

**RIVERTON BOROUGH ZONING BOARD**  
**MINUTES**  
**June 16, 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 7:34 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 31, 2011.
2. Publication and notice of this same meeting by the applicants.

**ROLL CALL**

**PRESENT:** Kerry Brandt, Ken Mills, Joe Della Penna, Charles Veasey, and Robert Kennedy.

**ABSENT:** William Corbi, Craig Greenwood, Deborah Weaver, and Barry Wells.

**OFFICIALS:** Solicitor 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 Ken Mills, seconded by Chick Veasey, and unanimously approved to adopt the minutes of the May 19, 2011 regular meeting as distributed.

**PUBLIC HEARING**

**Case #2011-02, Variance Application by Daniel P. Foley, 318 Harrison Street, Block 1101, Lot 4, for a rear and side yard fence on a corner lot.**

**Introductions:** The chair announced the matter and the secretary stated that all jurisdictional requirements except the proof that taxes are current have been met. Janet concurred that as long as the proof was provided following the hearing the hearing could proceed. No members needed to recuse themselves from the matter. Daniel Foley, the applicant was sworn and testified.

**Testimony:** Dan testified that his family lives in one half of a twin home on Harrison Street that is a corner property. He wants to be allowed to erect a 4-foot spaced picket fence to fence in his side yard and rear yard. The fence would be from the front foundation line to one foot within his property line at Lippincott Avenue. The fence would then extend to one foot from the rear property line and then along the rear property line to connect to an existing chain link fence. The house and property are very narrow and if he built a fence to comply with the ordinance, it would provide a very small fenced in area, and would not allow the safe use of most of his property. Mr. Foley stated he has a young child whom he wants to protect and keep from running into the street. This house is also located near the River Line station and people come from the station and walk along that area. The applicant would like to deter people from coming onto his property. He hopes the fence will help keep down the trash and litter generated from the foot traffic. Mr. Foley also feels the fence will enhance the corner area. The applicant provided and referenced several photographs of the property and street which were marked as exhibit A-1. Mr. Foley referenced the survey submitted with the application that he believed showed shows that his property line sets back from the sidewalk. Asked about the fence, Mr. Foley stated his current plan is to use unfinished red cedar. The board concurred that while the style and height were being considered it was not considering the material. The Board discussed sight triangles for Harrison Street and Lippincott Avenue. There is a stop sign on Harrison Street, but not on Lippincott Avenue at that location. The board was concerned that there should be adequate sight lines for the sidewalk traffic. Mr. Foley stated that the property to the rear of his property faces Lippincott Avenue and agreed the fence would project beyond that property's front foundation line along that property's side lot line. However, that property has no driveway that would be impacted by the fence. There are existing trees in the rear of his property. However, Mr. Foley stated they may be removed by neighborly agreement. The board concurred the trees have no impact on the application. Mr. Foley explained that there is a stop sign on Harrison Street, but not on Lippincott Avenue at that location. The board was concerned that there should be adequate sight lines for the sidewalk traffic. Mr. Foley stated that he felt that there were adequate sight lines since there is both a grassy area between the sidewalk and the curb and he feels there is at least 6 feet from the property line to the curb, both on Harrison Street and Lippincott Avenue. The board was still

concerned that the front foundation of the house is quite close to Harrison Street. The board discussed with the applicant the possibility of moving the fence portion facing Harrison Street to the rear of the enclosed porch, where the roofline of the house starts and the roofline of the porch ends. The applicant stated he feels he could live with that, especially since it will not interfere with his basement windows.

**Public Comment:** Ken Mills motioned and Joe Della Penna seconded to open the hearing to public comment. All who spoke were sworn in before they commented.

- Susan Ferry Butler commented that she occupies the home that adjoins the applicant's home. She does not object to the fence. She stated there is a lot of foot traffic in that neighborhood. Also, cars park in that vicinity for long periods of time, including cars whose owners are using the River Line. She further commented she feels litter can be a problem in the area and she pointed out that there were no driveways in that particular neighborhood. She also pointed out that the brick wall across from the property was not attractive.
- George Butler commented that other homes facing Harrison have fences. The board noted that they comply with the ordinance and are not corner properties.

There being no further comment, Ken Mills motioned and Chick Veasey seconded to close the hearing to public comment.

**Deliberation:** The board was still concerned about the sight line along Harrison Street and asked if the Mr. Foley might agree to moving back the fence as previously discussed. Mr. Foley agreed to amend his application. Kerry Brandt stated that he felt that a hardship exists. Janet was asked to guide the board and she stated that the board might consider approving the amended application to allow a 4 foot open picket fence for this corner property, set back from Harrison Street to the line between the house and the porch rooflines along Harrison Street, extending to one foot from the property line along Lippincott Avenue, and continuing along Lippincott Avenue to one foot from the rear property line, and connecting to the existing chain link fence in the rear. There was no further discussion and Robert Kennedy motioned and Ken Mills seconded to approve the application as suggested by Janet to erect a fence on the corner property. The motion was approved by a unanimous poll vote of 5 to 0 as follows:

Mr. Brandt aye                      Mr. Mills aye  
Mr. Della Penna aye              Mr. Veasey aye  
Mr. Kennedy aye

### **OLD BUSINESS**

**Memorialize and adopt Resolution Z2011-05 Case#2011-01 approving the Variance Application by John and Terri Laverty, 616 Main Street, Block 1102, Lot 7, for various bulk variances for alterations to their home and property** – 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. Robert Kennedy motioned and Ken Mills seconded that the resolution referenced by title be adopted and memorialized. The motion carried by a unanimous poll vote of 2 to 0 of the members present and eligible to vote on the resolution as follows:

Mr. Mills aye                      Mr. Kennedy aye

**Planning Board & Council Matters** – The secretary updated the board on any matters he was aware of. The planning board does not meet until June 21.

**CORRESPONDENCE** – 5/17/11, letter from Barry Emens of the Shade Tree Commission concerning new trees for the new homes on Cinnaminson Street. See New Business below.

### **NEW BUSINESS**

#### **Vouchers and Invoices**

1. 6/4/11, Raymond, Coleman & Heinold, LLP, \$434.00, for services by Berge Tumaian on the Laverty variance application. PAY FROM ESCROW

There was no discussion and a motion was made by Joe Della Penna, seconded by Robert Kennedy, and the voice vote was unanimous to pay the invoice as discussed. The secretary will make sure it is signed and submitted for payment.

The secretary stated Mr. Laverty had already been advised that his escrow account would go short and had been requested to cover the shortage by end of week. There was no discussion and a motion was made by Joe Della Penna, seconded by Robert Kennedy, and the voice vote was unanimous to pay the invoice as discussed. The secretary will make sure it is signed and submitted for payment.

**Request from Shade Tree Commission to not plant a tree on the property of one of the new homes on Cinnaminson Street** – The secretary reviewed the letter which reported that Mr. Emens while reviewing the landscaping plans for the three new homes on Cinnaminson Street noted that the plans called for planting a tree in the front yard of each home. The Shade Tree Commission is recommending that the tree planned for the middle property not be planted because it would conflict and compete with an existing borough street tree planted between the curb and the sidewalk. Mr. Brandenburger has stated that he has no problem with the recommendation as long as it is endorsed by the board and he is not required to file an amended plan. Mr. Brandenburger is willing to donate the proposed tree to the Commission to plant along a Borough street. The board discussed the matter and concluded that since the change is at the request of the Shade Tree Commission which is charged with safeguarding the Borough's trees, Mr. Brandenburger should be allowed to not plant the subject tree without having to file an amended plan. The board appreciates Mr. Brandenburger's stated plan to donate the tree to the Commission for planting elsewhere along a Borough street. A motion was made by Joe Della Penna, seconded by Chick Veasey, and approved by unanimous voice vote that the board supports the recommendation of the Shade Tree Commission, it appreciates Mr. Brandenburger's offer to donate the tree, and that the secretary will notify the Shade Tree Commission, Mr. Brandenburger, and Tamara Lee of its decision.

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

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

**Meeting adjourned at 8:28 PM (motion by Mills, second by Della Penna)**

**Tape is on file.**

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