

**RIVERTON BOROUGH ZONING BOARD  
MINUTES  
April 20, 2005**

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, 2005.
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, Alfred DeVece, Alan Adams, and Bill Brown.

**ABSENT:** Ken Mills and Fritz Moorhouse.

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

**MINUTES:** A motion was made by Fred DeVece, seconded by Alan Adams, and unanimously approved to adopt the minutes of February 16, 2005 as distributed.

**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 secretary reviewed the April 19, 2005, correspondence from the attorney for the applicant requesting an additional continuance to complete the review of the professional reports from the board's planner and engineer as well as correspondence from the Environmental Commission. Rick Mood made a motion seconded by Fred DeVece 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, 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 May 18, 2005.

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

In matters related to the application, Janet Smith concurred that distribution to the board of the 4/6/05 correspondence from the Environmental Commission regarding the application was proper. The secretary stated that he had reviewed that the noticing and publishing for the hearing for the March 16, 2005 date was in order prior to the applicant requesting the prior continuance until April.

**APPLICATION BY BRANDENBURGER/SHERIDAN, INC. FOR SITE PLAN APPROVAL AND ALL RELATED VARIANCES AS NEEDED TO DEVELOP THE FORMER "SITZLER" PROPERTIES ALONG MAIN & CINNAMINSON STREETS (BLOCK 904, LOTS 2&3; BLOCK 905, LOT 6; BLOCK 906, LOT 1). (CONTINUED):**

**Continuance** – The secretary reviewed the April 20, 2005, correspondence from the attorney for the applicant requesting an additional continuance to complete review of and resolve issues raised in the professional reports from the board’s planner and engineer. Fred DeVece made a motion seconded by Rick Mood 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 Brandenburger/ Sheridan, Inc. for Site Plan Approval and all related variances as needed to develop the former “Sitzler” Properties Along Main & Cinnaminson Streets (Block 904, Lots 2&3; Block 905, Lot 6; Block 906, Lot 1) is continued, applicant having requested an extension of time for consideration of the matter until the next regular meeting of the Board on May 18, 2005.

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

The secretary stated that he had reviewed that the noticing and publishing for the hearing for the April 20, 2005 date was in order prior to the applicant requesting a continuance until May.

**APPLICATION FOR SIDE YARD SETBACK RELIEF FOR CONSTRUCTION OF A GARAGE ADDITION ON THE SIDE OF THE HOME, BY BERNARD J. SWIDEREK, 305 CARRIAGE HOUSE LANE, BLOCK 305, LOT 4:**

**Introduction** –The chair and solicitor reviewed that all jurisdictional requirements had been met and the hearing could commence. The applicant Mr. Swiderek and his architect Walter Croft were sworn in.

**Testimony and Board Questions/Comments** – The residence is in the R8 zone and within the historic district. The zone requires a combined side yard setback of 25 feet with a minimum of 10 feet on any one side. The applicant wishes to construct a 24’ by 24’ two-story, two-car garage addition. Including a proposed eve overhang, the addition would leave a side yard set back of 4.2 feet where a minimum of 10 feet is required; thus necessitating a variance. The condition is further worsened by the other side yard setback being only 14.8 feet. The proposed combined side yard set back would be 19 feet where 25 feet is required. Currently there is no garage on the property and the applicant needs the garage to protect an antique automobile and also wishes to garage his other vehicle. The construction codes require a landing from the interior entrance to the house to the garage floor which necessitates the 24 foot width. Constructing the garage to the rear of the house would impact the lighting available to the breakfast area and an existing patio. The applicant desires the garage be attached to the dwelling. The lot adjacent to the side where the garage will be constructed is currently vacant. The applicant needs to maintain off street parking due to parking conditions along the street.

**Public Comment** – The hearing was opened to the public. Remy Jones, 301 Carriage House Lane, spoke in opposition to the plan. While agreeing that parking is difficult, he feels having a building that close to the property line will detract from the value of the site. He feels there are other ways of constructing the garage without having it so close to the property line.

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

**Deliberation and Vote** – The board members commented on the application and the majority of members expressed concern that a hardship had not been demonstrated since there appeared to be alternatives to the proposed plan. Several possible alternate methods were discussed. The applicant asked for an explanation of what is going on. Janet explained that the board was not voting on the garage as such but on the requested setback variance. The applicant stated he is willing to make concessions or amend his plan. Janet explained that the board should continue to discuss their feelings concerning the variance and make their concerns known to the applicant. Only the applicant can decide the final course of action. The applicant is entitled to have a vote on the application as submitted or could request to amend the application. Following further discussion by the board, the applicant

requested to amend the application to construct a 20 foot wide garage with no overhang on the side. This would result in a 9.2 foot set back on this side and total side yard setback of 24 feet leaving only a 0.8 foot variance on the one side and a combined one foot variance. The board felt this was a significant compromise by the applicant. The hearing was reopened to public comment. Remy Jones stated that he did not object to granting a variance for the plan as amended. The hearing was closed to public comment. Following further discussion by the board, a motion was made by Bill Brown, seconded by John Trotman to grant a bulk variance for the plan as amended to construct an addition that would be no closer than 9.2 feet from the side yard line and provide a total combined side yard set back of 24 feet. A poll vote unanimously approved the application by a vote of 7 to 0 with several members commending the applicant for his willingness to compromise as follows:

Mr. Brandt	aye:	Mr. Trotman	aye
Mr. Smyth	aye	Mr. Mood	aye
Mr. DeVece	aye	Mr. Adams	aye
Mr. Brown	aye		

### **OLD BUSINESS**

**Fence Committee** – The chair apologized for any delays in concluding the draft of the revised ordinance and that he hoped to have something ready for the planning board soon.

**Escrow Accounts** – Considering the continued need to continually request additional escrow on the site plan applications, discussion occurred if it was appropriate to request that the accounts be prepaid to cover additional charges. It was discussed that an application only requires that accounts make up shortfalls as they occur. The secretary reviewed that he is monitoring all accounts and notifying applicants when necessary. Everything is currently in order. The matter will be researched further. Councilwoman Alls-Moffat stated she would discuss the subject at the next Council meeting.

### **CORRESPONDENCE**

The secretary reviewed the correspondence.

- 4/6/05, letter to chair with copy to Mr. Flamini, applicant for Cedar Lane Mews, from the Environmental Commission regarding the Cedar Lane Mews Proposal. Copies were distributed to the board and solicitor.
- 4/19/05, request for continuance of the Cedar Lane Mews matter from Louis Colaguori.
- 4/20/05, request for continuance of the Brandenburger/Sheridan, Inc. matter from David Oberlander.
- Copies of the Borough Code applicable to land use, site plan review and subdivisions were copied from the Borough's website and distributed to the members.

### **NEW BUSINESS**

#### **Vouchers and Invoices:**

- 2/13/05, Remington Vernick & Arango Engineers, \$280.00 for work on the Brandenburger/Sheridan application in December 2004. Pay from escrow.
- 3/13/05, Remington Vernick & Arango Engineers, \$560.00 for work on the Cedar Lane Mews application in January 2005. Pay from escrow.

Fred DeVece moved, Bill Brown 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.

**Reexamination of the Master Plan:** – The secretary reviewed that the planning board will be conducting the mandatory reexamination the master plan. There had been plans to conduct a joint meeting with Borough Council and solicit input from the zoning board in early May. The secretary informed the board any decision regarding a meeting has been tabled the next planning board meeting.

**Scheduling Special Meetings:** – Bill Brown raised the issue of how to provide enough time at a meeting when multiple applications are on the agenda. It was discussed that the board is obligated by law to conduct a timely hearing on applications. The applicant can always request/agree to continue the matter and waive the time

requirements; but it is the applicants decision not the board's decision. Conducting special meetings often becomes a logistical problem regarding scheduling the room and availability of all parties. In addition there is a legal requirement that timely notice be given of a special meeting. The time to consider a special meeting is usually at a meeting preceding any special meeting with all parties present.

**PUBLIC COMMENT ON GENERAL ZONING ISSUES**

The meeting was opened to public comment and was closed as there was no comment.

**Meeting adjourned at 9:27 PM.**

**Next meeting is scheduled for 5/18/2005, 7:30 PM at Borough Hall.**

**Tape is on file.**

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