

**RIVERTON BOROUGH ZONING BOARD**  
**MINUTES**  
**August 20, 2009**

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 21, 2009.
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, Joe Della Penna, Craig Greenwood, and Deborah Weaver.

**ABSENT:** Charles Veasey and Robert Kennedy.

**OFFICIALS:** Substitute Counsel Solicitor Charles Petrone of Raymond and Coleman and Secretary Ken Palmer were present.

**MOMENT OF SILENCE FOR ED SMYTH**

Kerry stated for the record and all present that he as well as the board were deeply saddened by the passing in July of Ed Smyth. Ed was a long time member of the board and his contributions, dedicated service to the board, and mentoring of new members will be missed. Kerry asked that all present might observe a moment of silence to remember Mr. Smyth.

**MINUTES**

A motion was made by Ken Mills, seconded by Joe Della Penna, and unanimously approved to adopt the minutes of the June 18, 2009 regular meeting as distributed.

**PUBLIC HEARING**

**Note: Prior to calling the hearing, the chair announced that due to a prior commitment, Board Counsel Janet Smith is unable to attend the meeting and that she had contacted Raymond and Coleman the Planning Board's counsel and asked if they would provide a substitute counsel for tonight's meeting. Charles Petrone is present as counsel for tonight.**

**Variance Application by Erica Alfano, 8 Linden Avenue, Block 201, Lot 15 – placement of a fence beyond the permitted set back lines on a corner property.**

**Introduction:** The chair reviewed the application. The secretary stated that all jurisdictional requirements were complete. Mr. Petrone concurred the hearing could proceed. No members recused themselves from the matter. Mrs. Alfano and neighbor Ted Kull, 16 Carriage House Lane were sworn in. Erica explained that she wishes to replace an existing deteriorated 6-foot wood stockade privacy rear yard fence that extends to the property line on Carriage House Lane with an adobe colored 6-foot PVC decorative stockade style fence. The rear yard fence is along the side yard of Mr. Kull's property on Carriage House Lane. She also wishes to replace a 4-foot chain link fence that extends along the street-side side yard from the front of a rear screened porch to the rear property line. The new side yard fence would be 4-foot black PVC coated chain link. She wishes to extend the new side yard fence from the home to the side property line and along the property line to the rear property line. She offered that the screened porch is approximately ten to twelve feet deep. Exhibits consisting of a listed rationale for the variance and 15 photographs of the existing and proposed fencing, her property and neighboring properties were provided and marked as exhibits A1-A16. Erica offered that the side yard restriction means that approximately 25% of her rear yard is outside the current side yard fence and is not usable as a contained rear yard. She stated that allowing the fence to run along the side yard property line would maintain a 12-foot setback from the edge of

the paved street. There is no sidewalk along the side of the property. The 12-foot setback exceeds the average of 8½ feet that exists where sidewalks exist. She needs the fence to allow her dog to be outside. Erica offered that the pictures neighboring properties showed that a precedence exists to permit similarly located fences. Mr. Kull stated he had no objections to the proposed fences. He appreciates the privacy offered by having the rear yard fence extend to the property line. He feels the location is far enough from the corner of the street to not impact the streetscape or present sight line issues. Because the fence terminates at a telephone pole at the street the continuous fence provides a natural unbroken border between their homes and guarantees privacy between Erica's backyard and his property. The board discussed the issues. The chair feels that a 6-foot high fence coming all the way to the property line may block the streetscape along Carriage House Lane. It was suggested that perhaps the first section 6-8 foot section of the rear yard fence be graduated from 4-foot high where it meets the chain link fence to the 6-foot height of the rest of the fence. Erica stated she would agree to do the graduated section as long as the fence supplier stated it was possible. In fact she thinks the suggestion is a great improvement since it better ties things together. There was no further testimony or questions from the board. Ken Mills motioned and Bill Corbi seconded to open the hearing to public comment. Mr. Kull again stated his support for the proposed fencing and stated he would even offer with any "extra" expense to provide any specialized fencing to meet the board's suggestion for the graduated height of the first section of the rear yard fence. There were no other comments and Ken Mills motioned and Joe Della Penna seconded to close the hearing to public comment.

**Deliberation:** The chair reviewed the proofs needed to demonstrate a hardship and that there is no detriment to the neighborhood. He stated he feels the requirements have been met. The chair stated if there were no additional comments or questions from the board that perhaps Mr. Petrone would guide the board in what he feels is needed to grant the applicant's request while addressing the board's concerns. With board comments, Chuck offered that the board might consider granting approval for a 6-foot adobe colored PVC or similar material fence along the rear yard line that extends to the property line at Carriage House Lane but no closer than 12 feet from the edge of the pavement. The first section of the fence at the corner is to be graduated in height from 4 to 6 feet. The applicant is also granted approval to install a 4-foot black PVC coated chain link fence that begins at the rear corner of the property extending along Carriage House Lane and then to the side of the house in front of the screened porch but no further forward than 12 feet from the rear of the screened porch. The side yard fence will be no closer to the street than the property line but not closer than 12 feet of the edge of the pavement. The fence along Carriage House Lane will remain as defined in the application with any change requiring a new variance. Bill Corbi motioned that the application be approved as defined by Mr. Petrone and discussed by the board. The motion was seconded by Craig Greenwood and passed by a unanimous poll vote of 6 to 0 as follows:

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

Mr. Brandt feels there is no negative impact on the neighborhood and that a hardship has been demonstrated.

## **OLD BUSINESS**

**Planning Board & Council Matters** – The secretary stated that work continues on a revised COAH submission. A final report on the downtown revitalization study grant is due to be released shortly. There is no update on the 2009 budget. The secretary is not certain if there is any change in the board's Council liaison following Council Committee reassignments after the resignation of Mr. Cesaretti and appointment of Mr. Myers. There is no additional information on the sale of the Post Office building.

## **CORRESPONDENCE**

None received.

## **NEW BUSINESS**

### **Vouchers and Invoices**

1. 7/2/09, Raymond & Coleman, \$75.00, to complete resolution for the Vink Application during June. PAY FROM ESCROW
2. 7/2/09, Raymond & Coleman, \$75.00, to complete resolution for the Stocker Application during June. PAY FROM ESCROW
3. 7/2/09, Raymond & Coleman, \$75.00, to complete resolution for the DeVries Application during June. PAY FROM ESCROW

There was no discussion and a motion was made by Ken Mills, seconded by Joe Della Penna, and the voice vote was unanimous to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

### **Upcoming Applications**

Another side yard fence application has been submitted for September. Janine Miller has not submitted her revised application nor requested a date for the hearing. There has been no additional contact with Devastation University.

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

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

**Meeting adjourned at 8:35 PM (motion by Ken Mills, second by the chair).**

**Tape is on file.**

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