

RIVERTON BOROUGH ZONING BOARD
MINUTES
January 21, 2010

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 Secretary Ken Palmer to conduct the annual reorganization of the board.

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.

REORGANIZATION - 2010

Reappointed regular members Robert Kennedy and William Corbi were sworn in for their new terms by Janet Smith. Secretary Palmer reviewed that he remained the secretary as a Borough employee (with the board's approval) for 2010. Mary Lodato has been reappointed as the Code Enforcement Officer, and Councilman Joseph Katella will be the board's council liaison. Ken Palmer was asked to conduct the rest of the reorganization.

ROLL CALL

PRESENT: Kerry Brandt, Ken Mills, William Corbi, Joe Della Penna, Craig Greenwood, Charles Veasey, Robert Kennedy, and Deborah Weaver.

ABSENT: Barry Wells.

OFFICIALS: Solicitor Janet Zoltanski Smith, Councilman Joe Katella, Planner Tamara Lee, and Secretary Ken Palmer were present.

Chairman: Kerry Brandt was nominated by Ken Mills and seconded by Bill Corbi to serve as Chairman. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous.

Vice Chairman: Ken Mills was nominated by Kerry Brandt and seconded by Craig Greenwood to serve as Vice Chairman. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous.

Solicitor: Janet Zoltanski Smith Esq. was nominated by Ken Mills and seconded by Kerry Brandt to serve as the Zoning Board Solicitor for 2010. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous.

Planner: It was agreed that the board should retain a professional planner on call for more complicated matters that may involve site plan issues. A motion was made by Craig Greenwood and seconded by Ken Mills that Tamara Lee of Tamara Lee Consulting LLC be appointed to serve the board as its planner on an on call basis for 2010. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous.

Engineer: It was agreed that the board should retain a professional engineer on call for more complicated matters that may involve site plan issues. A motion was made by Kerry Brandt and seconded by Ken Mills that Rick Arango of Remington, Vernick & Arango Engineers be appointed to serve the board as its consulting engineer on an on call basis for 2010. There were no other nominations and the nominations were closed. A voice vote was taken and the vote was unanimous.

Kerry assumed chairing the meeting.

Board Meetings for 2010 – Resolution Z2010-01, the calendar of meetings for February 2009 through January 2010 was reviewed by the secretary. The board decided that meetings will continue to be held on the third Thursday of the month at 7:30 PM. A motion was made by Ken Mills, seconded by Craig Greenwood, and passed unanimously to accept the resolution, to have it published in the Burlington County Times and posted in the Borough Hall.

Appointment of Professionals for 2010 – Resolution Z2010-02 announcing the appointments of a solicitor, planner and engineer was reviewed by the secretary. A motion was made by Craig Greenwood, seconded by Ken Mills and passed unanimously to accept the resolution, have it published in the Burlington County Times, and mailed to the professionals.

MINUTES

The chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Craig Greenwood, seconded by Ken Mills, and unanimously approved to adopt the minutes of the December 17, 2009 regular meeting as distributed.

OLD BUSINESS

Adopt and memorialize Resolution Case #2009-11 for the Variance Application by Diane and Michael Jassmann, 211 Elm Avenue, (Block 501, Lot 19) for bulk variances to construct a kitchen addition and deck on house that is on a nonconforming lot and the addition will exceed permitted impervious coverage – The chair referenced the resolution by title and asked if everyone had received and read the resolution and if there were any comments. Only members who approved the application can act on the resolution. Ken Mills motioned and Deborah Weaver seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous poll vote of 4 to 0 of the members present and eligible to vote on the resolution as follows:

| | | | |
|---------------|-----|-------------|-----|
| Mr. Brandt | aye | Mr. Mills | aye |
| Mr. Greenwood | aye | Mrs. Weaver | aye |

Chairman Brandt stated he needed to recuse himself from the BWC matter and asked to be excused from the meeting. Kerry stepped down and Ken Mills chaired the rest of the meeting.

PUBLIC HEARING

Use variance application by BWC Realty Associates, 100 Park Avenue, for 613-615 Main Street, block 906, lot 4 in NB zone, to subdivide the former Post Office property at 613-615 Main Street and erect townhomes and rehabilitate the existing building for permitted use(s).

Housekeeping: Board Counsel Janet Smith reviewed that this matter had originally been heard in December and continued to this meeting. The application had been deemed jurisdictionally complete. Because there were only four members of the board available to hear the matter and a use variance requires a minimum of five votes for approval, a member of the planning board had been requested to assist the board in establishing the quorum needed to hear a use variance. This decision had been made using the provisions of the State's Municipal Land Use Law which allows using substitute members from the planning board to establish a quorum where there are insufficient members of the zoning board available to establish a quorum. Subsequent to the meeting, she and applicant's attorney Mr. Oberlander had received correspondence from Mr. Fred Hardt, Esq. counsel for objector Mr. John Laverty. Mr. Hardt contends that the board's decision was incorrect and that the section of the MLUL only applies to establishing a quorum to conduct a meeting. His contention was that the only proper action by the board in December was to have continued the matter without any testimony. Janet stated that the statute is mute on the interpretation and there is no case law on the matter. Rather than contest the opinion, she and applicant's attorney had concurred that since the hearing had been properly noticed and continued without decision, it would be appropriate to re-present the application in its entirety tonight and to discard and ignore all prior testimony. Applicant's attorney David Oberlander stated he also felt that Mr. Hardt's objections were incorrect; but, rather than contesting Mr. Hardt's conclusions and further delaying the matter, he concurred with Janet's statements. He further stated he hoped the board would agree to hear the application as if it was being presented for the first time and the applicants were prepared to present their case in its entirety. Janet concluded she felt the board could proceed in this manner and asked if the board concurred. The board concurred.

Introductions: Ken Mills introduced the application as stated above and introduced Mr. Oberlander. Mr. Oberlander introduced the following who were the applicants or their professionals and would provide testimony and asked that they be sworn in:

- Jim Brandenburger, principal of BWC Realty and a developer
- Michelle M. Taylor, PP of Taylor Design Group
- Joseph R. Hirsh, PE of Environmental Resolutions, Inc.
- Dr. Paul G. Gena, a principal of BWC Realty

Janet swore in the above. Prior to testimony, Board Planner Tamara Lee was sworn in as the board's professional.

Testimony: Mr. Oberlander gave an overview of the application and reviewed that the applicants understood that while, as a bifurcated application, only the use variance(s) are being requested at this hearing, the board will certainly consider the impact of bulk variances in considering the merits of the site plan and subdivision applications and that approval of the use variance(s) is contingent on obtaining the required site plan and subdivision approvals. Mr. Oberlander asked Jim Brandenburger to explain the application. Jim reviewed that the application was to:

- Preserve the currently vacant former post office building,
- Rehabilitate the building for permitted commercial uses in the NB district,
- Subdivide the property to permit construction of 4 single family townhome residences as two semidetached structures on Cinnaminson Street,
- Preserve and improve the existing mixed use character of the area with primarily commercial use along Main Street and residential use on Cinnaminson Street,
- If the entire site is maintained as all NB use, the property will probably remain vacant for a prolonged period of time and very may likely result in the structure being expanded to better utilize the site as allowed in the zone or perhaps demolished and replaced by a structure more suited to fully utilize the uses permitted in the NB zone,
- Provide the economic means to preserve the area and allow the needed rehabilitation of the post office building,
- The entire approximately 30,000 sq. ft. site is currently zoned as NB and the use variance(s) will permit the site to be subdivided to permit residential use on Cinnaminson Street,
- While only seeking the use variance(s) that will allow the project to proceed they understand the requirement and intend to submit all required full site plan and subdivision applications for approval.

During testimony, the following exhibits were introduced and entered as part of the testimony:

A-1 – Photo of the rear of the property showing the rear of the building and parking lot

A-2 – Photo of residences across Cinnaminson Street from the property

A-3 – Concept plan #4 showing revised entrance to the commercial building from Cinnaminson Street

A-4 – Concept plan #3 original plan presented in the application with access from Main Street

A-5 – A-11 – Photos showing examples of existing parking where the parking is next to residences with little or no buffering

A-12 – Aerial photograph of site and surrounding area labeled to show orientation of photos in A-13

A-13 – Series of eight photos showing mixed residential and commercial use character of the neighborhood surrounding the site

A-14 – Concept plan #10 showing three residences instead of four on Cinnaminson Street.

Jim explained that the existing building built during the depression as a WPA project is essentially sound but requires extensive rehabilitation to preserve the structure, upgrade the mechanicals, and permit the current habitable areas to be utilized for a use permitted in the NB zone. The rehabilitation and renovations are estimated at approximately \$100,000.00 not including any fit out required by new tenants. The basement currently houses the mechanicals, is used for storage, and will not be converted to Class A space. He explained that he does not want to demolish the building because of the historical importance to Riverton. Moreover, he indicated that the construction of the building is substantial, that demolishing it would be cost prohibitive. He explained the possible interest for use as an office by a company that builds medical prosthetic devices. They would not conduct fitting at that location, so clients were unlikely to visit the site and it would have a low impact on parking. However, Jim

acknowledged that there may be other office uses or other uses for the property by future owners. Subdividing the rear of the site, which was the parking/loading area for the post office, will allow the construction of residences which will preserve the residential use and zoning of most of Cinnaminson Street. Jim referred the two photos entered as exhibits A-1 and A-2 which respectively showed the rear of the property and of the residences across Cinnaminson Street from the rear entrance. Jim stated that he thought the smallest of those properties only had a front footage of 25 feet. Jim referenced exhibits A-3 and A-4 to explain the concept of the plan. Exhibit A-3 (Concept Plan #4) shows the entrance to the parking lot for the commercial structure moved to Cinnaminson Street. Exhibit A-4 was Concept Plan #3 presented in the original application with the entrance from Main Street. The revision followed conversations with the owner of the adjoining property at 617 Main Street. The owner is a dentist who maintains the large single family home as his family residence and also has his dental practice. The proposed entrance from Main Street would be next to the residential side of the building and would disrupt the privacy provided by the current side yard of the post office building. To further minimize intrusion, Jim explained that the new residence next to the property would not have windows on the side and that any deck would include appropriate screening. Jim stated that it was not unusual for attached dwellings to restrict windows to the front and back of the building. Concerning parking for the commercial building, Jim testified that he originally planned to provide ten spaces for the parking for the converted post office building. He has since determined that the loading dock on the rear of the post office can be taken down without impacting the main structure. There is no basement under the loading dock and therefore he plans to remove it which will provide additional parking as well as remove the part of the building considered the principal eyesore on the building. Jim indicated that there are other locations in town where residential units are located next to public parking. Concerning the fact that the proposed residences will be looking at the proposed commercial parking, Jim stated that is common in mixed use areas for commercial parking to abut residential lots and it is already common in this area of Riverton. He referred to exhibits A-5 through A-11 to show examples. A-5 showed the Borough lot behind the former Beneficial Bank building, A-6 and A-7 showed parking for Mrs. Rogers' Tea Room which is next to a residence, A-8 showed Freddy's Shoe Service which is next to Riverton Square and has the townhomes in the rear, A-9 was a former bank converted to a residence and office, A-10 is the back of the same property that abuts the new townhomes, and A-11 showed a property near Broad and Main Streets with no yard between the buildings. Jim stated that he believed there were only two commercial spaces in the NB zone, Zena's and the Riverton Gym, which because they adjoin other commercial areas do not have parking lots next to residences. While admitting that the parking proposed for the building may not satisfy all possible uses, Jim feels there is ample on-street and nearby off-street parking available. Jim mentioned that the Riverton Square development down the street is 85% occupied and has a rear parking field for 25 vehicles that is currently rarely if ever occupied.

Jim introduced Michelle Taylor and Mr. Oberlander had her present her qualifications as a planner which were accepted by the board. Mr. Oberlander prefaced Michelle's testimony by stating she is being asked to speak to the proofs required to show that a use variance satisfies both the positive and negative criteria used to define if a use variance is warranted. She is not addressing the any site plan or subdivision issues which will be filed in the future. Michelle testified she is the VP of Taylor Design Group, Inc. and the planner testifying on behalf of the applicant. She testified as to her qualifications, the action she took to prepare for the testimony which included site visits and an analysis of the Master Plan, its updates and subsequent studies commissioned by the Borough. She proceeded to discuss the permitted and conditional uses in the NB District. Michelle referred to exhibit A-12, an aerial photograph of the site and surrounding area that provided references for the location of the photos in exhibit A-13 which provided several pictures of the site, the rear of the site and the surrounding area. Michelle testified why it is important from a planning perspective that the existing building remain to preserve the character of Main Street. It was Michelle's opinion that in order to generate business there should be high residential densities of 10 to 20 units per acre and to create employment centers. Michelle feels the current parking requirements of the Borough are too high based on currently accepted downtown parking standards and should be reduced. She referred to the recently completed study of the downtown area commissioned by the Borough which concluded that the downtown area does not need additional parking than already exists. She referred to the statements in the study that spot surveys made at multiple times of the day on business, weekend and holidays supported the conclusion that there was sufficient parking. She feels the proposed plan supports the Borough's and State's master plans and the results of the reexamination report of the Borough's plan. Michelle Taylor further testified that the Master Plan included housing as a viable option for the downtown area. She further testified that the parking review indicated that there is no shortage of parking spaces. It was her opinion that parking lots can create blights in a streetscape. Michelle Taylor testified as to the positive and negative criteria. The post office building is an

important building to Riverton. It needs remediation and the residences would subsidize the necessary work, thus the historical building would be preserved and further the new residences would enhance the streetscape of Cinnaminson Street. Further, there is no detriment because sewer and water is already available. There would be no noise, dust or odors and the surrounding uses are consistent with the uses proposed. She was of the opinion that no additional traffic impact would be felt and future traffic would likely be less than the traffic that the post office itself had generated when it was operating from the site. Michelle concluded that in her opinion the plan satisfies the special reasons needed to support granting use variances.

Paul Grena a principal of BWC testified that he is a resident of Riverton and is concerned about preserving the post office building and preserving the character of the neighborhood. He feels that the permitted utilization of the site could allow a by-right application that would not be in the best interests of the town. He stated that he and Jim had agreed that they would be willing to use the square footage in the basement for storage space only. He and Jim also testified that they could possibly agree to restrict the number of residential units to three. There was additional questions and answers among Janet, Jim, Michelle and Paul as to possible ways to help the board decide the worthiness of the project and address possible concerns.

Tamara Lee, the planner for the Zoning Board, testified that she assisted the Borough in the preparation of its Master Plan and its updates. Tamara stated she feels it is important for the board to remember that while economic needs and conditions have been presented, economic concerns are not valid points in considering the merits of a variance request. However, she does recognize that the applicant's are seeking and should be given some concrete direction as to the number of units the board feels is appropriate if it grants the use variance. Tamara is concerned that the proposed new homes properly transition the new development at Riverton Square into the existing smaller homes; and for that reason she feels three units may be better than four. Since the proposed plan will greatly reduce the available space for parking, the board would be advised to try and restrict the useable areas of the existing building. Answering an inquiry as to the Master Plan's concern for increased density, Tamara responded that the concern regarding density was predicated on the assumption that increased density generates more traffic and parking problems and the most common source for undesirable increases in local density came from inappropriate minor subdivisions that squeeze an extra house into an established residential neighborhood. She stated that as to this application, the residential neighborhood would actually benefit from the new homes and the transformation of a deteriorated parking lot. She stated that the amount of traffic will not increase adversely. Since the Board seemed determined to take steps to insure that the parking would be satisfied, parking also would not become a problem; therefore, the underlying issues regarding density, as addressed by the Master Plan, were not a factor in this application. Concerning the size of the site within the NB zone, Tamara Lee explained that when the Master Plan and Zoning Map was prepared the post office utilized the entire lot and that the Borough was committed to eliminating split lot zoning on their zoning map. For these reasons, the post office lot was zoned entirely NB. Tamara Lee discussed issues regarding the commercial driveway and she stated that it would be easier to buffer the residences from the commercial driveway if the number of homes was reduced to three, creating more space for effective buffering.

After additional discussion concerning the number of new residences and the location of the driveway and number of spaces available, Jim presented Exhibit A-14 which was Concept Plan #10 showing a proposal for three residences, two attached homes and one single family residence. Jim mentioned that the plan showed the loading dock which he had since determined could and would be removed providing more parking area. Jim stated that he would provide as many spaces as possible for the building. Testimony concluded with additional questions and answers from the board concerning the proposed residential lots, the access driveway entrance/location and usable space in the building. It was concluded many of these items would best be addressed during the site plan process. Jim also stated he has not been able to meet with the county to get a better idea of the recommended location of the access to the parking area. Jim stated the economic proceeds from the residential construction will provide the needed capital pay for the rehabilitation of the existing building which will be going on at the same time the residences are built. Jim feels the proposed plan make sense and best fits in with current development in the area and is similar to the development he did for Riverton Square. He realizes that the board cannot consider economic issues; however, he does need to come away from this application with a good idea if he can proceed. Tamara added that while use variances go with the land, she feels the board can craft any approval contingent on that if the site plan and subdivision plans never materialize, the use variance disappears.

Public Comment: The chair stated that he felt rather than continue to debate increasingly narrow points it was time to open the matter to public comment. There was no opposition and a motion was made by Bill Corbi and seconded by Joe Della Penna to open the hearing to public comment. The meeting was opened to the public and the following people were sworn and testified.

- Christy Quinn, owner of 607 Cinnaminson Street, stated that she had previously lived at this home at 607 Cinnaminson Street and now rents it. The property is directly across the street from the rear of the former post office and currently and previously the view from the home was “awful.” She likes the idea of a residential area across the street and supports the application.
- Muriel Alls-Moffat, 202 Fulton Street, Riverton, had questions about the procedure and the why the matter was being re-presented in its entirety tonight. Her questions and concerns were addressed.
- Don Deitz, 304 7th Street, Riverton, wants to make sure that any new buildings will be commensurate with the other buildings in the Borough especially on Cinnaminson Street. He is concerned about the size and mass of new construction in the area and hopes the post office building remains.
- John Laverty, 616 Main Street, prefaced his testimony by stating he lives across the street from the proposed development and finds it hard to object to the application since he knows and respects the applicants. He stated that the Neighborhood Business Zone does not provide for residences. Currently townhouses are not a permitted use anywhere in the Borough according to the land use code. He stated that parking will be inadequate for the business use and residences. He stated that according to his calculations for the property, which he has been in, 20 spaces would be required for the first floor of the building plus 16 if the basement is utilized. The proposal provides only 9 to 10 spaces. John stated that the depth of the residential lots would only be 88.5 feet with the buffer. He stated that the entrance to the commercial lot off of Cinnaminson Street would be one way and it should be two way and with the buffer would leave only 90 feet for the width of the lots not 100 feet. The 12 foot proposed deck on the proposed residential units would be less than or equal 13 feet from the rear property line. He stated that the properties referred to in the applicant’s testimony regarding other parking lots next to residences were existing, and that the parties had no ability to provide the buffer because they were pre-existing. He calculated that the first floor has 4,375 square feet, the second floor has 655 square feet and the basement has 4,090 square feet. The building and the lot presently has sufficient parking for that amount of square footage. He was concerned that since attached homes are not currently permitted, allowing them will set a precedent which would be hard to refuse later. He indicated that any reuse of the post office as it currently exists would require a major site plan and that a bigger building could not be allowed because of the parking calculation. It was his opinion that the proposed residences are not consistent with the architecture in the area. He noted that it was difficult to restrict the use of the post office building in the future. Future uses could require more parking. He stated that Cinnaminson Street is already congested and narrow. The proposal will require several bulk variances, where no variances are needed for the current site. He stated that the basement can be occupied. He stated that the proposal crammed too much onto the lot. He provided pictures, marked as Objector’s 1-11, which showed the Riverton Square site, the street near that site and the townhomes built next to the site which were constructed by James Brandenburger. Pictures, 1 and 2, showed a job trailer on the site. Pictures 3, 4, 5, 6 and 7 showed the parking for the homes that were constructed at Riverton Square. There is a van across a sidewalk and people are parking at the business location spaces. Pictures 8 and 9 show the tight cartway on Cinnaminson Street and Picture 10 shows the deck and its proximity to the commercial property. Picture 11 is of the townhouses and shows their size and mass. John stated that the density proposed by the applicant was 21.72 units per acre and reducing it to three units made it 16.3 units per acre. He further stated that ingress and egress could be on Main Street and that the driveway should be on Main Street thereby reducing the density of the property as follows: 4 residential units would be 16.67 units per acre and 3 units would be 12.35 units per acre. Regarding the appearance of the post office building, he suggested that Riverton consider enforcing the property maintenance ordinance which would improve its appearance.

There was no further public comment and Bob Kennedy motioned and Chick Veasey seconded to close the hearing to public comment.

Deliberation: Tamara spoke to the proofs needed when considering a use variance and feels the applicant may have addressed them. Janet raised the issue of COAH and Tamara stated that it will be an issue to be addressed

during site plan and will be subject to whatever rules are in effect at the time which appear to be subject to change almost daily with the new administration and possible plans for the COAH agency in Trenton.

The board deliberated the application with comments being made by all the members. The board concluded that the post office building is an important historical site for the Borough; but, that it requires significant repair. The board concluded decided that residential uses on Cinnaminson Street would be appropriate though concerns persist about how the subdivided lots would fit on the site. The board considered, and the applicant agreed, that if the subdivision, bulk variances and site plan did not satisfy the Board's concerns then the variance would become void immediately. With this stipulation, there was an expressed understanding that the Board would review the subsequent subdivision, bulk variance and site plan applications in relationship to the conceptual design testimony of this use variance application. The members felt that a maximum of three units was warranted. Jim stated he would prefer that the board decide on an actual number since a maximum number might be reduced at site plan which would make the plan unfeasible to him. There being no further discussion, the chair asked if Janet would offer guidance to the board for an appropriate motion. Janet Smith suggested that the board might make a motion to grant a use variance allowing the development of three (3) residential units on Cinnaminson Street contingent on subdivision, site plan, and bulk variance approvals and further contingent on the improvement and renovation of the existing post office building, consistent with the historical character of the building, and further contingent on the basement of the post office building being restricted for storage or other uses approved by the Board that do not create a parking demand. The chair asked if everyone understood the suggested content and if anyone was prepared to make a motion. A motion was made by Joe Della Penna to approve the application as suggested by Janet. Craig Greenwood seconded the motion. There was no further discussion and the board approved the motion by a unanimous poll vote of 7 ayes and 0 nays with comments as follows:

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| Mr. Mills | aye | Mr. Corbi | aye |
| Mr. Della Penna | aye | Mr. Greenwood | aye |
| Mr. Veasey | aye | Mr. Kennedy | aye |
| Mrs. Weaver | aye | | |

Mr. Mills felt the residential use on Cinnaminson Street is appropriate and that redevelopment of the existing post office building while retaining the existing building is to be commended. Mr. Corbi agrees that the residential use is appropriate and looks forward to seeing the site plans. Mr. Della Penna felt that the plans discussed will preserve the character of the structure and prevent what could become an eyesore in the center of town. Mr. Greenwood stated he looks forward to seeing the plans. Mr. Veasey stated that while he has questions regarding the bulk variances needed he feels the proposed residential use fits Cinnaminson Street. Mr. Kennedy applauded the preservation efforts and feels residential development is appropriate for Cinnaminson Street but wants to see the height of any structures in keeping with the character of the street. Mrs. Weaver felt the residential aspect is appropriate and wants to see the site plans.

OLD BUSINESS (Continued)

Planning Board & Council Matters – Councilman Katella commended the board in the professional manner in which the board conducted the hearing. He stated he feels Code Enforcement Officer Mary Lodato is doing a top notch job and should be defended when criticized on any dealings with the post office property. The property has been a tricky issue for a long time. The secretary reported that the planning board had amended the master plan once again by adopting the latest revised Housing Element and Fair Share Plan in its efforts to satisfy COAH's requirements in the Borough's petition for recertification under third round regulations. The board has established a subcommittee to continue to examine recommended changes to the zoning code. Joe Katella stated he felt the planning board had done a good job in addressing most of the concerns from the zoning board.

2010 Budget – The proposed budget has been submitted by Kerry

Mandatory Education for Board Members – The secretary reported that he is preparing to submit the registration for the members who have signed up for the session in March.

CORRESPONDENCE

None received.

NEW BUSINESS

Vouchers and Invoices

1. 01/20/10, Janet Zoltanski Smith, \$78.00, for general professional services and guidance in December.
2. 01/20/10, Janet Zoltanski Smith, \$234.00, for professional services in December and January for the Diane and Michael Jassmann, 211 Elm Avenue application. (PAY FROM ESCROW)
3. 01/20/10, Janet Zoltanski Smith, \$767.00, for professional services October – December for the BWC Realty Associates, LLC application for the old Post Office. (PAY FROM ESCROW)
4. 01/02/10, Tamara L. Lee LLC, \$630.00, for preparation and attendance at the board meeting connected with the Brandenburger/BWC Realty use variance application in December. PAY FROM ESCROW

The secretary stated there were no escrow shortage issues. There was no discussion and a motion was made by Craig Greenwood, seconded by Joe Della Penna, and the voice vote was unanimous to pay the invoices as discussed. The secretary will make sure they are signed and submitted for payment.

Annual Report of Applications and Recommendations – The secretary reviewed Resolution Z2010-03 which is the annual report to the planning board and Borough Council of applications heard and recommendations for amendments to the zoning code. This report is required under the Municipal Land Use Law. The chair asked if the members had any comments or additions to the report. A motion was made by Ken Mills, seconded by Craig Greenwood, and unanimously approved by voice vote to adopt the report resolution and submit it to the planning board and Council.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 10:55 PM (motion by Bill Corbi, second by Chick Veasey)

Tape is on file.

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