

**RIVERTON BOROUGH ZONING BOARD**  
**MINUTES**  
**September 18, 2008**

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 25, 2008.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

**ROLL CALL**

**PRESENT:** Kerry Brandt, Ken Mills, William Corbi, Patricia Manzi, Craig Greenwood, and Joe Della Penna.

**ABSENT:** Edward Smyth, Janine Miller, and Don Deitz.

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

**MINUTES**

A motion was made by Ken Mills, seconded by Bill Corbi, and unanimously approved to adopt the minutes of August 21, 2008 as distributed.

**PUBLIC HEARINGS:**

**Variance Application by Amy and Mark Thomas, 105 Main Street, Block 401, Lot 13, for variance to add a screened porch to a nonconforming structure.**

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. The chair stated he would recuse himself from this matter and stepped down. Vice Chairman Ken Mills assumed chairing the meeting for this matter. Following conclusion that all jurisdictional requirements had been met, Janet Zoltanski Smith stated the hearing could proceed. Mr. Thomas and his architect Walter Croft were sworn in. The home is on a corner lot and is a nonconforming structure due to the side yard set back on the street side. The applicant wishes to add an approximately 185 square foot screened porch that will be at the back and side away from the street. The screened porch will fully conform to all setback and bulk requirements. The plans have been approved by the ARC. Janet asked about a prior application heard in 2007 and covered by Resolution Case # 2007-03. The applicant stated they had applied in 2007 for variances to add an addition and wrap around porch. The addition was approved and the porch denied. The addition has not been done and there are no plans to do it. Mr. Croft stated the 2007 application exceeded lot coverage but this plan does not. Asked by the board, it was explained that the porch would allow better access to a renovated kitchen and mud room and the design will continue the style and lines of the existing home. At the conclusion of the testimony, the applicant asked that if the application was approved, could they take out permits before the resolution was adopted and memorialized. Jane Smith explained why this could not be done.

**Public Comment** – Patricia Manzi motioned and Craig Greenwood seconded opening the hearing to public comment. All who spoke were sworn in prior to making their comments.

- Theresa Larsen, 103A Main Street, is concerned that there was a drainage problem with the prior application and wishes to know if this problem still exists. Mr. Croft had told her previously the decrease size and location of the new proposed porch did not present a problem. Ken Mills stated that one of the reasons for the setback and lot coverage requirements was to prevent any negative impact on adjoining properties; and, as long as the plans were within code, he does not see any negative impact.

There was no additional comment Joe Della Penna motioned and Patricia Manzi seconded to close the hearing to public comment.

**Deliberation** – The vice chair stated that unless there were any further comments or questions, he would entertain a motion on the application. Craig Greenwood motioned and Joe Della Penna seconded that the board approve the application as submitted. There was no further discussion and the motion was approved by a poll vote of 5 to 0 with one recused as follows:

Mr. Brandt	recused	Mr. Mills	aye
Mr. Corbi	aye	Mrs. Manzi	aye
Mr. Greenwood	aye	Mr. Della Penna	aye

Mr. Brandt resumed chairing the meeting.

**Variance Application by Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to reconstruct a single story garage that is too close to the property line and exceeds allowable square footage.**

The chair introduced the topic and asked the board if personal or business conflicts prevented any member from hearing the application. There were none. It was noted that except for the proof of fees and escrow being paid, all other jurisdictional requirements had been met. Mr. Martin apologized and attested that the receipts were in his office and would be dropped off the next day. (**Secretary's note: the receipts were supplied.**) Janet Zoltanski Smith stated the hearing could proceed. Dr. Muhr and John Martin, his architect, were sworn in. An aerial photograph of the property was entered as exhibit A1 showing the location and orientation of the property. The confusion of the address being Bank Avenue even though the only entrance is from 2<sup>nd</sup> Street was resolved. The house faces the Delaware River. The applicant wishes to replace an existing severely deteriorated detached garage with a new one story structure on the same footprint. The garage will closely match the existing structure and the style of the main house. The plans have been approved by the ARC and the planning board has approved the demolition permit of the existing garage. The existing structure was built on grade and has suffered serious insect and moisture damage. The validity of the determination by the zoning officer that the damage and deterioration is not a casualty loss was discussed. Except for building the new structure to code it will be built on the existing footprint. The attic area will be used for storage. There will be electric service, but no water or other utilities. To provide adequate storage, the applicant wishes to maintain the existing square footage of the ground floor. The existing location and mature landscape buffer will maintain the character of the lot and not have a negative impact on the neighborhood. The new structure will meet all fire and construction codes. Moving the structure 10 feet into the yard to comply with the code would obscure the view of the main house from the street. The concern that the existing building is only one foot off the side property line was discussed. The chair stated he feels that since this is essentially new construction and not a casualty loss reconstruction, the need to conform to the existing code should be followed. The size of the proposed garage is not a detriment given the size of the property. The location within one foot of the lot line is an issue for maintenance and safety. The possibility of relocating the building at least three feet from the side yard lot line and allowing for a minor encroachment for the eave and soffit was discussed and agreed to by the applicant and his architect. There was no further testimony or comment from the board. For the record, the chair noted that there were no members of the public present; so the hearing was not opened to public comment.

**Deliberation** – The chair stated that if there were no further questions or comments from the board he would entertain a motion on the matter. Janet suggested a possible motion which would both approve as well as suitably define the location of the garage. She suggested that the motion could approve the application to allow construction of a 953 square foot detached garage in the approximate location of the existing structure, to be constructed as shown on the submitted plans. There will be a minimum side yard setback of three feet from the wall of the garage and an allowance for a maximum twelve inch encroachment for the soffit, eave, and roof line. Ken Mills motioned the application be approved as suggested and Joe Della Penna seconded the motion. There was no further discussion and the motion was approved by a poll vote of 6 to 0 as follows:

Mr. Brandt	aye	Mr. Mills	aye
Mr. Corbi	aye	Mrs. Manzi	aye
Mr. Greenwood	aye	Mr. Della Penna	aye

The chair stated he feels hardships were demonstrated and that there is no detriment and the square footage is justified.

## **OLD BUSINESS**

**Planning Board & Council Matters** – The secretary reviewed that status of the mayor’s zoning code task force. The findings and recommendations will be presented to Council and then to the planning board. Mr. Brandenburger has received approval to construct a bank building on the pad site at the Shoppes of Riverton. There are still ongoing legal challenges to the revised COAH rules.

**Escrow Shortages** – The secretary stated there is no resolution to date to the outstanding escrow issues.

## **CORRESPONDENCE**

- There was none.

## **NEW BUSINESS**

- **Vouchers and Invoices** – there were none.

## **PUBLIC COMMENT ON GENERAL ZONING ISSUES**

The chair stated for the record that no members of the public were present.

**Meeting adjourned at 9:00 PM (motion by ken Mills, second by Bill Corbi).**

**Tape is on file.**

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