RIVERTON BOROUGH ZONING BOARD
MINUTES
October 20, 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 7:35 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 26, 2004.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

PRESENT: Kerry Brandt, Edward Smyth, Richard Mood, Fritz Moorhouse, Alfred DeVece, and Alan Adams.

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

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilwoman Muriel Alls-Moffat, Code Enforcement Officer Tony Dydek, Board Planner Tamara Lee, and Melanie Yousey (substitute for Board Engineer Richard Arango) were present. Secretary Ken Palmer was present. Special substitute counsel Tom Coleman was present for the Gorman application.

HOUSE KEEPING: The chair announced that with the large case load he wished to have a cut off time of 10:45 PM unless things could be wrapped up by staying a little longer. Public comment would be strictly limited to five minutes per person.

MINUTES: A motion was made by Fritz Moorhouse, seconded by Rick Mood, and unanimously approved to accept the minutes of September15, 2004 as distributed.

NOVEMBER MEETING: At the conclusion of the Gorman hearing and before the other hearings, while all professionals and members were present, the chair reviewed that the November meeting is scheduled for November 17, which is during the annual League of Municipalities Convention. He asked if the members, board professionals or the applicants and their professionals would have a conflict on that date if the hearings needed to be continued. None of the parties present stated they had a conflict. The chair then announced that unless something critical arose in the interim, the November meeting of the board would occur on the previously published date of Wednesday, November 17, 2004.

PUBLIC HEARINGS:

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:

Alternate Counsel and Introduction – Janet Smith announced that she needed to step aside because of a possible conflict of interest. She had requested that Tom Coleman solicitor for the planning board and solicitor to the Borough's redevelopment committee step in to hear this matter. There was no objection by the board and Mr. Coleman took over for Janet to assist the board in this hearing. The chair and Mr. Coleman reviewed that all jurisdictional requirements had now been met and the hearing could commence. The applicant and her architect Roy Vollmer were sworn in by Mr. Coleman.

Testimony and Board Questions/Comments – Mr. Vollmer described the plan to construct an addition on the rear of the home consisting of an addition to the residence, a deck, and gazebo. A revised plan marked as exhibit A-1 was distributed to the board. The new addition will follow the setback of the existing residence, retain the existing architectural style, and keep the same lines of the house. The home is in the R4 district. On one side the existing structure is only 9' 6'' from the side yard line where 10' is required. The rear yard setback will be 15' with the deck and gazebo attached to the house. Lot coverage is within the code. A hardship will exist if the lines of the addition

cannot follow the existing structure and there is insufficient space on the deck if the rear yard variance is not granted. There will be buffering along the side closest to the property line. Aside from the clarifications elicited by the chair and several board members there were no additional questions from the board.

Public Comment – The hearing was opened to the public and was closed since there was no comment.

Deliberation and Vote – There was no further deliberation by the board and a motion was made by Fritz Moorhouse, seconded Fred DeVece to grant a 9' 6" side yard variance and 15' rear yard variance. A poll vote unanimously approved the application by a vote of 6 to 0 as follows:

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

Tom Coleman stepped down and Janet Smith resumed her position as board solicitor.

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 attorney for the applicant having determined that several members of the board who were present at the earlier hearing were absent expressed his and the applicant's desire to have more than six members present to hear the use variance portion of the application. As such he requested that the matter be continued until there were more members present. Fritz Moorhouse made a motion seconded by Fred DeVece that the hearing be continued at the request of the applicant. There being no further discussion, the question was called and the motion passed by a unanimous poll vote as follows:

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

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 November 17, 2004.

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

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 (CONTINUED):

Summary and Testimony – David Oberlander, attorney for the applicant, provided a review of the previous testimony. The applicants propose to construct a mixed use development on four lots. Three of the lots are in the Neighborhood Business district and one is in the R4 district. As currently proposed, eight twin homes and commercial space with apartments over the businesses would be erected in the NB area. A retention basin is proposed for the lot in the R4 district. Three witnesses testified previously; Mr. Brandenburger the applicant, Mr. Shuster the applicant's planning professional, and Mr. Ott the applicant's engineer. At this point testimony has been presented to support the contention that use variances are justified to permit the planned mixed use of the site. While several use variances are being requested, the allowance of the eight residential units in the NB district is the

most critical and without it the applicant feels he cannot proceed with his plans. The request for four apartments over what may or may not be four separate commercial units could be postponed until the site plan is considered. Consideration of the lot in the R4 area could also be postponed until the site plan is considered. The lot in the R4 area currently serves as a basin and the applicant proposes to bring it up to current stormwater standards and provide the necessary containment and management of runoff from the proposed commercial parking area. The commercial space will be along Main Street and the twin homes will be along Cinnaminson Street. The hearing had been continued to permit the applicant to revisit the plan to attempt to address concerns of the board presented at the prior hearing.

The chair reviewed that several members had to recuse themselves from the hearing: Mr. Trotman and Mr. Mills due to a business relation with the applicant and Mr. DeVece as a notified adjoining property owner. Mr. Brown, present at the prior session was absent tonight. The chair inquired if the applicant wished to proceed with only five members present when all five must approve any use variances. The applicant stated he wished to proceed and the chair reviewed that members Brandt, Smyth, Mood, Moorhouse, and Adams will hear the matter. Tamara Lee, board planner, clarified the variance being requested for the apartments over businesses which is a conditional use in the NB district. The variance for apartments over businesses is due to the fact that while four apartments are planned to be over four commercial establishments, the applicant wishes to reserve the ability to customize the commercial space as needed which might result in there being less than four separate businesses. Mr. Brandenburger, Mr. Shuster, and Mr. Ott were re-sworn and testimony continued. The chair reviewed that once the applicants had completed their testimony, Tamara Lee would respond. Following additional board discussion, public comment on the matter would be heard. Following public comment, the board would hopefully move on the use variance.

The applicant presented a short review. He reviewed that the original plan approved for the property by a previous developer did not work and that the plan he proposes provides commercial use in the business district along Main Street and retains the residential character along Cinnaminson Street. A full lot in the site has been reserved to address stormwater concerns. The plan was developed with input from both professionals and residents of the Borough. He discussed some preliminary revisions which are not presented tonight including providing pedestrian access in place of closing the current through pedestrian access on the site. He realizes that there are differences of opinion between himself and the board as to what may be appropriate for the site. Jim introduced a rendering of the planned commercial building (exhibit A-2) and a colorized version of the site plan (exhibit A-3). The renderings show how he proposes to have the new construction blend in with the town. The site is a difficult one to develop due to its shape and location. He plans to market the commercial areas as two-story fee simple units with the ability to use the second floor as either commercial office space or as an apartment. The commercial buildings would be four separate but connected units. While he would prefer strictly commercial/office use, he feels the residential use is needed to spread the risk of relying strictly on retail use. As to the issue of twin homes versus single-family detached, he doesn't see the difference raised by the board last time. The chair explained it as a density issue and the goal of the Master Plan to relieve the existing density within the town. Mr. Oberlander commented that regardless of the type of residences, a use variance is needed to build them in the NB district. The chair stated that in addition the applicant is proposing something not permitted anywhere in the town. Mr. Oberlander stated that the plan is not proposing twins in a residential area, but a town village concept and that twin homes are a great use in a business area to promote the town village mixed use concept. To support the town village concept, exhibit A-4 was entered showing an aerial photo of the area and testimony was offered using exhibit A-3 that the proposed development would actually provide more green space and less dense use of the area that currently exists in the surrounding developed area. He is committed to developing the site as presented and wants to do it in the town. The chair feels that it is commendable and prefers that local residents wish to develop the site, but his overwhelming concern is still density. Jim commented that the type of residential units planned would by design be self limiting as to number of residents, children, etc. Tamara stated that the board should not consider children but traffic density. Is the plan going to worsen an already dense traffic condition in the area? The board can discuss relative ratables and uses. Jim stated that the proposed design is intended to lessen the impact that could exist if the site was developed to the full potential permitted under the existing code. Mr. Shuster provided statistics supporting that on average twins generate less children and family size than single family detached homes. The proposal will generate less traffic than permitted uses allow. Tamara stated that she likes the plan and is intrigued by the thought of using both floors as commercial and office use. However, she is concerned though if the second floor areas were a mixed use of apartments and offices. She feels they should all be one or the other.

Mr. Oberlander commented regarding COAH impact that the applicant plans to meet all requirements of any changes that may result from the granting of his variance request. Tamara stated that only a use variance is being considered here. The zone already provides for mixed use though not in the form presented in the plan. It provides for apartments over businesses. Granting the use for twin homes or other attached/semi-detached homes does not of itself grant a specific number of units, although that can be made part of any approval. The chair stated that he would prefer that numbers be addressed so that if approved the applicant has a clear idea as to what he can or cannot develop. Jim referred to exhibit A-2 which represents a change in concept to the original plan in that it shifts the building to the front along Main Street and moves the parking to the rear thus further complimenting the existing streetscape of the area. Tamara stated that the proposed revision placing the parking in the rear addressed one of her major concerns. Tamara stated that a big issue is still the twin homes. She also agreed that the issues of apartments vs. offices over retail and the retention basin might best be addressed during the site plan presentation. Her concern is that the while the twins will be located on residential Cinnaminson Street, they will be too close to Broad Street and the River Line, and they will encroach on the streetscape planned for Broad Street. Tamara stated that a large number of bulk variances will be needed if twins are permitted. Mr. Oberlander reiterated their premise that twins are a better use in the site than single-family detached. The chair asked if the existing and proposed buffer would solve the proximity to the rail line and Broad Street issue. Jim stated he would take all steps needed to make the homes desirable to sell. After all, if they don't sell, he is hurting himself. The chair again stated that he is concerned that the board cannot rewrite the code and wants to make sure that the decisions made on this application do not come back to haunt the Borough or result in a law suit. Jim stated that having a definitive number of residential units approved would allow him to configure the plan to comply yet maximize the potential he sees in the site. In the time between the first hearing and now he has revisited the plan and still feels he needs at least eight residential units to make it work. He entered exhibit A-5 which is an illustration concept of the revised plan. It shows an eight unit town home structure instead of the twins as originally proposed.. Tamara stated that the board can approve retail with residential mix including quantities but leave the exact type of residential construction open to future consideration. This would grant the mixed use desired by the applicant yet reserves the final decision until the site plan is fully developed and presented. Mr. Shuster stated that revised plan as proposed tonight could not be approved without onsite stormwater management details. Jim stated he would very much like to know if the board is inclined to grant the use variance. He feels he has done the best he realistically can to comply with what the board requested in July.

The chair asked if the board had questions. Ed Smyth granted that it is a problem location and asked what the current plan is. Jim stated that the revised plan is the original plan, revised based on exhibits A-2 and A-5. Fritz Moorhouse appreciates the flexibility shown by the applicant to work with the board to address the board's and its professional's concerns. Janet feels the number of residences should be defined in any variance approval. Tamara reminded the board that voting on a use variance is not voting on the plan, but rather just the use and the board needs to be quite specific as to the variance(s) being granted. Kerry asked how the board qualifies things and Tamara replied that specific ranges rather than square footage is the aim of the use variance. The types of dwellings that are allowed can be considered. The use can also be conditioned on approval of a site plan or the use is revoked. She feels that residential use along Cinnaminson Street represents a better use for this part of the site than commercial use. The amount of proposed parking has been discussed and it can also be considered but may best be considered with the site plan. Jim again stated that he has finished his presentation and he asks that he can go away tonight knowing that he can proceed or not. The chair reviewed that he sees the following items to be considered: straight residential use in the NB district, higher density than the R4 district permits, twin homes which are not now permitted in the code, and apartments over commercial use that again increases density. He wishes to know just how much "horse trading" is allowed. Tamara feels the types of residential units that are justified can be considered. Mr. Shuster feels the number of units cannot be limited. Mr. Oberlander stated that the board can set limits on the number of residential units but it cannot limit the types of commercial use as long as the proposed uses are permitted. Tamara states the board could define a range of residential types that will be allowed which are firmed up during the site plan process. Mr. Oberlander stated that deed restriction could also be considered but he pointed to examples where that has proved to be not beneficial. Mr. Brandenburger stated that he would rather do offices but may need apartments to meet COAH. Tamara stated that things can be negotiated regarding COAH. The chair asked if there were additional comments from the board. There being none the meeting was opened to public comment. A strict limit of five minutes would be observed. The chair doesn't want a dialog among the public, he wants direct comments as to why the plan is liked or disliked and ways it can be improved if needed.

Public Comment: The hearing was opened to public comment.

- Michael Robinson, 6 Second Street, feels that a public walkway is needed from Main Street to Cedar Street and the park. Jim stated he would be glad to do it if he had the right of way which he does not. If the Borough some day gained access to the intervening property, would the applicant consider such a walkway? The answer was yes.
- Michael Heine, 206 Carriage House Lane, observed that there is a strong legislative and public policy opinion against use variances and that a town should rely on its ordinances. He urges denial: there hasn't been a showing of special reasons; the negative criteria has not been discussed as to no substantial detriment to the public good or the intent of the zoning plan; the Master plan and code only consider second floor apartments over commercial uses in the NB zone – not other residential types; business is the intent of the district not residential; economic hardship cannot be considered when granting a variance; the plan is a whitewash of the economic case; there is a synergy between this site and the rest of the NB district if the site is developed as business; the consideration of the residential character of Cinnaminson street is a red herring; the plan does not fit in with the existing multi-use – it is not a good example; and residences on the site will lessen the economic quality of the area. The applicant and his planner commented that the burden of proof had been discussed at the prior meeting and believes it was sufficiently addressed these criteria in prior testimony.
- Bill Koltonuk, 404 Lippincott Avenue, has watched this vacant eyesore for a long time and feels this is the best plan yet. Obviously a developer should expect to get a return on his investment. There is a substantial risk to developing commercial retail with no straight residential in this area and the mix proposed is justified. He pointed to Main Street in Voorhees as an example which failed. Lastly he would hate to see the plan flipped and the town has to wait another twenty years for a valid plan to be proposed. The chair stated that while the board understands these very real concerns, the board cannot consider financial hardships or the fact that the site has sat vacant for a long period of time as merits for or against the plan.
- Donna Tyson, 206 Carriage House Lane, stated this is a nice town with great structures. Successful retail development depends on a needs radius to pull from and the Borough's is cut off by the river. There are regional implications such as the large mixed use development going up in Cinnaminson that any plan in Riverton needs to complement not oppose. She questions if a valid traffic study has been done and Kerry stated that it can be considered. Donna reviewed the study done for Kaplan on the large Cinnaminson development and commented that it was done before and did not include the impact of the light rail. She feels that the loss of trees should be avoided at all costs. The Borough is in danger of losing a large number of its trees.
- Roy Vollmer, 521 Howard Street, feels it is a hardship site. The plan is the beginning of the first truly sensitive consideration of the site. The revised plan presented tonight is a big improvement from the first presentation. He wants a public way between Main Street and Cedar Street if at all possible.
- Phyllis Rogers, 405 Lippincott Avenue, feels it is not economically feasible to develop the site as a strictly commercial/retail site. She thinks this is the best proposal yet. Mixed use is the perfect use. Traffic studies will only show there is some impact. Any use will generate traffic. A good use is better than no use at all. She feels the proposed architecture fits in with the area. She likes the use of green space. As a neighboring business owner she would welcome the plan and the effect that it can have on the area.
- John Shaw, 703 Ninth Street, approves of the plan and Mrs. Rogers' comments. An increase in traffic means an increase in potential customers. There are already many existing twins on Cedar Street so new ones would fit right in.
- John Laverty, 616 Main Street, lives right in the vicinity of the site. It is a hardship site. The building that existed on the site had three to four times the square footage and 100 percent impervious coverage compared with the proposed use. The town can exercise control over the design. He prefers the second proposed design over the first. There are many uses and issues, but they can be worked out. The town needs the site developed. The town cannot compete with big box concerns up on Route 130, but it can create the small business atmosphere that attracts a loyal customer base.
- Gary Ford, 311 Bank Avenue, asked Tamara to define a variance and the board's role. She defined it and Gary asked if the board can change things. The chair stated that the board walks a fine line where it cannot rezone but only consider a variance within the fine lines which constrain its activities and options. Gary asked if the site is split use and the chair replied that over 90 % is NB and the rest R4 residential. Can the board recommend to Council to rezone the site? Tamara replied that such a request could be construed as spot zoning which is not allowed. The variance process is the method of allowing deviation from the established code

when the merits of the particular case clearly meet all the required criteria for granting a deviation. Mr. Ford encourages continued research via the variance process and wants to give people a chance to make something of the site. Businesses in the town are suffering and change and redevelopment of the area is needed to improve things.

- Ed Gilmore, 103 Main Street, feels the second version is great. HE recalled what was on the site before and stated that this is vast improvement. He discussed the T21Streetscape Grant for Broad and Main Streets and the Borough's plans in the NB area and feels the proposed plan will fit in. He does not think density is a problem in the proposal except perhaps that office use or one-bedroom apartments are preferable to other uses on the second level. Allowing traffic to exit the site on Cinnaminson Street will help alleviate traffic on Main Street and not adversely affect Cinnaminson Street. Ed supports upscale residential development on the site. He is tired of looking at an empty site and he supports the village concept and feels it is a good plan architecturally.
- Frank Cioci, 408 Lippincott Avenue, feels it is great idea and one the town badly needs. It will provide an option for empty nesters in the town where no suitable option currently exists. From a real estate perspective it is a good use. He would be glad to discuss it with the board after the meeting. Janet stated that any comments to the board on this topic should be part of this deliberation process and in the presence of the applicants. It would be best if he could summarize his comments now. Frank went on to state that things are changing regarding the light rail. There are people who want to be in close proximity to the light rail and are looking for property that provides that access. While some properties may have initially suffered due to proximity to the rail line; that is turning around as a changed interest is generated by new comers looking to locate in the town because of its proximity to the rail line.

There being no additional comment, the hearing was closed to public comment.

Deliberation and Vote – Mr. Oberlander presented a closing summary. Use variances are part of the law and the board has the authority to grant them. He feels the burden of proof required by the law has been met; that the positive criteria outweigh the negative criteria; and that there is no substantial impairment to the community. He feels the proposed use is the best of those allowed and it is appropriate for the board to consider what could happen if the proposed plan is not allowed to proceed. The plan respects the adjacent area. It is not creating a domino effect if a use variance is granted. It is a unique site requiring a unique plan. It is not the end of the process. The site plan and redesign process will continue if the use variance permits the project to go forward.

Since the established time limit for adjournment was approaching, the chair asked if the board as well as the other applicants were willing to extend the time since the chair would like to bring this item to a vote and he feels the other case can be heard in short order. There was no objection and deliberation continued. The chair requested guidance in constructing the motion. Can the board limit the number of residential units or the types? Should the retention basin be considered tonight? Are there three use variances involved (permitting pure residential use in NB district, allowing other than single-family detached dwellings, and use of a residential lot as a retention basin for stormwater control)? Mr. Oberlander offered that perhaps the board should be more general in its approach. There has been a lot of discussion surrounding the new plan which at this stage the applicant does not truly know if it can be constructed as presented. This will be part of the site plan process. Tamara offered that the board should not dismiss the new plan presented tonight since it appears to better support the concerns of the board. The applicant has demonstrated he can work with the goals of the Master Plan. Tamara suggested the board could approve the use variance(s) regarding residential uses conditioned on limitations concerning the number and form of single-family units. Approval can and should also be conditioned on the timely submission and successful approval of a site plan based on the testimony given to date. If the latter does not occur, the use variance will expire and be revoked. Fritz Moorhouse stated he was impressed with the flexibility demonstrated so far. Following a brief recess, Janet Smith and Tamara Lee offered direction and Janet summarized the issues to be granted with a use variance which provide flexibility yet retain the concerns voiced by the board and the town and which will not be a detriment to the intent of the Master Plan. A motion was made by Fritz Moorhouse and seconded by Al Adams to approve the motion as suggested:

> To grant a use variance permitting a maximum of ten (ten) residential units, which includes any second floor apartments over commercial space, and of the total number of residential units, there may be a maximum of eight (8) single family residences which are semi-detached, attached, or townhouses as defined in Ordinance §128-12, conditioned on approval of a site plan which is consistent with the testimony and exhibits presented at the hearing, such site plan process to be completed within two years; a

use variance regarding a residential lot being used as a detention basin, is reserved for approval or disapproval during the site plan process.

The motion was approved by a unanimous poll vote of the five members voting as follows:

Mr. Brandt aye, he believes the concerns of the board and town have been met. The proposed revisions to the site plan as presented are an improvement and addressed his concerns over density among other issues and will not be a detriment to the Master Plan. He believes it will benefit the town.
Mr. Smyth aye, he believes a lot of progress has been made and after 20 years he feels the plan is a good step forward.
Mr. Mood aye, he feels the plan will improve the downtown area. He likes the revised design presented.
Mr. Moorhouse aye, he likes the way the applicants presented their case and the willingness to be flexible in working with the concerns of the board and the town.
Mr. Adams aye, he feels that the plans of the old town were laid out a long time ago and must change to adapt to the changing times. He feels the plans as presented are a change for the better and the future.

Mr. Oberlander confirmed that the applicant was not seeking a further continuance at this time. The applicant will begin the process of revising the site plan in accordance with the proposed designs put forth this evening. At such time in accordance with the provisions of the approval granted tonight, a revised site plan will be submitted, a request to be placed on the agenda will be made, notices will be published and mailed and the process will be restarted.

Following a short recess the meeting was reconvened.

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:

Introduction and Testimony – The chair reviewed that all jurisdictional requirements had been met and the matter could be heard. The applicants and their architect Walter Croft were sworn in. The applicants reside in the R8 district on a corner lot. They propose to add an addition to the home, one corner of which will only be 21.6' from the street-side side property line where 25' is required. The rear of the addition will also be closer than the calculated 35' set back from the rear line. They also wish to move an existing garage from the interior rear corner of the lot towards the street and the set back will only be 15.49'. The garage would remain 3' from the rear yard line. Moving the garage and removing the concrete will maximize the area that provides a naturally landscaped rear yard and the garage will form a privacy barrier for the rear yard. The design and placement of the addition is designed to take maximum advantage of solar heating and natural lighting. It would be a hardship to have to reorient the addition. The addition will not exceed the lot coverage allowed. The addition will be used as an artist and design studio. There will be no regular flow of customers. The chair noted that since other residential buildings along Fourth Street may come closer to the street than the proposed addition, a variance may not be needed. He is concerned with moving the garage as close to the street as proposed. The applicants stated they wished to keep the garage, yet remove it from the small back yard area and allow it to form a barrier for privacy of the rear yard. The applicants stated that they had not heard or received any complaints from the neighbors about the proposed plans. As with the addition, if it can be shown that the proposed setback of the garage is in line with the setback of neighboring homes, there may not be a need for a variance. The code allows for setbacks which conform with the setbacks of adjacent existing structures. A survey of the adjacent properties is needed to confirm this condition. There is concern about the setback of the garage from the rear yard line. Borough code is moot on rear yard setback of accessory buildings, so the only concern may be the setback from the street side property line. The applicants are willing to modify the location of the garage within reason to try and comply with the code; but, they wish to preserve the sight lines from addition to the rear yard. In summary, the Board is not sure without surveys of the adjacent property/properties if a variance is needed for the proposed setbacks. The board is almost positive the addition will not require a variance. It is less sure about the garage which will be closer to the street. A survey needs to be produced to reach a conclusion. The applicants will attempt to obtain a survey. Janet suggested that the matter be continued so additional documentation can be obtained. The continuance allows the process to proceed if needed. If needed, this hearing will proceed first.

Continuance –Fritz Moorhouse made a motion seconded by Al Adams that the hearing be continued at the request of the applicant. There being no further discussion, the question was called and the motion passed unanimously by 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 of Deborah Lengyel and Christopher Halt for side yard set back relief is continued, applicants having requested an extension of time for consideration of the matter until the next regular meeting of the Board on November 17, 2004.

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

OLD BUSINESS
There being no outstanding critical items, old business was tabled until the next meeting due to the late hour.

CORRESPONDENCE
The secretary reviewed the correspondence.
- 9/27/04, revised drawing for the Gorman application from Roy Vollmer, AIA, distributed to the board.

NEW BUSINESS

Vouchers and Invoices:
- Rick Arango & RVE – invoice for $1,067.28 for work and meeting attendance for the Cedar Lane Mews application. Pay from escrow.
- Tamara Lee – voucher and invoice for $382.50 for work and meeting attendance for the Cedar Lane Mews application. Pay from 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.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

None – There were no members of the public remaining at this portion of the meeting.

Meeting adjourned at 11:21 PM.

Next meeting is on 11/17/2004, 7:30 PM at Borough Hall.
Tape is on file.

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