

**RIVERTON BOROUGH ZONING BOARD**  
**MINUTES**  
**July 21, 2011**

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 Vice Chairman Kenneth 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 31, 2011.
2. Publication and notice of this same meeting by the applicants.

**ROLL CALL**

**PRESENT:** Ken Mills, Joe Della Penna, Craig Greenwood, Deborah Weaver, and Barry Wells.

**ABSENT:** Kerry Brandt, William Corbi, Charles Veasey, and Robert Kennedy.

**OFFICIALS:** Solicitor Bradford S. Smith of Smith and Smith substituting for Janet Zoltanski Smith 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 Craig Greenwood, seconded by Barry Wells, and unanimously approved to adopt the minutes of the June 16, 2011 regular meeting as distributed.

**PUBLIC HEARING**

**Case #2011-03, Variance Application by Dr. and Mrs. William Muhr, 603 Bank Avenue, Block 400, Lot 3, to demolish and replace an existing garage that exceeds the allowable square footage for garages in the R15 zone.**

**Introductions:** The chair announced the matter and the secretary stated that all jurisdictional requirements have been met. Brad Smith concurred the hearing could proceed. No members needed to recuse themselves from the matter. Dr. Muhr and John Martin, his architect were sworn in and testified.

**Testimony:** Testimony was provided that in 2008 Dr. Muhr had applied for and was granted approval to replace the garage. However, the variance has expired and a new application has been filed. Dr. Muhr and John Martin testified that the old termite infested garage would be demolished and replaced with a new garage that will be in keeping with the architectural style of the property. The plans and photographs submitted with the application were reviewed. The new garage will be 859 square feet which exceeds the 750 square feet allowed by the code. All portions of the new structure will be a minimum of five feet from the side yard property line. Testimony was provided that the side yard setback requested in the 2008 application was no longer needed based on the current code and the proposed location of the new structure. There was no further testimony and the applicants replied to questions from Brad Smith and the board that the "attic" area of the structure would be used for storage only and that no utilities other than electric would be supplied. The applicant feels that the size of the property of approximately 44,000 square feet will accommodate the proposed structure and that there is no detriment in allowing the proposed size. The benefit is that the existing deteriorated structure will be replaced with a new structure in keeping with the style and character of the property. Dr. Muhr and John Martin testified that they did not feel the existing structure was considered historic in that it had been repeatedly modified over its existence. The ARC has approved the plans.

**Public Comment:** The chair remarked for the record that there were no members of the public present.

**Deliberation:** There were no further questions from the board and Mr. Smith suggested the board might consider a motion to allow the 859 square foot garage, as located and set forth in the plans supplied with the application, and conditioned upon applicant obtaining all further approvals required by local, county, state and federal laws, rules and regulations and as the same may apply to approval/permits for demolition of the existing garage. A motion was made by Joe Della Penna and seconded by Deb Weaver to approve the application as suggested by Mr. Smith.

The motion was approved by a poll vote of 5 to 0 as follows:

Mr. Mills aye            Mr. Della Penna aye  
Mr. Greenwood aye    Mrs. Weaver aye  
Mr. Wells aye

**OLD BUSINESS**

**Memorialize and adopt Resolution Z2011-06 Case#2011-02 approving the Variance Application by Daniel P. Foley, 318 Harrison Street, Block 1101, Lot 4, for a rear and side yard fence on a corner lot** – 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. Craig Greenwood motioned and Joe Della Penna seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous voice vote of the members present and eligible to vote on the resolution.

**Planning Board & Council Matters** – The secretary updated the board on any matters he was aware of.

**CORRESPONDENCE** – 7/12/11, letter from Janet Zoltanski Smith resigning as the board's solicitor following her being appointed Judge of the New Jersey Superior Court. The board expressed its congratulations and its appreciation for her many years of service to the board.

**NEW BUSINESS**

**Vouchers and Invoices**

1. 6/17/11, Janet Zoltanski Smith, Smith & Smith, \$260.00, for services on the Foley variance application. PAY FROM ESCROW
2. 6/17/11, Janet Zoltanski Smith, Smith & Smith, \$182.00, for general professional services February through June, 2011. PAY FROM GENERAL ZONING

There was no discussion and a motion was made by Barry Wells, seconded by Craig Greenwood, and the voice vote was unanimous to pay the invoices as presented. The secretary will make they are signed and submitted for payment.

**Appoint a new Solicitor** – It was discussed that with Janet's resignation, the board should consider appointing a new solicitor of record. Brad Smith stated that as a member of the Smith and Smith firm he would be honored to serve the board under the same terms as in Janet's contract. He has previously served the board. Mr. Smith was excused for the evening. The board discussed various possible candidates and Joe Della Penna motioned and Deb Weaver seconded to appoint Brad Smith of Smith and Smith to serve as the board's solicitor for 2011 and to have the required resolution noticed in the newspaper of record. The voice vote was unanimous. The secretary reviewed Resolution Z2011-07 appointing Brad as the board's solicitor.

**Resignation of Barry Wells** – Barry distributed copies of a letter to Kerry announcing that he needed to resign from the board. He has been accepted to Law School and his work and school commitments will leave him unable to properly serve the board. Barry thanked the board for their support and stated that when his schedule again permits, he would be glad to serve the Borough again. The board members thanked Barry for his service and wished him well.

**PUBLIC COMMENT ON GENERAL ZONING ISSUES**

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

**Meeting adjourned at 8:09 PM (motion by Weaver, second by Greenwood)**

**Tape is on file.**

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