

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
JANUARY 17, 2008**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Annual Reorganization – Swear in new/reappointed members; announce appointments; elect chair, vice chair, and professionals
4. Adopt minutes from November 15, 2007 meeting
5. Public Hearing – Variance Application by Brandenburger/Sheridan, Inc., 55 Lynn Ave., Oreland, PA 19075, for a front yard setback variance for the box windows on the front of the commercial building at 605 Main Street, Block 904, Lot 4
6. Old business
 - Report on Planning Board and Council activity of interest to the Zoning Board
 - Education Update
 - 2008 Budget
 - Any other old business before the board
7. Review correspondence
8. New business:
 - Consider vouchers/invoices
 - Adopt resolutions for meeting calendar, appointment of professionals
 - Any other new business before the board
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
FEBRUARY 21, 2008**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Reorganization – Swear in new/reappointed members
4. Adopt minutes from January 17, 2008 meeting
5. Old business
 - Adopt and memorialize Resolution Case# 2008-01, Variance Application by Brandenburger/Sheridan, Inc., 55 Lynn Ave., Oreland, PA 19075, for a front yard setback variance for the box windows on the front of the commercial building at 605 Main Street, Block 904, Lot 4 – chair
 - Report on Planning Board and Council activity of interest to the Zoning Board – Councilman Brown, secretary
 - Education Update – secretary
 - 2008 Budget progress – chair, Councilman Brown
 - Any other old business before the board
6. Review correspondence
7. New business:
 - Consider vouchers/invoices – chair, secretary
 - Consider annual report – chair, secretary
 - Any other new business before the board
8. Public Comment
9. Adjournment

BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
April 17, 2008

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Reorganization – Swear in Janine Miller
4. Adopt minutes from February 21, 2008 meeting
5. Request for Interpretation of Zoning Code by Robert Recchiuti, 101 Lippincott, Block 305, Lot 13, as the code applies to a proposed minor subdivision
6. Public hearing on variance application by Sheryl Telford and Mark Grocott, 618 Main Street, Block 1102, Lot 8, for an addition to a nonconforming structure – side yard setback
7. Old business
 - Report on Planning Board and Council activity of interest to the Zoning Board – Councilman Brown, secretary
 - Any other old business before the board
8. Review correspondence
9. New business:
 - Consider vouchers/invoices – chair, secretary
 - Any other new business before the board
10. Public Comment
11. Adjournment

BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
May 15, 2008

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from April 17, 2008 meeting
4. Public hearing on Variance Application by Carlos Guzman, PO Box 380, Totowa, NJ 07511, for extension of the Relief from Ordinances 22-16 and 128-97 (Expiration of Variances) for approved twins on 8th & 9th Streets, Block 1700, Lots 2.01, 2.02, 2.03, and 2.04
5. Old business
 - Adopt and memorialize Resolution Case# 2008-02, regarding Request for Interpretation of Zoning Map by Robert Recchiuti, 101 Lippincott, Block 305, Lot 13, as the map applies to a proposed minor subdivision – chair
 - Adopt and memorialize Resolution Case# 2008-03, Variance Application by Sheryl A. Telford and Mark Grocott of 618 Main St. (Block 1102, Lot 8) for a side yard setback on an existing structure to add an addition – chair
 - Report on Planning Board and Council activity of interest to the Zoning Board – Councilman Brown, secretary
 - Any other old business before the board
6. Review correspondence
7. New business:
 - Consider vouchers/invoices – chair, secretary
 - Any other new business before the board
8. Public Comment
9. Adjournment

BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
June 19, 2008

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from May 15, 2008 meeting
4. Public hearing on Variance Application by Suzanne and Barry Wells, 304 8th Street, Block 1301, lot 10, for relief from the side yard set back requirements of a corner lot to construct a porch.
5. Public hearing on Variance Application by Gary Lamon, 2101 Berwick Drive, Cinnaminson, NJ, 08077, to the new home at 706 Main Street, Block 1104, Lot 5, to construct a county mandated front yard turnaround to his driveway and for side yard setback relief for the landing and steps to comply with building code requirements as to size.
6. Old business
 - Adopt and memorialize Resolution Case# 2008-04, regarding Variance Application by Carlos Guzman, PO Box 380, Totowa, NJ 07511, for extension of the Relief from Ordinances 22-16 and 128-97 (Expiration of Variances) for approved twins on 8th & 9th Streets, Block 1700, Lots 2.01, 2.02, 2.03, and 2.04 – chair
 - Report on Planning Board and Council activity of interest to the Zoning Board – Councilman Brown, chair, secretary
 - Any other old business before the board
7. Review correspondence
8. New business:
 - Consider vouchers/invoices – chair, secretary
 - Request for refund of unused escrow – secretary
 - Any other new business before the board
9. Public Comment
10. Adjournment

BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
July 17, 2008

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from June 19, 2008 meeting
4. Public hearing on Variance Application by Renee and Thomas Azelby, 706 Thomas Avenue, Block 1200, lot 4, for variance to erect an addition to an existing nonconforming structure.
5. Public hearing on Variance Application by Austin and Amy Sherrer, 3 Seventh Street, Block 1202, Lot 1, to replace an existing nonconforming chain link fence with a new wood fence
6. Old business
 - Adopt and memorialize Resolution Case# 2008-05, regarding Variance Application by Suzanne and Barry Wells, 304 8th Street, Block 1301, lot 10. – chair
 - Adopt and memorialize Resolution Case #2008-06, regarding Variance Application by Gary Lamon, 2101 Berwick Drive, Cinnaminson, NJ, 08077, to the new home at 706 Main Street, Block 1104, Lot 5. – chair
 - Report on Planning Board and Council activity of interest to the Zoning Board – Councilman Brown, secretary
 - Any other old business before the board
7. Review correspondence
8. New business:
 - Consider vouchers/invoices – chair, secretary
 - Any other new business before the board
9. Public Comment
10. Adjournment

BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
August 21, 2008

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from July 17, 2008 meeting
4. Old business
 - Adopt and memorialize Resolution Case# 2008-07, regarding Variance Application by Renee and Thomas Azelby, 706 Thomas Avenue, Block 1200, lot 4 – chair
 - Adopt and memorialize Resolution Case #2008-08, regarding Variance Application by Austin and Amy Sherrer, 3 Seventh Street, Block1202, Lot 1 – chair
 - Report on Council and Planning Board activity of interest to the Zoning Board – Councilman Brown, secretary
 - Any other old business before the board
5. Review correspondence
6. New business:
 - Consider vouchers/invoices – chair, secretary
 - Any other new business before the board
7. Public Comment
8. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
September 18, 2008**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from August 21, 2008 meeting
4. Public Hearing: Amy and Mark Thomas, 105 Main St., Block 401, Lot 13, for a screened porch addition to a nonconforming structure.
5. Public Hearing: Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to reconstruct a single story garage that is too close to the property line and exceeds the allowable square footage.
6. Old business
 - Report on Council and Planning Board activity of interest to the Zoning Board – Councilman Brown, secretary
 - Any other old business before the board
7. Review correspondence
8. New business:
 - Consider vouchers/invoices – chair, secretary
 - Any other new business before the board
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
October 16, 2008**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from September 18, 2008 meeting
4. Old business
 - Adopt and memorialize Case # 2008-11 variance application by Amy and Mark Thomas, 105 Main St., Block 401, Lot 13, for a screened porch.
 - Adopt and memorialize Case # 2008-12 variance application by Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to reconstruct a single story garage that is too close to the property line and exceeds that allowable square footage.
 - Report on Council and Planning Board activity of interest to the Zoning Board – Councilman Brown, secretary
 - Any other old business before the board
5. Review correspondence
6. New business:
 - Consider vouchers/invoices – chair, secretary
 - Any other new business before the board
7. Public Comment
8. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
November 20, 2008**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from October 16, 2008 meeting
4. Public hearing on Variance Application by Scott and Jenny Merkin, 707 Tenth Street, Block 1801, Lot 11, for a double gate at the driveway entrance and to extend a side yard fence 15 feet into the front yard setback beyond the front building line
5. Old business
 - Report on Planning Board and Council activity of interest to the Zoning Board – Councilman Brown, secretary
 - Any other old business before the board
6. Review correspondence
7. New business:
 - Consider vouchers/invoices – chair, secretary
 - Request for 2009 Budget submission – chair
 - Any other new business before the board
8. Public Comment
9. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
December 18, 2008**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from November 20, 2008 meeting
4. Old business
 - Adopt and memorialize approval of the variance application by Scott Mirkin and Jenny Woo, 707 Tenth Street, Block 1801, Lot 11, for a double gate at the driveway entrance, a hedge along the front property line, and to extend a side yard fence 15 feet into the front yard setback beyond the front building line.
 - Report on Planning Board and Council activity of interest to the Zoning Board – Councilman Brown, secretary
 - Any other old business before the board
5. Review correspondence
6. New business:
 - Consider vouchers/invoices – chair, secretary
 - Any other new business before the board
7. Public Comment
8. Adjournment

RIVERTON BOROUGH ZONING BOARD
MINUTES
January 17, 2008

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 Secretary Ken Palmer to conduct the reorganization.

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 May 25, 2007.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

ROLL CALL

PRESENT: Kerry Brandt, Edward Smyth, Ken Mills, William Corbi, Patricia Manzi, Craig Greenwood, and Janine Miller.

ABSENT: None.

OFFICIALS: Board solicitor Janet Smith, Councilman Bill Brown, and Secretary Ken Palmer were present.

REORGANIZATION - 2008

Secretary Palmer reviewed that the mayor had appointed him, as a Borough employee, the secretary (with the board's acceptance) for 2008. Mary Lodato has been reappointed as the Code Enforcement Officer, and Councilman William Brown will be the board's council liaison. The mayor has not yet announced the new members of the board. Craig Greenwood has been appointed as a regular member to replace Fred DeVece and was sworn in by Janet Smith. New members will be announced at Borough Council's February 6, 2008, Work Session.

Chairman: Kerry Brandt was nominated by Ed Smyth and seconded by Ken Mills to serve as Chairman. There were no other nominations and a motion to close the nominations was made by Janine Miller and seconded by Craig Greenwood. A voice vote was taken and the vote was unanimous. Kerry assumed chairing the meeting.

Vice Chairman: Ken Mills was nominated by Ed Smyth and seconded by Pat Manzi to serve as Vice Chairman. There were no other nominations and a motion to close the nominations was made by Janine Miller and seconded by Craig Greenwood. A voice vote was taken and the vote was unanimous.

Solicitor: Janet Zoltanski Smith Esq. was nominated by Ed Smyth and seconded by Ken Mills to serve as the Zoning Board Solicitor for 2008. There were no other nominations and a motion to close the nominations was made by Janine Miller and seconded by Craig Greenwood. A voice vote was taken and the vote 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 Ken Mills and seconded by Kerry Brandt that Tamara Lee of Tamara Lee Consulting LLC be appointed to serve the board as its planner on an on call basis for 2008. There were no other nominations and a motion to close the nominations was made by Janine Miller and seconded by Bill Corbi. 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 Ken Mills and seconded by Craig Greenwood that Rick Arango of Remington, Vernick & Arango Engineers be appointed to serve the board as its consulting engineer on an on call basis for 2008. There were no other nominations and a motion to close the nominations was made by Janine Miller and seconded by Bill Corbi. A voice vote was taken and the vote was unanimous.

Secretary: Janet Smith noted that while the secretary is appointed by the mayor, she suggested it is appropriate for the board to affirm that appointment for the record. A motion was made by Ken Mills, seconded by Janine Miller, and passed by unanimous voice vote to affirm Ken Palmer's appointment as board secretary for 2008.

During New Business, the chair announced that Rick Mood had decided not to seek reappointment to the board and that the mayor had not yet announced the new appointments. He assumes Janine will move up to regular member and two new alternates will be appointed. Kerry also wanted to publicly thank Rick for his service to the board.

MINUTES: A motion was made by Kerry Brandt, seconded by Craig Greenwood, and unanimously approved to adopt the minutes of November 15, 2007 as distributed.

PUBLIC HEARING:

Variance Application by Brandenburger/Sheridan, Inc., 55 Lynn Ave., Orland, PA 19075, for front yard setback variance for the box windows on the front of the commercial building at 605 Main Street, Block 904, Lot 4

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. The chair recused himself from the matter and stepped down for the duration of the hearing. The meeting was turned over to the vice chair. Following resolution of questions regarding submission of proof of taxes paid it was concluded that all jurisdictional requirements had been met and Janet stated the hearing could proceed. The applicant's attorney Matthew Stanger appearing for David Oberlander of Flaster Greenberg stated that the applicant and his surveyor would testify. Jim Brandenburger and Suzanne Warren were sworn in.

Testimony – Mr. Stanger asked Mr. Brandenburger to attest that the taxes are current and he will have proof supplied tomorrow. Mr. Stanger reviewed the history of the site project and the need for a front yard setback. The encroachment was not discovered until the "as built" survey was done. This is a hardship request since the only alternative is to remove the window bays which will lessen the appeal of the façade. Mr. Stanger asked Jim Brandenburger to review the issues. Jim explained that when the pins were set for the foundation they did not take into consideration the box windows. As built the windows encroach by less than three feet into the front yard setback requirement of the district. The design of the building included the boxes to help the design conform with the design criteria of the town. The problem was not discovered until the "as built" survey was done. The applicant notified Borough officials of the problem and immediately started the application process. Jim feels the aesthetics of the building would suffer if the box windows have to be removed.

The following were marked as exhibits:

- Building Location Plan prepared by Suzanne Warren of Ott and Warren Land Engineering – marked as A1
- Photograph of front of the building – marked as A2

The two boxed windows are approximately 12' 3" in length and three feet wide including the roof overhang. The building is set back 15.4 feet from the property line which results in an encroachment of approximately 2½ feet. The board asked and received confirmation that the setback from the street curb is approximately 25 feet so the windows do not present an unsafe projection into the pedestrian right-of-way. Jim stated that he would obviously rather not have to remove the windows since he feels their design enhances the building façade. Suzanne Warren explained it was her firm's mistake and not the fault of the town engineer that the pins were set incorrectly. Ed Smyth asked and received an explanation of why the request is considered a hardship request – since the only alternative is to remove the windows and thus change the design of the building from what was originally approved. There was no additional testimony and no additional questions from the board. The vice chair asked for a motion to open the matter to the public which was made by Craig Greenwood and seconded by Janine Miller. All persons were sworn in before commenting.

- Kerry Brandt, 719 Main Street, feels the board should consider the aesthetics if the window design is changed. He feels it would harm the appearance of the building and its impact on the streetscape.

- Walter Croft, 2 Woodside Lane, stated that as a member of the Architectural Review Committee, the design of the building was very important given its central location in the town and business district. He feels the design should remain and the variance granted.

There was no further public comment and Craig Greenwood motioned and Pat Manzi seconded to close the hearing to public comment.

Deliberation – Craig Greenwood commented that he feels there is plenty of right-of-way and that there is no harm or detriment to leaving the boxed windows. Ken Mills feels the only option of removing the boxed windows would lessen the appeal of the building and would not be in keeping with the design guidelines. The vice chair asked Janet to summarize the issues to be considered and approvals needed. Janet suggested the board, if it feels the request is justified, might wish to grant a set back variance of 2.6 feet for the two boxed windows only. Patricia Manzi motioned that the board approve the request for a variance to permit the boxed windows to have a front yard setback of 12.6 feet where 15 feet is required. Bill Corbi seconded the motion. There was no further discussion and the motion was approved by a poll vote of 6-0 as follows:

Mr. Smyth	aye	Mr. Mills	aye
Mr. Corbi	aye	Mrs. Manzi	aye
Mr. Greenwood	aye	Mrs. Miller	aye

Mr. Brandenburger thanked the board and the meeting was turned over to the chairman.

OLD BUSINESS

Planning Board & Council Matters – The secretary reported that the planning board has tabled any action on the Proposed Historic Preservation Changes to Chapter 128-Zoning Code and Sidewalk Signs issues until they have an idea of what recommendations may be coming from the task force. Councilman Brown briefed the board on the zoning task force created at the request of the mayor to review the zoning code. The task force will be headed by Councilman Smyth and has been tasked with reviewing the zoning code specifically as it relates to subdivisions, historic preservation and how it relates to the master plan. The task force will report to Council and Council may task the planning board to consider revising the code. The chair commented that he had concerns about fences for through lots and corner properties. He also has concerns with apartments over businesses in the NB district. He feels the current definitions for setbacks are hard to interpret for irregular shaped lots. He feels there is a need to address side yard setbacks for accessory structures in rear yards. Ken Mills asked if there is more a problem with enforcement. The secretary reviewed the memo regarding the task force and the issues Council considers are problem areas. Councilman Brown commented that there seems to be many cases where the building officials and code official are confused when trying to interpret the code or give guidance. Janine Miller feels there is a lot of ambiguity in the current code. Janet Smith commented that this board and Riverton are not alone. In the past she has sat as Palmyra’s solicitor and has seen the same issues raised. Kerry stated he has been asked to sit on the task force and asked if the board has any input to please forward comments to him. Ed Smyth feels corner properties have always presented problems when interpreting what are the setbacks. He also feels the issue of apartments over businesses in the NB district is a concern.

Mandatory Education – The secretary briefed the members on the Winter/Spring schedule and distributed copies to interested members. He also noted that members who had attended the session at the annual League of Municipalities Conference in Atlantic City in November were listed on the NJPO website as having passed. He also reviewed the change in interpretation of when the deadline is for members in place when the rules were passed. The chair asked if the date members pass the course could be added to the member list.

CORRESPONDENCE

- Qualifications for zoning board engineer submitted by Land Engineering & Surveying Co., Inc., submitted when they submitted their qualifications to the Borough.
- Announcement from NJPO of Winter/Spring mandatory education course schedule.

NEW BUSINESS

Vouchers and Invoices:

- 12/1/07, Tamara Lee, \$90.00, for services connected with the resolution for the Guzman/Cedar Lane application. (To be paid from escrow.)

Craig Greenwood motioned, Ed Smyth seconded, and the vote was unanimous to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

Board Meetings for 2008 – Resolution Z2008-01, the calendar of meetings for February 2008 through January 2009 was reviewed by the secretary. The board decided that meetings will continue to be held on the third Thursday of the month at 7:30 PM. A motion was made by Ken Mills, seconded by Janine Miller, 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 2008 – Resolution Z2008-02 announcing the appointments of a solicitor, planner and engineer was reviewed by the secretary. A motion was made by Kerry Brandt, seconded by Ken Mills and passed unanimously to accept the resolution, have it published in the Burlington County Times, and mailed to the professionals.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

A motion was made by Ken Mills and seconded by Craig Greenwood to open the meeting to public comment.

- Hank Croft, 2 Woodside Lane, asked if the board was going to discuss the letter to the chair and Janet Smith requesting answers to zoning related questions about a proposed development by Mr. Moccia on Broad Street. The chair stated that he recommends that the applicant seek advice from an attorney for answers. He asked Hank if the planning board's professionals had informed him that a use variance is needed, and Hank confirmed that was the case. The chair briefly reviewed the content of the letter and stated he would comment generally and offer to point to the areas of the code that most likely led to the decision of the planning board's professionals. Kerry stated to comment on any specifics would be inappropriate at this time. Hank asked if the zoning variance could be applied for without submitting a site plan. Kerry replied that the board strongly encourages that at a minimum a preliminary be prepared and submitted since it the details of the plan have a direct bearing on the board's consideration of the impact and merits of granting a use variance. Janet Smith commented that due to previous professional dealings with Mr. Moccia she would not be able to serve as the board's solicitor if this matter comes before the board. She stated that she has recommended and the board has used the planning board's solicitor before when she was unable to represent the board. Mr. Croft also wanted to know the impact of seeking county approval on any timelines if approvals are granted by the board and if the plan submitted would be sufficient. The chair replied that there is room for leeway but again he strongly urged the applicant seek professional guidance. The secretary suggested the applicant approach the County for answers as to their submission requirements and time frames. The secretary also referred Hank to the submission requirements checklist attached to the site plan application for guidance. Janet also commented that while the applicant may be trying to minimize engineering expenses up front, the matter will be submitted for review by the board's engineer and if the plans are insufficient it will only delay matters. Hank debated the expense versus the possible profit and the chair stated that the board would request a preliminary site plan be submitted for consideration of a use variance. The chair stated that the applicant could also revise his plans so a variance is not needed. Ken Mills asked if it was a state requirement that a site plan be submitted for a use variance. Kerry stated no but the board has historically asked for plans to be submitted so it could better evaluate the request. Janet stated that sooner or later a site plan is going to be needed if development is to occur and if problems can be resolved when considering the variance, it helps the applicant.

There was no additional comment and a motion was made by Ken Mills and seconded by Patricia Manzi to close the meeting to public comment.

Meeting adjourned at 9:08 PM.

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
February 21, 2008

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 7:40 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 25, 2008.

ROLL CALL

PRESENT: Kerry Brandt, Edward Smyth, Patricia Manzi, Don Dietz, and Joe Della Penna.

ABSENT: Ken Mills, William Corbi, Craig Greenwood, and Janine Miller.

OFFICIALS: Janet Zoltanski Smith, Esq., Councilman Bill Brown, and Secretary Ken Palmer were present.

REORGANIZATION: New alternate members Don Dietz and Joe Della Penna were sworn in by Solicitor Janet Zoltanski Smith prior to the roll call.

MINUTES: A motion was made by Ed Smyth, seconded by Pat Manzi, and unanimously approved to adopt the minutes of January 17, 2008 as distributed.

OLD BUSINESS

Adopt and Memorialize Resolution Case #2008-01 Approving Variance Application by Brandenburger/Sheridan, Inc., 55 Lynn Ave., Orland, PA 19075, for front yard setback variance for the box windows on the front of the commercial building at 605 Main Street, Block 904, Lot 4 – Janet Smith reminded the members that only those members who had voted to approve the application could vote on the resolution and providing there is a quorum at the meeting a simple majority of those eligible to vote is sufficient to adopt the resolution. It was discussed that only Ed Smyth and Pat Manzi were eligible to vote on the resolution. The chair asked if everyone had received and read the resolution and asked if there were any questions or comments. The two eligible members affirmed they had received and read the application and there were no comments or questions. A motion was made by Ed Smyth to adopt and memorialize the resolution read into the record by title only and the motion was seconded by Pat Manzi. A poll vote was taken and the resolution was adopted and memorialized by a unanimous vote of two to zero as follows:

Mrs. Manzi aye
Mr. Smyth aye

The secretary will make sure Ken Mills signs the resolution.

Planning Board & Council Matters – Councilman Brown reported on the progress of the mayor’s zoning code task force. The next meeting will be February 28. Bill reviewed the scope of the discussion. The chair mentioned that the zoning board’s report to Council and the planning board was also discussed at the last meeting. The chair, who is also a member of the task force, described some of the things being discussed including the Historical Society’s recommendations for changes to help in historic preservation. The secretary reported that the planning board has tabled any action on the proposed historic preservation changes to Chapter 128-Zoning Code until they have an idea of what recommendations may be coming from the task force. The planning board is continuing to work on the issue of sidewalk signs. The planning board will conduct a public hearing at their March meeting on amending the Master Plan by replacing the existing Recreation Element with the Open Space and Recreation Element. The element is an outgrowth of the ERI Study and reflects the findings of the study and amends the

master plan to conform to the recommendations. Enabling ordinances can then be crafted once the master plan is amended. The planning board has a subcommittee researching the sidewalk signs as well as other signs and its work is progressing.

Mandatory Education – The secretary briefed the members that there has been no change to the Winter/Spring schedule from the NJPO and reviewed that two regular members need to take the course as well as the two new alternate members. There is only one session being offered locally and the secretary stated he would follow up with the individual members on their decision to attend.

CORRESPONDENCE – None

NEW BUSINESS

Vouchers and Invoices:

- 2/1/08, Tamara Lee, \$270.00, for services connected with reviewing the submitted final revised for the Guzman/Cedar Lane application. (To be paid from escrow.)
- 2/11/08, Janet Zoltanski Smith, \$221.00, for work on the Brandenburger/Sheridan Riverton Square variance application. (To be paid from escrow.)
- 2/11/08, Janet Zoltanski Smith, \$286.00, for general business advice and non hearing related meeting attendance in January.

Pat Manzi motioned, Ed Smyth seconded, and the vote was unanimous to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

Adopt Annual Report of Applications and Recommendations – The secretary reviewed Resolution Z2008-03 which is the annual report to the planning board and Borough Council of applications heard and recommendations for amendments to the zoning code. This report is required under the Municipal Land Use Law. The chair asked if the members had any comments or additions to the report. Kerry Brandt motioned the board adopt the resolution, Pat Manzi seconded, and the board unanimously approved.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

A motion was made by Kerry Brandt and seconded by Joe Della Penna to open the meeting to public comment. There was none and a motion was made by Kerry Brandt and seconded by Patricia Manzi to close the meeting to public comment.

ADJOURNMENT

Ed Smyth motioned and Don Dietz seconded that the meeting be adjourned. The vote was unanimous.

Meeting adjourned at 8:10 PM.

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
April 17, 2008

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 25, 2008.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

ROLL CALL

PRESENT: Kerry Brandt, Edward Smyth, Ken Mills, William Corbi, Patricia Manzi, Craig Greenwood, Janine Miller, Don Deitz, and Joe Della Penna.

ABSENT: None.

OFFICIALS: Board solicitor Janet Smith, Councilman Bill Brown, Planner Tamara Lee, and Secretary Ken Palmer were present.

REORGANIZATION

Janine Miller was sworn in as a regular member of the board.

MINUTES

A motion was made by Ed Smyth, seconded by Janine Miller, and unanimously approved to adopt the minutes of February 21, 2008 as distributed.

PUBLIC HEARINGS:

Request for Interpretation of the Zoning Map, Robert Recchiuti, 101 Lippincott Ave, Block 305, Lot 13

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the interpretation. Planner Tamara Lee is present to testify regarding the zoning map. The board is being asked for an interpretation of the Borough's Zoning Map. No approvals regarding any pending/future application are being requested, just the interpretation of the map. The chair introduced Mr. James D. Nowak attorney for Mr. Robert Recchiuti who is requesting the interpretation. Mr. Nowak stated that Mr. Recchiuti as well as Leonard Strickland, PLS a surveyor would be testifying. Both were sworn in. Tamara Lee was also sworn in as the board's planner.

Testimony – Mr. Nowak reviewed that in the process of applying for a minor subdivision before the planning board an issue had arisen as to how the two lots should be treated as pertains to which zoning district applies to each lot. The current tax map indicates that Mr. Recchiuti's property consists of two lots. It has been established through deed that the two lots are conjoined and a subdivision is required. The zoning map indicates that the boundary between the R15 and R8 districts split his property along the lot line between the two lots shown on the tax map.

The following exhibit was marked into evidence:

- P1 – Zoning and Tax Map Sketch prepared by Leonard Strickland, PLS showing details of the Borough's Zoning Map and the Tax Map to indicate that the Zoning line splits Mr. Recchiuti's property

Mr. Recchiuti has lived on the property for over 20 years and wishes to subdivide the property. He filed the subdivision based on his interpretation of the zoning map. During the subdivision hearing, the planning board's professionals stated the entire property should be treated as R15 and subject to the requirements of that district. Mr.

Recchiuti feels his interpretation is correct and following instructions that only the zoning board can issue interpretations, has requested same from the zoning board. Mr. Nowak stated that if the two lots are treated based on the current zoning map, the two lots will be in compliance. They are requesting an interpretation that the zoning map is correct as shown and the two lots should be subject to the different zones. Janet questioned if there was any dispute that the property was purchased as a consolidated lot and must be subdivided. There was no dispute. Janet stated that the board is only being asked to consider if it was the intent of the zoning map to split the property between the two zones. She asked if the board understood this and there were no questions. Janet explained that the result of the interpretation does not affect the property owner pursuing the subdivision; but, may impact the bulk requirements that have to be satisfied. The zoning map was revised in 1998 as part of the rewrite of the Master Plan. Janet reiterated that the issue before the board is what is the intent of the current zoning map and was it intended to effectively split zone the property. Mr. Recchiuti stated that he always thought that there were two lots based a statement from the prior owner; but, he never took the steps to have the property properly recorded as two lots. Janet stated that regardless the lots are conjoined through deed and use. Janine asked Mr. Recchiuti if he had ever attempted to subdivide the property and the answer was no. Mr. Strickland testified that his client was appraised that a subdivision was needed. He further stated that he advised his client that based on the zoning map it appeared he could subdivide the property as desired. Mr. Strickland testified that in his professional work he has never intentionally split zoned a residential property; and, in this matter he prepared the subdivision plan based on the zoning map.

Janet stated the board needs to hear from Planner Tamara Lee who helped prepare the current map and how the current zone districts were created. Tamara testified that at the subdivision hearing the question of was it the intent to split zone the property arose and since only the zoning board can issue an interpretation the interpretation was referred to zoning. Tamara reviewed the history of the current zoning map as to how it was created based on what lots actually exist in the town and since the town is essentially built out what exists on the lots. She testified that the previous zone districts and their bulk requirements did not reflect what actually existed and would usually require variance(s) to construct on many of the lots. Tamara reviewed that she was specifically charged to ensure that: split zoned properties do not exist, zones should reflect what actually exists, and zone requirements should minimize the need for variances due to lot size. Tamara stated that there was a very limited budget provided to do this. The primary tools used in developing the zone boundary lines were the tax maps and the actual land use data. There was not sufficient budget to research each and every deed to further verify if the lot lines on the tax map were correct and that all the lots shown were truly separate lots. The boundary line in question was based on the tax map and not a deed search. Kerry asked how the tax maps are created or updated and how was the Borough supposed to know the lots were consolidated. Tamara reviewed the various ways; but, concluded that the only way the Borough's engineer would know that the map needed correction is if he was informed that it was incorrect. Why this did not occur, Tamara would not speculate. If a dispute should arise, the document that takes precedent is the deed not the tax map. Janet asked Tamara if she had known of the single lot at the time, would the boundary line have been different. Tamara testified that the portion of the R8 district in that area was extended because the tax map indicated that the lots shown were applicable to R8 lots not R15. However, had it been known at the time that the tax map was incorrect and the two lots in question were indeed one, then the boundary would have been drawn along the actual boundary of the property and not through it as occurred since it was specifically a goal to not create split zoned properties. Janine asked about the impact if the subdivision was granted and the entire lot was R15. Tamara stated that variances would be needed to create the lot. The created lot would still be subject to the R15 requirements and any attempt to build may require extensive variances to reasonably construct a home. Other questions were asked regarding the subdivision intent and related conditions and while answered, Janet reminded the board that such discussion does not have any bearing on the board's decision. The zoning board can only rule on the intent of the zoning map boundaries and should not consider the impact if any on the property in question.

Mr. Strickland testified that his deed research using public records showed that the property was always one lot and he could not determine why or when the tax map showed it as two lots. Without the file(s) or testimony from the person(s) used to prepare and maintain the tax maps it cannot readily be determined how or when the tax map was created/changed to show the property as two lots. Kerry stated that he feels that if the property owner had made it known that the tax map was incorrect; then it would have been corrected. Janet reminded the board that while it has the right to discuss the possibilities and impacts, it still must restrict its decision on what was the intent of redrawing the zoning districts on the zoning map. After additional discussion, Tamara again stated that had she known that the two lots on the map were actually one lot, she would drawn the boundary along the property line and not split the property. Secretary Ken Palmer was sworn in and testified that as both a member of as well as

secretary for the planning board during the preparation and adoption of the new master plan it was clearly the charge of the board that the zoning districts reflect the town and not result in split zoning; and, that the board approved the new boundaries based on the assumption that those conditions had been met. The applicant did not have any further questions of the secretary or Tamara. There being no further discussion, the chair entertained and a motion was made by Pat Manzi and seconded by Craig Greenwood to open the matter to public comment.

Public comment – All who commented were sworn in prior to speaking.

- David and Helene Styer, 107 Lippincott Ave., Mr. Styer with assistance of his wife Helene stated that he was a member of the zoning board when the owner prior to Mr. Recchiuti sold the property and never recalled a subdivision existing. He has lived in the area for 51 years and never recalls the property being other than the single lot as currently exists. He asserted that to the best of his knowledge, the property has never been subdivided. Ed Smyth commented that he was on the board at the same time as when the garage was erected and while variance(s) were required and granted, subdivision or split lots were not an issue.

There was no further public comment and Joe Della Penna motioned and Janine Miller seconded to close the matter public comment.

Deliberation – There were no further comments or questions from the board. Craig Greenwood motioned that the board should interpret that the intent of the zoning map was to include the entire property in the R15 zone. Janine Miller seconded the motion. There was no further discussion and the motion was approved by a poll vote of 6-1 as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mills	nay	Mr. Corbi	aye
Mrs. Manzi	aye	Mr. Greenwood	aye
Mrs. Miller	aye		

Mr. Brandt commented during the vote that the testimony provided indicated to him that the intent of the zoning map was to not split zone the property and the boundary should be along the property line not dissecting it.

Mrs. Miller was excused from the meeting.

Variance Application by Sheryl Telford and Mark Grocott, for side yard setback relief for an addition to their home at 618 Main St., Block 1102, Lot 8

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. It was concluded that all jurisdictional requirements had been met and Janet stated the hearing could proceed. The applicant's and their architect John Martin were sworn in.

Testimony – Mr. Martin reviewed the plans and showed that the existing structure was nonconforming along the one side yard boundary since it was too close to the property line. To maintain the style of the home the addition along that side would follow the existing setback and would not encroach any further. All other bulk requirements are well within requirements. The other side yard line is more than the required size with an existing driveway. A portion of the existing rear section of the house will be removed due to existing structural problems and the addition will be replace and add to the rear of the house. Following a request by the chair the architect testified to the hardship to the circulation patterns in the home if the addition could not follow the existing line of the house and that it would be a detriment to the community to not attempt to preserve the existing style and sight lines from the street side of the home. There were no further questions or testimony and the chair entertained and a motion was made by Ken Mills and seconded by Craig Greenwood to open the hearing to public comment. There was none and Ken Mills motioned and Craig Greenwood seconded to close the hearing to public comment.

Deliberation – There were no further comments or questions from the board. Ken Mills motioned that the board approve the variance for side yard setback as long as it followed the existing building lines and that there is no additional encroachment by the addition. Bill Corbi seconded the motion. There was no further discussion and the motion was approved by a poll vote of 7-0 as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mills	aye	Mr. Corbi	aye
Mrs. Manzi	aye	Mr. Greenwood	aye
Mrs. Deitz	aye		

Mr. Brandt commented during the vote that it was an existing condition and the plans provide the best way to expand the home with the minimum impact. Mr. Smyth commented on the ambitious nature of the project and the desire to retain the original home's character.

OLD BUSINESS

Planning Board & Council Matters – The secretary reported that the planning board continues to table any action on the Proposed Historic Preservation Changes to Chapter 128-Zoning Code, Sidewalk Signs, or other possible zoning code changes until they have an idea of what recommendations may be coming from the task force. The task force continues to meet and is close to concluding its work and making recommendations to Council. There was no budgeting for the task force and in order to pay for Tamara Lee's services, Council authorized that her charges be split between the planning and zoning budgets. Other items were also covered.

CORRESPONDENCE

- Four articles related to historic preservation passed on to planning and zoning by mayor and council. Board members were copied.
- DCA certificates for members completing mandatory training during 2007.

NEW BUSINESS

Vouchers and Invoices:

- 3/4/08, Tamara Lee, \$90.00, for work during February reviewing the submitted plans for the Guzman/Cedar Lane Project. (PAY FROM ESCROW)
- 4/1/08, Tamara Lee, \$180.00, for work during March reviewing the 300 foot state buffer issue impact on the Guzman/Cedar Lane Project. (PAY FROM ESCROW)

Craig Greenwood motioned, Pat Manzi seconded, and the vote was unanimous to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

A motion was made by Ken Mills and seconded by Bill Corbi to open the meeting to public comment.

- Tom Ehrhardt, Esq., 527 Main Street, stated he represents Mr. Guzman and there is concern the approaching April 30, 2008, date when the variances granted for the twin homes at Cedar Lane will expire because construction will not have started. He wanted to advise the board that Mr. Guzman may be seeking to come before the board to ask for an extension on at least the start date and perhaps also the completion date.

There was no additional comment and a motion was made by Ken Mills and seconded by Craig Greenwood to close the meeting to public comment.

Meeting adjourned at 9:15 PM (motion by Ken Mills, second by Craig Greenwood).

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD

MINUTES May 15, 2008

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 25, 2008.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

ROLL CALL

PRESENT: Kerry Brandt, Edward Smyth, Ken Mills, Patricia Manzi, Craig Greenwood, Janine Miller, Don Deitz, and Joe Della Penna.

ABSENT: William Corbi.

OFFICIALS: Board solicitor Janet Smith and Secretary Ken Palmer were present.

MINUTES

Ken Mills noted that his vote on the 618 Main Street application was incorrectly listed. He voted to approve the application. The secretary stated he would correct the minutes. A motion was made by Janine Miller, seconded by Craig Greenwood, and unanimously approved to adopt the minutes of April 17, 2008 as amended.

OLD BUSINESS

Adopt and memorialize resolution Case # 2008-02, regarding Request for Interpretation of Zoning Map by Robert Recchiuti, 101 Lippincott Ave. – The chair asked if everyone had read the resolution and if there were any comments or questions. There were none and Ed Smyth moved and Janine Miller seconded that the resolution be adopted as written. The voice vote was unanimous of those members eligible to vote.

Adopt and memorialize resolution Case # 2008-03, regarding Variance Application by Sheryl A. Telford and Mark Grocott of 618 Main St. (Block 1102, Lot 8). – The chair asked if everyone had read the resolution and if there were any comments or questions. There were none and Pat Manzi moved and Ed Smyth seconded that the resolution be adopted as written. The voice vote was unanimous of those members eligible to vote.

Planning Board & Council Matters – The secretary reported that the planning board is scheduled to hear the Recchiuti matter next week. The chair updated the board on progress of the mayor's task force on the zoning code. The task force hopes to make its report to Council in June. The secretary stated that as far as he knew, the planning board continues to table any action on the Proposed Historic Preservation Changes to Chapter 128-Zoning Code, Sidewalk Signs, or other possible zoning code changes until they have an idea of what recommendations may be coming from the task force.

CORRESPONDENCE

- Copy of Revised Residential Site Improvement Standards from the State – given to the chair.

PUBLIC HEARING:

Variance Application by Carlos Guzman, PO Box 380, Totowa, NJ 07511, for Extension of the Waiver or Relief from Ordinances 22-16 and 128-97 (Expiration of Variances) for approved twins on 8th & 9th Streets, Block 1700, Lots 2.01, 2.02, 2.03, and 2.04

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. There were none. Following conclusion that all jurisdictional requirements had been met,

Janet stated the hearing could proceed. The applicant's attorney Thomas Ehrhardt stated that the applicant would testify. Mark Guzman was sworn in.

Testimony – Mr. Ehrhardt reviewed that the application was filed under Cedar lane Apartments, LLC. Mr. Guzman is the sole owner of the LLC. Mr. Ehrhardt reviewed that in October 2007, the board had granted extensions to the expiration dates for commencing and completion of the project connected with the approved site plan and subdivision to construct four residential units as two twins. The variance to commence construction expired April 30, 2008, and the completion variance will expire 1/31/2009. At this time the applicant has not been able to obtain all the required approvals and sign offs that will allow him to obtain permits to commence construction. The applicant is seeking a further extension of the variances. The applicant has applied to the state DEP for a Letter of Interpretation regarding the wetland line on the site plan and is also attempting to begin construction under the current stream buffer laws. A pending change to the buffer zone for the creek adjoining his property may further change his ability to construct the homes where he has planned. Testifying to questions from Mr. Ehrhardt, Mr. Guzman explained that he hired an engineer to prepare the final plans. The county has granted preliminary final subdivision approval as of 5/14/08 subject to a few conditions and he hopes to have the county soil erosion control plan approved by June 5. He has applied to the state DEP for an LOI, which while not required, he recognizes that only the DEP can verify the wetland and buffer lines on his plans and that verification comes via an LOI. Mr. Guzman stated that he wants all approvals before he goes forward. The chair reviewed the two date extensions granted last October and asked what dates the applicant was now requesting. Mr. Ehrhardt explained that they are at the mercy of the state and county as to when they will offer their decisions and are perhaps looking for extensions based upon if and when they receive the approvals. The chair stated the board needs to think long and hard about the issues, the delay in commencing construction, and that if due diligence has been exercised. The secretary reviewed that the request for an LOI was filed in late April. Janine asked if the wetland lines have ever been verified and it was clarified that an LOI was never requested by the prior owner or the applicant until the current filing. Don Deitz asked and received clarification about the wetland lines and who or what agency can verify them. Janine asked if the pending change to the buffer requirements would impact the plans and the answer is it appears so. There were additional questions from the board to clarify the events and timeline for the events. The chair commented that there should be some limits applied to any extension and that they should not be open ended. Even if a favorable LOI is received, the issues surrounding the impact of the reclassification of the creek and new buffer requirements may further delay the process. Ed Smyth asked the applicant to clarify what he would do if the extensions were granted. It was agreed that it was difficult to pin down when the LOI would be issued. Janet commented she thought that if a favorable LOI was received the applicant was close to getting everything completed to allow permits be issued. However, an unfavorable LOI would further complicate matters. The secretary reviewed the basic state process and timeline included in the LOI application. Mr. Guzman hopes the board would grant an extension that would not result in his having to come back to the board again solely because the state caused the delay. Mr. Guzman hopes, if the board isn't inclined to leave the start date open ended pending state approvals, that the board might consider granting an extension to start construction by the end of the year with completion a year later. There was no additional testimony or questions from the board.

Public Comment – The chair asked for a motion to open the matter to the public. Ken Mills motioned and Don Deitz seconded opening the hearing to public comment. All persons were sworn in before commenting.

- John Laverty, 616 Main Street, feels it is incumbent on the applicant to regularly update the board with progress reports. He feels the state issues must be resolved first since it would be poor for the Borough to allow the applicant to commence building and then the state says no. He feels a tighter time frame should be adhered to and not to look too far into the future. He also questions if due diligence has been exercised.
- Richard Wagner, 802 Cedar Street, commented he before the apartments were constructed the land was used to dump trash and is concerned about coal tar issues. He is also concerned about the impact of the 100 year flood plain and if the ground under the proposed building sites is solid and suitable for construction.

There was no further public comment and Ken Mills motioned and Joe Della Penna seconded to close the hearing to public comment.

Deliberation – The chair commented that this has been a difficult project from the start requiring numerous use and bulk variances. The board has granted extensions once and needs to carefully consider continuing to grant extensions. He has a hard time agreeing that due diligence has been exercised during the current extension period. Ken Mills feels any extensions should key off receipt of the LOI. Craig feels the LOI is needed first and then the dates decided. Pat Manzi asked if the board was considering not setting a start date until the LOI is issued. The chair replied that if there is no extension, the project is over. He feels the board owes it to the applicant to not drag out the process, have him spend additional large sums, and then vote no. The board needs to determine a reasonable time. It should not leave it open ended. He prefers a firm completion date with a suitable time period to allow for a flexible start date. Janine Miller feels the board owes it to the applicant to give him time to start construction. Joe Della Penna feels everything hinges on action by the DEP. Joe Della Penna motioned and Janine Miller seconded to reopen the hearing to the public to allow Mr. Laverty to offer an additional comment regarding time frames. Mr. Laverty suggested that the start date be left open and the applicant be required to at a minimum supply a written progress report every 90 days from the professionals on progress of obtaining all the approvals and signoffs needed. If all the approvals, submissions and signoffs are obtained, then a firm start date can be set. There was no further comment and Ken Mills motioned and Joe Della Penna seconded to close the hearing to public comment. The chair asked if the board was prepared to offer a motion on the matter. Ken Mills motioned that the board grant an extension of the start date for construction until 12/31/08 with a completion date of 12/31/09. Pat Manzi seconded the motion. Joe Della Penna suggested that a sixth month extension to start construction be approved and one year to complete construction. The chair feels a longer start date with a shorter completion date is preferred. He suggested a start date of 12/31/08 with a completion date of 9/30/09. Ken Mills amended his motion to require a start date of 12/31/08 with a required completion date of 9/30/09. Janine Miller seconded the amended motion.

The motion was approved by a poll vote of 6-1 as follows:

Mr. Brandt	nay	Mr. Smyth	aye
Mr. Mills	aye	Mrs. Manzi	aye
Mr. Greenwood	aye	Mrs. Miller	aye
Mr. Deitz	aye		

Mr. Brandt felt that the board needs to uphold the rules of the borough. The seriousness of the variances granted require a careful consideration how long the board should continue to grant extensions. He does not feel due diligence was exercised and that conditions have sufficiently changed in town to warrant that the site plan needs to be re-considered. Mr. Smyth supports the extensions considering what Mr. Guzman has gone through to clean up the open issues left by the prior owner. Mr. Deitz concurs with what the chair stated; but, feels the extensions are warranted.

Mrs. Miller left the meeting due to a prior commitment.

NEW BUSINESS

Vouchers and Invoices:

- 5/1/08, Tamara Lee, \$360.00, review and testify at May meeting regarding interpretation of zoning map request by Robert Recchiuti, 101 Lippincott Ave. as it impacts his property. (PAY FROM ESCROW)
- 5/14/08, Janet Smith \$416.00, for professional services from January through 5/9/08 and April meeting attendance.
- 5/14/08, Janet Smith \$344.50, for work on the Cedar lane Mews/Guzman matter from 3/6/08 – 5/7/08. PAY FROM ESCROW
- 5/14/08, Janet Smith \$500.50, for work on the Rechiuti zoning map interpretation from 3/26/08 – 5/9/08. PAY FROM ESCROW
- 5/14/08, Janet Smith \$188.50, for work on the Telford variance application. PAY FROM ESCROW

Joe Della Penna motioned, Craig Greenwood seconded, and the vote was unanimous to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The chair stated that he did not feel it necessary to go through the motions to open and close the meeting to the public since there were no members of the public present.

Meeting adjourned at 9:45 PM (motion by Craig Greenwood, second by Ken Mills).

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
June 19, 2008

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 25, 2008.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

ROLL CALL

PRESENT: Kerry Brandt, Edward Smyth, Ken Mills, William Corbi, Patricia Manzi, Craig Greenwood, and Janine Miller.

ABSENT: Don Deitz, and Joe Della Penna.

OFFICIALS: Substitute board solicitor Chuck Petrone of Raymond and Coleman, Councilman William Brown and Secretary Ken Palmer were present. Mr. Petrone was present due to the absence of Mrs. Smith.

MINUTES

A motion was made by Ken Mills, seconded by Patricia Manzi, and unanimously approved to adopt the minutes of May 15, 2008 as distributed.

PUBLIC HEARINGS:

Variance Application by Suzanne and Barry Wells, 304 8th Street, Block 1301, Lot 10, for relief from the side yard set back requirements of a corner lot to construct a porch.

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. There were none. Following conclusion that all jurisdictional requirements had been met, Mr. Petrone stated the hearing could proceed. Mrs. Wells was sworn in and provided a brief history of the home and stated they wished to reconstruct the front porch that was originally on the home. The plans are to reconstruct the porch as close as possible as originally existed. The porch will extend approximately 18" past the side of the home. Because the home already sits within the street-side side yard setback for a corner property, a variance is needed. The encroachment will be less than the existing side door steps of the home. During research, the footers of the original porch were found to verify the placement of the planned reconstruction. The ARC has reviewed and approved the plans. The chair asked if the porch will comply with the required front yard setback and the answer was yes. Ken Mills stated that the side street Lippincott Avenue is a small street in this area of town. As far as a hardship, the chair stated that he feels it exists because the house is where it is and without the variance the historic character of the plans can not be achieved.

Public Comment – The chair asked for a motion to open the matter to the public. Ken Mills motioned and Bill Corbi seconded opening the hearing to public comment. There was none and Ken Mills motioned and Craig Greenwood seconded to close the hearing to public comment.

Deliberation – The chair stated that unless there were any further comments or questions, he would entertain a motion on the application. There was no comment and Ken Mills motioned that the application for the porch be approved as submitted and the variance be granted. The motion was seconded by Janine Miller and approved by a poll vote of 7 to 0 as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mills	aye	Mr. Corbi	aye
Mrs. Manzi	aye	Mr. Greenwood	aye
Mrs. Miller	aye		

Mr. Brandt stated he favors the application for the reasons previously stated regarding the plans are to restore a historic piece of the property. Mrs. Wells thanked the board and asked about timeframes before construction could begin. She was informed that they would proceed at their own risk if they commence construction prior to the time period expires for appeals to the approval. It was stated that since there has been no opposition, it was probably rare that there would be any opposition in the future.

Variance Application by Gary Lamon, 2101 Berwick Drive, Cinnaminson, NJ, 08077, for the new home at 706 Main Street, Block 1104, Lot 5, to construct a county mandated front yard turnaround to his driveway and for side yard setback relief for the landing and steps to comply with building code requirements as to size of the landing.

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. Craig Greenwood stated he would recuse himself from the matter and stepped down. Following conclusion that all jurisdictional requirements had been met, Mr. Petrone stated the hearing could proceed. Gary Lamon was sworn in. Gary testified that since the home is along a county highway he submitted the plans for county approval. The county has stated there needs to be provisions for a turnaround to avoid having vehicles back out onto the busy street. There are no plans to have a driveway past the front of the home, so a turnaround is needed in the front yard. The steps and landing to the side door were not on the original plans. When the steps were added the size required by the building code will extend into the side yard setback by approximately 9 to 10 inches. The applicant plans to replace an existing driveway strip with a new 10 foot wide concrete drive. A picture marked as A1 was submitted showing the existing driveway on the vacant lot before the home was erected. The chair reviewed the applicable sections of the code involved particularly that front yard parking is not permitted. The chair also noted that as a professional, the applicant should have been aware of the code requirements before constructing the home. Asked why he could not extend the driveway to the rear of the property, Mr. Lamon stated he was not sure if there is sufficient room with the side entrance landing and it may be too close to the gas meter. Asked about removing the side entrance, Mr. Lamon stated that would be a hardship. He was informed that a created condition can't be deemed a hardship. The chair, while agreeing that front yard parking may exist on existing homes, stated that the code now discourages this. Kerry also stated that regardless of what it is deemed to be used for, the area will end up being used for parking. The chair agrees with the county that a turnaround is needed for safety. Reviewing the plans, Ken Mills asked if there is room to provide a driveway to the rear even with the steps. Bill Corbi stated that there appears to be approximately 9' 2" available for a driveway. The applicant stated that an existing tree prevents locating the driveway on the other side of the home. It was discussed that the gas meter could be moved or adequately protected. The chair stated he would like to consider the two variances separately since the ability to erect the steps might be contingent on whether a driveway to the rear of the property can be constructed. As far as demonstrating a hardship, the chair as well as Mr. Petrone stated that self created conditions or financial reasons cannot be considered hardships. Ed Smyth stated that while he feels for the applicant, he agrees with the chair that the plans should have considered all the code requirements.

Public Comment – The chair asked for a motion to open the matter to the public. Ken Mills motioned and Bill Corbi seconded opening the hearing to public comment.

- Frank Breece, 704 Main Street, asked if county requirements supersede Borough Codes. The answer is yes when a county road is involved. He does not want front yard parking but feels a doublewide drive could be constructed. Janine stated the turnaround in the front will not solve the problem since it will be used for parking, if not at first, eventually. Also there will be better resale value if the turnaround/parking is in the rear and not the front.
- Donna Kirkland, 405 Midway, asked why the home was allowed to be located so far back on the property when all the other homes are uniformly closer to the street. The chair replied that the code does not prevent it. There is only a minimum requirement. The reason given for the location was that this is a modular constructed home and the erecting crane could not place the home closer to the street. The chair stated this is the type of occurrence that can demonstrate the need to revise the code.
- Shirley Kinsey, 708 Main Street asked why the new driveway couldn't be as it was. Most of the people now

living along this area of Main Street all back out. Mr. Petrone replied that with new construction, the county can step in and mandate conditions along its roads.

There was no further public comment and Ken Mills motioned and Janine Miller seconded to close the hearing to public comment.

Deliberation – The chair commented that he feels it is best to consider each of the two variances separately. While the steps are a self imposed condition, the variance is minor. The front turnaround is another issue. He wants to consider the steps first and reviewed the section of the code. Ken Mills motioned that a variance to Section 128.16 be granted to allow the steps to encroach into the side yard setback leaving no less than a 9’2” setback. Pat Manzi seconded the motion. Ed Smyth thinks the order of consideration is important and is concerned approval of one might preclude approval of the other. Kerry feels the variance just allows the steps. It doesn’t mean they can be built. Mr. Petrone suggested that the front drive variance be considered first. If that variance is denied, the side steps, if approved, should be conditioned that they can’t prevent a driveway to the rear. If they do, then the steps can’t be built. Ken Mills retracted the motion. Section 128.52 regarding the driveway was reviewed. The board doesn’t know if there is room for the driveway if the steps are built; however, experience would indicate a driveway can be installed.

Ken Mills motioned that the board deny the variance to Section 128.52 for a front yard turnaround as shown on the drawings. Bill Corbi seconded the motion. It was discussed that denying the variance would not preclude the applicant extending the driveway to the rear and constructing a turnaround in the rear yard. The motion to deny the variance was approved by a poll vote of 6 to 0 with one recused as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mills	aye	Mr. Corbi	aye
Mrs. Manzi	aye	Mr. Greenwood	recused
Mrs. Miller	aye		

The chair stated he voted to deny the variance because he feels if allowed it will permit front yard parking which can lead to less than desired results. He strongly suggests the driveway with the turnaround be placed in the back yard. Mr. Smyth concurred saying the public also objects to front yard parking.

Ken Mills motioned that a variance to Section 128.16 be granted allowing the side steps to encroach 10” into the setback area subject to the condition that if a driveway cannot be built to the rear with the steps in place, then the steps are not permitted so the driveway can be constructed. The motion to approve the variance was approved by a poll vote of 6 to 0 with one recused as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mills	aye	Mr. Corbi	aye
Mrs. Manzi	aye	Mr. Greenwood	recused
Mrs. Miller	aye		

The chair stated he feels the variance will have minimal impact since there is landscaping between the properties and also a driveway on that side of the adjoining property. He also feels the dimensions will permit the driveway to be constructed. Mr. Greenwood rejoined the board.

OLD BUSINESS

Adopt and memorialize resolution Case # 2008-04, regarding Variance Application by Carlos Guzman, for Extension of the Waiver or Relief from Ordinances 22-16 and 128-97 (Expiration of Variances) for approved twins on 8th & 9th Streets, Block 1700, Lots 2.01, 2.02, 2.03, and 2.04 – The chair asked if everyone had received and reviewed the resolution and if there were any comments or questions. There were none and Ken Mills moved and Pat Manzi seconded that the resolution referenced by title be adopted as written. The voice vote was unanimous of those members eligible to vote.

Planning Board & Council Matters – Councilman Brown briefed the members on the highlights of the recommendations made by the mayor’s zoning task force for zoning code revisions including a possible new R20 zone, establish both minimum and maximum front yard setbacks, provisions to strengthen historic preservation, and prohibiting demolition of historic structures solely to permit subdivision and construction of new dwellings. Ken Mills asked if these are concrete or if there will be a public forum on them. It was explained that these are just recommendations. The planning board, if charged, will craft ordinance(s) to provide new and revised sections to implement the recommendations. The secretary added that temporary signs will also be included. The zoning board’s recommendation that side yard setbacks of accessory buildings in rear yards was not considered at this time.

Escrow Shortages – The secretary briefed the board on the planning board’s concerns over escrow shortages and the ability to collect when an application is withdrawn or denied. Increasing escrow requirements, higher fees, or provisions to not permit a hearing to continue if escrow is not sufficient are among issues being considered.

CORRESPONDENCE

- There was none.

NEW BUSINESS

Vouchers and Invoices:

- 6/11/08, Janet Smith \$409.50, for professional services provided 5/15-6/9 regarding the Cedar lane Mews/Guzman application. PAY FROM ESCROW
- 6/11/08, Janet Smith \$416.50, for general professional services to board and Code Enforcement Officer 5/15-6/10 and May meeting attendance.

Ken Mills motioned, Janine Miller seconded, and the vote was unanimous to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

Refund of Unused Escrow – The secretary reviewed that he has received a request for a refund of \$30.23 unused escrow from Mr. and Mrs. VanSciver, 431 Elm Avenue. There are no outstanding charges or any projected future charges. A motion was made by Ken Mills, seconded by Bill Corbi, and unanimously approved to authorize the refund of any unused escrow funds.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The chair stated that he did not feel it necessary to go through the motions to open and close the meeting to the public since there were no members of the public present.

**Meeting adjourned at 9:08 PM (motion by Ken Mills, second by Bill Corbi).
Tape is on file.**

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
July 17, 2008

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 25, 2008.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

ROLL CALL

PRESENT: Kerry Brandt, Edward Smyth, Ken Mills, William Corbi, Craig Greenwood, Janine Miller , and Joe Della Penna.

ABSENT: Patricia Manzi and Don Deitz.

OFFICIALS: Board solicitor Janet Zoltanski Smith and Secretary Ken Palmer were present.

MINUTES

A motion was made by Ed Smyth, seconded by Ken Mills, and unanimously approved to adopt the minutes of June 19, 2008 as distributed.

PUBLIC HEARINGS:

Variance Application by Renee and Thomas Azelby, 706 Thomas Avenue, Block 1200, Lot 4, for variances to construct an addition and reconstruct a fence on a corner property.

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. There were none. Following conclusion that all jurisdictional requirements had been met, Janet Zoltanski Smith stated the hearing could proceed. The applicants, their architect Walter Croft, and contractor Elmer Adams were sworn in. Janet reviewed the sections of the code which required variances being granted. The plans expand an existing nonconforming structure. The home is an existing nonconforming structure due to side yard and front yard setbacks, and the front lot line footage is nonconforming. The fence being replaced is now an existing nonconforming fence due to corner property setback requirements. Asked by the board, Mr. Croft testified that lot coverage was not an issue. Mr. Croft reviewed the plans for the addition and the fence. The kitchen and mud room will be expanded and a master suite and guest room will be constructed on the second floor. The existing style and character of the house will be maintained. The fence will be similar in style, height, and location as the existing fence – portions to be removed for the construction and the need to replace the deteriorated existing fence. The new fence may be vinyl instead of wood. Janet recalled that her firm was the board's solicitor at the time the original fence was approved but could not recall the details. Ed Smyth stated he was on the board and recalled the hearing for the existing fence. Following discussion, it was agreed that the hearing be recessed so the applicants could retrieve the original documentation. A motion was made by Joe Della Penna, seconded by Craig Greenwood, and passed unanimously to recess the hearing to allow the applicants to retrieve their copy of the original fence resolution.

The hearing resumed after the Sherrer hearing and Janet had reviewed the original resolution concerning the fence. Janet reviewed that the resolution, 98-2, provided an interpretation that the existing fence did not require a variance for the rear yard but required and granted a variance for the side yard portion of the fence along the side of the house. Janet thanked the applicants for retrieving the original resolution. Subsequent changes to the code have rendered the entire fence nonconforming. Since it is being replaced with a different material, variances are required. If the existing fence was replaced in kind, variances would not be required. There was no further discussion or questions on the residence plans. The applicants were asked to describe the planned fence. They stated they wished to replace the fence with a similar style, vinyl or wood fence along the same lines as the current

fence. The fence would be a five-foot shadow boxed privacy fence near the house decreasing to a four-foot open picket style fence enclosing the rear yard.

Public Comment – The chair asked for a motion to open the matter to the public. Ken Mills motioned and Joe Della Penna seconded opening the hearing to public comment. There was none and Janine Miller motioned and Craig Greenwood seconded to close the hearing to public comment.

Deliberation – The chair stated that unless there were any further comments or questions, he would entertain a motion on the application. He felt and there was no objection from the board or Janet that the fence and the addition should be addressed separately. The board agreed to address the fence first. Following suggestions and guidance from Janet, Ken Mills motioned and Joe Della Penna seconded that the board grant a variance permitting reconstruction of the existing fence with a new fence in the same location as the existing fence, with the same heights and scalloped styles, to be of wood or vinyl, with open spaced pickets along the rear yard and shadow boxed privacy along the side of the house from the front porch to the rear of the home. There was no further discussion and the motion was approved by a poll vote of 7 to 0 as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mills	aye	Mr. Corbi	aye
Mr. Greenwood	aye	Mrs. Miller	aye
Mr. Della Penna	aye		

Mr. Brandt stated he approves even though he is not sure a variance is needed for the fence but because the original fence was subject to a variance and he understands the hardship created of small children along a street.

Mr. Smyth excused himself from the meeting. The chair reviewed that he feels the minor nature of the expansion should not require a variance but the code requires it. The chair noted for the record that there were no members of the public present and he would forgo opening the hearing to public comment. There being no further comments or questions from the board and following guidance from Janet, a motion was made by Janine Miller and seconded by Bill Corbi to approve the expansion of the nonconforming structure allowing the addition as proposed which does not increase the nonconformity nor create a nonconformity. There was no discussion and the motion was approved by a poll vote of 6 to 0 as follows:

Mr. Brandt	aye	Mr. Mills	aye
Mr. Corbi	aye	Mr. Greenwood	aye
Mrs. Miller	aye	Mr. Della Penna	aye

Mr. Brandt stated he approves for the reasons previously stated and that the code requires it.

Variance Application by Austin and Amy Sherrer, 3 Seventh Street, to replace a fence on a corner property

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. Ken Mills recused himself and stepped down since he was a notified property owner. Following conclusion that all jurisdictional requirements had been met, Janet Zoltanski Smith stated the hearing could proceed. The applicants were sworn in and testified they wished to replace an existing four-foot deteriorated chain link fence with a new wood or vinyl privacy fence. The new fence will be in the same location of the existing fence which is nonconforming due to the corner lot setback requirements for fences. There is a pool in the rear yard and the applicants wish privacy from the street as well as additional height for screening to discourage children from being tempted to gain access to the pool. The pool requires a fenced enclosure for security and insurance reasons. They wish to retain the maximum use of the rear yard and meeting current setback rules would cut their rear yard almost in half. The size of the pool would also in effect provide no usable back yard space. Under questioning, the applicants testified they planned a scalloped solid stockade style fence no higher than five feet at its maximum with a double gate on either side of the house. There will be no gate on the Elm Terrace side. The current location of the fence is set back far enough from the street to not cause any sight triangle issues and there are no driveways near the fence. While the applicants may be willing to compromise on the final style, they prefer the privacy and security offered by a solid fence. They are currently thinking of cedar but vinyl is also an option. Janet commented the current appealing vista will be blocked. The chair would prefer some openness since

the fence is close to the street. Janine commented that the privacy helps dissuade kids from being tempted to access the pool. The chair feels any approval should contain a description of the approved fence and prefers that the new fence not be chain link. The applicants concluded they would like approval for a scalloped, maximum five-foot, solid or spaced, wood or vinyl fence along the existing fence line.

Public Comment – The chair asked for a motion to open the matter to the public. Janine Miller motioned and Craig Greenwood seconded opening the hearing to public comment.

- Ken Mills, 105 Midway, complimented the applicants on their maintenance and improvement to the property. He feels they are good neighbors, does not feel the proposed fence will detract from the neighborhood, and trusts them to install a fitting and quality product.

There was no further public comment and Craig Greenwood motioned and Bill Corbi seconded to close the hearing to public comment.

Deliberation – The chair stated that if there were no further questions or comments from the board he would entertain a motion on the matter. Janet suggested a possible motion which would both approve as well as suitably describe the fence. Janet with board input suggested the board might approve a variance to allow construction of a fence in the same location as the current chain link fence along Elm Terrace and returning to the rear corner of the house, to be constructed of wood or vinyl, to be scalloped along the top with a maximum height of five feet, and to be solid or spaced pickets. Craig Greenwood motioned the application be granted as suggested and Janine Miller seconded the motion. There was no further discussion and the motion was approved by a poll vote of 6 to 0 with one recused as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mills	recused	Mr. Corbi	aye
Mr. Greenwood	aye	Mrs. Miller	aye
Mr. Della Penna	aye		

The chair stated he feels the variance will replace an existing nonconforming fence with one of higher quality, the fence will not detract from the neighborhood, and he understands the hardship of ensuring adequate security. Mr. Smyth feels it will further enhance the neighborhood.

Mr. Mills rejoined the board.

OLD BUSINESS

Adopt and memorialize resolution Case # 2008-05, regarding Variance Application by Suzanne and Barry Wells, 304 Eighth Street, Block 1301, Lot 10, approving relief from the side yard setback requirements on a corner property to reconstruct the historic porch on their home – The chair asked if everyone had received and reviewed the resolution and if there were any comments or questions. There were none and Ken Mills moved and Janine Miller seconded that the resolution referenced by title be adopted as written. The voice vote was unanimous of those members eligible to vote.

Adopt and memorialize resolution Case # 2008-06, regarding Variance Application by Gary Lamon, 2101 Berwick Drive, Cinnaminson, NJ, for the home at 706 Main Street, Block 1104, Lot 5, denying a variance for a front yard turn around to the driveway and approving the erection of steps to a side door that encroach the side yard setback contingent the steps do not preclude a driveway to the rear of the property – The chair asked if everyone had received and reviewed the resolution and if there were any comments or questions. There were none and Ken Mills moved and Bill Corbi seconded that the resolution referenced by title be adopted as written. The voice vote was unanimous of those members eligible to vote.

Planning Board & Council Matters – The secretary reviewed that due to the late hour of the planning board meeting all old business was tabled. Ken reviewed the status of Mr. Brandenburger’s application for a bank at the Broad Street/CVS center and the subdivision hearing on Cedar Street that was approved contingent that an existing deed restriction be removed. The main issue from the public was not the proposed subdivision but what might be constructed on the new lot. They were concerned by the size of the home that was built on Eighth Street.

Escrow Shortages – The secretary stated the subject was tabled by the planning board for the reason stated above.

CORRESPONDENCE

- There was none.

NEW BUSINESS

- **Vouchers and Invoices** – there were none.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The chair stated for the record that no members of the public were present.

Meeting adjourned at 9:20 PM (motion by Bill Corbi, second by Craig Greenwood).
Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
August 21, 2008

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 Vice Chairman Ken Mills.

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 25, 2008 as well as posted on the bulletin board of Borough Hall.

ROLL CALL

PRESENT: Edward Smyth, Ken Mills, William Corbi, Patricia Manzi, Craig Greenwood, and Joe Della Penna.

ABSENT: Kerry Brandt, Janine Miller, and Don Deitz.

OFFICIALS: Secretary Ken Palmer was present.

MINUTES

A motion was made by Craig Greenwood, seconded by Joe Della Penna, and unanimously approved to adopt the minutes of July 17, 2008 as distributed.

OLD BUSINESS

Adopt and memorialize resolution Case # 2008-07, regarding Variance Application by Renee and Thomas Azelby, 706 Thomas Ave., Block 1200, Lot 4 for relief various bulk and setback requirements to construct an addition to the residence and reconstruct a fence – The vice chair asked if everyone had received and reviewed the resolution and if there were any comments or questions. There were none and Ed Smyth moved and Bill Corbi seconded that the resolution referenced by title be adopted as written. The voice vote was unanimous of those members eligible to vote.

Adopt and memorialize resolution Case # 2008-08, regarding Variance Application by Austin and Amy Sherrer, 3 Seventh St., Block 1202, Lot 1, to replace a nonconforming fence on a corner lot – The vice chair asked if everyone had received and reviewed the resolution and if there were any comments or questions. There were none and Joe Della Penna moved and Craig Greenwood seconded that the resolution referenced by title be adopted as written. The voice vote was unanimous of those members eligible to vote.

Planning Board & Council Matters – The secretary reviewed that planning board is still waiting for official guidance on the mayor's task force on zoning. Ken reviewed that after amending the site plan, Mr. Brandenburger's application for a bank at the Broad Street/CVS center was approved. The owners of 603 Bank had received approval to demolish a severely deteriorated garage which they plan to replace with a similar styled structure. The planning board is preparing to address the need to resubmit the third round certification for COAH and there is possible interest in making some properties COAH eligible.

CORRESPONDENCE

- There was none.

NEW BUSINESS

• Vouchers and Invoices:

1. 7/2/08, Raymond and Coleman, \$400.00, for work on two applications and attendance at June board meeting as special board counsel (substituting for Janet Smith). (PAY FROM ESCROW)
2. 8/15/08, Janet Zoltanski Smith, \$117.00, professional services during July.
3. 8/15/08, Janet Zoltanski Smith, \$396.50, work on the Azelby application. (PAY FROM ESCROW)
4. 8/15/08, Janet Zoltanski Smith, \$305.00, work on the Sherrer application. (PAY FROM ESCROW)
5. 8/5/08, Raymond and Coleman, \$175.00, prepare the Lamon resolution. (PAY FROM ESCROW)
6. 8/5/08, Raymond and Coleman, \$35.00, professional services as special board counsel during July.

Patricia Manzi motioned, Bill Corbi seconded, and the vote was unanimous to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The vice chair stated for the record that no members of the public were present.

Meeting adjourned at 7:45 PM (motion by Craig Greenwood, second by Bill Corbi).

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
September 18, 2008

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 25, 2008.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

ROLL CALL

PRESENT: Kerry Brandt, Ken Mills, William Corbi, Patricia Manzi, Craig Greenwood, and Joe Della Penna.

ABSENT: Edward Smyth, Janine Miller, and Don Deitz.

OFFICIALS: Board solicitor Janet Zoltanski Smith and Secretary Ken Palmer were present.

MINUTES

A motion was made by Ken Mills, seconded by Bill Corbi, and unanimously approved to adopt the minutes of August 21, 2008 as distributed.

PUBLIC HEARINGS:

Variance Application by Amy and Mark Thomas, 105 Main Street, Block 401, Lot 13, for variance to add a screened porch to a nonconforming structure.

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. The chair stated he would recuse himself from this matter and stepped down. Vice Chairman Ken Mills assumed chairing the meeting for this matter. Following conclusion that all jurisdictional requirements had been met, Janet Zoltanski Smith stated the hearing could proceed. Mr. Thomas and his architect Walter Croft were sworn in. The home is on a corner lot and is a nonconforming structure due to the side yard set back on the street side. The applicant wishes to add an approximately 185 square foot screened porch that will be at the back and side away from the street. The screened porch will fully conform to all setback and bulk requirements. The plans have been approved by the ARC. Janet asked about a prior application heard in 2007 and covered by Resolution Case # 2007-03. The applicant stated they had applied in 2007 for variances to add an addition and wrap around porch. The addition was approved and the porch denied. The addition has not been done and there are no plans to do it. Mr. Croft stated the 2007 application exceeded lot coverage but this plan does not. Asked by the board, it was explained that the porch would allow better access to a renovated kitchen and mud room and the design will continue the style and lines of the existing home. At the conclusion of the testimony, the applicant asked that if the application was approved, could they take out permits before the resolution was adopted and memorialized. Jane Smith explained why this could not be done.

Public Comment – Patricia Manzi motioned and Craig Greenwood seconded opening the hearing to public comment. All who spoke were sworn in prior to making their comments.

- Theresa Larsen, 103A Main Street, is concerned that there was a drainage problem with the prior application and wishes to know if this problem still exists. Mr. Croft had told her previously the decrease size and location of the new proposed porch did not present a problem. Ken Mills stated that one of the reasons for the setback and lot coverage requirements was to prevent any negative impact on adjoining properties; and, as long as the plans were within code, he does not see any negative impact.

There was no additional comment Joe Della Penna motioned and Patricia Manzi seconded to close the hearing to public comment.

Deliberation – The vice chair stated that unless there were any further comments or questions, he would entertain a motion on the application. Craig Greenwood motioned and Joe Della Penna seconded that the board approve the application as submitted. There was no further discussion and the motion was approved by a poll vote of 5 to 0 with one recused as follows:

Mr. Brandt	recused	Mr. Mills	aye
Mr. Corbi	aye	Mrs. Manzi	aye
Mr. Greenwood	aye	Mr. Della Penna	aye

Mr. Brandt resumed chairing the meeting.

Variance Application by Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to reconstruct a single story garage that is too close to the property line and exceeds allowable square footage.

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. There were none. It was noted that except for the proof of fees and escrow being paid, all other jurisdictional requirements had been met. Mr. Martin apologized and attested that the receipts were in his office and would be dropped off the next day. **(Secretary’s note: the receipts were supplied.)** Janet Zoltanski Smith stated the hearing could proceed. Dr. Muhr and John Martin, his architect, were sworn in. An aerial photograph of the property was entered as exhibit A1 showing the location and orientation of the property. The confusion of the address being Bank Avenue even though the only entrance is from 2nd Street was resolved. The house faces the Delaware River. The applicant wishes to replace an existing severely deteriorated detached garage with a new one story structure on the same footprint. The garage will closely match the existing structure and the style of the main house. The plans have been approved by the ARC and the planning board has approved the demolition permit of the existing garage. The existing structure was built on grade and has suffered serious insect and moisture damage. The validity of the determination by the zoning officer that the damage and deterioration is not a casualty loss was discussed. Except for building the new structure to code it will be built on the existing footprint. The attic area will be used for storage. There will be electric service, but no water or other utilities. To provide adequate storage, the applicant wishes to maintain the existing square footage of the ground floor. The existing location and mature landscape buffer will maintain the character of the lot and not have a negative impact on the neighborhood. The new structure will meet all fire and construction codes. Moving the structure 10 feet into the yard to comply with the code would obscure the view of the main house from the street. The concern that the existing building is only one foot off the side property line was discussed. The chair stated he feels that since this is essentially new construction and not a casualty loss reconstruction, the need to conform to the existing code should be followed. The size of the proposed garage is not a detriment given the size of the property. The location within one foot of the lot line is an issue for maintenance and safety. The possibility of relocating the building at least three feet from the side yard lot line and allowing for a minor encroachment for the eve and soffit was discussed and agreed to by the applicant and his architect. There was no further testimony or comment from the board. For the record, the chair noted that there were no members of the public present; so the hearing was not opened to public comment.

Deliberation – The chair stated that if there were no further questions or comments from the board he would entertain a motion on the matter. Janet suggested a possible motion which would both approve as well as suitably define the location of the garage. She suggested that the motion could approve the application to allow construction of a 953 square foot detached garage in the approximate location of the existing structure, to be constructed as shown on the submitted plans. There will be a minimum side yard setback of three feet from the wall of the garage and an allowance for a maximum twelve inch encroachment for the soffit, eve, and roof line. Ken Mills motioned the application be approved as suggested and Joe Della Penna seconded the motion. There was no further discussion and the motion was approved by a poll vote of 6 to 0 as follows:

Mr. Brandt	aye	Mr. Mills	aye
Mr. Corbi	aye	Mrs. Manzi	aye
Mr. Greenwood	aye	Mr. Della Penna	aye

The chair stated he feels hardships were demonstrated and that there is no detriment and the square footage is justified.

OLD BUSINESS

Planning Board & Council Matters – The secretary reviewed that status of the mayor’s zoning code task force. The findings and recommendations will be presented to Council and then to the planning board. Mr. Brandenburger has received approval to construct a bank building on the pad site at the Shoppes of Riverton. There are still ongoing legal challenges to the revised COAH rules.

Escrow Shortages – The secretary stated there is no resolution to date to the outstanding escrow issues.

CORRESPONDENCE

- There was none.

NEW BUSINESS

- **Vouchers and Invoices** – there were none.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The chair stated for the record that no members of the public were present.

Meeting adjourned at 9:00 PM (motion by ken Mills, second by Bill Corbi).

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
October 16, 2008

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 Vice Chairman Ken Mills.

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 25, 2008 as well as posted on the bulletin board of Borough Hall.

ROLL CALL

PRESENT: Edward Smyth, Ken Mills, William Corbi, Patricia Manzi, and Craig Greenwood.

ABSENT: Kerry Brandt, Janine Miller, Don Deitz, and Joe Della Penna.

OFFICIALS: Secretary Ken Palmer was present.

MINUTES

A motion was made by Craig Greenwood, seconded by Patricia Manzi, and unanimously approved to adopt the minutes of September 18, 2008 as distributed.

OLD BUSINESS

Adopt and memorialize resolution Case # 2008-09, regarding approval of the Variance Application by Amy and Mark Thomas, 105 Main Street, Block 401, Lot 13 for expansion of a nonconforming building to erect a screened porch – The vice chair asked if everyone had received and reviewed the resolution and if there were any comments or questions. There were none and Craig Greenwood moved and Bill Corbi seconded that the resolution referenced by title be adopted as written. The voice vote was unanimous of those members eligible to vote.

Adopt and memorialize resolution Case # 2008-10, regarding approval of the Variance Application by Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to reconstruct a single story garage that is too close to the property line and exceeds the allowable square footage – The vice chair asked if everyone had received and reviewed the resolution and if there were any comments or questions. There were none and Craig Greenwood moved and Patricia Manzi seconded that the resolution referenced by title be adopted as written. The voice vote was unanimous of those members eligible to vote.

Planning Board & Council Matters – The secretary reviewed stated that the planning board does not meet until next week. Ken did comment that efforts to collect escrow shortages continue. Councilman Brown was not present to report on Council matters.

CORRESPONDENCE

- There was none.

NEW BUSINESS

• **Vouchers and Invoices:**

1. 10/15/08, Janet Zoltanski Smith, \$299.00, professional services rendered 9/18-10/15 regarding the Thomas, 105 Main Street application. (PAY FROM ESCROW)
2. 10/15/08, Janet Zoltanski Smith, \$331.00, professional services rendered 9/18-10/15 regarding the Muhr, 603v Bank Avenue application. (PAY FROM ESCROW)
3. 10/15/08, Janet Zoltanski Smith, \$169.00, general professional services rendered 9/18-9/29/08.

Craig greenwood motioned, Patricia Manzi seconded, and the vote was unanimous to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

- **Pending Applications** – The secretary briefed the board on possible pending applications that may be submitted.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

A motion was made by Ed Smyth and seconded by Craig Greenwood to open the meeting to public comment.

There was none and Craig Greenwood motioned and Pat Manzi seconded to close the meeting to public comment.

Meeting adjourned at 7:40 PM (motion by Craig Greenwood, second by Pat Manzi).

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
November 20, 2008

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 7:40 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 25, 2008.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

ROLL CALL

PRESENT: Kerry Brandt, Ken Mills, William Corbi, Patricia Manzi.

ABSENT: Edward Smyth, Craig Greenwood, Janine Miller, Don Deitz, and Joe Della Penna.

OFFICIALS: Board Solicitor Janet Zoltanski Smith and Secretary Ken Palmer were present.

MINUTES

A motion was made by Ken Mills, seconded by Bill Corbi, and unanimously approved to adopt the minutes of October 16, 2008 as distributed.

PUBLIC HEARINGS:

Variance Application by Scott Mirkin and Jenny Woo, 707 10th Street, Block 1801, Lot 11, for variance to install double gate at driveway entrance, extend side yard fence 15 feet past front building line.

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. Following conclusion that all jurisdictional requirements had been met, Janet Zoltanski Smith stated the hearing could proceed. The applicants and their landscape architect Kerry Mentzer of the Essex Group were sworn in. Janet explained that with only four members present, a majority vote requires three out of the four votes and that the applicants could request a continuance until more members were present. The applicants stated they wanted to proceed. The applicants testified that the home is on a cul-de-sac on 10th Street. A copy of the survey with their plans highlighted was marked as exhibit A1. Their property abuts the creek and they have had a problem with people using their driveway as a turnaround and vehicles parked in the drive near the house. The wish to detract this activity and better designate that it is private property. They wish to install a three-foot high split rail fence along the side yard line that will extend 15 feet past the front of the house to tie into existing heavy shrubbery. They also wish to install a four-foot high, 12-foot split rail double gate across the foot of the driveway at the street. Both of these proposed constructions are not permitted under the fence code. They feel their plans are attractive and fit the neighboring area and also serve due diligence to delineate their property and that they do not wish people to enter their property uninvited. The 15 feet of fence beyond the front foundation line will extend an existing privacy fence that is being replaced with a new split rail fence. They are concerned vehicles could pull up under their deck and not be seen from the street. The applicants were asked if they considered erecting the fence closer to the house where a variance would not be needed and construct fencing to block access to the side and rear of the property. The applicants feel the proposed location of the gate will tie into shrubbery and involve less fencing and be more attractive than a lot more mass of fence across the large side yard area adjacent to the driveway. Additionally, the fence further back would not stop vehicles turning or stopping in their driveway. Jane tasked how they planned to keep people walking around the gate. The applicants testified that they only wished to discourage people and clearly indicate the property lines. They have done this with plantings that create a "soft" boundary along the front of the property. Following testimony that the privet plantings would eventually fill in more to clearly indicate that this is a barrier. When questioned if they feel the plantings will eventually fill in enough to be considered a hedge, the applicants agreed that is the case. The chair reviewed the code as it promotes openness and informed the applicants that a hedge is considered a fence and

therefore is also not permitted in the front yard. The chair reviewed that the purpose of the prohibition of front yard fences is to promote an open atmosphere of the town. The chair also reminded the applicants that they need to demonstrate a viable hardship if the variances are not granted and that the plans are not a detriment from the surrounding area. When asked, Kerry Mentzer testified that the privet plantings will fill in and grow to about a 6-foot height. The chair stated he is concerned plantings of that height will block sight lines to the street when exiting the driveway. It was suggested that tying the side yard fence on the one side to the front foundation and adding additional side yard fencing or planting shrubs and tying it to the front of the house with a gate for the driveway would provide the same desired lack of access to the deck and rear of the house. The applicants testified they feel their plans closely follow similar conditions already in town and they don't feel it is a detriment to the properties around their home. Their plan utilizes existing plantings and provides the least visual impact on the area. Mr. Mirkin feels his safety and privacy concerns are a legitimate hardship if the application is not allowed and that the plans are much less massive an intrusion than other discussed methods. The chair asked that since there is agreement that code provides that the privet plantings constitute a fence, if the applicants wished to amend their application to include the privet bushes. If they do not, then the plants will have to be removed. The applicants agreed to include the privet plants in the application. The chair noted for the record that there were no members of the public present and he would not ask to open the hearing to public comment.

The chair asked Janet for guidance. Janet stated the board could deny the entire application, or approve parts of it. The board can also seek conditions concerning the height of the shrubs. The chair granted that conditions in this area of the town are not the same as other traditional areas of the town. However, he feels that the intent of the code is to promote an open streetscape rather than everything locked up behind a wall. The chair summarized that he feels the applicants are asking for a variance to install 15 feet of three-foot split rail fence beyond the front of the house along the one side of the property, a variance to permit the privet plantings along the front property line, and a variance to install a 4-foot high, 12 foot wide split rail double gate at the foot of the driveway. The applicants agreed that this is what they are requesting. The chair asked if the board had any more questions or was ready to propose a motion. There were no questions and Ken Mills motioned that the board approve a 15 foot extension of three-foot high split rail fence beyond the front foundation of the house along the side of the property; permit privet plantings along the front line of the property to not exceed four feet high; and, to permit a four-foot high 12-foot wide split rail double gate across the foot of the driveway. Bill Corbi seconded the motion. Under discussion, the chair stated and other members concurred they felt four feet was too high. Kerry Mentzer testified that the shorter the height the more they will fill in. Privets are semi deciduous and not dense if allowed to grow higher. There was additional discussion on the height of the shrubs and Ken Mills amended the motion to limit the height of the shrubs to 30 inches. Bill Corbi seconded the amended motion. There was no further discussion and the motion was approved by a poll vote of 3 to 1 as follows:

Mr. Brandt ay Mr. Mills aye
Mr. Corbi aye Mrs. Manzi aye

Mr. Brandt granted that it is an irregular shaped property and conditions are different from the rest of the town. He stated he understood the concerns for safety and privacy. However, he did not feel a hardship had been demonstrated since other locations for the fencing and gate as discussed would provide the same results. He felt the plantings presented a safety issue and approval of the application may establish a precedent for permitting front yard fences. Mr. Mills felt the split rail construction promotes openness and is fitting for the conditions in that portion of the town. Mr. Corbi felt the section of Riverton is unique and the openness of the fence does not provide a walled effect. Mrs. Manzi also felt the ascetics of the plan were appropriate to that area of the town and creek area. Mr. Mirkin thanked the Board for its consideration in what was a difficult matter.

OLD BUSINESS

Planning Board & Council Matters – The secretary reviewed that the mayor's zoning code task force report will be presented to Council. The planning board will hold a public hearing on the revised Housing Element and Fair Share Plan on December 16 with plans to adopt the element and submit it to COAH as required to file its 3rd Round petition by 12/31/08.

Escrow Shortages – The secretary stated that all notices had been sent regarding shortage of escrow for variance applications and that payments were coming in. The secretary stated that there still had been no payments from Mr. Recchiuti. The chair reviewed that the current code does not provide for fees or escrow for interpretations of the zoning code or zoning map. He feels that this gives the impression that there is no charge for this service and does not provide for the board’s professionals to be paid by an applicant for services directly connected to the interpretation request. The chair feels that the board’s solicitor and planner need to be paid for their services in the Recchiuti matter and he asked for a motion to pay them from the board’s professional expense budget account. The chair felt there were sufficient funds available and will request transfers if necessary. Pat Manzi motioned and Bill Corbi seconded that the professional expenses of the board’s planner and solicitor in connection with the interpretation of the zoning map by Mr. Recchiuti, 101 Lippincott Avenue be paid from the board’s general budget. The voice vote was unanimous.

Mandatory Education – The secretary reviewed that the final course offerings by NJPO for this year are complete and he will keep the members apprised of future offerings.

CORRESPONDENCE

- Request for 2009 budget from Mary Longbottom.

NEW BUSINESS

Vouchers and Invoices

1. 11/14/08, Janet Zoltanski Smith, \$351.00 for general professional services 6/26/08-11/13/08.

Ken Mills motioned, Bill Corbi seconded, and the vote was unanimous to pay the invoice as presented. The secretary will make sure it is signed and submitted for payment.

2009 Budget – The chair stated he would submit the budget request by the December 1st date after he received additional details from Mary Longbottom and Betty Boyle.

Pending applications – The secretary briefed the board on three possible applications that may be submitted shortly. One of these would be for a use variance concerning an apartment building.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The chair stated for the record that no members of the public were present.

Meeting adjourned at 9:10 PM (motion by Ken Mills, second by Pat Manzi).

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
December 18, 2008

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 7:50 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 25, 2008 as well as posted on the bulletin board of Borough Hall.

ROLL CALL

PRESENT: Kerry Brandt, Edward Smyth, Ken Mills, and Craig Greenwood.

ABSENT: William Corbi, Patricia Manzi, Janine Miller, Don Deitz, and Joe Della Penna.

OFFICIALS: Secretary Ken Palmer was present.

MINUTES

A motion was made by Ken Mills, seconded by Craig Greenwood, and unanimously approved to adopt the minutes of November 20, 2008 as distributed.

OLD BUSINESS

Adopt and memorialize resolution Case # 2008-11, regarding approval of the variance application by Scott Mirkin and Jenny Woo, 707 10th Street, Block 1801, Lot 11 allowing: a three foot high, split rail fence along the side yard line extending 15 feet beyond the front building line; allowing a 12 foot wide, split rail, four foot high double gate at the street entrance to the driveway; and allowing a “shrubby fence” of privet plantings along the front lot line of the property – The chair asked if everyone had received and reviewed the resolution and if there were any comments or questions. There were none and Ken Mills moved and Kerry Brandt seconded that the resolution referenced by title be adopted as written. A poll vote of the members eligible to vote on the adoption resulted in one 1 aye vote by Ken Mills the only member present who voted to approve the application at the November hearing.

Planning Board & Council Matters – The secretary reviewed that the zoning code review task force report will be presented to Council in January. The planning board adopted the amended Fair Share Plan and Housing Element of the Plan to submit to COAH for the revised 3rd round petition for re-certification. It will be submitted by the required 12/31/08 deadline.

CORRESPONDENCE

- There was none.

NEW BUSINESS

• **Vouchers and Invoices:**

1. 12/12/08, Janet Zoltanski Smith, \$52.00, general professional services rendered 11/1-11/30.
2. 12/12/08, Janet Zoltanski Smith, \$344.50, professional services rendered 11/20-12/12 regarding the Mirkin/Woo, 707 10th Street application. (PAY FROM ESCROW)

Ken Mills motioned, Craig Greenwood seconded, and the vote was unanimous to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

- **Pending Applications** – The secretary briefed the board on an application received to be heard in January and possible other applications.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The chair noted for the record that there were no members of the public present.

Meeting adjourned at 8:02 PM (motion by Ken Mills second by Kerry Brandt).

Tape is on file.

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