

Mayor
Suzanne Cairns Wells

Borough Council
William Corbi, Council President
Hank DeGeorge, Councilman
Kirk Fullerton, Councilman
Laura Major, Councilwoman
Kenneth Mills, Councilman
James Quinn, Councilman



Michelle Hack, RMC, CMR
Municipal Clerk
mhack@riverton-nj.com

TELEPHONE: (856) 829-0120
Fax: (856) 829-1413
www.riverton-nj.com

BOROUGH HALL
505A Howard Street
Riverton, NJ 08077

Planning Board: March 20, 2020

Release concerning March 24, 2020 Planning Board Meeting:

The Borough of Riverton **is** planning to hold the meeting on Tuesday March 24, 2020 at 7:20 pm at the Borough Hall. The Borough Hall is however, closed to the General Public.

For any members of the Planning Board, or the Public the meeting will be available via conference call. Follow these instructions:

1. Dial 856-829-6840
2. **Listen carefully to instructions without skipping ahead!!**
3. When prompted for password, enter "1234" and press #
4. You will then be asked to record your name, and then press #.
5. Access the agenda and application at the link. <http://www.riverton-nj.com/>

** If you hear music, it's because you are the ONLY one in the conference room and awaiting other participants*

Attention Public: During the conference all meeting we ask that you mute your phone, unless you are speaking during a public comments session.

Thank you in advance for your patience and understanding as we enter into these unchartered waters.

BOROUGH OF RIVERTON PLANNING BOARD

A G E N D A

March 24, 2020 at 7:00 P.M.

****NO NEW APPLICATIONS WILL BE HEARD AFTER 10:00 PM****

1. Meeting called to order at 7:20 PM
2. Salute to the Flag
3. Open Public Meetings Act. Public Notice of this meeting has been provided in the following manners:
 - a) Posting written notice on the official bulletin board in the Borough Hall on January 31, 2020.
 - b) Having written notice published in the Burlington County Times on February 5, 2020.
 - c) Forwarding written notice for informational purposes only to the Courier Post on January 31, 2020.
4. Roll Call
5. Old Business
 - a. Administer Oath of Office: Douglas Aird
 - b. Doris Downs Res 04-2020
6. New Business
 - A. **Name:** Thomas and Cathryn Walsh
Owners: same
Property: 314 Penn **Block:** 603 **Lot:** 10
Action Applicant seeks relief from Borough Code §128-16B for a front yard setback of 19 ft. wherein 20 ft. is required; §128-16C for a side yard setback of 3 ft. wherein 10 ft. on each side is required; 128-16G for a lot coverage of approximately 42.5% where 40% is the maximum permitted. The Applicant also seeks all other variances and waivers the Board may require, including a variance from Section 128-16D for a rear yard setback if the Board does not deem Church Lane as lot frontage.
Desired: Variances are sought to construct a 14x14 bi-level composite deck.
7. Adopt February 25 meeting Minutes
8. Correspondence and Announcements
9. Committee Reports:
 - A. Council Liaison Report (Mayor Cairns Wells)
 - B. Environmental Commission Report (Mr. Threston)
 - C. Minor Site Plans Report (Ms. Lodato)
10. Public Comment
11. Adjourn

**RIVERTON BOROUGH PLANNING BOARD
MINUTES
February 25, 2020 at 7 o'clock p.m.**

The February 25, 2020 reorganization meeting of the Riverton Planning Board was called to order at 7:00 PM. Board Secretary Michelle Hack, who announced that Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

- a) Posting written notice on the official bulletin board in the Borough Hall on January 31, 2020.
- b) Having written notice published in the Burlington County Times on February 5, 2020.
- c) Forwarding written notice for informational purposes only to the Courier Post on January 31, 2020.

ROLL CALL:

Suzanne Cairns Wells, present	Kerry Brandt, present	Joe Della Penna, present
Craig Greenwood, present	Mary Lodato, present	Robert Martin, present
Councilman Ken Mills, absent	Ray Paskiewicz, present	Joseph Threston, present
Rebecca Reis, Alt. 1, present	Adam Flade Alt. 2, present	Doug Aird, Alt 3, present

Also present was Secretary Michelle Hack and Solicitor Charles Petrone.

OLD BUSINESS:

Mr. Doug Aird, Alt.3 was sworn in for a term of 2 years to expire December, 31 2021. Secretary Hack stated that she conducted the swearing in of Councilman Ken Mills (Class III) for a 1-year term on February 26, 2020 while he was in the office for a Council Meeting.

MINUTES:

The minutes from January 28, 2020 were submitted for approval. Mayor Cairns Wells approved as submitted and Mr. Della Penna seconded her motion. All approved in the affirmative.

NEW BUSINESS:

- A. Name: Doris Anne Downes
Property: 200 Midway Block: 1501 Lot: 22
Action Desired: Seeks relief from the Borough Code at Chapters § 128-58C & §128-20B for reduction of side yard setback from the required 25 feet to 4'.5" feet for the purpose of erecting a fence on a corner property.

Ms. Downes was sworn in to provide testimony for her application. Mr. Flade recused himself from the application as he is the next door neighbor to this property. Ms. Downes lives in an R8 district and is requesting a fence of 5-feet in height to secure her new pet, who could easily jump a 4-foot fence. The proposed fence is a cedar wood, board-on-board style, single convex style. The applicant and Board members discussed other nearby properties who may or may not have received a variance for their fences. The applicant provided Exhibit A-1 which is a photograph of the existing tree line of "Rows of Sharon" that are well established which sit approximately 2-feet from the sidewalk. She testified that the proposed fence will be

placed on the inside of that tree line which is estimated 15-feet from the center of the street. Ms. Downes further testified that the Rows of Sharon are dense when in full bloom which are three seasons, effectively hiding the wooden fence. Mr. Greenwood noted that the cedar would turn grayish in a couple of year and blend with the trees when not in bloom. Additional testimony confirmed the fence will sit several feet short of the driveway, and not go to the edge of the year which is favorable for the sight triangle and aesthetics of the neighborhood.

With no further comments from the Board Chairman Brandt opened the floor for public comment however no one was present to speak therefore closing the public portion. Mr. Threston motioned to grant the variance subject to all permits being secured by the applicant, and the location of the fenced being placed in is conformance with the survey provided as part of the application, and the fence material is cedar board-on-board convex. Mr. Della Penna seconded his motion. 9 ayes, 0 nays, 0 abstain. Mr. Petrone informed Ms. Downes of the appeals period being waived at her own risk.

CORRESPONDENCE/ANNOUNCEMENTS:

Chairman Brandt stated that he is in favor of a code review, especially starting with the codes that cause the most confusion. This led into a discussion of the need and/or desire to create an ordinance governing Short Term rentals. The Board discussed the pros & cons of such and decided it is not in the best interest of the Borough at this time, however he will share the ordinance samples that he has.

COMMITTEE REPORTS:

- **Council Matters of Importance to the Board** –Mayor Cairns Wells updated that the hearing for final approval of our Affordable Housing Plan is scheduled April 23, 2020. She is working to drive the Census, there will be some community times for residents to better understand and participate in the 2020 Census. Last Mayor Cairns Wells stated that he has been made aware that New Jersey Transit has approved the funding for the Pedestrian Push Button project.
- **Minor Site Plan-** Ms. Lodato reported there were no applications.
- **Environmental Commission-** Mr. Threston announced the Green Team is running a move series on environmental stewardship for Borough residents.

PUBLIC COMMENT – None

ADJOURNMENT: Motion to adjourn by Mr. Threston and seconded by Mayor Cairns Wells.

Respectfully submitted:

Michelle Hack Secretary
RIVERTON PLANNING BOARD
Adopted on: March 24, 2020

RESOLUTION NO. PB-2020-05

**RESOLUTION OF THE PLANNING BOARD
OF THE BOROUGH OF RIVERTON
DOWNES
BLOCK 1200, LOT 8**

WHEREAS, Doris Anne L. Downes (the “Applicant”) has applied to the Planning Board of the Borough of Riverton (the “Board”) for variance approval for property located at 200 Midway Avenue, known as Block 1200, Lot 8, on the Official Tax Map of the Borough of Riverton (the “Property”), for the purpose of installing a 5-foot-high fence on the Property; and

WHEREAS, a variance pursuant to N.J.S.A 40:55D-70(c) is required because the Applicant’s proposed fence does not satisfy Section 128-58 of the Riverton Zoning Ordinance pertaining to fence location; and

WHEREAS, the Applicant presented evidence to the Board concerning her application through testimony, plans, photographs and other evidence; and

WHEREAS, a public hearing to consider the application was held by the Board on February 25, 2020, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Borough, as required by the land development regulations of the Borough of Riverton and the statutes of the State of New Jersey¹; and

WHEREAS, the Planning Board after carefully considering the evidence presented by the Applicant in support of her application and after the meeting was opened to the public for their response and input, has made the following findings of fact:

1. The Applicant is the owner of the Property located at 200 Midway Avenue in the Residential 8 Zoning District of the Borough. The Property is a corner lot at the intersection of Midway and Linden Avenues and is improved with a 2 and ½ story single family detached residential dwelling with a porch, a shed, a detached garage, concrete walkway and a bituminous driveway accessing the garage from Linden Avenue.

2. The Applicant submitted an application for Variance Approval to install a fence on the Property.

¹ Board Member Flade recused himself as he owns property within 200 feet of the Property.

DOWNES - NO. PB 2020-05

3. The taxes on the subject property are current or exempt.
4. The Applicant has paid and/or posted all required fees.
5. Proper notice of the application has been given, as based upon the property owner list from the Tax Assessor's Office.

6. The Property is a corner lot and subject to the front yard setback requirements from both Midway Avenue and Linden Avenue. The location of the Applicant's proposed fence does not satisfy the requirements of Section 128-58 of the Riverton Zoning Ordinance and a variance is required.

7. The Applicant provided the following sworn testimony during the February 25, 2020 Public Hearing:

- a. The proposed fence is to enclose the "rear" yard area of her Property so that her dog does not have to be chained up when outside;
- b. As a corner lot, compliance with the front yard setback requirement for the Linden Avenue frontage would result in a very small fenced in area;
- c. The fence proposed would have a maximum height of five (5) feet and will be board on board convex style, as shown on the Custom Cedar design options attached to the Variance Application;
- d. The fence will not completely close in the Property as the fence will attach to the house, the shed, the garage and the fence located on adjacent Lot 6, as shown in "red" on the marked-up survey submitted with the Variance Application;
- e. As shown on Exhibit A-1, a photograph of the Linden Avenue frontage, Rose of Sharon are planted along Linden that will screen the fence from view 3 seasons of the year;
- f. The Rose of Sharon are dense Spring, Summer and Fall;
- g. The fence along Linden Avenue will be installed inside of the Rose of Sharon as well as the existing landscaping ties that run parallel to Linden Avenue also shown on Exhibit A-1;
- h. Other corner lots in the neighborhood, including the Midway/Linden

DOWNES - NO. PB 2020-05

intersection, have fencing located in the front yard setback area;

- i. The fence will be located approximately 15 feet from Linden Avenue;
- j. Between Linden Avenue and the fence there is a grass area, sidewalk, the Rose of Sharon and the landscaping ties;
- k. The proposed fence should not have a negative impact on the neighborhood as the fence will be screened for most of the year.

8. The February 25, 2020 Board Hearing was opened to the Public without comment.

9. The Applicant is requesting variance approval to permit the installation of the fencing as proposed, to provide greater utilization for this Property and to improve the aesthetics of the Property and neighborhood.

10. Without variance approval, the Applicant would be unable to construct the fence as proposed, which is otherwise in conformance with the ordinance requirements of the Borough of Riverton.

11. Compliance with Section 128-58 of the Ordinance for this corner lot would be practically difficult as a fenced in yard area that would be of such a small area that it would be rendered less than useful.

AND, WHEREAS, based upon the above factual findings, the Planning Board has come to the following conclusions:

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the Zoning Ordinance of the Borough of Riverton would be advanced by the deviation from the zoning ordinance requirement for fence location, as specified herein, as requested by the Applicant.

2. The benefits of the deviation from the zoning ordinance requirement specified herein would substantially outweigh any detriment to the public good, as variance approval would allow for the development of the Property, and otherwise promote the safety, health and general welfare of the community.

3. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and

DOWNES - NO. PB 2020-05

zoning code of the Borough of Riverton.

4. The Applicant has submitted the necessary information, in the form of plans, photographs and testimony, for the Board to make an informed decision on the Application.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Riverton, on the 25th day of February, 2020, that this Board hereby grants to the Applicant a variance from Section 128-58 to permit the construction of a fence in the front yard setback area and other prohibited areas on the Property, in accordance with the Application, plans, photographs, marked-up survey and testimony submitted by the Applicant, subject to the following conditions:

1. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Borough of Riverton.

2. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Borough of Riverton, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.

3. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

4. Subject to the sworn testimony of the Applicant presented during the February 25, 2020 Public Hearing.

5. Subject to the Applicant receiving all permits required for the fence prior to the commencement of construction. The Applicant is advised that variance approval does not guarantee the issuance of a construction permit, as the Applicant is required to comply with all applicable construction codes pertaining to the issuance of the required permit.

6. Subject to the Applicant being advised that if she elects to commence construction of the fence prior to the expiration of the appeals period, she does so at her own risk.

7. Subject to the fence being no higher than a 5-foot-high, board on board, convex

DOWNES - NO. PB 2020-05

style fence, installed on the Property where shown in red on the marked-up survey attached to and made part of this Resolution, and inside of the Rose of Sharon and landscaping ties that run parallel to Linden Avenue.

ROLL CALL VOTE

Those in Favor: 9

Those Opposed: 0

Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Borough of Riverton in accordance with its decision at its regular meeting on February 25, 2020.

RIVERTON PLANNING BOARD

Attest:

By: _____
KERRY BRANDT, Chairman

MICHELLE HACK, Secretary

Dated: March 24, 2020

Date of Approval: February 25, 2020

Date of Memorialization: March 24, 2020

APPLICATION

*LDY PROP,
LLC a/o 8/2018
settled
1/31/2020*

PLANNING BOARD
BOROUGH OF RIVERTON
505A HOWARD STREET
RIVERTON, NJ 08077
TELEPHONE: (856) 829-0120

This application, with supporting documentation, must be filed with the Secretary of the Planning Board at the above referenced address, for a review and determination as to completeness **prior** to a hearing date being set or an applicant advertising for, or mailing notices regarding a hearing date. Hearing dates are only set by the Board Secretary and/or Chairman.

This Section to be completed by Planning Board Staff Only

Date File (Received): 2/21/2020 Application No.: V-02-2020
Application Fee: \$ 100 Date of Check: 2/20/2020 Check No.: 9669
Escrow Deposit: \$ 350 Date of Check: 2/20/20 Check No.: 9470
Review for Completeness Completed: in review Hearing Date Set For: 3/24
mt

TO BE COMPLETED BY THE APPLICANT

1. SUBJECT PROPERTY:

Location (Street Address): 314 Penn St, Riverton N.J.
Tax Map: Block 603 Lot(s) 10
Dimensions: Frontage 25 ft. Depth 103 ft Total Area 2375 sq. ft.
Zoning District (See Zoning Map): R-4

2. APPLICANT INFORMATION:

Name: Thomas and Cathryn Walsh
Address 314 Penn St Riverton N.J. 08077
(Street) (City) (State) (Zip Code)
Telephone Number(s): DAY (609) 707-4117 EVENING (856) 235-8281

Applicant is a (please check one): Corporation ____ Partnership ____ Sole Proprietor ____
Resident

3. DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% or more of the stock in a corporation that is an applicant, or 10% or greater interest in a partnership that is an applicant, must be disclosed. In accordance with N.J.S. 40:55D-48.2, that disclosure requirement applies to any stockholder in a corporation that is the applicant, or partner in a partnership that is an applicant, who owns or holds 10% or more of its stock, or 10% or greater interest in the partnership, until the names and addresses of the non-corporate stockholders and individual partners, at or exceeding the 10% ownership criterion, have been listed. [Attach pages as necessary to fully comply with the following information requested for each individual.]

Name: _____ Percentage of Interest Held: _____ %
Address: _____
(Street) (City) (State) (Zip Code)

4. OWNER IF DIFFERENT FROM THE APPLICANT Check here if same

If the owner of the property is someone different from the Applicant, then please complete the following:

Owner's Name: _____
Address: _____
(Street) (City) (State) (Zip Code)
Telephone Number: DAY (____) _____ EVENING: (____) _____

5. PROPERTY INFORMATION

Restrictions, covenants, easements, association by-laws, either existing or proposed on the property:

[] YES (Attach copies) NO [] PROPOSED (Attach Description)

NOTE: All deed restrictions, covenants, easements, association by-laws, either existing or proposed, must be submitted for review, and must be written in easily understandable English in order to be approved.

Present use of the premises: Single family residence

6. APPLICANT'S EXPERTS/REPRESENTATIVES:

Applicant's Attorney _____
(Name)

Address _____
(Street) (City) (State) (Zip Code)

Telephone Number () _____ Fax Number () _____

Applicant's Engineer _____
(Name)

Address _____
(Street) (City) (State) (Zip Code)

Telephone Number () _____ Fax Number () _____

Applicant's Planning Consultant _____
(Name)

Address _____
(Street) (City) (State) (Zip Code)

Telephone Number () _____ Fax Number () _____

Applicant's Traffic Engineer _____
(Name)

Address _____
(Street) (City) (State) (Zip Code)

Telephone Number () _____ Fax Number () _____

7. OTHER EXPERTS

List any other expert who will submit a report or who will testify for the Applicant: (Attach additional sheets, as may be necessary, with the following information):

Name _____ Field of Expertise _____

Address _____
(Street) (City) (State) (Zip Code)

Telephone Number () _____ Fax Number () _____

RELIEF BEING REQUESTED

The applicant is requesting the following relief from the Planning Board; (List as many forms of relief that are applicable):

SUBDIVISION:

- Major Subdivision Approval Minor Subdivision Approval
- Subdivision Approval (Preliminary) Subdivision Approval (Final)
- Number of Lots to be created _____ Number of proposed dwelling units _____

SITE PLAN:

- Major Site Plan Approval Minor Site Plan Approval
- Preliminary Site Plan Approval (phases- if applicable) _____
- Final Site Plan Approval (phases- if applicable) _____
- Amendment of Revision to an Approved Site Plan (Area to be disturbed-square feet)
- Total number of proposed dwelling units _____
- Request for Waiver from Site Plan Review and Approval
- Reason for request: _____
- _____

- Informal Review of _____
- Appeal decision of an Administrative Officer (N.J.S.A. 40:55D-70a); Describe nature of appeal:

- Map or Ordinance Interpretation of Special Question (N.J.S.A. 40:55D-70b); Description:

Variance Relief – “Hardship” (N.J.S.A. 40:55d-70c(1)); Provide Reasons:

A variance is sought by reason of the exceptional narrowness and shape of this property and strict application of the ordinance provisions in question would result in peculiar and exceptional practical difficulties and/or hardship regarding the residential use of the property.

[] Variance Relief – “Substantial Benefit” (N.J.S.A. 40:55D-70c(2)); Provide Reasons:

The benefits to enhancing the property with a modestly sized deck substantially outweigh any detriment of granting this variance.

[] Variance Relief – “Use” (N.J.S. 40:55d-70d); Provide Reasons:

[] Conditional Use Approval (N.J.S. 40:55D-67). Site applicable section of the Riverton Land Use Ordinance: _____

[] Direct issuance of a permit for a structure in a bed of mapped street, public drainage way, or flood control basin (N.J.S. 40:55D-34). Describe: _____

[] Direct issuance of a permit for a lot lacking street frontage (N.J.S.A. 40:55D-35) Blk _____ Lot _____

Reason for request: _____

Section(s) of Ordinance from which a variance requested: Sections 128-16 (c);

Waivers Requested of Development Standards and/or Submission Requirements (attach additional 128-16 (B); 128-16 (D) if deemed applicable. pages as needed): _____

And any and all

8. SUBMISSION REQUIREMENTS

Attach a copy of the Notice to appear in the official newspaper of the Borough of Riverton (*Burlington County Times*) – see **Form #2**, and the Notice to be mailed to the owners of all real property, as shown on the current tax duplicate, located within 200 feet in all directions of the property which is the subject of this application- see **Form #1**. **NOTE:** Both notices must specify the sections of the Ordinance from which relief is sought, if applicable. Attach a Certification from the Riverton Tax Collector that all taxes on the subject property have been paid up to date- see **Form #4**. Also, attach hereto (or provide at least five days prior to the hearing date) an Affidavit of Service- see **Form #3**. **The publication and the service on the affected owners must be accomplished at least ten (10) days prior to the date scheduled for the hearing. Only an official notice from the Secretary of the Planning Board shall be relied on as to the scheduled hearing date.**

Other variances required.

Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises, *if applicable*: (attach pages as needed)

The proposed change consists of an expansion of the existing deck structure by an additional ten feet or 100 square feet. Please see the attached pages for a full explanation.

Please check each of the following that are applicable to this application:

Check here if NONE

Is a public water line available?

Is public sanitary sewer available?

Does the applicant propose a well and septic system?

Have any proposed new lots been reviewed by the Tax Assessor to determine appropriate lot & block numbers? YES NO

Are any off-tract improvements required or proposed? Explain: _____

Is the subdivision to be filed by Deed or Plat? Deed: _____ Plat: _____

What form of security does the applicant propose to provide as performance and maintenance guarantees? Explain: _____

Other approvals which may be required, and the dates that plans were submitted:

<u>AGENCY OR PERMIT</u>	<u>DECISION</u>	<u>DATE PLANS SUBMITTED</u>
Burlington County Health Department	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
Burlington County Planning Board	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
Burlington County Soil Conservation	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
NJ Department of Environmental Protection	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
PSE&G	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
Other _____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____

Check nature of approvals needed:

Sewer extension permit;

Sanitary Sewer Connection Permit;

Stream Encroachment Permit;

Wetlands Permit; Tidal Wetlands Permit;

Potable Water Construction Permit;

List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing): Survey with scale drawing

of proposed deck.

9. CERTIFICATIONS

APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation, or that I am a general partner of the partnership applicant. (If the applicant is a corporation, this must be signed by an authorized corporate officer as indicated in a resolution of the corporation which must be attached hereto. If the applicant is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this

19th day of February, 2020

[Signature]
NOTARY PUBLIC Attorney at law

[Signature]
SIGNATURE OF APPLICANT

OWNER (IF DIFFERENT FROM APPLICANT) Check here if not applicable

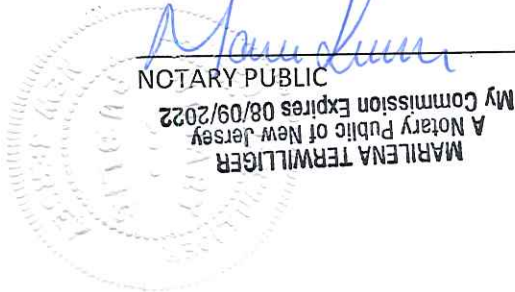
I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant(s). (If the owner is a corporation, this must be signed by an authorized corporate officer as indicated in a corporate resolution which must be attached hereto. If the owner is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this

19th day of February, 2020

[Signature]
NOTARY PUBLIC

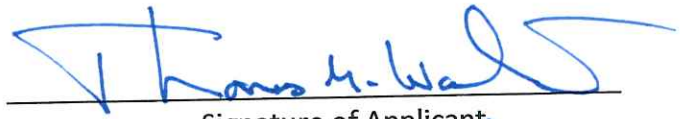
SIGNATURE OF APPLICANT



ACKNOWLEDGEMENT OF ESCROW

I understand that the sum of \$ 350 has been deposited in an escrow account specifically maintained by the Borough of Riverton for applications before the Planning Board. I have read and understand Riverton Borough Chapter 128, as amended, governing the required fees, escrow deposits and procedures regarding this application. I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials, and publication of the decision of the Board with regard to the application. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days. I ALSO UNDERSTAND, ACKNOWLEDGE AND AGREE THAT ANY DECISION MADE REGARDING MY APPLICATION SHALL BE SUBJECT TO THE PAYMENT OF ALL ESCROWS DUE AND OWING UPON A FINAL DETERMINATION OF THIS APPLICATION, AND THAT A FAILURE TO PAY ALL ESCROW SUMS DUE WILL RESULT IN LEGAL ACTION BEING TAKEN AGAINST ME, INCLUDING LIENS AGAINST ANY PROPERTY THAT I MAY OWN (IF PERMISSABLE), AND THAT I WILL BE FURTHER RESPONSIBLE FOR THE PAYMENT OF ALL LEGAL FEES OR OTHER COSTS OF COLLECTION INCURRED BY THE BOROUGH OF RIVERTON ASSOCIATED WITH THE BOROUGH'S EFFORTS TO OBTAIN ALL SUCH AMOUNTS OWED BY ME.

Date: 2/20/20


Signature of Applicant
Thomas M. Walsh

Sworn to and subscribed before me this
20th day of February, 2020


Thomas M. Walsh
NOTARY PUBLIC Attorney at Law.

Sworn to and subscribed before
me this
20th day of February 2020


MARILENA TERWILLIGER
A Notary Public of New Jersey
My Commission Expires 08/09/2022

FORM #1

**NOTICE SERVED ON PROPERTY OWNERS
WITHIN 200 FEET OF SUBJECT PROPERTY**

BOROUGH OF RIVERTON, COUNTY OF BURLINGTON
STATE OF NEW JERSEY

NOTICE OF HEARING ON APPEAL OR APPLICATION

TO: _____ OWNER OF PREMISES LOCATED AT:

(Street Address) (City) (State) (Zip Code)

also known as Block _____/Lot _____ in the Borough/Township of _____.

PLEASE TAKE NOTICE, that the undersigned had filed an application with the Planning Board of the Borough of Riverton for the following development, appeal, or form of relief:

On the premises at _____

in the Borough of Riverton, also known as Block _____ and Lot _____ on the tax maps of the Borough. This notice is being sent to you because you are a property owner within 200 feet of the property that is the subject of the application. A public hearing has been set for this application on _____, 2 _____, at 7:00 PM, in the Borough of Riverton Borough Hall, 505A Howard Street Riverton, NJ 08077 (856) 829-0120. You may appear either in person, or by agent or attorney, and present any objections to the granting of relief being sought. The following documents, maps and other papers are on file in the Office of the Planning Board Secretary at Borough Hall, 505A Howard Street Riverton, NJ 08077 (856) 829-0120 and are available for inspection during the Borough's regular business hours, or by appointment:

By Order of the Planning Board

Name of Applicant

Date

FORM #2

**NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF
THE BOROUGH OF RIVERTON**

ATTN: Legal Advertising, Burlington County Times

BOROUGH OF RIVERTON PLANNING BOARD

TAKE NOTICE that on the _____ day of _____, 2____ at 7:00 PM, a hearing will be held before the Planning Board of the Borough of Riverton at the Borough Hall, 505A Howard Street Riverton, NJ 08077 (856) 829-0120 on the appeal or application of the undersigned for the following form of relief:

regarding the premises know as _____ in the Borough of Riverton, also known as Block _____/Lot _____ on the tax maps of the Borough of Riverton. This application, along with all other maps, papers and supporting documentation filed with the application, are on file in the Office of the Planning Board Secretary, Borough Hall, 505A Howard Street Riverton, NJ 08077 (856) 829-0120 and are available for public inspection during the Borough's regular business hours, or by appointment. Any interested party may also appear at the hearing in this matter and participate therein in accordance with the Rules and Regulations of the Planning Board.

By Order of the Planning Board

Applicant- (print name)

CHECKLIST FOR SUBMISSION

Please call for Deadlines
PUBLIC NOTICES DEPARTMENT
Burlington County Times (NJ)
215-949-4112
Fax: 215-259-0603
EMAIL: legals@calkins.com

17 Copies of application and plan with the original being certified and notarized 20 days prior to hearing

_____ 200 Ft List Request form completed

_____ **Application Fee CHECK NUMBER** 9669
(check all that apply)

- \$100 Variance Application (110)
- \$50 Change of Use for Non-Residential
- \$350 Site Plan Application
- \$200 Minor Subdivision
- \$500 Major Subdivision

_____ **Escrow Paid (amount) CHECK NUMBER** 9670
(check all that apply)

- \$350 Variance
- \$500 Minor Subdivision
- \$4,000 Major Subdivision
- \$1,000 floor area less than 1,000 sq. feet Site Plan
- \$3,000 floor area between 1,000 – 9,999 sq. feet Site Plan
- \$5,000 floor area 10,000 sq. feet and over Site Plan

_____ Board Secretary confirm date for application hearing

Secretary
Initials _____

_____ Publication in Official Newspaper MUST BE DONE AT LEAST 10 DAYS
PRIOR TO HEARING DATE

_____ Form 2
Public Notice to 200 foot list with Affidavit Form 3

_____ Tax Certification Form 4

TO THE HEARING BRING FORMS 2, 3, 4 with all receipts, proof of mailing, and Affidavits.

Attachment to Section 8 of variance application

Proposed change: composite deck with spacing between floor boards in yard.

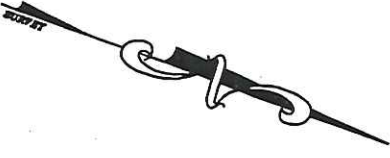
The existing single family residence has a rear yard concrete deck outside the rear door. This concrete deck pad is 27 inches high and 14 feet wide and extends 9 feet (including two steps) into the yard toward the rear property line. The proposed change is to build a composite deck which extends an additional 8 feet toward the rear property line. The addition constitutes an additional 100 sq. feet of ground coverage as depicted in the attached drawings. To ameliorate any additional ground coverage impact we propose to remove the concrete walkway leading from the existing deck to the rear property line. This concrete walkway constitutes 90 sq. feet of impervious ground cover. This would reduce the additional net ground coverage caused by the deck. ($100 - 90 = 10$) Additionally, the proposed composite deck is not an impervious structure in that the floor boards will have space between them.

A variance is sought from ordinance section 128-16(c) to the extent it requires a 10 foot side yard setback as to the two adjacent properties. The existing property is only 25 feet wide and the house has only a 3 foot setback from the side boundary lines. Due to the exceptional narrowness of the property the ordinance set back requirement would prevent the construction of any deck whatsoever in the rear yard. Thus, pursuant to N.J.S.A 40:55d-70 (c) (1) by reason of the exceptional narrowness and shape of the property we submit that the strict application of 128-16(c) would result in peculiar and practical difficulties and hardship. Moreover, granting the variance to permit the proposed deck would not change the existing structural relationships and existing setbacks to the adjacent properties. Additionally, the proposed deck will enhance the function and appearance of the home and make the yard more desirable for residential use.

A variance is also sought from section 128-16(G) to the extent that it requires a maximum lot coverage 40%. The existing home has a lot coverage of 1000 sq. feet (including front porch and rear concrete deck). The square footage of the lot is 2375 sq. feet. As such, 40% of 2375 equals 950 sq. feet. Thus the existing house is only 50 sq. feet in excess of the ordinance limit. The above noted removal of the rear sidewalk would reduce impervious ground cover by 90 sq. feet. Under our proposal the variance relief requested would only increase ground coverage (with what can reasonably be considered a non-impervious deck with space between floor boards) by approximately 10 sq. feet ($100 \text{ sq. foot deck coverage} - 90 \text{ sq. feet of removed concrete walkway}$). Thus, impervious ground cover would not be increased under this plan. For these reasons, given the exceptional narrowness and shape of the property relief is requested to prevent practical difficulties in the reasonable use of our property.

We do not believe, based upon the calculations as I understand them, that the proposed structure would exceed the 25% mean rear yard depth setback required by 128-16(D). The existing mean depth calculates to be 734 sq. feet. The mean depth created by the proposed deck would be 635 sq. feet, a decrease of 99 feet. ($25\% \text{ of } 734 = 183.5$; $735 - 635 = 99$).

It is submitted that the exceptional narrowness of the property should not prevent a reasonable enhancement of the home in light of negligible impact, if any on adjacent properties.



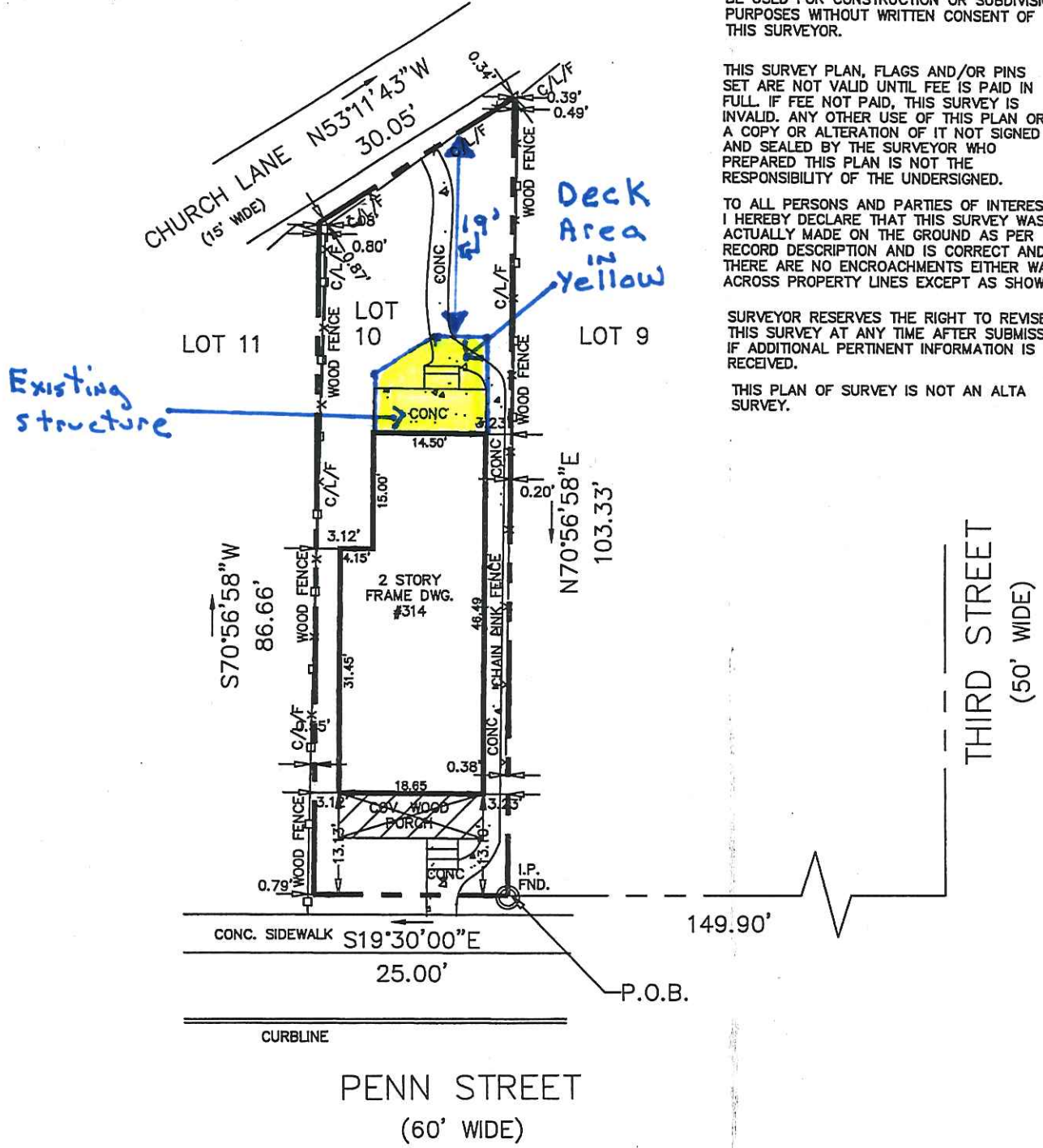
THIS SURVEY WAS PREPARED ONLY FOR THE ABOVE NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE FOR HEREIN DELINEATED PROPERTY BY ABOVE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED HEREIN, EITHER DIRECTLY OR INDIRECTLY. SURVEY MAY NOT BE USED FOR CONSTRUCTION OR SUBDIVISION PURPOSES WITHOUT WRITTEN CONSENT OF THIS SURVEYOR.

THIS SURVEY PLAN, FLAGS AND/OR PINS SET ARE NOT VALID UNTIL FEE IS PAID IN FULL. IF FEE NOT PAID, THIS SURVEY IS INVALID. ANY OTHER USE OF THIS PLAN OR A COPY OR ALTERATION OF IT NOT SIGNED AND SEALED BY THE SURVEYOR WHO PREPARED THIS PLAN IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED.

TO ALL PERSONS AND PARTIES OF INTEREST: I HEREBY DECLARE THAT THIS SURVEY WAS ACTUALLY MADE ON THE GROUND AS PER RECORD DESCRIPTION AND IS CORRECT AND THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN.

SURVEYOR RESERVES THE RIGHT TO REVISE THIS SURVEY AT ANY TIME AFTER SUBMISSION IF ADDITIONAL PERTINENT INFORMATION IS RECEIVED.

THIS PLAN OF SURVEY IS NOT AN ALTA SURVEY.



CERTIFIED TO:
 THOMAS M. WALSH AND CATHRYN L. WALSH
 SURETY TITLE COMPANY LLC
 TITLE RESOURCES GUARANTY COMPANY

NOTES:

- 1) TAX MAP REFERENCE:
 BOROUGH OF RIVERTON,
 BLOCK 603, LOT 10
- 2) CONTAINING: 2,375 +/- SF.
- 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

PLAN OF SURVEY
 OF
 BLOCK 603 LOT 10

Christopher J. Noll, PE, CME, PP
President & CEO

Barbara J Fegley, AICP, PP
Sec./Treas. & Sr. Vice President

William H. Kirchner, PE, CME, N-2
Vice President



Rakesh R. Darji, PE, PP, CME, CFM, Vice President
Harry R. Fox, NICET III, CPSI
G. Jeffrey Hanson, PE, CME
Joseph R. Hirsh, PE, CME, CPWM
C. Jeremy Noll, PE, CME, CPWM
Joseph P. Orsino, CET
Marc H. Selover, LSRP, PG
Benjamin R. Weller, PE, CME, CPWM, S-3, C-3

March 19, 2020
38123 00

Re: 314 Penn Street
**Bulk Variance
Review #1**
Block 603, Lot 10
Riverton Borough
Application #V-02-2020

Planning Board of the Borough of Riverton
attn: Michelle Hack, Board Secretary
Municipal Building
505A Howard Street
Riverton, NJ 08077

Dear Board Members:

We have received an Application for a Bulk Variance from Thomas and Cathryn Walsh for their property at 314 Penn Street and offer the following for your consideration:

Applicant's Proposal

The Applicant is seeking bulk variances for side yard setback, aggregate side yard setback, rear yard setback and lot coverage for the construction of a composite deck, which will be an addition to the rear of their single-family dwelling. The property is situated within the R-4 Zoning District. The lot is an existing, undersized lot with a total area of 2,375 SF (0.055 Acres). The property is surrounded by similar residential properties on all sides.

The following information has been provided by the Applicant:

1. Borough of Riverton Planning Board Application, complete with associated forms, dated February 21, 2020.
2. Partial Plan of Survey, which illustrates the location of the proposed improvements,
3. Hand Sketch illustrating the dimensions of the proposed composite deck, prepared by Applicant, dated February 12, 2020.

Completeness Review

Our office has reviewed the submitted materials for completeness and has no objection to the Board deeming the Application complete, provided that the information requested in this letter is provided to our office in advance of the Board hearing and/or covered by testimony provided by the Applicant at the Board Hearing.

Zoning Review

1. Borough Code Section 128-16-C-1 requires a minimum side yard setback of 10 feet in the R4 Zone. Upon completion of the proposed improvements the side yard setback on the north side of the lot will be 3.23 feet. A variance is required.
2. Borough Code Section 128-16-C-1 requires a minimum side yard setback of 10 feet in the R4 Zone. Upon completion of the proposed improvements the side yard setback on the south side of the lot will be 7.27 feet. A variance is required.
3. Borough Code Section 128-16-C-1 requires a minimum aggregate side yard setback of 20 feet in the R4 Zone. Upon completion of the proposed improvements the aggregate side yard setback will be 10.5 feet. A variance is required.
4. Borough Code Section 128-16-D-1 requires a minimum rear yard setback equal to twenty five percent (25%) of the mean lot depth R4 Zone. for primary structures The mean lot depth of the subject property is 95 feet, which corresponds to a minimum rear yard setback of 23.75 feet. A variance is required. The length of the steps with respect to the direction of the rear of the property should be provided so that the actual proposed rear yard setback can be calculated.
5. Borough Code Section 128-20-G limits lot coverage to a maximum of forty percent (40%) of the lot area in the R4 Zone. Upon completion of the proposed improvements, the lot coverage will be greater than 40%. A variance is required. Further information regarding the size of the proposed deck stairs and size of the existing metal shed will be needed to determine the actual proposed lot coverage.
6. Regarding Comment Nos. 1 through 5: For "c" variances the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property.

Miscellaneous Comments

1. The copy of the Plan of Survey that was provided to our office does not contain the name of the company that prepared the survey, nor does it contain the date of the plan. This information should be provided for sake of making a complete record for the application.
2. Review of aerial / street view photography of the site revealed that a there is an existing metal shed on the southwest corner of the lot that is not illustrated on the Plan of Survey. The Applicant shall indicate whether the shed is proposed to remain or is being removed. Should the shed be proposed to remain the lot coverage calculation will have to be revised to reflect presence of the shed.
3. No topographic information has been submitted in conjunction with the Application. The Applicant should be prepared to provide testimony regarding the drainage patterns of the property, as well as any anticipated impacts on adjacent properties as a result of the proposed increase in impervious surface. Considering the narrowness of the lot, the Board may wish to condition the approval upon the installation of drainage attenuation measures depending upon the nature of any testimony and/or supplemental information that is provided.

4. While it is understood that in practical terms the deck can be expected to provide some level of infiltration by virtue of the spaces between deck boards, there is currently a concrete pad underneath a majority of the area of the proposed deck, which will prohibit infiltration. It is recommended that all existing concrete underneath the proposed deck area be removed and that the area be regraded / backfilled with sandy soils to promote infiltration of runoff.
5. A permit for the deck shall be obtained through the Borough Construction Office prior to the start of any work on the project.
6. The project appears to be located within the Borough's Historic District. Therefore an architectural review of the Application may be required, as per Section 128-45 of the Borough Code. We recommend that any approval be conditioned upon satisfaction of any comments generated by the Architectural Review Committee review.

If you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,



G Jeffrey Hanson, PE, CME
Planning Board Engineer

cc: Thomas and Cathryn Walsh, 314 Penn Street, Riverton, NJ 08077
Tamara Lee, PP, AICP – Board Planner
Charles D. Petrone, Esq. – Board Solicitor

G:\38000 - Riverton\38123 - Review #1 - 03-19-20