

**RIVERTON BOROUGH ZONING BOARD
MINUTES
March 15, 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 7:35 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 23, 2006.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

REORGANIZATION

Reappointed regular member Edward Smyth was sworn in by Board Solicitor Janet Zoltanski Smith.

PRESENT: Kerry Brandt, John Trotman, Edward Smyth, and Alfred DeVece.

ABSENT: Richard Mood, Ken Mills, Fritz Moorhouse, Bill Brown, and Robert Hoag.

OFFICIALS: Board Solicitor Janet Zoltanski Smith, Councilman Robert K. Smyth, and Secretary Ken Palmer were present.

MINUTES: A motion was made by Fred DeVece, seconded by John Trotman, and unanimously approved to adopt the minutes of January 18, 2006 as distributed.

PUBLIC HEARING:

APPLICATION FOR EXPANDED REAR YARD FENCE ON A CORNER LOT, BY RICHARD AND DONNA SCATCHARD, 110 MIDWAY, BLOCK 1201, LOT 6:

The chair asked the board if personal or business conflicts prevented any member from hearing the application. There were none. Review of the submissions showed that all jurisdictional requirements had been met and Janet stated the hearing could proceed.

Testimony – Chairman Brandt reviewed that purpose of the application and the variance requested was to permit a rear yard fence on a corner lot to extend to the property line where the code states on a corner lot the fence may not extend beyond the building line. The applicants were sworn in. Testimony was presented that holding the fence to the building line severely restricts the ability to provide a usable area for providing a safe enclosed area for small children and animals. The applicants propose a four-foot high wooden picket fence with four-inch spacing and it would be three feet from the sidewalk. One gate is proposed and it will open into the yard. The fence is proposed to be 15 feet from the existing driveway at the rear of the property. A gravel parking area exists next to the driveway. The ARC has reviewed and approved the fence. The proposed location of the fence should provide more than adequate site lines to the sidewalk and street. Janet stated that the proposed fence location appears to be close to conforming to the revised fence ordinance that is currently before the planning board. There was discussion and questions from the board to clearly understand the proposed location of the fence and the site lines from the driveway. The chair stated that he is concerned about site lines and feels any approval should state that the fence can be no closer than one foot from the property line or three-feet from the sidewalk whichever provides the greater setback. While there was no concern about the site line to the adjoining property, there is concern about maintaining an adequate site line from the fence to the applicant's driveway. The chair feels that there should be a restriction that any future driveway construction comes no closer to the fence than is currently proposed. The hearing was opened to public comment. There was none and Fred DeVece motioned and John Trotman seconded to close the hearing to public comment.

Deliberation – There were no further questions of the applicants and the board deliberated on whether to approve the application. The board asked Janet for guidance in crafting the motion. The chair stated that, to him, the critical dimensions were the location of the fence to the driveway and the set back from the street. He feels that any approval should maintain the 15 feet distance from the existing driveway and be either three feet from the property line or one foot from the sidewalk which ever provides the greater setback from the street. He would also like to see it stipulated that the fence comes no closer to the front of the building than proposed. Janet stated that the board may wish to consider a motion granting approval of a four-foot high picket fence with four-inch spacing that starts at approximately eight feet forward of the rear foundation line, extending to Linden Avenue to a point no closer to the street than the greater of one foot from the property line or three feet from the sidewalk, and to the rear of the property along Linden Avenue to a point no closer than 15 feet from the existing driveway, and that a distance of 15 feet will be maintained between the fence and any driveway, and that the gate at the sidewalk must open into the yard. John Trotman made a motion that the application be approved and the variance granted as suggested by Janet. Fred DeVece seconded the motion and there being no further discussion the motion was approved by a poll vote of 4 to 0 as follows:

Mr. Brandt	aye	Mr. Trotman	aye
Mr. Smyth	aye	Mr. DeVece	aye

OLD BUSINESS

Fence Ordinance – The secretary reported that the revisions to the fence ordinance are still scheduled for consideration by the planning board.

Telecommunication Towers – The chair stated that he is concerned that the ordinance allowing towers as a conditional use in the General Business District does not contain any language regarding the conditions applied to the use. Council liaison Councilman Robert K. Smyth discussed the urgency of getting the approval of a conditional use for telecommunication towers. A company is currently seeking to erect a tower either on Borough property at the sewer plant or on private property in Cinnaminson Township. The Borough would like to make the Borough site more attractive to the company and gain the revenue to the Borough from allowing the installation. It was the opinion of several members as well as board counsel that even though the conditions particular to a matter are fully considered during the site plan review process required for all conditional uses; it would be better if the conditions or guidelines were part of the ordinance. The secretary noted that the board’s concerns were not unique and that other professionals had raised the same concerns. Kerry stated that he would follow up on the matter with Councilman Robert E. Smyth and/or the planning board.

Education Requirements – The secretary reviewed that the State has not yet issued final guidelines on approved courses. The chair stated that he would still like to see the members pursue completing the requirements as soon as feasible, but he would also hold off further discussion until there is clarification on the impact of the comments from the State.

Brandenburger/Sitzler Site Plan – It was discussed that county approvals were being pursued and that Tamara had approved the lighting plans.

Cedar Lane Mews Site Plan – Janet stated that she was currently reviewing material submitted by the applicant’s attorney. She recalls that it may be the rules governing the homeowner’s association.

New Code Enforcement Officer – It was reported that there are applicants under consideration but no decision has been made.

CORRESPONDENCE

The secretary reviewed the correspondence; copies of which had been given to the members:

- 2/28/06, copy of letter to mayor and Mary Longbottom from Eileen Swan, Executive Director, Department of Community Affairs Office of Smart Growth, regarding progress on establishing the guidelines for the new mandatory training for board members.
- 3/6/06, copy of a fax of an article by Stuart Meck, Director, Center for Government Services, Rutgers University, regarding the new board training programs.
- 3/7/06, copy of the Borough Resolution adopting the revised ordinance permitting telecommunication towers.
- 3/7/06, copy of the Borough Resolution adopting the Stormwater Management Plan and ordinance. Janet provided some explanation on the plan based on her familiarity with a similar ordinance in Palmyra.

NEW BUSINESS

Vouchers and Invoices:

- 2/1/06, Tamar Lee, invoice for \$127.50 for work on the lighting plans for the Brandenburger/Sheridan plans for the Broad and Main Street site during January 2006. PAY FROM ESCROW.
- 3/2/06, Tamar Lee, invoice for \$127.50 for work on the lighting plans for the Brandenburger/Sheridan plans for the Broad and Main Street site during February 2006. PAY FROM ESCROW.

Fred DeVece moved, Ed Smyth seconded, and the vote was unanimous to pay the invoice as presented providing there are sufficient funds in the escrow accounts. The secretary will make sure the invoices are signed and submitted for payment.

New Applications – The secretary reviewed that there may be an application regarding an addition and that Mr. McLaughlin had resolved the location of his swimming pool without the need to seek a variance.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment.

- James Moffat, 202 Fulton Street, remarked that there is concern by the Borough's solicitor over any appearance of exclusivity with T-Mobile regarding erecting a tower. Councilman Smyth replied that the Borough has backed off from the possible plan to have the Borough erect the tower itself and that the proper bid process will be followed as applicable. Currently the Borough is actively considering a proposal by T-Mobile to erect and maintain a tower on property rented from the Borough. There would also be the ability for co-locations of other firms on the tower. Board members again raised their concerns over the lack of conditions in the revised ordinance.

There was no further comment and Fred DeVece motioned and John Trotman seconded to close the meeting to public comment.

Meeting adjourned at 8:50 PM.

Next meeting is April 19, 2006 at 7:30 PM in Borough Hall.

Tape is on file.

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