

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
January 20, 2011**

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 December 16, 2010 meeting
5. Old business
 - Adopt and memorialize resolution approving the variance application by BWC Realty Associates, LLC, for the three proposed residences at 608, 610, 612 Cinnaminson Street, Block 906, Lots 4.01, 4.02, 4.03, for front yard setback relief
 - Council and Planning Updates
 - 2011 budget
 - Any other old business before the board
6. Review correspondence
7. New business:
 - Consider vouchers/invoices
 - Consider resolutions adopting board calendar, appointment of professionals, and annual report to planning board and Borough Council
 - Any other new business before the board
8. Public Comment
9. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
May 19, 2011**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from January 20, 2011 meeting
4. Public Hearing – Variance Application by John and Terri Laverty, 616 Main Street, Block 1102, Lot 7, for various bulk variances for alterations to their home and property
5. Old business
 - Appointment of Engineer for 2011
 - Council and Planning Updates
 - 2011 budget
 - Any other old business before the board
6. Review correspondence
7. New business:
 - Consider vouchers/invoices
 - Consider resolutions for appointment of engineer and annual report to Planning Board and Borough Council
 - Any other new business before the board
8. Public Comment
9. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
June 16, 2011**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from May 19, 2011 meeting
4. Public Hearing – Variance Application by Daniel P. Foley, 318 Harrison Street, Block 1101, Lot 4, for a rear and side yard fence on a corner lot
5. Old business
 - Memorialize resolution approving variance application of John and Terri Laverty, 616 Main Street, Block 1102, Lot 7, for various bulk variances for alterations to their home and property
 - Council and Planning Updates
 - Any other old business before the board
6. Review correspondence
7. New business:
 - Consider vouchers/invoices
 - Any other new business before the board
8. Public Comment
9. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
July 21, 2011**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from June 16, 2011 meeting
4. Public Hearing – Variance Application by Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to demolish and reconstruct a single story garage that exceeds the allowable square footage
5. Old business
 - Memorialize resolution approving variance application of Daniel P. Foley, 318 Harrison Street, Block 1101, Lot 4, for a rear and side yard fence on a corner lot
 - Council and Planning Updates
 - Any other old business before the board
6. Review correspondence
7. New business:
 - Consider vouchers/invoices
 - Any other new business before the board
8. Public Comment
9. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
August 18, 2011**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from July 21, 2011 meeting
4. Old business
 - Memorialize resolution approving variance application of Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to demolish and reconstruct a single story garage that exceeds the allowable square footage
 - Council and Planning Updates
 - Any other old business before the board
5. Review correspondence
6. New business:
 - Consider vouchers/invoices
 - Any other new business before the board
7. Public Comment
8. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
September 15, 2011**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from August 18, 2011 meeting
4. Public Hearing – Variance Application by Dr. and Mrs. Thomas Schweich, 617-619 Main Street, Block 906, Lot 5, for various bulk variances to reconstruct a pool cabana and new garage.
5. Old business
 - Council and Planning Updates
 - Any other old business before the board
6. Review correspondence
7. New business:
 - Consider vouchers/invoices
 - Any other new business before the board
8. Public Comment
9. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
October 20, 2011**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from September 15, 2011 meeting
4. Old business
 - Adopt and memorialize resolution approving variance application by Dr. and Mrs. Thomas Schweich, 617-619 Main Street, Block 906, Lot 5, for various bulk variances to reconstruct a pool cabana and new garage
 - Council and Planning Updates
 - Any other old business before the board
5. Review correspondence
6. New business:
 - Consider vouchers/invoices
 - Any other new business before the board
7. Public Comment
8. Adjournment

RIVERTON BOROUGH ZONING BOARD
MINUTES
January 20, 2011

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 annual reorganization of the board.

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, 2010.

REORGANIZATION - 2011

Reappointed regular and alternate members Kerry Brandt and Deborah Weaver were sworn in for their new terms by Janet Smith. Secretary Palmer reviewed that he remained the secretary as a Borough employee (with the board's approval) for 2011. Mary Lodato has been reappointed as the Code Enforcement Officer, and Councilman Joseph Katella will be the board's council liaison. Ken Palmer was asked to conduct the rest of the reorganization.

ROLL CALL

PRESENT: Kerry Brandt, Ken Mills, William Corbi, Joe Della Penna, Craig Greenwood, Charles Veasey, Robert Kennedy, Deborah Weaver, and Barry Wells.

ABSENT: None.

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

Chairman: Kerry Brandt was nominated by Ken Mills and seconded by Deborah Weaver to serve as Chairman. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous.

Vice Chairman: Ken Mills was nominated by Bill Corbi and seconded by Kerry Brandt to serve as Vice Chairman. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous.

Solicitor: Janet Zoltanski Smith Esq. was nominated by Kerry Brandt and seconded by Ken Mills to serve as the Zoning Board Solicitor for 2011. There were no other nominations and the nominations were closed. 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 Kerry Brandt and seconded by Ken Mills that Tamara Lee of Tamara Lee Consulting LLC be appointed to serve the board as its planner on an on call basis for 2011. There were no other nominations and the nominations were closed. 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. While the board is reviewing appointment of an engineer for new projects, the board concluded it needed to retain an engineer for older existing projects. A motion was made by Kerry Brandt and seconded by Ken Mills that Rick Arango of Remington, Vernick & Arango Engineers be appointed to serve the board as its consulting engineer for previously existing open projects on an on call basis for 2010. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous. The appointment of an engineer for new projects was tabled.

Kerry assumed chairing the meeting.

MINUTES

The chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Ken Mills, seconded by Craig Greenwood, and unanimously approved to adopt the minutes of the December 16, 2010 regular meeting as distributed.

OLD BUSINESS

Adopt and memorialize Resolution Case #2010-06, Variance Application by BWC Realty Associates, LLC, for the three proposed residences at 608, 610, 612 Cinnaminson Street, Block 906, Lots 4.01, 4.02, 4.03, for front yard setback relief – The chair referenced the resolution by title and asked if everyone had received and read the resolution and if there were any comments. Only members who approved the application can act on the resolution. Joe Della Penna motioned and Bill Corbi seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous poll vote of 6 to 0 of the members present and eligible to vote on the resolution as follows:

Mr. Mills aye Mr. Corbi aye
Mr. Della Penna aye Mr. Greenwood aye
Mrs. Weaver aye Mr. Wells aye

Planning Board & Council Matters –The secretary updated the board on the zoning map and ordinance review being worked on by Council and the planning board. There is nothing new on the COAH.

2011 Budget – The proposed budget has been submitted by Kerry

CORRESPONDENCE – None received.

NEW BUSINESS

Vouchers and Invoices

1. 01/07/11, Tamara L. Lee LLC, \$180.00, for planning review work on the Brandenburger/BWC Realty use variance application in November and December 2010. PAY FROM ESCROW
2. 01/20/11, Janet Zoltanski Smith, \$104.00, for general professional services and guidance from September through December 2010. PAY FROM GENERAL FUNDS
3. 01/20/11, Janet Zoltanski Smith, \$689.00, for professional services October 2010 – January 2011 for the BWC Realty Associates, LLC variance application for the new homes on Cinnaminson St. (PAY FROM ESCROW)

The secretary stated there were no escrow shortage issues. There was no discussion and a motion was made by Ken Mills, seconded by Craig Greenwood, and the voice vote was unanimous to pay the invoices as discussed. The secretary will make sure they are signed and submitted for payment.

Board Meetings for 2011 – Resolution Z2011-01, the calendar of meetings for February 2010 through January 2011 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 Bill Corbi, 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 2011 – Resolution Z2011-02 announcing the appointments of a solicitor, planner and engineer was reviewed by the secretary. A motion was made by Ken Mills, seconded by Craig Greenwood and passed unanimously to accept the resolution, have it published in the Burlington County Times, and mailed to the professionals.

Annual Report of Applications and Recommendations – The secretary reviewed that he was currently preparing Resolution Z2010-03 which is the annual report to the planning board and Borough Council of applications heard and recommendations for amendments to the zoning code. He needs the recommendations of the board. The board discussed recommendations. The issue of fences should be included. The chair feels the definitions of yards should also include the setback definition. Janet reviewed that the board had consistently interpreted and based variances on any portion of a building and not just the foundation. The board will review other issues and the secretary will provide a draft for board review prior to the next meeting.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 8:22 PM (motion by Mills, second by Brandt)

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
May 19, 2011

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 31, 2011.
2. Publication and notice of this same meeting by the applicants.

ROLL CALL

PRESENT: Ken Mills, Craig Greenwood, Robert Kennedy, and Deborah Weaver.

ABSENT: Kerry Brandt, William Corbi, Joe Della Penna, Charles Veasey, and Barry Wells.

OFFICIALS: Substitute Solicitor Berge Tumaian from Raymond, Coleman, Heinold, LLP and Secretary Ken Palmer were present.

MINUTES

The vice chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Craig Greenwood, seconded by Bob Kennedy, and unanimously approved to adopt the minutes of the January 20, 2011 regular meeting as distributed.

PUBLIC HEARING

Case #2011-01, Variance Application by John and Terri Laverty, 616 Main Street, Block 1102, Lot 7, for various bulk variances for alterations to their home and property.

Introductions: The vice chair announced the matter and the secretary stated that all jurisdictional requirements have been met. No members needed to recuse themselves from the matter and Berge Tumian stated the hearing could proceed. John Laverty, the applicant was sworn and testified.

Testimony: John reviewed that he and his wife are requesting approval for a variances to permit altering their 3-story single family residential dwelling by constructing front and rear porches and by adding concrete pavement for additional off-street parking. Similar variances were previously granted by the board but the owners were unable to make the improvements until now and the time period for acting on the prior approvals had expired. The proposed additions to the house are in keeping with the existing aesthetics of the home as well as nearby homes, and that the additions further enhanced the aesthetics and the character of the neighborhood. The Applicant also testified that to the best of his knowledge, a full front porch existed on his home in 1950. The existing front stoop is in need of repair. John testified that the requested front yard setback relief was in keeping with the porches on neighboring properties and similar to the footprint of the originally existing full porch. The front porch, according to John will not impact the sight line of the neighbor's backing up from their driveway. The side yard relief requested for the two porches is no greater than the existing structure and permits the addition to maintain the style and lines of the existing structure. Shifting the location of the rear porch is not possible because of the location of the rear entrance and the location of the parking. The additional parking is to permit additional hard surfaced off-street parking for up to four vehicles used by the four adult drivers in the house. Additionally there is no on-street parking in front of the home and parking in that area of Main Street is restricted. In support of the increased impervious coverage, John testified that all increased water drainage will be properly piped and/or graded to an existing large, capped dry well that is on the property and that it is more than sufficient to provide for underground retention and absorption. John concluded that he does not feel the proposed improvements will have a negative impact on the neighbors, are in keeping with the character of homes in the area and will improve the property.

Public Comment: Following questioning from the Board, Deb Weaver motioned and Bob Kennedy seconded to open the hearing to public comment. There was none and Craig Greenwood motioned and Deb Weaver seconded to close the hearing to public comment.

Deliberation: There was no further discussion and Craig Greenwood motioned and Bob Kennedy seconded to approve the application as presented in the plans, and testified to, and conditioned that connections be made to

utilize the existing drywell. The motion was approved by a unanimous poll vote of 4 to 0 as follows:

Mr. Mills aye Mr. Greenwood aye
Mr. Kennedy aye Mrs. Weaver aye

Comments were made by members as to why they approved the application. Approvals were based on: that the porch is an improvement and in keeping with the neighborhood and historic nature of the homes and that careful consideration was made to handle any increased stormwater run off.

OLD BUSINESS

Appoint Engineer for 2011 – The board reviewed the previous discussions and concurred that: the board should retain an engineer for new projects; the planning board as well as the Borough use the firm; and the firm is familiar with the area and town. Following additional discussion, a motion was made by Bob Kennedy, seconded by Deb Weaver, and approved by unanimous voice vote to appoint David V. Denton, of Land Engineering & Surveying Co., Inc., 100 Wave Rd., Mt. Laurel, NJ 08054, for engineering services during 2011.

Planning Board & Council Matters & 2011 Budget –The secretary updated the board on the adoption of the zoning map correction and revision to building height. He also mentioned Council matters he had heard at Tuesday's planning board meeting. There is nothing new to report on COAH. The secretary reported that he understands that the budget has been approved.

CORRESPONDENCE – None received.

NEW BUSINESS

Vouchers and Invoices – None received.

Annual Report of Applications and Recommendations – The secretary reviewed that he had prepared and distributed Resolution Z2011-03 which is the annual report to the planning board and Borough Council of applications heard and recommendations for amendments to the zoning code. He needs the recommendations and approval of the board to send it to Council and the planning board. The board reviewed and discussed the resolution. A motion was made by Deb Weaver and seconded by Craig Greenwood to adopt and forward the report to the planning board and Council. The motion was approved by a unanimous voice vote.

Appointment of Engineer for 2011 – Resolution Z2011-04 announcing the appointment of an engineer was reviewed by the secretary. A motion was made by Craig Greenwood, seconded by Bob Kennedy, 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

The chair asked that the meeting be opened to the public. A motion to same was made by Craig Greenwood and seconded by Bob Kennedy. Frank Longbottom of Lippincott Avenue asked the board why the size of garages in the R8 district were restricted limited to 500 square feet. He wishes to erect a two-car garage similar in size to other older two-car garages that exist on other properties in the area; but needs a variance to do so. It was explained that the zoning board cannot change the zoning rules, only grant a variance if warranted. The planning board is tasked with recommending the zoning code and they are adopted for the entire zoning district and reflect the desired goals regarding density and lot coverage. It is quite possible the existing garages predate the current code. Mr. Longbottom was encouraged to bring his concerns before the planning board. There being no further comment, a motion was made by Bob Kennedy and seconded by Deb Weaver to close the meeting to public comment.

Meeting adjourned at 8:30 PM (motion by Weaver, second by Kennedy)

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
June 16, 2011

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 7:34 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 31, 2011.
2. Publication and notice of this same meeting by the applicants.

ROLL CALL

PRESENT: Kerry Brandt, Ken Mills, Joe Della Penna, Charles Veasey, and Robert Kennedy.

ABSENT: William Corbi, Craig Greenwood, Deborah Weaver, and Barry Wells.

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

MINUTES

The chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Ken Mills, seconded by Chick Veasey, and unanimously approved to adopt the minutes of the May 19, 2011 regular meeting as distributed.

PUBLIC HEARING

Case #2011-02, Variance Application by Daniel P. Foley, 318 Harrison Street, Block 1101, Lot 4, for a rear and side yard fence on a corner lot.

Introductions: The chair announced the matter and the secretary stated that all jurisdictional requirements except the proof that taxes are current have been met. Janet concurred that as long as the proof was provided following the hearing the hearing could proceed. No members needed to recuse themselves from the matter. Daniel Foley, the applicant was sworn and testified.

Testimony: Dan testified that his family lives in one half of a twin home on Harrison Street that is a corner property. He wants to be allowed to erect a 4-foot spaced picket fence to fence in his side yard and rear yard. The fence would be from the front foundation line to one foot within his property line at Lippincott Avenue. The fence would then extend to one foot from the rear property line and then along the rear property line to connect to an existing chain link fence. The house and property are very narrow and if he built a fence to comply with the ordinance, it would provide a very small fenced in area, and would not allow the safe use of most of his property. Mr. Foley stated he has a young child whom he wants to protect and keep from running into the street. This house is also located near the River Line station and people come from the station and walk along that area. The applicant would like to deter people from coming onto his property. He hopes the fence will help keep down the trash and litter generated from the foot traffic. Mr. Foley also feels the fence will enhance the corner area. The applicant provided and referenced several photographs of the property and street which were marked as exhibit A-1. Mr. Foley referenced the survey submitted with the application that he believed showed shows that his property line sets back from the sidewalk. Asked about the fence, Mr. Foley stated his current plan is to use unfinished red cedar. The board concurred that while the style and height were being considered it was not considering the material. The Board discussed sight triangles for Harrison Street and Lippincott Avenue. There is a stop sign on Harrison Street, but not on Lippincott Avenue at that location. The board was concerned that there should be adequate sight lines for the sidewalk traffic. Mr. Foley stated that the property to the rear of his property faces Lippincott Avenue and agreed the fence would project beyond that property's front foundation line along that property's side lot line. However, that property has no driveway that would be impacted by the fence. There are existing trees in the rear of his property. However, Mr. Foley stated they may be removed by neighborly agreement. The board concurred the trees have no impact on the application. Mr. Foley explained that there is a stop sign on Harrison Street, but not on Lippincott Avenue at that location. The board was concerned that there should be adequate sight lines for the sidewalk traffic. Mr. Foley stated that he felt that there were adequate sight lines since there is both a grassy area between the sidewalk and the curb and he feels there is at least 6 feet from the property line to the curb, both on Harrison Street and Lippincott Avenue. The board was still

concerned that the front foundation of the house is quite close to Harrison Street. The board discussed with the applicant the possibility of moving the fence portion facing Harrison Street to the rear of the enclosed porch, where the roofline of the house starts and the roofline of the porch ends. The applicant stated he feels he could live with that, especially since it will not interfere with his basement windows.

Public Comment: Ken Mills motioned and Joe Della Penna seconded to open the hearing to public comment. All who spoke were sworn in before they commented.

- Susan Ferry Butler commented that she occupies the home that adjoins the applicant's home. She does not object to the fence. She stated there is a lot of foot traffic in that neighborhood. Also, cars park in that vicinity for long periods of time, including cars whose owners are using the River Line. She further commented she feels litter can be a problem in the area and she pointed out that there were no driveways in that particular neighborhood. She also pointed out that the brick wall across from the property was not attractive.
- George Butler commented that other homes facing Harrison have fences. The board noted that they comply with the ordinance and are not corner properties.

There being no further comment, Ken Mills motioned and Chick Veasey seconded to close the hearing to public comment.

Deliberation: The board was still concerned about the sight line along Harrison Street and asked if the Mr. Foley might agree to moving back the fence as previously discussed. Mr. Foley agreed to amend his application. Kerry Brandt stated that he felt that a hardship exists. Janet was asked to guide the board and she stated that the board might consider approving the amended application to allow a 4 foot open picket fence for this corner property, set back from Harrison Street to the line between the house and the porch rooflines along Harrison Street, extending to one foot from the property line along Lippincott Avenue, and continuing along Lippincott Avenue to one foot from the rear property line, and connecting to the existing chain link fence in the rear. There was no further discussion and Robert Kennedy motioned and Ken Mills seconded to approve the application as suggested by Janet to erect a fence on the corner property. The motion was approved by a unanimous poll vote of 5 to 0 as follows:

Mr. Brandt aye Mr. Mills aye
Mr. Della Penna aye Mr. Veasey aye
Mr. Kennedy aye

OLD BUSINESS

Memorialize and adopt Resolution Z2011-05 Case#2011-01 approving the Variance Application by John and Terri Laverty, 616 Main Street, Block 1102, Lot 7, for various bulk variances for alterations to their home and property – The chair referenced the resolution by title and asked if everyone had received and read the resolution and if there were any comments. Only members who approved the application can act on the resolution. Robert Kennedy motioned and Ken Mills seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous poll vote of 2 to 0 of the members present and eligible to vote on the resolution as follows:

Mr. Mills aye Mr. Kennedy aye

Planning Board & Council Matters – The secretary updated the board on any matters he was aware of. The planning board does not meet until June 21.

CORRESPONDENCE – 5/17/11, letter from Barry Emens of the Shade Tree Commission concerning new trees for the new homes on Cinnaminson Street. See New Business below.

NEW BUSINESS

Vouchers and Invoices

1. 6/4/11, Raymond, Coleman & Heinold, LLP, \$434.00, for services by Berge Tumaian on the Laverty variance application. PAY FROM ESCROW

There was no discussion and a motion was made by Joe Della Penna, seconded by Robert Kennedy, and the voice vote was unanimous to pay the invoice as discussed. The secretary will make sure it is signed and submitted for payment.

The secretary stated Mr. Laverty had already been advised that his escrow account would go short and had been requested to cover the shortage by end of week. There was no discussion and a motion was made by Joe Della Penna, seconded by Robert Kennedy, and the voice vote was unanimous to pay the invoice as discussed. The secretary will make sure it is signed and submitted for payment.

Request from Shade Tree Commission to not plant a tree on the property of one of the new homes on Cinnaminson Street – The secretary reviewed the letter which reported that Mr. Emens while reviewing the landscaping plans for the three new homes on Cinnaminson Street noted that the plans called for planting a tree in the front yard of each home. The Shade Tree Commission is recommending that the tree planned for the middle property not be planted because it would conflict and compete with an existing borough street tree planted between the curb and the sidewalk. Mr. Brandenburger has stated that he has no problem with the recommendation as long as it is endorsed by the board and he is not required to file an amended plan. Mr. Brandenburger is willing to donate the proposed tree to the Commission to plant along a Borough street. The board discussed the matter and concluded that since the change is at the request of the Shade Tree Commission which is charged with safeguarding the Borough's trees, Mr. Brandenburger should be allowed to not plant the subject tree without having to file an amended plan. The board appreciates Mr. Brandenburger's stated plan to donate the tree to the Commission for planting elsewhere along a Borough street. A motion was made by Joe Della Penna, seconded by Chick Veasey, and approved by unanimous voice vote that the board supports the recommendation of the Shade Tree Commission, it appreciates Mr. Brandenburger's offer to donate the tree, and that the secretary will notify the Shade Tree Commission, Mr. Brandenburger, and Tamara Lee of its decision.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 8:28 PM (motion by Mills, second by Della Penna)

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD

MINUTES July 21, 2011

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 Kenneth 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 31, 2011.
2. Publication and notice of this same meeting by the applicants.

ROLL CALL

PRESENT: Ken Mills, Joe Della Penna, Craig Greenwood, Deborah Weaver, and Barry Wells.

ABSENT: Kerry Brandt, William Corbi, Charles Veasey, and Robert Kennedy.

OFFICIALS: Solicitor Bradford S. Smith of Smith and Smith substituting for Janet Zoltanski Smith and Secretary Ken Palmer were present.

MINUTES

The chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Craig Greenwood, seconded by Barry Wells, and unanimously approved to adopt the minutes of the June 16, 2011 regular meeting as distributed.

PUBLIC HEARING

Case #2011-03, Variance Application by Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to demolish and replace an existing garage that exceeds the allowable square footage for garages in the R15 zone.

Introductions: The chair announced the matter and the secretary stated that all jurisdictional requirements have been met. Brad Smith concurred the hearing could proceed. No members needed to recuse themselves from the matter. Dr. Muhr and John Martin, his architect were sworn in and testified.

Testimony: Testimony was provided that in 2008 Dr. Muhr had applied for and was granted approval to replace the garage. However, the variance has expired and a new application has been filed. Dr. Muhr and John Martin testified that the old termite infested garage would be demolished and replaced with a new garage that will be in keeping with the architectural style of the property. The plans and photographs submitted with the application were reviewed. The new garage will be 859 square feet which exceeds the 750 square feet allowed by the code. All portions of the new structure will be a minimum of five feet from the side yard property line. Testimony was provided that the side yard setback requested in the 2008 application was no longer needed based on the current code and the proposed location of the new structure. There was no further testimony and the applicants replied to questions from Brad Smith and the board that the "attic" area of the structure would be used for storage only and that no utilities other than electric would be supplied. The applicant feels that the size of the property of approximately 44,000 square feet will accommodate the proposed structure and that there is no detriment in allowing the proposed size. The benefit is that the existing deteriorated structure will be replaced with a new structure in keeping with the style and character of the property. Dr. Muhr and John Martin testified that they did not feel the existing structure was considered historic in that it had been repeatedly modified over its existence. The ARC has approved the plans.

Public Comment: The chair remarked for the record that there were no members of the public present.

Deliberation: There were no further questions from the board and Mr. Smith suggested the board might consider a motion to allow the 859 square foot garage, as located and set forth in the plans supplied with the application, and conditioned upon applicant obtaining all further approvals required by local, county, state and federal laws, rules and regulations and as the same may apply to approval/permits for demolition of the existing garage. A motion was made by Joe Della Penna and seconded by Deb Weaver to approve the application as suggested by Mr. Smith.

The motion was approved by a poll vote of 5 to 0 as follows:

Mr. Mills aye Mr. Della Penna aye
Mr. Greenwood aye Mrs. Weaver aye
Mr. Wells aye

OLD BUSINESS

Memorialize and adopt Resolution Z2011-06 Case#2011-02 approving the Variance Application by Daniel P. Foley, 318 Harrison Street, Block 1101, Lot 4, for a rear and side yard fence on a corner lot – The chair referenced the resolution by title and asked if everyone had received and read the resolution and if there were any comments. Only members who approved the application can act on the resolution. Craig Greenwood motioned and Joe Della Penna seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous voice vote of the members present and eligible to vote on the resolution.

Planning Board & Council Matters – The secretary updated the board on any matters he was aware of.

CORRESPONDENCE – 7/12/11, letter from Janet Zoltanski Smith resigning as the board's solicitor following her being appointed Judge of the New Jersey Superior Court. The board expressed its congratulations and its appreciation for her many years of service to the board.

NEW BUSINESS

Vouchers and Invoices

1. 6/17/11, Janet Zoltanski Smith, Smith & Smith, \$260.00, for services on the Foley variance application. PAY FROM ESCROW
2. 6/17/11, Janet Zoltanski Smith, Smith & Smith, \$182.00, for general professional services February through June, 2011. PAY FROM GENERAL ZONING

There was no discussion and a motion was made by Barry Wells, seconded by Craig Greenwood, and the voice vote was unanimous to pay the invoices as presented. The secretary will make they are signed and submitted for payment.

Appoint a new Solicitor – It was discussed that with Janet's resignation, the board should consider appointing a new solicitor of record. Brad Smith stated that as a member of the Smith and Smith firm he would be honored to serve the board under the same terms as in Janet's contract. He has previously served the board. Mr. Smith was excused for the evening. The board discussed various possible candidates and Joe Della Penna motioned and Deb Weaver seconded to appoint Brad Smith of Smith and Smith to serve as the board's solicitor for 2011 and to have the required resolution noticed in the newspaper of record. The voice vote was unanimous. The secretary reviewed Resolution Z2011-07 appointing Brad as the board's solicitor.

Resignation of Barry Wells – Barry distributed copies of a letter to Kerry announcing that he needed to resign from the board. He has been accepted to Law School and his work and school commitments will leave him unable to properly serve the board. Barry thanked the board for their support and stated that when his schedule again permits, he would be glad to serve the Borough again. The board members thanked Barry for his service and wished him well.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 8:09 PM (motion by Weaver, second by Greenwood)

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
August 18, 2011

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 31, 2011.

ROLL CALL

PRESENT: Kerry Brandt, Joe Della Penna, Robert Kennedy, and Deborah Weaver.

ABSENT: Ken Mills, William Corbi, Craig Greenwood, and Charles Veasey.

OFFICIALS: Secretary Ken Palmer was present.

MINUTES

The chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Robert Kennedy, seconded by Deborah Weaver, and unanimously approved to adopt the minutes of the July 21, 2011 regular meeting as distributed.

OLD BUSINESS

Memorialize and adopt Resolution Z2011-08, Case#2011-03 approving the Variance Application by Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to demolish and replace an existing garage that exceeds the allowable square footage for garages in the R15 zone – The chair referenced the resolution by title and asked if everyone had received and read the resolution and if there were any comments. Only members Della Penna and Weaver who approved the application can act on the resolution. Joe Della Penna motioned and Deborah Weaver seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous voice vote of the two members present and eligible to vote on the resolution.

Planning Board & Council Matters – The secretary updated the board on any matters including the possibility of the Borough changing to a Joint Land Use Board as discussed under new business.

CORRESPONDENCE – The secretary distributed copies of an 8/1/11, NJLM "Membership Advisory" advising the League's opposition to bills S-2950/A-4128 which allows the modifications to land use approvals because of changed economics.

NEW BUSINESS

Possible Formation of a Joint Land Use Board – The chair and secretary briefed the members on the endorsement by the planning board of plans by Council to consider forming a Joint Land Use Board instead of the current separate planning and zoning boards. The State Municipal Land Use Law provides for municipalities to have separate boards or a joint board. The change, if it occurs, would ideally occur at the beginning of next year when reorganization of both boards occurs. Members who are interested in serving on a joint board should feel free to make their desires known to the mayor to continue serving the community.

Vouchers and Invoices

1. 8/2/11, Bradford Smith, Smith & Smith, \$299.00, for services on the Muhr variance application. PAY FROM ESCROW

There was no discussion and a motion was made by Deborah Weaver, seconded by Joe Della Penna, and the voice vote was unanimous to pay the invoices as presented. The secretary will make it is signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at approximately 8:00 PM (motion by Weaver, second by Kennedy)

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
September 15, 2011

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 7:45 PM by Vice Chairman Kenneth 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 31, 2011.
2. Publication and notice of this same meeting by the applicants.

ROLL CALL

PRESENT: Kerry Brandt (arrived after roll call but before the hearing), Ken Mills, William Corbi, Craig Greenwood, and Robert Kennedy.

ABSENT: Joe Della Penna, Charles Veasey, and Deborah Weaver.

OFFICIALS: Solicitor Bradford S. Smith of Smith and Smith and Secretary Ken Palmer were present.

MINUTES

The vice chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Bill Corbi, seconded by Bob Kennedy, and unanimously approved to adopt the minutes of the August 18, 2011 regular meeting as distributed.

PUBLIC HEARING

Case #2011-04, Variance Application by Dr. and Mrs. Thomas Schweich, 617-619 Main Street, Block 906, Lot 5, for various bulk variances to reconstruct a pool cabana and new garage.

Introductions: The vice chair announced the matter and the secretary stated that all jurisdictional requirements have been met. Brad Smith concurred the hearing could proceed. No members needed to recuse themselves from the matter. Dr. Schweich and John Martin, his architect were sworn in and testified.

Testimony: Testimony was provided that the property is located in the Neighborhood Business (NB) District where minimum side yards of ten feet are required for all structures. The owners are requesting approval of a cabana which was rebuilt on its existing foundation within two feet of the side lot line and are also requesting approval to construct a one story shed/garage attached to the existing carriage house and within six feet of the side lot line. Exhibits: A1-the plot plan prepared by John Gibson Martin, AIA, Architect, dated August 19, 2011, and A2-photographs of the site and buildings both of which were submitted with the application were used during testimony. Exhibit A3-an aerial photograph of the property was also submitted.

The issue of whether a use variance related to changing the existing nonconforming use of a residence in the NB district was discussed. After agreeing that there is no change of use and there had been no abandonment, the board determined that a use variance was not needed.

There is an existing in-ground pool and carriage house in the rear yard. The existing one-story cabana was deteriorated and was demolished and replaced with a new one-story structure on the existing foundation. The new cabana and proposed garage will be attached to the existing carriage house. An existing one story detached shed that is within two feet of the side property line will be removed to construct the new shed/garage. The location of the new shed/garage will result in an increased setback from two feet to six feet which decreases the nonconforming side yard setback. The applicant testified that the new cabana was erected on the remaining foundation pad of the old cabana and to locate it against the carriage house would be a hardship by encroaching on the pool area and also block the proposed doorway in the new shed/garage. The applicant feels that the location of the structures do not present a detriment to the area and actually are an improvement over the existing setbacks.

The architect testified that the setbacks indicated on the plan were to the side walls of the structures and did not take into account any overhangs; and, that any overhangs shown and planned would be between 6 and 12 inches.

Public Comment: The vice chair remarked for the record that there were no members of the public present.

Deliberation: There were no further questions from the board. The board discussed the letter from the construction official which requested that the building code requirement for fire rated construction on the parts of the structure within three feet of the property line be made part of any approving resolution. Brad Smith recommended any such language not be included since the board is being asked and only has the power to grant variances to the code requirements for the setbacks of the structure; and, that any approving resolution always conditions approvals as being subject to and complying with all local, county, state and federal rules and regulations. This includes building codes. Further, it does not serve the board to specify things that could become an issue of dispute over interpretation of the building code.

Mr. Smith suggested the board might consider a motion that it was determined a use variance was not required; and, to grant a variance for the cabana to allow the walls to follow and be built upon the existing foundation but no closer than one foot, ten inches to the side lot line plus an overhang no greater than twelve inches including any rain gutter; and, to grant a variance for the one story garage to allow its side wall to be no closer than six feet from the side lot line plus an overhang no greater than twelve inches including any rain gutter; and, conditioned upon the applicant obtaining all further approvals required by local, county, state and federal laws, rules and regulations. A motion was made by Ken Mills and seconded by Bob Kennedy to approve the application as suggested by Mr. Smith. The motion was approved by a poll vote of 5 to 0 as follows:

Mr. Brandt aye Mr. Mills aye
Mr. Corbi aye Mr. Greenwood aye
Mr. Kennedy aye

Chairman Brandt assumed chairing the remainder of the meeting.

OLD BUSINESS

Planning Board & Council Matters – The secretary updated the board on any matters he was aware of. There was brief discussion on Council's plan to combine the planning and zoning boards and that Council wished to include as many members of the zoning board as possible and who wished to be included.

CORRESPONDENCE – None.

NEW BUSINESS – None.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 9:10 PM (motion by Mills, second by Kennedy)

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
October 20, 2011

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 31, 2011.

ROLL CALL

PRESENT: Kerry Brandt, Ken Mills, William Corbi, Robert Kennedy, and Deborah Weaver.

ABSENT: Joe Della Penna, Craig Greenwood, and Charles Veasey.

OFFICIALS: Secretary Ken Palmer was present.

MINUTES

The chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Bob Kennedy, seconded by Ken Mills, and unanimously approved to adopt the minutes of the September 15, 2011 regular meeting as distributed.

OLD BUSINESS

Memorialize and adopt Resolution Z2011-09, Case#2011-04 approving the Variance Application by Dr. and Mrs. Thomas Schweich, 617-619 Main Street, Block 906, Lot 5, for various bulk variances to reconstruct a pool cabana and new garage – The chair referenced the resolution by title and asked if everyone had received and read the resolution and if there were any comments. Only members Brandt, Mills, Corbi, and Kennedy who approved the application can act on the resolution. Ken Mills motioned and Bob Kennedy seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous 4 to 0 poll vote of the four members present and eligible to vote on the resolution as follows:

Mr. Brandt aye Mr. Mills aye
Mr. Corbi aye Mr. Kennedy aye

Planning Board & Council Matters – The secretary updated the board on any matters he was aware of including an update on the combining of the planning and zoning boards. The mayor has reiterated that he and Council wished to include as many members of the two boards as possible and who wished to be included. The secretary discussed that the planning board had adopted a resolution establishing guidelines for planning board members in the use of electronic communications in compliance with the open public meetings act similar to the resolution adopted by Council. The secretary stated that Council and the mayor hoped that zoning members would practice the same guidelines even though it has not adopted a similar resolution pending the decision to combine the boards.

CORRESPONDENCE – None.

NEW BUSINESS

Vouchers and Invoices

1. 10/1/11, Bradford Smith, Smith & Smith, \$35.00, for general services during September. PAY FROM GENERAL FUNDS
2. 10/1/11, Bradford Smith, Smith & Smith, \$455.00, for services on the Schweich variance application. PAY FROM ESCROW

There was no discussion and a motion was made by Ken Mills, seconded by Bill Corbi, and the voice 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 noted for the record that no members of the public were present.

Meeting adjourned at 7:55 PM (motion by Mills, second by Weaver)

Tape is on file for one year.

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