

RIVERTON BOROUGH ZONING BOARD
MINUTES
September 20, 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 7:45 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.

PRESENT: Kerry Brandt, Edward Smyth, Richard Mood, Ken Mills, Alfred DeVece, and William Corbi.

ABSENT: John Trotman, Fritz Moorhouse, and Robert Hoag.

OFFICIALS: Board Solicitor Janet Zoltanski Smith and Secretary Ken Palmer were present.

MINUTES: A motion was made by Fred DeVece, seconded by Rich Mood, and unanimously approved to adopt the minutes of August 16, 2006 as distributed.

PUBLIC HEARING:

APPLICATION FOR SIDE YARD SETBACK RELIEF FOR A SUNROOM ADDITION, VARIANCES FOR A SIX-FOOT WOODEN FENCE, NATURAL FENCE/BUFFER EXTENDING BEYOND FRONT OF BUILDING, BY RENEE JANOWICZ, 428 LINDEN AVENUE, BLOCK 701, LOT 15:

The chair asked the board if personal or business conflicts prevented any member from hearing the application. There were none. The chair asked if all jurisdictional requirements had been met. It was discovered that the applicant had not notified one of the neighboring property owners. Janet Smith discussed with the applicant that under state law the board could not hear the matter. Janet stated that the hearing needed to be rescheduled and the applicant needs to mail the one notice with the rescheduled date. The rescheduling was announced to the public and the secretary will post notice of the rescheduled matter on the bulletin board. No additional notification is required.

RESIGNATION: Kerry Brandt read a letter from Fritz Moorhouse of his intention to resign from the board due to his failing health. Kerry stated he would follow up on the matter and speak with the mayor. Ed Smyth and other members spoke of Fritz's long and loyal service and that he will be missed. There was discussion of trying to dissuade him from resigning; however, it was noted he would not resign if he felt he could appear and his decision to resign was made only after careful consideration that he is physically unable to attend meetings. The chair stated he would draft a letter from the board and have everyone sign it at the next meeting. There was discussion that it would be nice if the mayor and/or Borough Council could consider a proclamation recognizing Fritz's service to the town.

OLD BUSINESS

Fence Ordinance – The chair reported that he had spoken with the planning board chair but nothing had been decided on having the matter considered by the planning board.

Planning and Council Matters – The secretary updated the members on the status of the: the T-Mobile tower, the Nu-Way/CVS project, redevelopment, the streetscape grant and other street/town beautification grants, the Smart Growth Grant and an ERI Study, Centers Designation Progress Report, and approval of the renovation of 519 Howard Street. The secretary also discussed that during preparation of the centers report, it was discovered that the board needs to prepare an annual report and resolution for the planning board and council of the variances heard during the year.

Brandenburger/Sitzler Site Plan – The status of the project was reviewed. The County has approved the plans and final site plans and map filings will be submitted within a week for sign off.

Cedar Lane Mews Site Plan – There have been no official developments on the project since the deeds were signed. There was some discussion as to whether the site plans may lapse. Janet stated that the zoning code does stipulate that variances terminate two years from the date of approval if construction has not commenced.

CORRESPONDENCE

- 8/21/06, Copy of update regarding educational requirements for board members from Mary Longbottom.
- 8/21/06, Copy of announcements and registration forms for the sessions of the new mandatory education classes provided by NJPO that they have petitioned the state to be approved for that purpose.

NEW BUSINESS

Vouchers and Invoices:

- 9/1/06, Remington Vernick & Arango, \$130.00, work on the Brandenburger site plan project during period 3/16-4/15/06. (PAY FROM ESCROW)
- 9/1/06, Remington Vernick & Arango, \$1,090.00, work on the Brandenburger site plan project during period 5/16-6/15/06. (PAY FROM ESCROW)
- 9/1/06, Remington Vernick & Arango, \$620.00, work on the Brandenburger site plan project during period 6/16-7/15/06. (PAY FROM ESCROW)

Fred DeVece moved, Rick Mood 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.

Side Yard Setback for Accessory Buildings – The secretary discussed with the board that the code and construction officials were concerned about the zoning ordinance’s requirement for side yard setback of accessory buildings. The code does not differentiate the side yard setback as it applies to various structures. It was discussed that for the particular matter that gave rise to this issue, the code actually worked to the town’s benefit. However, there was concern by the officials that perhaps the code should differentiate among buildings particularly when the accessory building is in the rear yard. The code as it currently exists actually makes many existing accessory structures such as old detached garages that pre-exist the current code non-conforming. Janet suggested that if the board wishes to differentiate between primary and accessory structures, perhaps it should stipulate that it only applies when the accessory building is behind the rear building line of the primary structure, (in other words, it is in the rear yard). Janet also mentioned that Palmyra does differentiate and she would share their ordinance with the board if they wished. After continued discussion, it was the opinion of the board that the code as it is currently written should remain and any requests for a different location should be heard as a variance on a case by case basis. If the planning board wishes to revise the code, the zoning board would like to work with the committee that works on the revision.

Sidewalk Signs – Fred DeVece raised the topic that businesses are placing sidewalk signs in violation of the code and wanted to know if the code enforcement official was doing anything about it. It was explained that in many cases, the code enforcement officer relies on word of mouth or official complaints to help bring matters to her attention.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

The meeting was opened to public comment. There was none and the meeting was closed to public comment.

Meeting adjourned at 9:05 PM.

Tape is on file.

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