

RIVERTON BOROUGH ZONING BOARD
MINUTES
November 17, 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 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 26, 2004.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

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

ABSENT: Alan Adams and Bill Brown (both had advised the chair they could not attend).

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilwoman Muriel Alls-Moffat, Code Enforcement Officer Tony Dydek, Board Planner Tamara Lee, and Board Engineer Richard Arango were not present. Secretary Ken Palmer was present.

MINUTES: A motion was made by Fritz Moorhouse, seconded by Rick Mood, and unanimously approved to accept the minutes of October 20, 2004 as distributed with the changes noted.

PUBLIC HEARINGS:

APPLICATION BY CEDAR LANE MANOR t/a CEDAR LANE MEWS FOR DEVELOPMENT, SITE PLAN APPROVAL, USE, AND BULK VARIANCES TO CONSTRUCT TOWNHOUSES AT 811-817 CEDAR STREET, BLOCK 1700, LOT 2 (CONTINUED):

Continuance – The chair and secretary reviewed correspondence from the attorney for the applicant requesting an additional continuance due to the absence of their planner. Fred DeVece made a motion seconded by Fritz Moorhouse that the hearing be continued at the request of the applicant. There was no further discussion and the motion was passed by a unanimous voice vote 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 by Cedar Lane Manor t/a Cedar Lane Mews for development, site plan approval, use, and bulk variances to construct townhouses at 811-817 Cedar Street, Block 1700, Lot 2 is continued, applicant having agreed to a continuance for consideration of the matter until the next regular meeting of the Board on December 15, 2004.

This notice will be posted on the bulletin board and is the only official notice required of the continuation.

The chair stated that he had stressed to Alan and Bill and he also stressed to the members present that everyone should attempt to be present at the next meeting since the Cedar Lane Mews hearing is scheduled to be resume. The chair stated that he had talked with Janet and she had communicated to the applicants the Board's request that the property be staked out to show where the proposed development would take place. There was a question regarding riparian rights and it was stated riparian rights go only to the point of low tide. There were some other general review comments and questions but the chair stated that he wished to get off the subject until all parties were present.

APPLICATION FOR SIDE YARD SETBACK RELIEF FOR CONSTRUCTION OF AN ADDITION AND MOVING A GARAGE, BY DEBORAH LENGYEL & CHRISTOPHER HALT, 400 LINDEN AVENUE, BLOCK 701, LOT 1:

Withdrawal – The secretary reviewed a note from the Code Enforcement Officer, Tony Dydek that upon further review of the property and the front yard setbacks of neighboring properties, setback relief was not required and that the application could be withdrawn as not required. A copy of the approved zoning permit issued was attached to the note. The chair stated that as far as he is concerned, the appearance of the applicants should properly be treated as an informal request for interpretation for which there is no charge.

OLD BUSINESS

Adoption and Memorialization of Resolutions – The following resolutions were reviewed, considered and adopted by the Board:

Resolution 2004-06 for:

Application For Site Plan And Subdivision Approval With Use And Other Variances By Brandenburger/Sheridan, Inc., For The “Sitzler” Property Main And Cinnaminson Streets, Block 904, Lots 2&3; Block 905, Lot 6; Block 906, Lot 1: Following reading of the resolution and insertion of a few minor typographical in nature corrections, there was no further discussion or amendments and a motion was made by Fritz Moorhouse and seconded by Rich Mood to adopt the resolution as amended. A poll vote of the members eligible to vote unanimously adopted the resolution by a vote of 4 to 0 as follows:

Mr. Brandt aye Mr. Smyth aye
Mr. Mood aye Mr. Moorhouse aye

Resolution 2004-05 for:

Application For Side Yard Setback Relief For Construction Of An Addition On The Rear Of The Home, By Nancy J Gorman, 402 Seventh Street, Block 1102, Lot 19: Following reading of the resolution, there was no further discussion and a motion was made by Fred DeVece and seconded Rich Mood to adopt the resolution. A poll vote of the members eligible to vote unanimously adopted the resolution by a vote of 5 to 0 as follows:

Mr. Brandt aye Mr. Smyth aye
Mr. Mood aye Mr. Moorhouse aye
Mr. DeVece aye

Fence Committee – The chair stated that a meeting was scheduled for the 22nd.

Escrow Accounts – The secretary reviewed that he is monitoring the accounts and notifying the applicants when necessary. All parties will be notified of shortages as applicable following the meeting.

CORRESPONDENCE

The secretary reviewed the correspondence.

- 10/21/04, copies of a letter to the mayor and Council from the Environmental Commission urging action on a Stream Corridor Protection Ordinance – copies distributed to members.
- 10/21/04, letter to the chair, with a copy to the planning board from the Environmental Commission requesting that the requirement the boards make available informational copies of development applications be observed in the future – copies distributed to the members.
- 10/21/04, letter from David Oberlander, Mr. Brandenburger’s attorney, confirming the statement made at the last meeting that the applicant intends to re-file a revised site plan application and that there is no continuance of the hearing concluded last month.
- 11/16/04, letter from Lou Colagouri, the attorney for Cedar Lane Mews, requesting a continuance of the hearing on their application.
- A note from Mary Longbottom to the chair requesting preliminary 2005 budget submissions.

NEW BUSINESS

Vouchers and Invoices:

- 11/1/04, Tamara Lee – invoice for \$510.00 for work on the Brandenburger application and appearance at the hearing. Pay all from escrow.
- 11/17/04, Janet Smith, -- invoice for \$1562.50 (\$850.00 for the Sept. and Oct. meetings and \$712.50 for work on the Brandenburger application). Pay \$712.50 from escrow and \$850.00 from general funds.
- 11/17/04, Tom Coleman – invoice for \$462.00 (\$210.00 for attending meetings and \$252.00 for hearing and resolution related research and work) as special counsel for the Gorman hearing. Pay \$252.00 from escrow and \$210.00 from general funds.

Following discussion that Mr. Coleman's charges should be split and charged accordingly to general expense and to escrow, Fritz Moorhouse 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.

Reference Materials for Board and related matters – Fred DeVece discussed the board's purchase of reference materials that were suggested as well as used in a League of Municipalities seminar. Following discussion of the need for them, a motion was made by Fred DeVece, seconded by Fritz Moorhouse and passed unanimously to purchase nine copies of the "Millennium Guide" a guide to the Municipal Land Use Law and two copies of the Municipal Land Use Law. Fred will handle ordering of the materials and will invoice the board. Fred also discussed that applicants, where applicable, be required to utilize aerial photographs of sites and the surrounding area to aid in their presentations. Finally, Fred encouraged members to attend the seminar course he and John Trotman attended earlier in the year. He believes the next offering is on February 26, 2005.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment on general zoning matters. The chair cautioned that comments concerning any ongoing matters would be stopped since not all parties are present.

- Louis Koppenhoefer, 901 Cedar Street, wanted to know if Mr. Brandenburger can be compelled to establish a walkway between Main and Cedar Streets. It was explained that Mr. Brandenburger does not own all the property involved. He also commented that perhaps area between Cinnaminson and Cedar Streets was owned by the Light Rail and maybe they would be willing to consider having a public access way in that location. Fred DeVece commented that he thought Mr. Brandenburger was willing to construct some form of public access between streets at least between Main and Cinnaminson Streets, but he was not aware of where the access would be located. He also wanted to know how the EPA referred to under correspondence has its fingers in the Borough's business. He was informed that he was referring to the Environmental Commission which is a duly constituted body in the Borough.
- William Harris, 502 Cedar Street, talked about an "established" access (Mattis Alley?) along the Sitzler site, its historic significance and that he remembered it at one time went all the way to Cedar Street. He feels it has always been there and should remain. He also commented that the area between Eighth and Tenth Streets along Cedar Street where the apartments are now located was once a dump. The chair deferred any comment on the latter topic until all parties are present for the ongoing hearing.
- Barbara Winters, 610 Main Street, wanted to know what traffic patterns were being considered and the impact on Main Street. The chair stated that was a site plan issue and the revised plans have not been submitted yet. Traffic concerns will be addressed when the site plan is considered.
- Donna Tyson, 206 Carriage House Lane, talked about attempts to obtain the traffic study commissioned for the Kaplan development in Cinnaminson. She stated that Laurie Villari had not been able to get a copy yet. The chair again stated that this issue should be addressed as part of the site plan process.

There was no further comment and the meeting was closed to public comment

Meeting adjourned at 8:50 PM.

Next meeting is on 12/15/2004, 7:30 PM at Borough Hall.

Tape is on file.

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