and PSE&G to investigate a historically appropriate lighting that provides the needed lighting with minimal impact on the residential area. The concerns on the lighting will also address concerns of the ARC review. The yard drain on the residential lot will be the responsibility of commercial site and an easement for maintenance will be included if needed and shown on the lot plan. The board had no further questions for Rick or Tamara on their reviews. The ARC review was read for the public's benefit. There were no concerns from the board on the ARC review that had not already been addressed. The applicant is seeking relief from the cultured stone recommendation of the ARC since he is not certain that type may be available and would like leeway in the final choice of stone while agreeing to the need to maintain the desired architectural character. The chair reviewed for the record that the Borough Fire Official had no concerns with the site or plans presented. The applicant stated their testimony was concluded. On the issue of performance bonds all applicable Borough ordinances will be complied with.

Public comment:

The chair asked and received a vote of approval to open the hearing to the public. The chair with Janet's guidance stated that comments will be restricted to five minutes and he requested that discourse be kept civil and that each person be allowed to speak without interruption. For cross examination purposes question(s) may be addressed to professionals, applicants, or board members and at the conclusion of the questions, time would be provided for responses. The chair also encouraged residents to personally speak their mind.

- John Trotman, 404 Seventh Street, stated he favored making the Cinnaminson Street an entrance to the site only. He feels a stop sign is needed at the intersection of 7th and Cinnaminson Streets for crossing Seventh Street to aid in the foot traffic to and from the park. It was commented that if it was local streets only involved, it was a local matter to resolve with only notification of state DOT required.

- Ed Cascarella, 603 Cinnaminson Street, does not want commercial traffic on Cinnaminson Street. He stated that he and another neighbor are represented by Michael Heine attorney at law. Mr. Heine introduced himself and stated he represented. Mr. Heine claims the chair has a close personal relationship with Mr. Brandenburger and should have recused himself from the matter. Mr. Heine took exception with the format of the public comment regarding cross examination by an attorney. Mr. Heine feels the chair is subverting the process regarding cross examination. Mr. Heine asked and received answers from the traffic engineer. Mr. Heine again objected when informed that his time had expired. To the assertion of a personal conflict, the chair stated that in a small town and in his time on the board there is probably no time he has not had at least some social contact with an applicant in town be it during a town sponsored, school related, or otherwise public social occasion. The chair stated he had no personal relationship with the applicant. He does not consider Jim and himself to be close personal friends by the definition of the term and does not consider it necessary to recuse himself. Mr. Heine continued to press the point and the chair stated he was out of order and to please let others speak. As to Mr. Cascarella's concern about deliveries, the chair stated that he intended that all deliveries be it a car, van, or otherwise should be via Main Street and not Cinnaminson. Mr. Oberlander stated he had no problem with Mr. Heine having additional time since he represented multiple clients; but he also understood that it was at the chair's discretion to set reasonable limits. The chair appreciated Mr. Oberlander's offer and stated if time permitted he would try and give additional time to everyone who wished it but would not favor any one individual.
- Donna Tyson, 206 Carriage House Lane, has problems with the traffic survey and commercial traffic delivery. She feels the Kaplan traffic study may not have been taken into consideration. She has concerns about the impact of any one-way restrictions. She feels there is inadequate enforcement of delivery hours and wants them as strongly controlled as possible. She doesn't feel the town can vacate Mattis Lane if it has made improvements and/or if there is no clear evidence who owns it. She feels the applicant should provide gas lights along Cinnaminson Street. The traffic engineer stated that he didn't know if the Kaplan study was part of the study. The applicant agreed that reasonable restrictions on delivery hours were okay. Janet stated that it was a commercial area and therefore subject to commercial noises and not similar to commercial use in a residential area. Councilwoman Alls-Moffat commented on the ordinance on the books concerning deliveries and the action of the recycling operation. If there is an ordinance on the books, the applicant stated they would strive to see if it was properly adhered to. Regarding Mattis Lane, the issue is being addressed. The applicant's engineer testified that the 20 foot buffer planned would allow access to any sewer lines under the lane. The chair stated that while having gas lamps was nice, the issue regarding additional gas lamps may be overly burdening the developer.
- William Henry Harris, 502 Cinnaminson Street, doesn't want the dog watering station adjacent to the war memorial removed. The applicant's engineer was not aware of anything connected with the memorial being removed and was not aware on any encroachments.
- Fred DeVece, adjacent business property owner, stated he thought that the fountain, walk and shrubbery were on the applicant's property and wanted to know, if that was true, was the applicant going to do anything to them. He feels an issue similar to Mattis Lane may develop there. Mr. Brandenburger stated that the brick walkway on his property is going to be demolished and other items if they are not part of memorial and on the site would need to be cleared to provide for the planned pathway and to ensure there is adequate access to the buildings. Janet was asked and confirmed that if there was no easement then it was the applicant's property unless the statutory time period had expired which makes for abandonment and that does not seem to be the case here. Regarding Mattis Lane, that issue is being researched.
- Michael Heine, 206 Carriage House Lane, questioned the right of the Borough to abandon Mattis Lane. He vigorously cross examined the applicant's engineer regarding Mattis Lane. Mr. Ott reviewed that part of what is known to the residents of the town as Mattis Lane is actually outside of the easement area and on the applicant's property because there is a drainage ditch in the easement area. The applicant proposes to properly tie in the street drainage in the area and to relocate the access provided by Mattis Lane to the other side of the site. Mr. Ott feels the proposed plans are an improvement over the current conditions and will better serve the town. Janet questioned why Mr. Heine is bringing this up at this time. When asked, Mr. Oberlander stated he believed a title search had been done.

- Tom Ehrhardt, 410 Thomas Avenue, asked about the grade in the parking lot and if speed bumps are planned in the parking lot. Mr. Ott reviewed the pavement humps planned at the entrances and stated no bumps within the lot were planned.
- Donna Tyson finds the whole issue of Mattis Lane a mystery and stated that the issue has not been brought up before because the town isn't really certain of the ownership of the area in question. It is being researched by the Borough. She questioned Mr. DeVece on his statement as to what was his property line. The chair agreed the issue needs to be properly resolved and is sure it will be. The board has to assume unless proven otherwise that it is presented with accurate facts. If it is later proven otherwise, the board has the right to rescind any variances granted upon misrepresentations. The board needs to move forward based on the issues as presented. He feels that vacating the lane as it exists will be an improvement. Janet mentioned she thinks the situation along Bank Avenue is similar in Riverton and Palmyra where no clear ownership has ever been established.
- Michael Heine feels the applicant has misrepresented his ownership of the properties in question and that any approvals granted are incorrect. He doesn't feel the board has a valid application before it upon which to grant the relief requested. The chair stated the board relies on the opinions of its solicitor. Janet asked if this issue was researched fully. Mr. Oberlander stated as this is a conditioned purchase, some of the ownership concerns may not have received the full attention in that they are more related to closing concerns and the applicant has been more concerned that they can obtain the approvals needed to proceed with the project. Mr. Oberlander stated the existence of Mattis Lane has been known from the start; but that he probably has not referred to the title report for some time. He agreed that if there is an ownership issue, the project especially as it pertains to the planned parking area cannot proceed unless the area is vacated to the property owner. He agrees the board cannot approve something the applicant doesn't have a right to and indeed the applicant won't build until he has the rights needed. Mr. Oberlander stated it is not inappropriate to acquire property rights after the fact. The chair asked Janet if there was a problem with the board proceeding tonight. Janet stated no but it will have to be contingent on the applicant having title to the property. Mr. Oberlander stated that he would hope the board would approve tonight contingent on the issue of Mattis Lane being vacated and the applicant obtaining ownership of the area. If that does not occur, they will come back before the board.

There being no further comments, there was a unanimous voice vote to close the hearing to public comment.

Board Comments and Deliberation and Vote:

The chair summarized where things were. The COAH issue appears to have been resolved with the applicant agreeing to contribute \$35,000.00 per unit or \$70,000.00 towards the resulting obligation. Commercial deliveries to the commercial site will be via the Main Street entrance. A traffic calming hump will be added to the Cinnaminson Street entrance. A sign requesting that the entrance not be blocked will be put up along Main Street. Shorter length lighting fixtures will be compatible with the gas lamps installed on Main Street and other fixtures will follow the recommendations in Tamara Lee's report and agreement from applicant to work with Tamara and PSE&G to come up with a satisfactory solution. The applicant will not be held to the specific stone style mentioned in the ARC review, but the chimney will be stone clad as recommended. All delivery services from businesses on the site will use Main Street. Unless required, the applicant will not add additional lighting on Cinnaminson Street. Final approval will be contingent on the applicant proving the easement does not exist or acquiring title to the property in question. The chair asked if there were any other points from the board members. With the guidance of the solicitor, a motion was made by Alan Adams and seconded by Richard Mood to grant final subdivision approval and final site plan approval with the following conditions:

- the applicant pay \$70,000.00 to the Borough to satisfy the resulting COAH obligation and in turn receive relief from the development fee ordinance,
- all commercial deliveries to and from the site will use the Main Street entrance and not the Cinnaminson Street entrance,
- a traffic calming hump will be added to the Cinnaminson Street entrance,
- signage will be erected on Main Street requesting that traffic waiting for the traffic signal or crossing gates not block the entrance to the property,
- lower height lights will be electric and of a style similar to the gas lamps on Main Street,
- there is compliance with the ARC review except for requiring a specific type of stone for the chimney,
- other site lighting will be in conformance to Tamara Lee's recommendations and the applicant will work with Tamara and PSE&G to come up with suitably styled fixtures,

- no additional lighting will be placed on Cinnaminson Street unless required by other approving agencies,
- a subdivision plat plan for the subdivision will be supplied,
- the recommendations of Rick Arango's letter will be followed except for making the Cinnaminson Street entrance one-way,
- that any public rights to Mattis Lane areas, if they exist, are vacated and an easement for maintenance of any sanitary lines is provided.

There being no further discussion, a poll vote of the members hearing the matter unanimously approved the motion 6 to 0 as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mood	aye	Mr. Moorhouse	aye
Mr. Adams	aye	Mr. Brown	aye

Kerry: Added that he had spoken previously why he was in favor of approving the application and had nothing further to add.

APPLICATION FOR FRONT YARD SETBACK RELIEF FOR A NEWLY CONSTRUCTED HOME, BY JAMES AND JANET BRANDENBURGER, 203 THOMAS AVENUE, BLOCK 600, LOT 1.02:

Continuance – Due to the late hour, the chair discussed with the applicants if they might wish to continue the matter until the next meeting. The applicants concurred and requested that the hearing be continued until the next meeting. Fritz Moorhouse motioned and Rick Mood seconded that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by poll vote of 7 to 0 as follows:

Mr. Brandt	aye	Mr. Trotman	recused
Mr. Smyth	aye	Mr. Mood	aye
Mr. Mills	recused	Mr. Moorhouse	aye
Mr. DeVece	aye	Mr. Adams	aye
Mr. Brown	aye		

to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by James and Janet Brandenburger for Front Yard Setback relief for their home at 203 Thomas Avenue, (Block 600, Lot 1.02) is continued, applicants having requested an extension of time for consideration of the matter until the next regular meeting of the Board on August 17, 2005.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

OLD BUSINESS

Fence Ordinance Review Committee – The chair reported at Donna Tyson’s request, he had presented the proposed fence ordinance revisions to the planning board. He felt it was fairly well received. There were some concerns about the proposed front-yard fences and plastic fences. The revisions will now be considered by the full planning board and if deemed advisable will be recommended for Council consideration. The planning board may come back to the committee if they have major issues.

Reexamination of the Master Plan – Councilwoman Alls-Moffat reviewed that progress was stalled at present.

CORRESPONDENCE

- 7/13/05 copy to zoning board of a letter to the planning board from Tamara Lee concerning problems and allegations made with the Development Fee Ordinance approval and COAH related issues.

NEW BUSINESS

Tamara's Letter to the Planning Board – The chair distributed copies of the letter concerning COAH and the approval of the Borough's new Development Fee Ordinance. He asked the members to read it and Kerry expressed his support for Tamara. Additional copies were made available for the public if they wanted them. The chair briefly summarized the contents of the letter.

Vouchers and Invoices:

- None were presented.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment with a limit of five minutes set.

- James Moffat, 202 Fulton Street inquired why there was a police officer present at the meeting. The chair responded that at previous meetings there had been individual(s) present who had disrupted the meetings. Asked if the person was a member of the New Jersey Bar, the chair declined to further identify anyone. Mr. Moffat thinks it outrageous that the Borough has to pay for police overtime for an officer to be present because an attorney appears not to know how to behave in public.

There being no further comment, the meeting was closed to public comment.

Meeting adjourned at approximately 11:00 PM (actual time was not noted).

Next meeting is scheduled for 8/17/2005, 7:30 PM at Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**

**RIVERTON BOROUGH ZONING BOARD
MINUTES
August 17, 2005**

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:35 PM by Chairman Kerry Brandt.

Public Notice of this meeting, pursuant to the Open Public Meetings Act, has been given in the following manner:

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2005.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, John Trotman, Edward Smyth, Richard Mood, Ken Mills, Alfred DeVece, and Bill Brown.

ABSENT: Fritz Moorhouse and Alan Adams.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilwoman Muriel Alls-Moffat, Todd Day PE for Board Engineer Richard Arango, Board Planner Tamara Lee, and Secretary Kenny Palmer were present.

MINUTES: A motion was made by Fred DeVece, seconded by Rick Mood, and unanimously approved to adopt the minutes of July 20, 2005 as distributed.

HOUSEKEEPING: The secretary read Alan Adams letter of resignation from the board. Alan resigned because he has accepted the position of Borough Code Enforcement Officer and can no longer be a member of the zoning board. The chair stated he will work with the mayor on getting a replacement.

PUBLIC HEARINGS:

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TOWNHOUSES AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2 (CONTINUED):

The chair asked the board if personal or business conflicts prevented any member from hearing the application. There were none. The secretary reviewed that the applicant had republished and re-noticed as required and that the escrow account was current. All present for the applicant were reminded that they had been sworn and were still under oath. Chairman Brandt reviewed that there were several issues concerning the application and that tonight the board would be conducting a completeness review. Applicant's attorney Lou Colaguori was present as well as Mr. Stout, the applicant's engineer.

Form vs. Substance – There have been numerous conversations among the chair, Janet Smith, Tamara Lee, Rick Arango and applicant's attorney Lou Colaguori concerning whether a new application needs to be re-filed or the application can be heard as amended. In a desire to keep the process moving forward and with the advice of counsel that the board can act accordingly, the applicant is being allowed to present a case for amending the current application and providing testimony in support of an application that is substantially changed from the initial application heard in December 2004. The applicant is willing to submit a revised application as needed to reflect the changed nature of the plan – four units instead of 16 and a subdivision instead of a condominium association for the new units. It was also discussed that the prior use resolution cannot be amended and may need to be rescinded based upon the revised plans. The applicant agrees that the prior use variance that was granted may be moot and going forward needs to be reconsidered. The applicant hopes that in going forward, if approval is granted, the resolution(s) will reflect that all prior resolutions are rescinded and approval is based on the new testimony and resolutions and approvals granted.

Riparian Issues – The chair stated that it appears and is fairly well agreed to the fact that the applicant does not hold riparian rights. Tamara stated she had not heard back from the state on the matter. Mr. Colaguori stated the applicant is willing to proceed under the assumption they do not have rights since they cannot produce documentation that they obtained them. It was agreed that the plans will be revised to clearly delineate the portion of the property that is developable even though the 100 year flood line is reflected on the plans. Tamara reiterated this is important when considering bulk variances because it impacts what percentage of the property is actually developable.

Professional Review – The chair asked Lou if they had received Tamara’s review and it was stated that they had. Because the issue of completeness had not been resolved, the engineer did not submit a formal review for this meeting. He had communicated to the chair that at this point the planning issues were more important to resolving whether or not the application is going forward. Todd Day, present for Rick Arango, reiterated this point and added that Rick had observed that stormwater calculations and other mostly minor issues would need to be revisited if the revised plans go forward. They will be reviewed if the board approves that the application can go forward. Tamara briefly reviewed the findings she had submitted and it was agreed that the plans will be revised accordingly. There was a brief review of the current version of the plans and the revisions being discussed were noted.

Conclusions – The chair asked if the board had any additional questions or comments. There were none. Lou Colaguori commented that he thought that the applicant needed a motion to receive the application as submitted conditioned on the changes and information requested and agreed to at the meeting and in Tamara’s review letter being submitted. Tamara commented that should be okay as long as the applicant understood that it is a good possibility that the original resolution will be rescinded. Janet Smith suggested that the board could consider a motion to receive the application as amended conditioned on the applicant supplying the additional/revised information as requested at the meeting including: information required on the Borough’s application form and check list; the information in Tamara’s letter of 8/16; the plans will clearly delineate the riparian line delineation; and conditioned on providing architectural information regarding the grading for the buildings and floor plans. Fred DeVece moved that the motion as suggested by Janet be approved. Ken Mills seconded the motion and there being no further discussion it was approved by a poll vote of 7 to 0 as follows:

Mr. Brandt	aye	Mr. Trotman	aye
Mr. Smyth	aye	Mr. Mood	aye
Mr. Mills	aye	Mr. DeVece	aye
Mr. Brown	aye		

Continuance – Mr. Colaguori asked that the board grant a continuance with the applicant agreeing to a waiver of all time limits. Fred DeVece made a motion seconded by Rick Mood that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by a unanimous voice vote to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application by Cedar Lane Manor t/a Cedar Lane Mews for development, site plan approval, and any and all variances to construct townhouses at 811-817 Cedar Street, Block 1700, Lot 2 is continued, applicant having requested a continuance for consideration of the matter until the next regular meeting of the Board on September 21, 2005.

This notice will be posted on the bulletin board and is the only official notice required of the continuation. The secretary will follow up with the applicant. Regarding public comment, the solicitor advised that there has been no testimony provided and the proceeding was limited to considering the completeness of the application. While it was not appropriate to have public comment tonight, it was stated that public comment will be solicited and that the board would not take any action regarding approval of the plan until the public had been heard.

APPLICATION FOR FRONT YARD SETBACK RELIEF FOR A NEWLY CONSTRUCTED HOME, BY JAMES AND JANET BRANDENBURGER, 203 THOMAS AVENUE, BLOCK 600, LOT 1.02:

The chair asked the board if personal or business conflicts prevented any member from hearing the application. Chairman Brandt, John Trotman, and Ken Mills stated they needed to recuse themselves from the matter as they feel they have or it may appear that they have personal and/or business relationships with the applicant. The chair asked Ed Smyth to chair the meeting for this hearing. The recused members stepped down for the hearing. The four members remaining constitute a quorum. As to the question if a jurisdictional review had been done, the secretary stated he had reviewed the file and it appeared it was done at the last meeting. The secretary stated he had also reviewed the submissions and that all jurisdictional requirements had been met. It was concluded the hearing could proceed.

Testimony – Acting chair Ed Smyth reviewed that purpose of the application and the variance requested. Jim Brandenburg was sworn in and presented into evidence:

- A1 – Final Construction Survey Plan,
- A2 & A3 – Photographs of the portion of the dwelling needing the variance.

Jim reviewed the condition that it was a corner lot and that as a condition of the subdivision approval he was required to hold the building as close as possible to the street side setback lines so as to preserve as much distance as possible from the existing dwelling on the adjacent lots. Jim testified that he is not certain how the error occurred that the a portion of the front of the house facing Thomas Avenue as built encroaches on the front set back line by just over one foot. Jim feels there is a hardship in that he cannot move the dwelling and he feels the benefit of locating the home as far as possible from the neighboring structures outweighs the detriment of the minor encroachment. For the record, Jim stated that he had brought the condition to the attention of Borough officials. Ed Smyth asked if there were any additional questions from the board and there were none. Janet stated that the board could consider the facts that the home is located more than the required distance from the curb line, that the majority of the front of the home complies with the setback, and the home complies with the setback requirements along Second Street as required by the subdivision approval. The hearing was opened to public comment. There was none and the hearing was closed to public comment.

Deliberation – Bill Brown motioned and Fred DeVece seconded that the application be approved and the variance granted. Under discussion, Ed Smyth feels the benefits outweigh any negative impact and that a hardship does exist. He commended Jim for being forthright in bringing the condition to the attention of the Borough and following the correct process to resolve the situation. There was no further discussion and the motion was passed by poll vote of 4 to 0 as follows:

Mr. Smyth	aye	Mr. Mood	aye
Mr. DeVece	aye	Mr. Brown	aye

The members who had stepped down for the hearing rejoined the board and Chairman Brandt resumed his position.

OLD BUSINESS

Resolution Case # 2005-04:

Application by Brandenburger/Sheridan, Inc., For Final Subdivision and Final Site Plan Approval As Needed To Develop The Former “Sitzler” Properties Along Main & Cinnaminson Streets (Block 904, Lots 2&3; Block 905, Lot 6; Block 906, Lot 1): The chair asked if the members had received and read the resolution. All present stated they had. The chair asked if there were any comments or questions and there were none. Rick Mood motioned and Bill Brown seconded that reading the motion be waived and the motion referenced by title be adopted and memorialized. A poll vote of the members eligible to vote unanimously adopted the resolution by a vote of 4 to 0 as follows:

Mr. Brandt aye Mr. Smyth aye
Mr. Mood aye Mr. Brown aye

Members Trotman, Mills and DeVece had recused themselves from the application.

Fence Ordinance Review Committee – The chair stated he had not received any comments from planning board members. Councilwoman Alls-Moffat reported that Donna Tyson again requested comments from planning board members and further action was tabled until next month.

CORRESPONDENCE

- 8/3/05, 7/1/05, Copy of “Mayors Fax Advisory” bulletin from the NJLM concerning S-2133/A-3803, Education Requirements for Zoning and Planning Board Members – was signed into law July 7, 2005; and, updating activity on S-2118 which would modify the “time of decision” rule – copies distributed to the board.
- 8/4/05, Revised plans for Cedar Lane Mews – copies distributed to board.
- 8/8/05, Resolution for Brandenburger/Sheridan from Janet Smith – copies distributed to board.
- 8/10/05, Letter from Colaguori regarding Cedar Lane – copies distributed to board.

The chair briefly discussed the education requirements that the board members will have to comply with and the impact of not complying.

NEW BUSINESS

Vouchers and Invoices:

- 7/21/05, Remington, Vernick & Arango Engineers, \$840.00, for Brandenburger/Sheridan application work, May 16 – June 15, 2005. (PAY FROM ESCROW)
- 8/1/05, Tamara Lee, \$1,211.25, for Brandenburger/Sheridan application work, June 2005 – 7/25/05. (PAY FROM ESCROW)
- 8/8/05, Janet Smith, \$787.50, for Brandenburger/Sheridan application, 6/10 – 8/5/05. (PAY FROM ESCROW)
- 8/8/05, Janet Smith, \$493.75, for general legal services, 5/17 – 7/27/05.

Fred DeVece moved, Rick Mood seconded, and the vote was unanimous to pay the invoices as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment. The secretary reviewed that he advises the applicants when shortages arise in escrow accounts. To date, accounts have been made current when advised that shortages exist.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment.

- Brad Young, 907 Cedar Street, commented that there is no public sewer along the portion of Ninth Street where two of the proposed Cedar Lane dwellings are going and wanted to know what the impact on the neighboring properties with septic systems would be. While it is improper to debate the issue without the applicants being present, several possible outcomes were discussed and it was concluded the topic should be fully discussed during the hearing. It would help to make sure any Borough policy on the matter is known.

There being no further comment, the meeting was closed to public comment.

Meeting adjourned at 9:50 PM.

Next meeting is scheduled for 9/21/2005, 7:30 PM at Borough Hall.

Tape is on file.

**Kenny C. Palmer, Jr., Secretary
RIVERTON ZONING BOARD**