

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**