

RIVERTON BOROUGH ZONING BOARD
MINUTES
April 21, 2004

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 Edward Smyth.

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

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

PRESENT: Edward Smyth, John Trotman, Ken Mills, Fritz Moorhouse, and Alfred DeVece.

ABSENT: Kerry Brandt, Richard Mood, Alan Adams, and Bill Brown.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilwoman Muriel Alls-Moffat, Code Enforcement Officer Anthony Dydek, and Secretary Ken Palmer were present. Board Engineer Richard Arango was also present.

MINUTES: A motion was made by Alfred DeVece, seconded by Fritz Moorhouse, and unanimously approved to accept the minutes of February 18, 2004 as distributed.

PUBLIC HEARING:

APPLICATION FOR CONDITIONAL USE APPROVAL WITH USE VARIANCE TO OPERATE A BED AND BREAKFAST ESTABLISHMENT IN THE NEIGHBORHOOD BUSINESS DISTRICT BY CINDI S. VEE, 204 BROAD STREET, BLOCK 800, LOT 31:

Summary – The applicant desires to operate a bed and breakfast establishment in a residence located in the Neighborhood Business district. Bed and breakfast establishments are a conditional use where permitted and require a site plan review before approval. In addition, the location is in the Neighborhood Business District where such a use is not permitted and thus the applicant is seeking a use variance. The Board has reviewed the application and deemed that all jurisdictional requirements have been met and the application can be heard. ~~it is complete.~~ The applicant was advised that she would need unanimous approval of the five members present if the use variance was to be granted and she had the right to request the hearing be continued until additional members are present. The applicant stated she wished to be heard with the minimum number of members present.

Testimony and Board Questions – Cindi Vee and Gary Ford were sworn in. She testified as to her prior experience in operating various bed and breakfast establishments. Cindi feels the location will support an establishment. Cindi reviewed the business plan attached to the application as well as the plans to replace the fence with fencing of style and material approved for the previous owner by the planning board when the former owner was approved to operate a business with an apartment. Overall, the board felt the applicant's plans for the building met the requirements of the code. It was noted that a variance may be required regarding the size of the breakfast room. There were several issues discussed in regards to the report submitted by the board's engineer Mr. Arango. The applicant distributed copies to the board and the engineer of an initial response to Mr. Arango's report. While the initial response to the engineer's report provided some answers, the board felt that there were other issues that were not properly addressed, among them: size of the parking stalls, handicapped access provisions, plans for an entrance at the rear of the property off of Maple Avenue, landscape buffers, and lighting. The applicant referenced the plans of the previous owner but they were not submitted as exhibits since it was deemed they should be revised to properly reflect the actual plans of the applicant. Ms. Vee and Mr. Ford reviewed what relief was hoped for and how they would meet the concerns of Mr. Arango. Mr. Arango reviewed his response and discussed what he felt would be needed to provide for a proper review of the plans and to show either how the applicant could demonstrate compliance or why relief should be granted. Concerning the entrance from Maple Avenue, the secretary reviewed that the previous owner while granted approval by the local planning

board, could not obtain approval from the county planning board to have a driveway entrance from Maple Avenue in that the entrance would be too close to the intersection of Maple Avenue and Broad Street. The vice chair was concerned that there were numerous issues that had not been addressed both in the building and the site in general. Mr. Ford stated that he hoped to come away from this meeting with a fairly clear understanding of what issues they may be granted relief on and where they had to clearly demonstrate compliance. It was discussed that perhaps the board could decide the use variance while waiting for the input on the site issues. While this is possible, it was decided that it would be better if it was determined that the site will work as a bed and breakfast before granting the use variance.

Deliberation and Decision – The board feels that the applicant needs to satisfy the concerns raised by Mr. Arango, the board’s engineer, or to adequately show why at least partial relief can be granted. Fritz Moorhouse stated he felt the applicant should review the engineer’s concerns with her professionals and that revised plans should be submitted for consideration by the board and its professionals. The applicant was urged to thoroughly review the sections of the Borough codes that govern the site issues raised. Section 128 deals with the zoning issues and Section 109 deals with site plan issues. The applicant concurred that a continuation was warranted and agreed to same. Fritz Moorhouse made a motion seconded by Fred DeVece that the hearing be continued until the applicant can resolve the issues raised at tonight's meeting and to show that the site will support the requested use as a bed and breakfast. There being no further discussion, the question was called and the motion passed unanimously to the effect that:

Be it resolved by the Zoning Board of Adjustment of the Borough of Riverton, County of Burlington, and State of New Jersey that consideration on the application of 204 Broad Street for site plan approval with use variance on the property identified as Block 800, Lot 31 is continued, applicant having granted an extension of time for consideration of the matter until the next regular meeting of the Board on May 19, 2004.

The chair will be contacted concerning review of the tape by absent members in order that they may be allowed to participate in the hearing given that the minimum number of members was present for tonight’s hearing.

APPLICATION FOR SIDE YARD SETBACK RELIEF OF THOMAS J. CAMPBELL, 203 CINNAMINSON STREET, BLOCK 402, LOT 9:

Summary – The applicant desires to replace an existing greenhouse structure with a 1-story addition over a concrete basement area that is in noncompliance with the required side yard setback. The addition would replace an approximately 80 year old greenhouse which is seriously deteriorated. The poor condition of the green house is causing water leakage into the basement where the heater and electrical panel are located. The vice chair reviewed that all jurisdictional requirements have been met and the application could be heard. Mr. Campbell and the applicant’s architect, Mr. Hank Croft were sworn in.

Testimony and Deliberation – The applicant wants to replace the existing green house over an approximate 12’ 6” x 10’ area with a 1-story addition that would be in keeping with the architecture of the building. The only existing basement is beneath this area and contains the heating system and electrical panel. The applicant is concerned with water leakage from the existing structure and would also like to increase the usable living area of the house. The vice chair reviewed that the applicant had been before the board last year with a similar application which had been denied. Mr. Campbell acknowledged that he had appeared previously; however, the deteriorating conditions warrant action and present a hardship. Further, he hoped that by scaling back the addition to one story and not planning to touch the encroaching outside basement steps, he hoped the board would look favorably on the application this time. To support his application exhibits A1, A2, and A3 were submitted which were various photographs of the property including steps he has had to take to temporarily alleviate the leakage. The board’s solicitor stated that the issue of the encroachment of the exterior stairs was not an issue since the applicant was not proposing any changes to them. Drainage would be handled by a gutter which would extend no further into the side yard than the gutter currently installed along the foundation wall at the base of the green house. The renovations will be entirely on and within the existing footprint of the building. Mr. Croft reviewed the plans for the addition and explained how there would be no further encroachment from the gutter and the design of the roof. Drainage would be directed to the rear of the property. The hearing was opened to the public. Muriel Alls-Moffat, 202 Fulton Street has no objections to the plan. Avery MacDonald, 207 Cinnaminson Street stated that he was not opposed to the plan and thought the new construction would be more pleasing to look

at. There was no further comment and the hearing was closed to the public. There being no further comments or questions from the Board, John Trotman moved the application be approved. Fritz Moorhouse seconded the motion. A poll vote of the members was taken and the application was approved by a vote of 5 to 0 as follows:

Mr. Smyth	- aye	Mr. Trotman	- aye
Mr. Mills	- aye	Mr. Moorhouse	- aye
Mr. DeVece	- aye		

OLD BUSINESS

Financial Disclosure Forms – The secretary reviewed that forms were outstanding from several members.

2004 Budget – Tabled until the chair is present.

Planning Board Issues – The secretary reported that the draft of the commercial property maintenance ordinance is still in committee and vigorous discussion continues. Council is still determining how to return the grant monies for the Smart Growth Grant.

Fence Ordinance Review – Tabled until the chair is present. The secretary reviewed that he understood meetings were continuing.

Zoning Seminar – Fred DeVece and John Trotman thanked the board and council on the zoning seminar they attended. Copies of the schedule and the handouts were distributed.

CORRESPONDENCE

- The secretary reviewed that he had received several letters/notes from Michael Robinson addressed to the chair, mayor and Council concerning possible developments of the old Sitzler property between Main and Cinnaminson Streets and impact on the Pompeston Creek by any development behind the Cedar Lane Apartments on Cedar Street.
- A copy for the planning and zoning boards of the new state residential site improvement standards is being held by the secretary and is available on request.

NEW BUSINESS

New Code Enforcement Officer: The chair introduced Anthony (Tony) Dydek the new Code Enforcement Officer.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment. There was none.

Meeting adjourned at 9:08 PM.

Next meeting is on 5/19/2004, 7:30 PM at Borough Hall.

Tape is on file.

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