

RIVERTON BOROUGH ZONING BOARD
MINUTES
March 18, 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 7:40 PM by Vice Chairman Ken Mills.

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, 2010.
2. Posting notice and publication in the Burlington County Times of this meeting by the applicants.

REORGANIZATION

Reappointed alternate member Barry Wells was sworn in.

ROLL CALL

PRESENT: Ken Mills, Joe Della Penna, Charles Veasey, Robert Kennedy, Deborah Weaver, and Barry Wells.

ABSENT: Kerry Brandt, William Corbi, and Craig Greenwood.

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

MINUTES

The chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Bob Kennedy, seconded by Joe Della Penna, and unanimously approved to adopt the minutes of the February 18, 2010 regular meeting as distributed.

PUBLIC HEARING

Site Plan and Subdivision application by BWC Realty Associates, 203 Thomas Ave., for 613-615 Main Street, block 906, lot 4 in NB zone, to rehabilitate the existing building for permitted use(s) and to subdivide the site to define three new lots for the construction of three single family detached residences fronting on Cinnaminson St.

Housekeeping and Introductions: The secretary reviewed and affirmed that all the jurisdictional requirements had been met. Kelly Young introduced himself as alternate counsel for the applicant appearing instead of Dave Oberlander. Mr. Young asked if the applicant and all others could be sworn in at one time. The following were sworn in and as applicable presented their qualifications:

- Jim Brandenburger, principal of BWC Realty and a developer
- Joseph R. Hirsh, PE of Environmental Resolutions, Inc.
- Dr. Paul G. Gena, a principal of BWC Realty

Testimony: Mr. Young asked that the following be entered as exhibits:

- ASP-0, Resolution Case #2009-09 that granted the use variance
- ASP-1, a binder containing supporting documentation that will be referred to during testimony. Copies were provided to the board.

Mr. Hirsh reviewed the plans for the site, including the buffering on the commercial site and the plans for the proposed residential lots. He reviewed that some minor changes to satisfy concerns of the board's engineer will be made to the parking stall location. The revision will not cause a change in the number of spaces planned for the site. Mr. Hirsh stated that there were no problems with the reviews dated 3/16 provided by Rick Arango and Tamara Lee and the applicant was prepared to address all their concerns. Mr. Hirsh and Jim provided a detailed

response to Section III-Performance Standards in Rick's review that indicate variances or waiver are needed or that testimony be provided to assure that the proposed plans can be complied with:

A. Streets:

- The chart and photographs in the handout were referenced to provide the details of the sight triangle and that a satisfactory sight triangle existed.
- It was testified there would be no restrictions to parking on Main Street along the site frontage.
- It was testified and demonstrated via the site plan and a photograph of the type of housing planned that each residential site will provide for two off street spots by providing a garage and sufficient driveway space.

B. Parking on the commercial site:

- The applicant is requesting a variance permitting the parking stalls be 9'x18' instead of the required 10'x20'. Mr. Arango stated this is a common variance request and given the intended use of the stalls and he has no concerns with the request.
- The applicant testified to the suitability of a variance for the planned 11 spaces. Principally, the proposed number of spots exceeds that provided by most existing businesses in the area with the exception of the new Riverton Square development. The board questioned and Jim Brandenburger responded that while he has strong interest in the building that would meet a specific type of use, he didn't feel he should be totally constrained to one form of permitted use since he really has no guarantee of what the eventual use may be. Janet explained that some form of firm decision needs to be agreed to so the board could properly weigh the impact and scope of the parking variance needed. Further, it was explained that if in the future a different permitted use is proposed which changed the parking requirements; that would require a site plan at that time. The applicant testified that he feels the most probable use will be some type of professional or medical office use and that he would agree to base the variance on the requirements for that type of use. Based on the proposed usable floor space of 4,945 square feet, that equates to 25 required spaces. The applicant agreed to abide by that calculation and understands that if the eventual use differs from that, then a new/amended site plan will be required. It was determined that the number of spots per number of employees calculation does not apply since there is another use specific standard being used. It was also discussed on reorienting where the spaces are located so as to provide better driveway access where the drive enters the rear parking area. The applicant agreed to consider revising the parking layout without decreasing the number of planned spaces.
- Testimony was provided that the variance for the proposed two foot wide buffer incorporating a six foot vinyl fence along the rear of the lot would provide sufficient buffering for the parking yet still maximize the available area for parking and a variance is being requested. There was discussion on how to possibly expand the buffer area; but, it was determined that to maintain proper drive and parking access and provide a suitable property depth for the residential sites, the planned width of the buffer probably cannot be expanded.
- The applicant testified that the variance for the buffer along the driveway access side of the property is needed in order to provide a minimum access driveway width and maximize parking stalls. The proposed buffer along that side of the site will vary from seven feet at the front and along the side decreasing to two feet at the rear parking area.
- The applicant is proposing an 18' wide driveway access which meets the county mandated minimum curb access, but is less than the 25' required in the local code. Rick confirmed those statements. The applicant feels a variance is warranted since the 18' is only about 1 foot less than the marked right of way on Main Street for the 18' proposed width; and, because it maximizes the available landscape buffering along the side of the property. It was further testified that the county prefers the location of the planned access and it does not want a wrap around the building pattern with a separate entrance and exit since that configuration requires two curb cuts and further loss of on-street parking. It was testified that stop signs are not required by statute; but, adequate caution, warning indications, and suitable varied materials will be used to clearly delineate the pedestrian walkway. In addition the entrance will be properly graded to promote pedestrian flow. The applicant agreed that some suitable signage will be added warning that there is a pedestrian crossing at the entrance.
- The applicant agreed that the proposed fence would extend across the entire rear of the site and along the side sufficient to minimize intrusion of vehicle headlights.

C. Loading:

- The applicant testified that a designated loading area was not planned since the envisioned uses would have deliveries made by smaller vans or UPS type carriers that would either pull up to the building as is currently done with other businesses in the area or could pull up to the back of the building and drop off or pickup packages as needed.

D. Pedestrian Circulation:

- The applicant testified that the final site plans as well as the construction plans will comply with the requirements.

E. Stormwater Management:

- The applicant testified he would ensure the drainage easements were included as part of the subdivision and subsequent deeds to permit their inclusion and maintenance.
- The applicant agreed that drywells will be provided to lessen the impact of runoff from the residential buildings into the proposed side swales.
- Rick Arango noted for the board that the plans do not plan to change the existing grading and that the removal of the existing paved surface will provide a significant increase in pervious coverage which will allow for natural absorption of runoff from the remaining parking area. Mr. Hirsh testified that except for unusual excessive rainfalls, the proposed pervious areas should naturally absorb any runoff. The need for the easements is to ensure that the planned 2% grading will be maintained to ensure runoff and eliminate ponding. Rick concurred that the planned 2% grading will prevent ponding and the planned swales will properly channel any runoff away from the homes.
- There were concerns raised by several board members regarding both the concept of allowing runoff through the residential sites and the possible impacts on usable space available to the property owners. Jim Brandenburger, Joe Hirsch, and Rick Arango explained the drainage plans that had been submitted with the application. It was testified that any decks would be included in the allowable building foot print area and are not impacted by the contouring for drainage. It was felt that in the rear yards most of the property is usable space. The major impact of the swales would be concentrated between the homes in the 10' total side yard areas. Mrs. Weaver is concerned about the number of variances needed to create the three lots and possible future variances that might be needed for the future homeowners to fully utilize their lots. Mr. Hirsh provided estimates as to the amount of space available in the rear yard.

F. Grading:

- The applicant testified that the homes are proposed to have basements and soil boring will be done and the dwellings will conform to the elevation requirements based on the test results.
- The applicant testified that the plans will be revised to address the rest of the concerns raised in the review.
- Tamara what were the planned first floor elevations since the since the supplied exhibit of the proposed homes showed a significant elevation. Jim explained that the photo was form a development that had a high water table and those homes also had daylight basements. The elevation for this development will be two feet above grade with the garages 20 inches below that level.

G. Utilities:

- The applicant stated that the final plans will comply with all the points raised.
- The utilities for the commercial site will be from Main Street and will be underground from the pole to the building.
- The utilities for the homes will be from Cinnaminson Street and will be underground from the pole(s) to the buildings.

H. Construction Details:

- The applicant agreed to all points raised in this section.

I. Lighting:

- The applicant referred to the lighting plan and testified to the types of lighting planned. All will be wall mounted approximately 10 feet above ground. All proposed lighting will be subject to approval by Tamara to address her concerns.

J. Trash Enclosure (Solid Waste Management)

- The applicant explained why the proposed usage did not require a trash enclosure and that they would agree to stipulate that responsibility for trash removal is the responsibility of the tenant/owner and

must comply with the Borough codes.

K. Signage

- The applicant confirmed that except for signage required by law, e.g., handicapped, no other is currently proposed; but, all signage will comply with the Borough code.

L. Traffic:

- In support of the request for a waiver of a traffic report, the applicant referenced the requested trip number data included in the exhibit package based on accepted ITE standards requested by the board's engineer. All the numbers represent less usage than the post office except for eating establishments on a weekend. Rick stated he would review the material and would determine if a waiver if granted is warranted. The plans address the revised access from Cinnaminson Street to Main Street.

M. Fences:

- The requested gate detail will be added to the plans.

N. Site Safety:

- The requested notation(s) will be added to the plans.

O. Miscellaneous:

- The requested revisions will be made.

Regarding Section V-Summary of variances and Waivers, the applicant and their professionals agreed to the accuracy of the summary. Janet Smith commented that the members should also reference this section in their deliberation as she agreed that it accurately indicated the variances and waivers that are needed to approve the application. Janet also referenced Section II of Rick's report which detailed the zoning variances needed.

Mr. Hirsh responded to Tamara's review. He asked if he could concentrate on those items not previously addressed in the engineer's review and Tamara stated that was fine since he had addressed her similar concerns.

Detailed responses are as follows:

5.6 Architectural plans:

- Mr. Hirsh again referenced the photo of the proposed residential units and the photo of existing homes in the immediate area. Jim commented that the photo represented the planned buildings except that the elevations would be lower as testified earlier. The proposed homes are approximately 1,800 square feet in size and in keeping with the size of existing homes in the vicinity. Jim also provided further details as to the garage entrance and what would be above and to the rear of the garage area. The testimony addressed Tamara's concerns.

5.7 Building height:

- Jim testified that the building height would comply with the revised ordinance and in no case would they exceed a maximum of 35 feet above grade as measured from the peak of the roof. Tamara stated that addressed her concerns.

5.4 Lighting and 5.8 Landscaping:

- Mr. Hirsh reiterated previous testimony that all final lighting and landscaping plans would be contingent on Tamara's approval. Tamara stated that she was satisfied with that stipulation as long as the board concurred.

6.1 Affordable housing:

- The applicant and professionals stated that they would ensure that all regulations were complied with. Tamara reviewed the current impact and fees with the board and requested that the obligation should be specified in any approving resolution.

6.2 – R-4 Zoning:

- Mr. Hirsh and Jim responded that they had use R-4 as a guide when developing the plans for the residential sites. Tamara reviewed the item with the board and explained that it was provided for comparison purposes only and might prove helpful in weighing the impact of the proposed residential sites. Tamara also noted that the R-4 zone only requires a 20 foot front setback while 25 feet is proposed. She stated that by requesting that the homes be moved forward by five feet would allow for additional rear yard area and help with the buffering and usable rear yard concerns raised by the board. Tamara strongly recommended the proposed lot size of 4,000 square feet not be reduced. Jim stated he would be willing to revise the plans to have a 20 foot front yard setback since the garage location still provided sufficient space to maneuver around any parked vehicle.

Public Comment: There was no further testimony and the board stated they wished to hold any questions until they had heard from the public. A motion was made by Chick Veasey 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.

- Cindy Schweich, 617 Main Street, thanked the applicant for planning to remove the pole mounted light. She feels arborvitae are a poor choice for buffering since her experience is they do not do well in the area and will be a constant maintenance source. She is concerned about parking in front of her house. She wants two one-hour parking in front of her home. She realizes that the board can't grant this but doesn't want the concern lost. Otherwise she likes the plans and feels they will be an improvement since the post office did not properly maintain the property. It was remarked that the restricted parking that used to be in front of the post office is no longer there.
- Don Deitz, 304 7th Street, Riverton, asked what changed between January and now concerning the size of the homes. Mr. Grenna replied that he feels the smaller proposed homes are now more commensurate with the area. Don asked if the height of the proposed homes will be 35 feet and it was again stated by the applicant that the absolute maximum height above grade will be 35 feet. Mr. Deitz lamented that while change may be needed, he is concerned that the number of new homes is too many.
- John Laverty, 616 Main Street, prefaced his testimony by stating that he has some exhibits and graphics that he would like to enter and would review them with the applicant and hoped the board would take the time to consider them. John made the following points:
 - there is way too much development being proposed for the site which is a density issue
 - there are too many variances needed to grant the approvals requested
 - the proposed building footprint area for the homes will result in way too large a home for the lots that will not be in character with the existing older homes on the street
 - the plans now call for the commercial access from Main Street. This is a completely new pattern, yet he has not seen a traffic engineer's report as to the impact of new traffic pattern on the flow of traffic on Main street or the impact on the neighboring properties
 - the sight line testimony does not represent the real world of cars parked cars along the street and their impact on sight lines
 - the loss of onsite parking cannot be undone. Once it is gone it will be gone forever
 - the impact of the loss of parking spaces is more than testified to. John feels the loss of spaces on Main Street will be a minimum of two spaces and feels a traffic engineer would recommend at least one or two spaces in front of the Schweich property be striped off to ensure an adequate sight line.

John asked if he could use his exhibits and was informed he could. He presented copies to the applicant and the board of a chart marked Objector's Exhibit 7 – On-Site Parking Requirement Analysis which was entered and marked as O-1. John stated he is presenting his material not as an expert but as a concerned citizen who has done some basic mathematical calculations and feels all the information has not been properly reflected by the experts or properly presented to the board. He prepared the chart using what he feels is defined in the off-street parking section of Borough Code and is intended to show that the number of off-street spaces required for various uses of the post office building. The chart breaks down the building into four areas including the basement and the currently non-enclosed, covered, loading dock area. John contends the required number of spaces for all areas of the building is only satisfied if the least intensive use is considered. All other possible uses require a number of spaces in excess of what even the current site can provide. Therefore John feels it is wrong to consider creating an additional shortage impact than currently exists. Janet Smith commented that the use resolution had precluded using the basement for any use that would increase the parking needs of the site. John stated as a citizen he wants to know how such a restriction is policed and he was informed that is what the code enforcement officer is for. The board feels that issue has already been adequately addressed. John went on to explain that he believes the existing site can be configured to accommodate 31 to 38 parking spaces. He offered into evidence six versions of Alternate Plans for the site which were an aerial view of the site with a graphic overlay to define the plan. The exhibits were marked O-2 – O-7. The exhibits included examples of both the current site and a subdivided site.

John commented that while it is rare for the zoning board to hear a site plan application let alone both a site plan and subdivision, the need for a use variance to even permit the proposed plan to proceed dictated the

board hears the matter. He feels the board should carefully consider that the hardships and need for variances are being created by the proposed plan. Subdividing the site creates a parking deficiency where one might not exist now or will be less intense. He feels site plans and subdivisions should not create substandard lots or conditions; but that is occurring with this application. The remainder lot will be substandard for parking and the new residential use lots will be substandard for bulk variances. He feels that comparisons to existing conditions in the area should not be made or used as justification when one is creating conditions that don't currently exist on a site. Janet reviewed the variances being requested and the efforts by the applicant to minimize the type and number needed. John stated he did not want nor is he qualified to argue law; however, he contends a bulk variance is a bulk variance and that a subdivision should not create variances where none exist. John also contends that what he feels is a minimum 35% reduction in the number of required parking spaces is excessive and again should not be created by subdividing the site. John commented that contrary to the testimony provided, he feels the proposed homes are not even close to being consistent with the character and style of the neighborhood. Janet asked if John doesn't feel the applicant has done a lot to overcome the objections to attached homes and the number of homes by accepting the number of homes as three and providing for detached units. John stated he understood that perhaps the board's concerns may have been reduced; but, he still does not feel that residential construction is a good use of the site and he does not accept that the proposed homes are in keeping with the character of the neighborhood. John feels that allowing drainage across the residential properties is bad from any aspect and that maintenance will always be an issue. He feels onsite seepage structures should be required to channel the runoff from the site without having it flow across the residential properties. He has no objection to allowing 9'x18' stalls and feels the town should allow them. John feels any plans to have the homeowners maintain the buffers will not work and would be unenforceable. He feels the drive isle should be larger and could and should be made as wide as possible for safety. While conceding that easements can create their own set of issues, John feels it is worth pursuing an easement to share the drive with the property adjoining the north side of the site to help with traffic flow issues. John again stated he feels a proper traffic engineering study will help provide solutions. John contends the plans do not make enough provisions for deliveries and trash removal. He went back to the storm flow issues. As a citizen he doesn't want to hear that Council is being besieged with complaints of ponding or other drainage related issues. He again stated on-site underground seepage is needed. John stated he feels any kind of restricted parking is detrimental to the parking situation on Main Street. Many existing homes have to rely on on-street parking and it is not beneficial to subject them to further hardship by restricting the use of existing spaces. John totally disagrees that increasing the housing density on Cinnaminson Street is beneficial. John again referred to exhibits O-2 – O-7 to demonstrate that there are alternatives to the subdivision as proposed by the applicant that may be a better alternative. Lastly, John commented that adding housing is considered by many experts to be a tax revenue negative proposition. John concluded by asking the board to remember that when it comes to granting variances, they may dictate to the applicant for the town but should not be dictated to by the applicant.

- Fred DeVece, owner of the property at 609 Main Street, wanted to know if the 20 foot front setback being discussed was established by the new twins erected behind his property. The answer was no. The 20 foot front yard setback is the existing bulk requirement in the neighboring R-4 district.
- Don Deitz, commented that several years ago when Council was considering using the post office building as a new town hall he kept hearing about ratables. If the existing and new housing or municipal use is so negative to increasing ratables then all decisions where business is concerned should prevail. he feels that there other important considerations than just ratable.

There was no further public comment and Joe Della Penna motioned and Chick Veasey seconded to close the hearing to public comment.

Deliberation

Ken Mills asked Rick Arango if a traffic engineering study was needed. Rick replied that he would like time to review the material presented tonight. After he reviews the material if he still feels a traffic engineering report is needed, he will require one to be provided. Janet asked if this decision precluded the board granting any approval if it deems approval to be warranted. The conclusion was that the board could always grant preliminary approval. It could also consider granting final approval conditioned on the issue of a traffic study being resolved. Rick stated the county might possibly ask for a study. Joe Della Penna and Barry Wells both asked Jim on what he feels is opinion of the county on the issue. Jim replied that the county appeared to prefer the present plan and did not

mention needing a traffic engineering study. While the county has not stated they specifically do not want the entrance to be from Cinnaminson Street or that it should be on the other side of the property, they appear to prefer the current planned location. Jim stated he felt it was the best location and presented the least amount of redesign of the site to accommodate it. Rick Arango again stated his concern that the minimum width of the planned access drive would provide sufficient clearance if someone was attempting to exit as someone was trying to enter from Main Street. Jim Brandenburger stated that he is understand he needs the approval of the board's engineer and he would have his engineer reexamine the plans to see what can be done. There is an existing utility pole at the corner of the site that most likely precludes widening the access any further towards the adjoining property. It was agreed the county's concerns and decisions supersede the board's and must be satisfied. It was asked by the board and answered by Rick Arango that the county's jurisdiction is the right of way, the curb cut, and the apron. Jim stated that he did not want to lessen the planned buffer with the adjoining property and conceded that while it may be possible to widen the access from the street to the front of the building; he did not see it possible to widen the entire driveway and maintain the planned buffer. Mr. Wells asked about trash and his concern it would be properly handled. Jim explained that he did not think an enclosure was needed for at most a small dumpster and that private trash removal will be arranged if necessary especially if a dumpster is utilized. Jim stated that the larger dumpster used by the post office was delivered by a small truck that could maneuver in the planned area and he did not foresee needing a dumpster that size. Further he envisions that the majority of trash would remain inside the building and be handled by the maintenance contractor. Mr. Wells is concerned about drainage across the residential properties and asked about pollution concerns. He asked about permeable surfaces and Jim explained that the existing pavement and what will remain is 6-inch reinforced concrete. In addition Jim feels the amount of paved area is being significantly reduced and the situation will be similar to run off from a driveway between properties not something subject to excessive amounts of polluting materials. Rick Arango replied that while the plans do provide for catch/absorption areas along the property line the plans allow for overflow to continue to flow, as currently occurs, to Cinnaminson Street between the properties. The plans as presented do allow for the flow and will have to be constructed to plan. Plus there is concern about the continuing maintenance to be provided and that periodic examinations following completion of the construction will be made before any maintenance bonds will be released. Rick Arango stated he feels the soil conditions will provide sufficient absorption for most runoff and natural absorption is the best way to naturally filter drainage. Concerning trash, Rick Arango reviewed that he understood a dumpster will not be needed and that trash removal will be handled by the maintenance contractor. Jim stated that he is not really sure how the trash would be handled but does not envision it being that significant to require multiple dumpsters in an enclosed area. Rick stated he feels they may be trying to shoehorn too much into the available space. Rick and Tamara both stated they were under the impression there would not be a dumpster and disposal would be handled by smaller trash receptacles. Jim stated he would agree that there would be no dumpster. Tamara stated that eliminated her issue. Rick asked if there would be a designated area for trash receptacles and Jim stated yes near the building but would not be in a specific enclosure. He agreed to make sure it was marked on the plan. Jim stated that he wanted to avoid an enclosure since he has maintenance/vandalism issues with the larger enclosure at Riverton Square. It was agreed that as long as normal trash can type receptacles were to be kept in an area near the building an enclosure is possibly not needed.

The chair asked if there was further deliberation and hearing none asked if the board was ready to consider a motion. Janet was asked to provide guidance. Janet asked if all the changes had been discussed and agreed to. The answer was yes. Janet asked if the residential lot changes had been the decided specifically if the front yard setback was being changed from 25 feet to 20 feet which will allow for a 30 foot rear yard. The answer was yes. Janet referred to the zoning requirement charts provided in Rick's review. She stated that for the residential lots a variance is needed for a side yard setback to permit five feet on each side from the property line for a total of 10 feet instead of the 10 feet (total of 20 feet) required. A variance is also needed to permit a front footage of 40 feet instead of 50 feet. For the commercial lot, a variance is needed for the rear buffer where 2 feet is proposed and ten feet is required. A variance is required to permit 9'x18' parking stalls where 10'x20' is required. For general office use a variance is needed for the planned 11 parking spaces where 25 (for general or professional office use) are required. A variance is needed for the access driveway. A waiver of the traffic impact study is being requested. Janet asked and the applicant confirmed they were hoping to obtain both preliminary and final approvals tonight. There was discussion about whether just preliminary approvals or final approvals were appropriate; and, that if only preliminary approvals were granted, the applicant would need to notice and appear for final approvals. It was explained to the board members that if they feel they need to fully review the plans before

approving them, then they should only grant preliminary approvals. However, if the board feels the plans are far enough along and the board feels that its professionals are capable of making sure the final site and subdivision plans concur with the board's approvals, then a preliminary and final approval with conditions is warranted. Final approval means that required sign offs by the county and the board's planner and engineer are sufficient to allow the chair and secretary to sign off the plans for the board. Tamara stated she was comfortable with what has been presented and discussed and having sufficient input to make sure the final plans address and meet the board's concerns. Rick also concurred and stated that if he and the applicant cannot come to an agreement concerning the plans and his decision regarding the traffic study, then he would tell the applicants they have to come back before the board. The chair stated that he feels the plans are very close to what the board desired given that the commercial entrance is now on Main Street, there are only three residences, and they are detached single family structures. Ken feels the scope of the additional changes is such that he is willing to let the professionals deem they have been complied with. The board concurred and asked for Janet's guidance in crafting a motion. Janet suggested the board could grant the variances for the residential lots:

- permitting a minimum side yard setback of five feet each side and 10 feet total where 10 and 20 feet are required
- for a front footage of 40 feet where 50 feet is required.

For the commercial lot variances and waivers could be granted:

- permitting a two foot landscape buffer at the rear where 10 feet is required
- for a landscape buffer varying from two to seven feet on the southern side where 10 feet is required
- for 9'x18' parking stalls where 10'x20' is required
- for 11 parking stalls where 25 are required
- for a parking buffer at the rear of the site of 2 feet where 10 feet is required
- for an access driveway of 18 feet or larger but less than the 25 feet required
- waiving the traffic impact study contingent on the board's engineer determining that one is not required.

The board could grant preliminary and final major subdivision approval consistent with the plans submitted. The board could grant preliminary and final site plan approval contingent on all conditions raised in Tamara's and Rick's review letters and agreed to at the hearing being met and that county and board planner and engineer approve the plans. The chair asked if someone was prepared to make a motion to approve along the lines that Janet had suggested. Deb Weaver asked if the height of the new homes had been resolved and it was reviewed that the issue had been raised by Tamara and agreed to by the applicant that a maximum height of 35 feet at the ridge of the roof would be maintained. Joe Della Penna motioned that approvals be granted along the lines as suggested by Janet and Robert Kennedy seconded the motion. There was no further discussion and the board approved the motion by a unanimous poll vote of 6 ayes and 0 nays with comments as follows:

Mr. Mills	aye	Mr. Della Penna	aye
Mr. Veasey	aye	Mr. Kennedy	aye
Mrs. Weaver	aye	Mr. Wells	aye

Mr. Mills felt the residential use on Cinnaminson Street is appropriate and that the three single family detached homes are in keeping with the character of Cinnaminson Street and will improve the streetscape. He feels the access drive to the commercial building off Main Street is beneficial and much better than being off Cinnaminson Street. He believes that the plans make the best use of the site for the town. He feels the board had a beneficial impact in the final plans providing for the best use. Mr. Della Penna was impressed with the willingness of the applicant and the board to participate in a civil and intense give and take discussion and with the applicant trying to make sure he could address the concerns of the board. He feels this is the best use to improve what is now an eyesore in the center of the town. Mr. Veasey feels his doubts were removed based on the recommendations and agreements reached with the board's professionals and that the variances granted are less than he originally envisioned would be requested to make the plans work. Mr. Kennedy complimented the applicant's efforts and desires to address the concerns raised by the board and its professionals and feels the plans as approved are beneficial for the town and the area. Mrs. Weaver stated while she liked the plans she had concerns until the efforts of the planner and engineer and the willingness of the applicant to work with them addressed those concerns. Mr. Wells stated that based on his review of the plans prior to the meeting, he thought his leaning toward voting no would not be changed. However, he had changed his mind after listening to the work of the professionals and the applicant's willingness to negotiate and make concessions to alleviate the major concerns of

the board. He conceded that Mr. Laverty had some very valid points regarding parking and in effect creating the need for variances. However he feels the plan even with the reduced parking is beneficial to the town; but, that it may come back to haunt the applicant by limiting possible uses for the building. He is concerned that the board may have been too willing to grant variances; but, understands the board cannot change the code and feels the variances granted for this particular application are warranted. He supports the plans as approved tonight.

OLD BUSINESS

Planning Board & Council Matters – Councilman Katella reported that Council had endorsed the amended Housing Element and the Fair Share Plan. Council has submitted all the materials to COAH in the expectation the Borough’s submission will be deemed complete. To date, no word has been received from COAH. The secretary reviewed there were no developments from the planning board; but, they have formed the review subcommittee to continue to review possible ordinance changes. The secretary also advised that at the present time all members of the board are certified as having completed the state mandated education course.

CORRESPONDENCE

None received.

NEW BUSINESS

Vouchers and Invoices

1. 03/01/10, Tamara L. Lee LLC, \$112.50, for work connected with the Brandenburger/BWC Realty use variance application in February. PAY FROM ESCROW

The secretary stated there were no escrow shortage issues. There was no discussion and a motion was made by Barry Wells, seconded by Chick Veasey, and passed by unanimous voice vote to pay the invoices as presented. The secretary will make sure they are signed and submitted for payment.

PUBLIC COMMENT ON GENERAL ZONING ISSUES

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

Meeting adjourned at 11:30 PM (motion by Wells, second by Weaver)

Tape is on file.

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