

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
JANUARY 18, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Administer Oath of office to reappointed regular members Ed Smyth and Fritz Moorhouse and alternate member Bob Hoag
4. Nominations for Chair and Vice Chair
5. Appointments for 2006
 - Resolution Z2006-01 Setting dates and times for board meetings 2/2006 – 1/2007
 - Resolution Z2006-02 Appointing Professionals for 2/2006 – 1/2007
6. Adopt minutes from November 2005 meeting
7. Old business
 - 2006 Budget
 - Any other old business before the board
8. Review correspondence
9. Consider vouchers/invoices
10. New business:
 - Any other new business before the board.
11. Public Comment
12. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
MARCH 15, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Administer Oath of office to reappointed regular member Ed Smyth
4. Adopt minutes from January 2006 meeting
5. Hearing: Variance Application, Richard Scatchard, 110 Midway, Block 1201, Lot 6, for a rear yard fence on a corner lot.
6. Old business
 - 2006 Budget
 - Any other old business before the board
7. Review correspondence
8. Consider vouchers/invoices
9. New business:
 - Any other new business before the board.
10. Public Comment
11. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
APRIL 19, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from March 2006 meeting
4. Old business
 - Adopt and memorialize the resolution granting a variance for a rear yard fence on a corner property to Richard and Donna Scatchard, 110 Midway (block 1201, lot 6)
 - Any other old business before the board
5. Review correspondence
6. Consider vouchers/invoices
7. New business:
 - Any other new business before the board.
8. Public Comment
9. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
MAY 17, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from April 19, 2006 meeting
4. Old business
 - Any 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
JUNE 21, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from April 19, 2006 and May 17, 2006 meetings
4. Old business
 - Consider request for extension of deadline to file deeds for the Cedar Lane Mews development
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
JULY 19, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from June 21, 2006 meeting
4. Approval/disapproval of the application of James Holland, 214 Penn Street, Block 601, Lot 15 for an addition to a non-conforming structure (side yard setback)
5. Old business
 - 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 16, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from July 19, 2006 meeting
4. Old business
 - Adopt and memorialize the resolution approving the application of James and Cheryl Holland, 214 Penn Street, Bloc 601, Lot 15
 - 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 20, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from August 16, 2006 meeting
4. Approval/disapproval of the application of Renee Janowicz 428 Linden Avenue, Block 701, Lot 15 for an addition to a non-conforming structure (side yard setback) and fence variance.
5. Old business
 - 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 18, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from September 20, 2006 meeting
4. Approval/disapproval of the application of Renee Janowicz 428 Linden Avenue, Block 701, Lot 15 for an addition to a non-conforming structure (side yard setback) and fence variance.
5. Approval/disapproval of the application of Maryanne & Christopher VanSciver, 431 Elm Avenue, Block 701, Lot 32 for a deck addition to a non-conforming structure (side yard setback).
6. Old business
 - Any other old business before the board
7. Review correspondence
8. New business:
 - Consider vouchers/invoices
 - Any other new business before the board
9. Public Comment
10. Adjournment

**BOROUGH OF RIVERTON
ZONING BOARD OF ADJUSTMENT
AGENDA
NOVEMBER 15, 2006**

1. Meeting called to order at 7:30 PM
2. Open public meetings notice act statement and roll call
3. Adopt minutes from October 18, 2006 meeting
4. Old business
 - Adopt and memorialize the resolution approving the application of Renee R. Janowicz, 428 Linden Ave., Bloc 701, Lot 15
 - Adopt and memorialize the resolution approving the application of Maryanne & Christopher VanSciver, 431 Elm Ave., Bloc 701, Lot 32
 - 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 18, 2006**

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 at the direction of Board Solicitor Janet Zoltanski Smith.

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

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

REORGANIZATION - 2006

Fritz Moorhouse and Robert Hoag – alternate were sworn in as reappointed members of the board by Board Solicitor Janet Zoltanski Smith. Reappointed member Edward Smyth was absent and will be sworn in prior to the next meeting of the board.

Chairman: Kerry Brandt was nominated by Fritz Moorhouse and seconded by Rick Mood to serve as Chairman. The nominations were closed and a voice vote was taken and the vote was unanimous.

Vice Chairman: John Trotman was nominated by Fred DeVece and seconded by Rick Mood to serve as Vice Chairman. The nominations were closed and a voice vote was taken and the vote was unanimous.

Secretary: Kenny Palmer was nominated by Fritz Moorhouse and seconded by Rick Mood to serve as the Board Secretary for 2006. Fritz Moorhouse wished to be on the record that he thanked the secretary for his excellent work during the past year. The chair also extended his thanks on behalf of the board. The nominations were closed and a voice vote was taken and the vote was unanimous.

Solicitor: Janet Zoltanski Smith Esq. was nominated by Rick Mood and seconded by Fred DeVece to serve as the Zoning Board Solicitor for 2006. Janet thanked the board for its confidence in her. The nominations were closed and 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 Fritz Moorhouse and seconded by John Trotman that Tamara Lee of Tamara Lee Consulting LLC be reappointed to serve the board as its planner on an on call basis for 2006. The nominations were closed and a voice vote was taken and the vote was unanimous.

Engineer: It was agreed that the board should retain a professional engineer on call for more complicated matters that may involve site plan issues. A motion was made by John Trotman and seconded by Fred DeVece that Rick Arango of Remington, Vernick & Arango Engineers be reappointed to serve the board as its consulting engineer on an on call basis for 2006. The nominations were closed and a voice vote was taken and the vote was unanimous.

Board Meetings for 2006 – Resolution Z2006-01, the calendar of meetings for February 2006 through January 2007 was read by the secretary. Meetings will continue to be held on the third Wednesday of the month at 7:30 PM. A motion was made by Fritz Moorhouse, seconded by John Trotman, 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 2006 – Resolution Z2006-02 announcing the appointments of a solicitor, planner and engineer was read by the secretary. A motion was made by John Trotman, seconded by Rick Mood and passed unanimously to accept the resolution, have it published in the Burlington County Times, and mailed to the professionals.

Chairman Brandt assumed chairing of the meeting.

PRESENT: Kerry Brandt, John Trotman, Richard Mood, Ken Mills, Fritz Moorhouse, Alfred DeVece, Bill Brown, and Robert Hoag.

ABSENT: Edward Smyth.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilman Robert K. Smyth, and Secretary Ken Palmer were present.

INTRODUCTIONS: The chair introduced Councilman Robert K. Smyth who explained the changes to Council committee representation and assignments. The secretary reviewed changes on the planning board. The chair recognized former Councilwoman Muriel Alls-Moffat and on behalf of the board thanked her for her help to the board as Council liaison. Muriel thanked the chair and board.

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

OLD BUSINESS

Fence Ordinance – The secretary and chair reviewed progress on the proposed revisions. The chair reviewed that when he had presented the draft to planning board he had also passed along the thoughts of the zoning board. It is not clear if the planning board wishes to have the subcommittee make further changes. The topic has been tabled the past few meetings. There appears that there is concern on the planning board about allowing front yard fences.

Planning Board Issues – The secretary reviewed matters before the planning board. Progress on the COAH Third Round Petition was reviewed. The Borough made the submission deadline and the submission has been deemed complete by COAH and is currently under the 45 day comment period. Progress on the site plan application by Brandenburger/Sheridan to redevelop the Nu-Way and Riverton Motors sites was discussed. The secretary and Muriel discussed the matter of the proposed erection of a telecommunications tower by T-Mobile on Borough property near the sewer plant. Muriel reviewed that there is research on the Borough erecting the tower itself and leasing space to companies. It was reviewed that the planning board has asked its solicitor to craft an ordinance to provide for conditional use of telecommunication towers in the GB zone. This ordinance will provide the code changes needed to provide for a use recommended as beneficial in the master plan. The possible controls that the Borough could exercise over placement were discussed. The chair commented that he feels it is best that the Borough code provide for the devices so as to retain some control over placement. The possible application from Zena's Patisserie to build an addition was discussed.

Education Requirements – The secretary reviewed that the annual course offerings of the NJPO will fulfill the new state education requirements; but that the official course requirements had still not been released. There was discussion on waiting for the state and the chair with the concurrence of the board stated that he would like the members to begin attending courses as soon as possible. The costs for any members wishing to take the course offered by NJPO will be reimbursed by the board out of its general budget.

CORRESPONDENCE

The secretary reviewed the correspondence.

- December 2005, January 2006, edition of "The New Jersey Planner," bimonthly publication of the New Jersey Planning Officials which included the first agenda of 2006 training programs that will qualify for the mandatory training.
- January 2006, registration form from New Jersey Planning Officials for their Winter/Spring course offerings.

NEW BUSINESS

Vouchers and Invoices:

- 12/29/05, Remington Vernick & Arango Engineers – invoice for \$490.00 for work on the Cedar Lane application October 16 – November 15, 2005. PAY FROM ESCROW.

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

2006 Budget – The chair reported that he will be submitting the budget to Mary. He will include a request for funds to cover reimbursement of education expenses.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 8:42 PM.

**Members will be notified of the next meeting as applicable.
Tape is on file.**

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

**RIVERTON BOROUGH ZONING BOARD
MINUTES
March 15, 2006**

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

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

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2006.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

REORGANIZATION

Reappointed regular member Edward Smyth was sworn in by Board Solicitor Janet Zoltanski Smith.

PRESENT: Kerry Brandt, John Trotman, Edward Smyth, and Alfred DeVece.

ABSENT: Richard Mood, Ken Mills, Fritz Moorhouse, Bill Brown, and Robert Hoag.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilman Robert K. Smyth, and Secretary Ken Palmer were present.

MINUTES: A motion was made by Fred DeVece, seconded by John Trotman, and unanimously approved to adopt the minutes of January 18, 2006 as distributed.

PUBLIC HEARING:

APPLICATION FOR EXPANDED REAR YARD FENCE ON A CORNER LOT, BY RICHARD AND DONNA SCATCHARD, 110 MIDWAY, BLOCK 1201, LOT 6:

The chair asked the board if personal or business conflicts prevented any member from hearing the application. There were none. Review of the submissions showed that all jurisdictional requirements had been met and Janet stated the hearing could proceed.

Testimony – Chairman Brandt reviewed that purpose of the application and the variance requested was to permit a rear yard fence on a corner lot to extend to the property line where the code states on a corner lot the fence may not extend beyond the building line. The applicants were sworn in. Testimony was presented that holding the fence to the building line severely restricts the ability to provide a usable area for providing a safe enclosed area for small children and animals. The applicants propose a four-foot high wooden picket fence with four-inch spacing and it would be three feet from the sidewalk. One gate is proposed and it will open into the yard. The fence is proposed to be 15 feet from the existing driveway at the rear of the property. A gravel parking area exists next to the driveway. The ARC has reviewed and approved the fence. The proposed location of the fence should provide more than adequate site lines to the sidewalk and street. Janet stated that the proposed fence location appears to be close to conforming to the revised fence ordinance that is currently before the planning board. There was discussion and questions from the board to clearly understand the proposed location of the fence and the site lines from the driveway. The chair stated that he is concerned about site lines and feels any approval should state that the fence can be no closer than one foot from the property line or three-feet from the sidewalk whichever provides the greater setback. While there was no concern about the site line to the adjoining property, there is concern about maintaining an adequate site line from the fence to the applicant's driveway. The chair feels that there should be a restriction that any future driveway construction comes no closer to the fence than is currently proposed. The hearing was opened to public comment. There was none and Fred DeVece motioned and John Trotman seconded to close the hearing to public comment.

Deliberation – There were no further questions of the applicants and the board deliberated on whether to approve the application. The board asked Janet for guidance in crafting the motion. The chair stated that, to him, the critical dimensions were the location of the fence to the driveway and the set back from the street. He feels that any approval should maintain the 15 feet distance from the existing driveway and be either three feet from the property line or one foot from the sidewalk which ever provides the greater setback from the street. He would also like to see it stipulated that the fence comes no closer to the front of the building than proposed. Janet stated that the board may wish to consider a motion granting approval of a four-foot high picket fence with four-inch spacing that starts at approximately eight feet forward of the rear foundation line, extending to Linden Avenue to a point no closer to the street than the greater of one foot from the property line or three feet from the sidewalk, and to the rear of the property along Linden Avenue to a point no closer than 15 feet from the existing driveway, and that a distance of 15 feet will be maintained between the fence and any driveway, and that the gate at the sidewalk must open into the yard. John Trotman made a motion that the application be approved and the variance granted as suggested by Janet. Fred DeVece seconded the motion and there being no further discussion the motion was approved by a poll vote of 4 to 0 as follows:

Mr. Brandt	aye	Mr. Trotman	aye
Mr. Smyth	aye	Mr. DeVece	aye

OLD BUSINESS

Fence Ordinance – The secretary reported that the revisions to the fence ordinance are still scheduled for consideration by the planning board.

Telecommunication Towers – The chair stated that he is concerned that the ordinance allowing towers as a conditional use in the General Business District does not contain any language regarding the conditions applied to the use. Council liaison Councilman Robert K. Smyth discussed the urgency of getting the approval of a conditional use for telecommunication towers. A company is currently seeking to erect a tower either on Borough property at the sewer plant or on private property in Cinnaminson Township. The Borough would like to make the Borough site more attractive to the company and gain the revenue to the Borough from allowing the installation. It was the opinion of several members as well as board counsel that even though the conditions particular to a matter are fully considered during the site plan review process required for all conditional uses; it would be better if the conditions or guidelines were part of the ordinance. The secretary noted that the board’s concerns were not unique and that other professionals had raised the same concerns. Kerry stated that he would follow up on the matter with Councilman Robert E. Smyth and/or the planning board.

Education Requirements – The secretary reviewed that the State has not yet issued final guidelines on approved courses. The chair stated that he would still like to see the members pursue completing the requirements as soon as feasible, but he would also hold off further discussion until there is clarification on the impact of the comments from the State.

Brandenburger/Sitzler Site Plan – It was discussed that county approvals were being pursued and that Tamara had approved the lighting plans.

Cedar Lane Mews Site Plan – Janet stated that she was currently reviewing material submitted by the applicant’s attorney. She recalls that it may be the rules governing the homeowner’s association.

New Code Enforcement Officer – It was reported that there are applicants under consideration but no decision has been made.

CORRESPONDENCE

The secretary reviewed the correspondence; copies of which had been given to the members:

- 2/28/06, copy of letter to mayor and Mary Longbottom from Eileen Swan, Executive Director, Department of Community Affairs Office of Smart Growth, regarding progress on establishing the guidelines for the new mandatory training for board members.
- 3/6/06, copy of a fax of an article by Stuart Meck, Director, Center for Government Services, Rutgers University, regarding the new board training programs.
- 3/7/06, copy of the Borough Resolution adopting the revised ordinance permitting telecommunication towers.
- 3/7/06, copy of the Borough Resolution adopting the Stormwater Management Plan and ordinance. Janet provided some explanation on the plan based on her familiarity with a similar ordinance in Palmyra.

NEW BUSINESS

Vouchers and Invoices:

- 2/1/06, Tamar Lee, invoice for \$127.50 for work on the lighting plans for the Brandenburger/Sheridan plans for the Broad and Main Street site during January 2006. PAY FROM ESCROW.
- 3/2/06, Tamar Lee, invoice for \$127.50 for work on the lighting plans for the Brandenburger/Sheridan plans for the Broad and Main Street site during February 2006. PAY FROM ESCROW.

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

New Applications – The secretary reviewed that there may be an application regarding an addition and that Mr. McLaughlin had resolved the location of his swimming pool without the need to seek a variance.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment.

- James Moffat, 202 Fulton Street, remarked that there is concern by the Borough's solicitor over any appearance of exclusivity with T-Mobile regarding erecting a tower. Councilman Smyth replied that the Borough has backed off from the possible plan to have the Borough erect the tower itself and that the proper bid process will be followed as applicable. Currently the Borough is actively considering a proposal by T-Mobile to erect and maintain a tower on property rented from the Borough. There would also be the ability for co-locations of other firms on the tower. Board members again raised their concerns over the lack of conditions in the revised ordinance.

There was no further comment and Fred DeVece motioned and John Trotman seconded to close the meeting to public comment.

Meeting adjourned at 8:50 PM.

Next meeting is April 19, 2006 at 7:30 PM in Borough Hall.

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
April 19, 2006

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

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

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2006.

PRESENT: Kerry Brandt, Edward Smyth, Richard Mood, Alfred DeVece, and Robert Hoag.

ABSENT: John Trotman, Ken Mills, Fritz Moorhouse, and Bill Brown.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Code Enforcement Officer Mary Lodato, and Secretary Ken Palmer were present.

MINUTES: A motion was made by Ed Smyth, seconded by Fred DeVece, and unanimously approved to adopt the minutes of March 15, 2006 as distributed.

OLD BUSINESS

Resolution, Case # 2006-01: Application by Richard and Dona Scatchard, 110 Midway, Block 1201, Lot 6 for an extended rear yard fence on a corner lot – The chair asked if the members had read the resolution. All present stated they had. Only members who were present for the hearing and voted for approval may act on the resolution. Members Brandt, Smyth, and DeVece are eligible to vote on the resolution. The chair asked if there were any comments or questions and there was discussion regarding the definition and motion regarding the sight triangle of the driveway. The members concurred the resolution properly reflected the action of the board. Fred DeVece motioned and Ed Smyth seconded that reading the motion be waived and the motion referenced by title be adopted and memorialized. The motion passed by a unanimous voice vote of the three members eligible to vote.

Fence Ordinance – The secretary reported that planning board members had the revisions; but, the topic had not been discussed at the last meeting.

Telecommunication Towers – The chair and solicitor discussed the pending ordinance before Council which will provide conditions for telecommunications towers in the Borough. Janet is concerned that there may be language in the proposed ordinance that has been struck down in recent court rulings. Janet stated she would follow up on this with Borough Solicitor Bruce Gunn. Several members voiced concerns regarding multiple towers, collocation of competing providers, and provision for public services such as police and fire. Members who had concerns were urged to attend the next Council session where the ordinance will receive second reading and a public hearing. The secretary reported that the tower had been put out for bid and only T-Mobile had responded. T-Mobile has announced their intent to file the site plan application for the conditional use hearing at the planning board's May meeting. Janet informed the board that if the applicant does not intend to meet the conditions in the code or seeks a variance, then the matter would have to come before the zoning board.

Redevelopment – The secretary reviewed the site specific redevelopment plan that has been drafted for the two sites that Brandenburger is redeveloping. If adopted the town will finally have a redevelopment plan in place.

Brandenburger/Nu-Way Site Plan – The secretary reviewed that Brandenburger had filed an amended site plan with the planning board because the County had required he revise his traffic flow and would need to develop at least a portion of Martha’s Lane. The plans for the strip store building have also been revised. Amended final site plan approval has been granted and the planning board has requested additional input on the strip stores.

Brandenburger/Sitzler Site Plan – It was discussed that final approved site plans and other items have not yet been submitted although things are moving along. Janet raised concern that the subdivisions had not yet been submitted.

Cedar Lane Mews Site Plan – The secretary reviewed that the applicant’s attorney had hand delivered late today for signatures the deeds for the site and the Declaration of Covenants, Conditions, and Restrictions for the town homes. Also provided were the draft by-laws for the condominium association. Janet has reviewed and requested revisions prior to these versions and she feels the five deeds are fine and can be signed. She also feels the Declaration of Covenants and Restrictions contains the revisions she requested and can be signed. The chair had concerns regarding the language in the Declaration. The chair asked and Janet concurred that the chair could reserve signature until he had time to review the documents more thoroughly and discuss any concerns with Counsel. Copies of the materials were made for members who asked for them. The chair asked that any concerns be addressed to him either tonight or no later than tomorrow. The chair stated he would hold off signing anything until he had time to review them. There are concerns that the age restricted language properly reflects what was represented and what the board understood when it approved the application. The chair and secretary will follow up on the signatures as needed and make sure the board does not unduly delay the process.

CORRESPONDENCE

The secretary reviewed the correspondence:

- 3/14/06, letter to board from Rick Arango, board engineer, regarding review and approval of the revised legal descriptions for the new and remaining lots at Cedar Lane Mews.
- 4/5/06, copies to chair and secretary of letter to Lou Colaguori, attorney for Cedar Lane Mews from Janet Smith, regarding her review and comments on the draft Declaration of Covenants, Conditions, and Restrictions of Cedar Lane Mews, Inc.
- 4/5/06, copy of the Borough ordinance 5-06, amending Chapter 128, Section XXII, Conditional Uses, to add conditions for telecommunication towers, (copies provided to the members).
- 4/19/06, hand delivered from Mr. Colaguori’s office, the deeds for the subdivided lots and remainder lot as well as the Declaration of Covenants and Restriction for the town home lots for the Cedar Lane Mews Development. Required signatures of the chair and secretary are being requested tonight.

NEW BUSINESS

Vouchers and Invoices:

- 4/13/06, Remington Vernick & Arango Engineers, invoice for \$682.50, for Cedar Lane Mews application related work, February 16 – March 15, 2006. PAY FROM ESCROW.
- 4/13/06, Remington Vernick & Arango Engineers, invoice for \$155.00, for Brandenburger/Sheridan “Sitzler” application related work, February 16 – March 15, 2006. PAY FROM ESCROW.
- 4/11/06, Janet Smith, invoice for \$337.50 for work related to the Scatchard fence variance application. PAY FROM ESCROW.
- 4/11/06, Janet Smith, invoice for \$218.75 for general legal service for March, 2006.

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

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment.

- Mike Turley, 809 Morgan Avenue, Palmyra, wished to ask for an informal opinion about the property at 523 Howard that he has purchased. He plans to have a photo studio in the building and would also like to carve out a space for a residence in the rear. He was advised to speak with the Code Enforcement Officer. There is no charge for getting opinions from the Borough officials. The Borough's code is also on-line for anyone wanting to review it. Additionally, he can file for a concept review with the planning board. The zoning board's job is to grant variances when an applicant determines they are not capable of working within the code. The concept review process before the planning board was discussed. The types of variances connected with a site plan which determine which board hears the application were also discussed.
- James Moffat, 202 Fulton Street, asked and received an affirmative response that Mary Lodato was the new Code Enforcement Officer for the Borough. He asked and received an affirmative response that the discussion concerning age restricted housing dealt with the Cedar Lane Mews project.

There was no further comment and Fred DeVece motioned and Rick Mood seconded to close the meeting to public comment.

Meeting adjourned at 8:55 PM.

Tape is on file.

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

**RIVERTON BOROUGH ZONING BOARD
MINUTES
May 17, 2006**

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 Chairman Kerry Brandt.

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

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2006.

PRESENT: Kerry Brandt, Edward Smyth, Alfred DeVece.

Also present: Councilman William Brown and Secretary Ken Palmer.

ABSENT: John Trotman, Richard Mood, Ken Mills, Fritz Moorhouse, and Robert Hoag.

LACK OF QUORUM:

Upon conclusion of the roll call the chair noted that there was not a quorum present to conduct a meeting and he declared the meeting adjourned at 7:48 PM.

Meeting adjourned at 7:48 PM.

Tape is on file.

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

**RIVERTON BOROUGH ZONING BOARD
MINUTES
June 21, 2006**

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

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

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2006.

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

ABSENT: Fritz Moorhouse, and Robert Hoag.

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

REORGANIZATION: William Corbi was sworn in as a new Alternate Member of the board by Janet Smith. Councilman William Brown is the new Council liaison.

MINUTES: A motion was made by Rick Mood, seconded by Ed Smyth, and unanimously approved to adopt the minutes of April 19, 2006 as distributed. A motion was made by Ed Smyth, seconded by Kerry Brandt, and unanimously approved to adopt the minutes of May 17, 2006 as distributed.

OLD BUSINESS

Cedar Lane Mews:

The chair introduced Louis Colaguori, attorney for Cedar Lane Mews. Mr. Colaguori explained to the board that due to unforeseen circumstances and review of legal documents, the applicant had not been able to record the Deeds for the subdivision within the statutory time period. After review with the board's solicitor, Mr. Colaguori is requesting a 60 day extension to the deadline for filing the deeds. There was no additional comment from the board. The meeting was opened to the public for comment and there was none. The meeting was closed to public comment. Following a discussion on who was eligible to vote, Janet stated since all testimony was new and that the decision would not be based on prior testimony in the matter, all members present for the statements tonight were eligible to vote. A motion was made by Ken Mills to extend for 60 days the date for filing the Deeds. Fred DeVece seconded the motion and it was passed by a unanimous poll vote of 7 to 0 as follows:

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

Janet Smith presented a resolution prepared for the matter which will memorialize the board's approval of the request. Since the action modifies Resolution Z2005-06 which granted the original approvals, the resolution was numbered Z2005-06A. The chair asked if the members had time to review the resolution and asked for comments or questions. There were none. A motion was made by Ken Mills and seconded by Rick Mood that the board adopt and memorialize Resolution Z2005-06A as written. The resolution was adopted by a unanimous poll vote of 7 to 0 as follows:

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

The resolution was signed and a copy given to Mr. Colaguori. The secretary will make sure the other copies are properly distributed and that notice of the action is published.

Fence Ordinance – The secretary reported that planning board members had decided at their last meeting to indefinitely table consideration of the proposed revisions. A primary concern of the planning board was the front yard fences. Kerry stated that he would follow up on this decision and see what is needed to move the matter back on the board’s agenda.

Planning and Council Matters – The secretary reviewed the approval of the Conditional Use Application by T-Mobile, adoption by Council of the site specific redevelopment plan, awarding of the streetscape project, progress on the “Nu-Way” project, a possible site plan application for 519 Howard, a possible minor subdivision application for Homewood Drive, the expansion application by Zena’s, and approval of the demolition permit for Four Thomas Avenue.

Brandenburger/Sitzler Site Plan – It was discussed that final approved site plans were being prepared and should be submitted shortly. The subdivision may be filed by plan rather than deed.

CORRESPONDENCE

The secretary reviewed the correspondence:

- 4/18/06, copy of letter from County Engineer regarding comments on Brandenburger “Sitzler” subdivision review concerning Main Street access.
- 4/27/06, copy of letter from County Engineer regarding results of 4/25/06 Land Development Review Committee conditionally approving subdivision plan of Brandenburger “Sitzler” project granting Main Street access.
- 4/27/06, copy of letter from County Engineer regarding results of 4/25/06 Land Development Review Committee conditionally approving site plan of Brandenburger “Sitzler” project.
- 5/10/06, copy of Borough ordinance 5-06 adopted 5/3/06, amending Chapter 128, Article XXII – Conditional Uses, adding Section 128-113 – Telecommunication Towers to provide standards for telecommunication towers.
- 5/16/06, copy of 5/11/06 letter from mayor to Bill Corbi on his appointment as alternate member replacing Bill Brown.

NEW BUSINESS

Vouchers and Invoices:

- 5/1/06, Janet Smith, invoice for \$162.50 for general legal service for April, 2006.
- 4/11/06, Janet Smith, invoice for \$1,081.25 for work related to the Cedar Lane Mews application during the period 3/27-5/1/06. PAY FROM ESCROW.

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

Other New Business: The secretary reported that as of the meeting there were no new applications pending submission to the board.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 8:17 PM.

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD

MINUTES

July 19, 2006

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

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

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2006.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, John Trotman, Edward Smyth, Richard Mood, Ken Mills, Alfred DeVece (arrived after the hearing on the application), and William Corbi.

ABSENT: Fritz Moorhouse, and Robert Hoag.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilman William Brown, and Secretary Ken Palmer were present.

MINUTES: Following discussion that the minutes should be amended to show that Ken Mills was present at the meeting, a motion was made by Rick Mood, seconded by Ken Mills, and unanimously approved to adopt the minutes of June 21, 2006 as amended.

PUBLIC HEARING:

APPLICATION FOR SIDE YARD SETBACK RELIEF FOR AN ADDITION, BY JAMES AND CHERYL HOLLAND, 214 PENN STREET, BLOCK 601, LOT 15:

The chair asked the board if personal or business conflicts prevented any member from hearing the application. Mr. Smyth and Mr. Mills recused themselves since they are notified property owners. Review of the submissions showed that all jurisdictional requirements had been met and Janet Smith stated the hearing could proceed.

Testimony – The applicant James Holland was sworn in. Testimony was presented that the applicants wish to add a 13x5 foot, 1-story addition to the side of the house to provide a ½ bath and laundry area. The property is located in the R4 District and the side yard set back where the addition will erected is only 6.55 feet where a minimum of ten feet is required. The addition is needed to accommodate a growing family. The addition will align with the existing side wall of the home and the roof overhang will extend no further than the roofline of the existing structure. Using the drawings and photos supplied, the applicant clearly showed where the addition would be located. He explained it would be a hardship to locate the addition at the back of the home because of the configuration of the existing floor plan and not wishing to knock down any existing walls. The additional space will accommodate his expanding family and provide a downstairs facility needed when caring for a newborn. The addition will be built by a contractor.

The hearing was opened to public comment.

- Ken Mills, 203 Penn Street, is a neighbor and stated he feels the addition would favorably increase the value of the property.
- Ed Smyth, 205 Lippincott, favors the addition as it will continue the process of upgrading the homes on the street. He feels it is valuable to have homeowners that desire to improve and preserve the existing homes in the town.

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

Deliberation – There were no further questions of the applicant and the board deliberated on whether to approve the application. The board asked Janet for guidance in crafting the motion. Janet stated that the board may wish to consider a motion granting approval of the bulk variance to erect a 13x5 foot, 1-story addition that: continues the existing side yard set back of 6.55 feet as long as the foundation extends no further than the existing foundation that encroaches on the side yard setback, and that the rear of the addition does not extend beyond the rear foundation of the existing house, and that the roof overhang will be the same as the existing overhang. Following additional discussion to clarify points, William Corbi motioned that the application be approved as suggested by Janet Smith. The motion was seconded by Richard Mood and there being no further discussion the motion was approved by a poll vote of 4 to 0 as follows:

Mr. Brandt	aye	Mr. Trotman	aye
Mr. Smyth	recused	Mr. Mood	aye
Mr. Mills	recused	Mr. Corbi	aye

OLD BUSINESS

Fence Ordinance – The chair and secretary discussed why the planning board has decided not to consider the proposed fence ordinance revisions and the chair stated he planned to reach out to the planning board chair to see if the proposed revisions might be further revised and considered by the planning board.

Planning and Council Matters – The secretary and Councilman Brown updated the members on the status of the: CVS project, the T-Mobile tower, the redevelopment plan approval, streetscape project, Zena’s Patisserie, and the renovation of 519 Howard Street.

Brandenburger/Sitzler Site Plan – The status of the project was reviewed. The Sitzler site plans have been signed off; but, the county has requested additional revisions that will require revised plans being submitted for sign off.

Education Requirements for Members – The secretary reported that nothing new had been issued by the state.

CORRESPONDENCE

The secretary reviewed the correspondence:

- 6/27/06, copy of Tamara lee’s proposal to the Borough on how to handle COAH and Development Fee payments – copies distributed to the board.
- 7/6/06, copy of “Environmental Resource Inventory: ERI” a resource paper from ANJEC, provided by Councilman Robert E. Smyth for the planning and zoning board’s information – copies distributed to the board.

NEW BUSINESS

Vouchers and Invoices:

- 6/23/06, Janet Smith, invoice for \$212.50 for work related to the Cedar Lane Mews application during the period 5/26-6/21/06. PAY FROM ESCROW.

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

Other New Business: The secretary reported that as of the meeting there were no new applications pending submission to the board. The chair discussed that he would not be able to attend the August meeting. There was discussion that at least four members need to be present to have a quorum. Only one member who voted on the application tonight need be present to vote on the resolution.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 8:18 PM.

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
August 16, 2006

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 John Trotman.

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

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2006.

PRESENT: John Trotman, Edward Smyth, Richard Mood, Ken Mills, and Robert Hoag.

ABSENT: Kerry Brandt, Fritz Moorhouse, Alfred DeVece, and William Corbi.

OFFICIALS: Secretary Ken Palmer was present.

MINUTES: A motion was made by Ken Mills, seconded by Rich Mood, and unanimously approved to adopt the minutes of July 19, 2006 as distributed.

OLD BUSINESS

Resolution, Case # 2006-02: Application by James and Cheryl Holland, 214 Penn Street, Block 601, Lot 15, for side yard setback relief for an addition to their home – Only members who were present for the hearing and voted for approval may act on the resolution. Members Trotman and Mood are eligible to vote on the resolution. The vice chair asked: if the members had read the resolution and if there were any comments or questions. All stated they had read the resolution and there were no comments or questions. Richard Mood motioned and John Trotman seconded that the motion referenced by title be adopted and memorialized. The motion passed by a unanimous poll vote of the members eligible to vote.

Mr. Trotman aye Mr. Mood aye

Fence Ordinance – The secretary reported that the issue was not on the planning board's agenda.

Other Zoning/Planning and Council Matters – The secretary updated the members on the status of matters before the zoning board, planning board and before Council.

CORRESPONDENCE – None!

NEW BUSINESS

Vouchers and Invoices:

- 7/25/06, Janet Smith, invoice for \$87.50 for general services at the June and July meetings.
- 7/25/06, Janet Smith, invoice for \$250.00, for work related to the Holland variance application work during the period 7/19-7/24/06. PAY FROM ESCROW.

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

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 7:39 PM.

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
September 20, 2006

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 Chairman Kerry Brandt.

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

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2006.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, Edward Smyth, Richard Mood, Ken Mills, Alfred DeVece, and William Corbi.

ABSENT: John Trotman, Fritz Moorhouse, and Robert Hoag.

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

MINUTES: A motion was made by Fred DeVece, seconded by Rich Mood, and unanimously approved to adopt the minutes of August 16, 2006 as distributed.

PUBLIC HEARING:

APPLICATION FOR SIDE YARD SETBACK RELIEF FOR A SUNROOM ADDITION, VARIANCES FOR A SIX-FOOT WOODEN FENCE, NATURAL FENCE/BUFFER EXTENDING BEYOND FRONT OF BUILDING, BY RENEE JANOWICZ, 428 LINDEN AVENUE, BLOCK 701, LOT 15:

The chair asked the board if personal or business conflicts prevented any member from hearing the application. There were none. The chair asked if all jurisdictional requirements had been met. It was discovered that the applicant had not notified one of the neighboring property owners. Janet Smith discussed with the applicant that under state law the board could not hear the matter. Janet stated that the hearing needed to be rescheduled and the applicant needs to mail the one notice with the rescheduled date. The rescheduling was announced to the public and the secretary will post notice of the rescheduled matter on the bulletin board. No additional notification is required.

RESIGNATION: Kerry Brandt read a letter from Fritz Moorhouse of his intention to resign from the board due to his failing health. Kerry stated he would follow up on the matter and speak with the mayor. Ed Smyth and other members spoke of Fritz's long and loyal service and that he will be missed. There was discussion of trying to dissuade him from resigning; however, it was noted he would not resign if he felt he could appear and his decision to resign was made only after careful consideration that he is physically unable to attend meetings. The chair stated he would draft a letter from the board and have everyone sign it at the next meeting. There was discussion that it would be nice if the mayor and/or Borough Council could consider a proclamation recognizing Fritz's service to the town.

OLD BUSINESS

Fence Ordinance – The chair reported that he had spoken with the planning board chair but nothing had been decided on having the matter considered by the planning board.

Planning and Council Matters – The secretary updated the members on the status of the: the T-Mobile tower, the Nu-Way/CVS project, redevelopment, the streetscape grant and other street/town beautification grants, the Smart Growth Grant and an ERI Study, Centers Designation Progress Report, and approval of the renovation of 519 Howard Street. The secretary also discussed that during preparation of the centers report, it was discovered that the board needs to prepare an annual report and resolution for the planning board and council of the variances heard during the year.

Brandenburger/Sitzler Site Plan – The status of the project was reviewed. The County has approved the plans and final site plans and map filings will be submitted within a week for sign off.

Cedar Lane Mews Site Plan – There have been no official developments on the project since the deeds were signed. There was some discussion as to whether the site plans may lapse. Janet stated that the zoning code does stipulate that variances terminate two years from the date of approval if construction has not commenced.

CORRESPONDENCE

- 8/21/06, Copy of update regarding educational requirements for board members from Mary Longbottom.
- 8/21/06, Copy of announcements and registration forms for the sessions of the new mandatory education classes provided by NJPO that they have petitioned the state to be approved for that purpose.

NEW BUSINESS

Vouchers and Invoices:

- 9/1/06, Remington Vernick & Arango, \$130.00, work on the Brandenburger site plan project during period 3/16-4/15/06. (PAY FROM ESCROW)
- 9/1/06, Remington Vernick & Arango, \$1,090.00, work on the Brandenburger site plan project during period 5/16-6/15/06. (PAY FROM ESCROW)
- 9/1/06, Remington Vernick & Arango, \$620.00, work on the Brandenburger site plan project during period 6/16-7/15/06. (PAY FROM ESCROW)

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

Side Yard Setback for Accessory Buildings – The secretary discussed with the board that the code and construction officials were concerned about the zoning ordinance’s requirement for side yard setback of accessory buildings. The code does not differentiate the side yard setback as it applies to various structures. It was discussed that for the particular matter that gave rise to this issue, the code actually worked to the town’s benefit. However, there was concern by the officials that perhaps the code should differentiate among buildings particularly when the accessory building is in the rear yard. The code as it currently exists actually makes many existing accessory structures such as old detached garages that pre-exist the current code non-conforming. Janet suggested that if the board wishes to differentiate between primary and accessory structures, perhaps it should stipulate that it only applies when the accessory building is behind the rear building line of the primary structure, (in other words, it is in the rear yard). Janet also mentioned that Palmyra does differentiate and she would share their ordinance with the board if they wished. After continued discussion, it was the opinion of the board that the code as it is currently written should remain and any requests for a different location should be heard as a variance on a case by case basis. If the planning board wishes to revise the code, the zoning board would like to work with the committee that works on the revision.

Sidewalk Signs – Fred DeVece raised the topic that businesses are placing sidewalk signs in violation of the code and wanted to know if the code enforcement official was doing anything about it. It was explained that in many cases, the code enforcement officer relies on word of mouth or official complaints to help bring matters to her attention.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 9:05 PM.

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
October 18, 2006

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 Chairman Kerry Brandt.

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

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2006.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, Edward Smyth, Richard Mood, Ken Mills, Alfred DeVece, Robert Hoag, and William Corbi.

ABSENT: John Trotman and Fritz Moorhouse.

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

MINUTES: A motion was made by Fred DeVece, seconded by Rich Mood, and unanimously approved to adopt the minutes of September 20, 2006 as distributed.

PUBLIC HEARINGS:

APPLICATION FOR SIDE YARD SETBACK RELIEF FOR A SUNROOM ADDITION, VARIANCES FOR A SIX-FOOT WOODEN FENCE, NATURAL FENCE/BUFFER EXTENDING BEYOND FRONT OF BUILDING, BY RENEE JANOWICZ, 428 LINDEN AVENUE, BLOCK 701, LOT 15:

The chair asked the board if personal or business conflicts prevented any member from hearing the application. There were none. The chair asked if all jurisdictional requirements had been met. All requirements had been met and the hearing could commence.

Testimony – The applicant Renee Janowicz was sworn in. Testimony was presented that the applicant wishes to add a 14x13 foot (including eaves and overhangs) sunroom on the rear of the existing house. The property is located in the R8 District and the side yard set back of the existing home and the proposed addition where the addition will erected is only 4.54 feet where a minimum of ten feet is required. The applicant testified that the sunroom would occupy area currently considered impervious. Testimony was also given that a playhouse and Jacuzzi shown on the survey have been removed. A lot of the other existing brick patio and walks are also being removed and re-landscaped. The net impervious coverage will not increase and may even be less than exists at present. Given the size and shape of the lot and the desire to have maximum sun exposure, the only location is where proposed at the rear of the home. The applicant also wishes to erect a six-foot “natural” fence that will hide an existing chain link fence and commercial property with no other buffering present in the area. The existing chain link fence does not extend all the way to the sidewalk. The board is concerned about blocking view of the sidewalk when exiting the driveway along the fence. The applicant concurred that she would not extend the natural fence closer to the sidewalk than the chain link fence. The applicant has appeared before the Architectural Review Board and received their approval. The hearing was opened to public comment and there was none. A motion was made to close the hearing to public comment.

Deliberation – There were no further questions of the applicant and the board deliberated on whether to approve the application. The board asked Janet for guidance in crafting the motion. Janet stated that the board may wish to consider a motion granting approval of a side yard setback variance to permit construction of the sunroom that will be no closer to the side yard line than 4.54 feet; permit a natural fence in front of the front foundation of the home that will be no closer to the side walk than 10 feet; and that the sunroom addition will not result in an increase of impervious lot coverage. Ken Mills motioned that the application be approved as suggested by Janet Smith. The motion was seconded by Rob Hoag and there being no further discussion the motion was approved by a poll vote of

7 to 0 as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mood	aye	Mr. Mills	aye
Mr. DeVece	aye	Mr. Hoag	aye
Mr. Corbi	aye		

APPLICATION FOR SIDE YARD SETBACK RELIEF FOR A DECK AT THE REAR OF THE HOUSE, BY MARYANNE AND CHRISTOPHER VANSCIVER, 431 ELM AVENUE, BLOCK 701, LOT 32:

The chair asked the board if personal or business conflicts prevented any member from hearing the application. There were none. The chair asked if all jurisdictional requirements had been met. All requirements had been met and the hearing could commence.

Testimony – The applicant Christopher VanSciver was sworn in. Testimony was presented that the applicants wish to add a 16 foot wide by 20 foot deep deck on the rear of the house. The existing house is built so that most of the house is only five feet or less from the adjoining side yard property line. There is no setback issue with the other side yard line. The applicants wish to keep the deck behind the home for privacy and esthetic issues and maintaining a ten foot set back would severely limit the width of the deck. Questioning from the board raised the issue that the applicants were not sure where the side yard boundary markers were. The board suggested that a new survey or assistance from the surveyor may be warranted to ensure the five foot setback can be properly established. At a minimum the deck should be at kept at least five feet from the property line and the neighbor’s fence should not be used to determine that line because it (from the survey presented) is not exactly on the property line. The height of the deck will be approximately the same height as the door from the house. The proposed steps from the deck to the yard which are currently proposed to come into the wide part of the side yard could be changed to exit to the rear yard. The hearing was opened to public comment and there was none. A motion was made to close the hearing to public comment.

Deliberation – There were no further questions of the applicant and the board deliberated on whether to approve the application. Ken Mills motioned that the application be approved to grant approval of a setback variance to allow erection of a 16 foot wide by 20 foot deck that will be no closer than five feet from the adjoining property line. The motion was seconded by Edward Smyth and there being no further discussion the motion was approved by a poll vote of 7 to 0 as follows:

Mr. Brandt	aye	Mr. Smyth	aye
Mr. Mood	aye	Mr. Mills	aye
Mr. DeVece	aye	Mr. Hoag	aye
Mr. Corbi	aye		

The applicant stated that a permit had been issued and materials purchased prior to being directed to stop when it was realized a variance was needed. He is concerned about the materials lying around. The timeline and steps for the approval and resolution were reviewed with the applicant. The risks of commencing construction prior to memorializing the resolution were discussed.

OLD BUSINESS

Fence Ordinance – The chair reported that there was nothing new to report.

Planning and Council Matters – The secretary updated the members on the status of the: the T-Mobile tower, the Nu-Way/CVS project, redevelopment, the streetscape grant and other street/town beautification grants, the Smart Growth Grant to be used for an ERI Study, Centers Designation Progress Report, and approval of the renovation of 519 Howard Street. Mr. Rainer is applying to add a two-story addition to his building at 515 Main Street. Zena’s is proposing to expand into the adjacent property currently owned by Mr. Moccia. Reexamination of the Master Plan was discussed.

Brandenburger/Sitzler Site Plan – The final site plans and map filings have been signed off and final copies filed with the county, engineer, Borough, and board. Construction is underway.

Cedar Lane Mews Site Plan – There have been no new official developments.

Fritz Moorhouse Resignation – Kerry stated that he had spoken with Fritz who confirmed he wished to resign due to his deteriorating health. Kerry read a letter of thanks from the board that he had prepared and hoped the board would approve and all present sign so he could deliver it to Fritz. There was no objection and the members thanked Kerry for preparing the letter. Several members again expressed their personal thanks for Fritz’s service and their sadness in seeing that Fritz needed to step down due to his health. The letter was signed by all present and will be delivered to Fritz. The chair will follow up with the mayor.

Sidewalk Signs – The chair reviewed that there had been continuing discussion regarding the use of “sidewalk” signs. Under the current code the signs are not permitted. Mary Lodato has spoken with the business owners and warned them that the signs are not allowed. No citations have been issued. Research has shown that other towns do permit them. There was discussion whether a variance could be sought. Janet stated that would probably be an option; but she does not advise it since the variance goes with the property not the business. This could raise the issue that while appropriate for one business such signs may not be appropriate for others. Janet feels the best bet is to have the ordinance reviewed and, if warranted, revised to allow the use of these types of signs and to provide the appropriate rules for their use. Fred DeVece stated that he was not for or against the signs; but, as a member of the board he didn’t feel their use under the current code is allowed without resolution of the issue. Perhaps the use of temporary signs covers the concern; but that portion of the code does not seem to apply.

CORRESPONDENCE

- Copy of Tamara Lee’s letter on the scope of work for the Smart Growth Grant – Environmental Resource Inventory and Associated Open Space and Recreation Plan. Copies provided for members.

NEW BUSINESS

Vouchers and Invoices:

- 10/2/06, Janet Zoltanski Smith, \$425.00, work for professional services during September – multiple items (some may not be zoning – to be discussed/reviewed).

The items were reviewed with Janet and it was decided that all would be handled under the board budget. Fred DeVece moved, Rick Mood seconded, and the vote was unanimous to pay the invoice as presented. The secretary will make sure the invoice is signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment.

- Frank Cioci, a member of the Riverton Economic Development Committee, feels temporary signs benefit the businesses and that additional work should be done to permit the signs. He commends Fred DeVece with raising the issue since if they are not allowed, the code should either be enforced or changed. Frank asked about real estate signs and was told that they were permitted and for how long and where they may be placed. Fred DeVece asked if the code enforcement official was doing anything about it. It was explained that in many cases, the code enforcement officer relies on word of mouth or official complaints to help bring matters to her attention.

There was no further comment and a motion was made to close the meeting to public comment.

Meeting adjourned at 9:15 PM.

Tape is on file.

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

RIVERTON BOROUGH ZONING BOARD
MINUTES
November 15, 2006

Pursuant to the Sunshine Laws and other statutes of the State of New Jersey, the regular meeting of the Riverton Zoning Board of Adjustment was called to order at 7:40 PM by Chairman Kerry Brandt.

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

1. Posting notice of a schedule of all meetings on the official bulletin board in the Borough Office and publication of the schedule in the Burlington County Times on January 23, 2006.

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

ABSENT: Fritz Moorhouse, Rob Hoag, and William Corbi.

OFFICIALS: Secretary Ken Palmer was present. The presence was not required of any of the other board officials.

MINUTES: A motion was made by Ed Smyth, seconded by Ken Mills, and unanimously approved to adopt the minutes of October 18, 2006 as distributed.

OLD BUSINESS

Resolution, Case # 2006-03: Application For Side Yard Setback Relief For A Sunroom Addition, Variances For A Six-Foot Wooden Fence, Natural Fence/Buffer Extending Beyond Front Of Building, By Renee Janowicz, 428 Linden Avenue, Block 701, Lot 15 – Only members who were present for the hearing and voted for approval may act on the resolution. Mr. Trotman is not eligible to vote on the resolution. The chair asked if the members had read the resolution and if there were any comments or questions. All stated they had read the resolution and there were no comments or questions. Ed Smyth motioned and Fred DeVece seconded that the motion referenced by title be adopted and memorialized. The motion passed by a unanimous poll vote of the members eligible to vote.

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

Resolution, Case # 2006-04: Application For Side Yard Setback Relief For A Deck At The Rear Of The House, By Maryanne And Christopher VanSciver, 431 Elm Avenue, Block 701, Lot 32 – Only members who were present for the hearing and voted for approval may act on the resolution. Mr. Trotman is not eligible to vote on the resolution. The chair asked if the members had read the resolution and if there were any comments or questions. All stated they had read the resolution and there were no comments or questions. Richard Mood motioned and Fred DeVece seconded that the motion referenced by title be adopted and memorialized. The motion passed by a unanimous poll vote of the members eligible to vote.

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

Mandatory Education Update – The secretary updated the board on the state approved course offerings by NJPO. Councilman Robert E. Smyth has been trying to coordinate the details. The next course offering in the local area appears to be in March 2007 in Burlington Township. It is hoped that perhaps members of both boards can sign up and take the course at this time. The course is approximately 5 hours long. How the course will be paid for is being worked out. There is a reduction in the cost for the course if the board is a member of NJPO; however, the cost savings does not offset the cost of NJPO membership. The cost for the course will be placed in the budget. It

is hoped that the planning board will also place the item in their budget and the cost can be split among the boards.

Fence Ordinance – The chair reported that he has contacted Frank Siefert, chair of the planning board, regarding getting the changes back on the planning board’s agenda.

Planning and Council Matters – The secretary reported that he had seen on the posted October Council minutes that there was support for changes concerning sidewalk signs. COAH has issued a preliminary review of the Borough’s petition for certification under third round rules and Tamara Lee has prepared an initial response. The secretary briefed the board on what he knew of the 519 Howard Street and 519 Main Street applications, and the plans by Zena’s Patisserie to expand into an adjoining building. There was nothing to report from this month’s Council meetings or planning board meeting since Councilman Brown was not present and the planning board does not meet until next week.

Sidewalk Signs – The chair reviewed that there has been continuing discussion regarding the use of “sidewalk” signs. Kerry reviewed the process of changing ordinances. Kerry reviewed the recommendations of the Economic Development Committee which had been prepared following his suggestion last month that they put together their thoughts on the matter. Kerry feels they have some good points. He does not feel the zoning board should be or even can be the approving body since it is only empowered to rule on specific variance applications. He also expressed, and the board concurred, that the zoning board wishes to be an integral part of any committee formed to revise the ordinance. While complaints may be brought before the board, the board can only refer them to the zoning officer. If a variance application is made, then it will be heard before the board. The chair has communicated with the mayor on the matter and the chair is of the opinion that the mayor and Council support the need for change and intend to pursue the issue.

CORRESPONDENCE

- Copy of Tamara Lee’s initial response to the COAH review of the Borough’s Petition for Third Round Certification.
- Copy of Tamara Lee’s draft of the master plan reexamination report.
- State and NJPO updates on required education.
- 2007 budget request from Mary Longbottom.
- Copy of Economic Development Committee recommendations for sidewalk signs.
- Copy of signed letter to Council and the board presented by Carol Crawford, 101 Midway, expressing the opposition to possible plans to erect a home on a lot that is non-conforming under the current code.

NEW BUSINESS

Vouchers and Invoices:

- 10/26/06, Janet Zoltanski Smith, \$112.50, for professional services and meeting attendance during October.
- 10/26/06, Janet Zoltanski Smith, \$293.75, for professional services on the Janowicz application in September and October. (PAY FROM ESCROW)
- 10/26/06, Janet Zoltanski Smith, \$193.75, for professional services on the VanSciver application in October. (PAY FROM ESCROW)

The items were reviewed. Fred DeVece moved, Rick Mood seconded, and the vote was unanimous to pay the invoice as presented. The secretary will make sure the invoice is signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment.

- Carol Crawford, 101 Midway, asked to present a signed letter from the neighbors of 105 Midway. This property is under contract for sale and there is an intent to build on the site which is a non-conforming lot under the current code. She and the other neighbors are strongly opposed to this and feel that the board should be aware of it. She stated that the letter has already been presented to Council and will be presented to the planning board. The chair stated that the board is not officially aware of the matter and it is not a matter currently before the board. While the board can always officially hear comments from the public, it cannot issue any official opinion on the matter unless the comments are made during a hearing on a variance matter

before the board. The chair explained that he understands a subdivision is involved; and if true, it would most likely be heard before the planning board. The chair understands her concerns especially since a member of the board is involved in the issue. The chair feels and hopes that an open dialog between the parties will exist. As for the letter, the chair stated that for the record it will be recorded as correspondence received but the board cannot express any kind of official opinion on the matter. If an application is made to either the zoning board or planning board, she as well as other parties will be notified of the hearing and can comment on the matter when it is heard.

- Gary Ford, Riverton Economic Development Committee, spoke to the need for a revision to the Borough's sign ordinance as it concerns sidewalk signs. He reviewed the committee's recommendations and expressed hope that the board would support changes.

There was no further public comment and a motion was made to close the meeting to public comment.

Meeting adjourned at 8:20 PM.

Tape is on file.

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