

**RIVERTON BOROUGH ZONING BOARD**  
**MINUTES**  
**September 15, 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 7:45 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:** Kerry Brandt (arrived after roll call but before the hearing), Ken Mills, William Corbi, Craig Greenwood, and Robert Kennedy.

**ABSENT:** Joe Della Penna, Charles Veasey, and Deborah Weaver.

**OFFICIALS:** Solicitor Bradford S. Smith of Smith and Smith and Secretary Ken Palmer were present.

**MINUTES**

The vice chair asked if everyone had received and reviewed the minutes. There was no comment and a motion was made by Bill Corbi, seconded by Bob Kennedy, and unanimously approved to adopt the minutes of the August 18, 2011 regular meeting as distributed.

**PUBLIC HEARING**

**Case #2011-04, Variance Application by Dr. and Mrs. Thomas Schweich, 617-619 Main Street, Block 906, Lot 5, for various bulk variances to reconstruct a pool cabana and new garage.**

**Introductions:** The vice 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. Schweich and John Martin, his architect were sworn in and testified.

**Testimony:** Testimony was provided that the property is located in the Neighborhood Business (NB) District where minimum side yards of ten feet are required for all structures. The owners are requesting approval of a cabana which was rebuilt on its existing foundation within two feet of the side lot line and are also requesting approval to construct a one story shed/garage attached to the existing carriage house and within six feet of the side lot line. Exhibits: A1-the plot plan prepared by John Gibson Martin, AIA, Architect, dated August 19, 2011, and A2-photographs of the site and buildings both of which were submitted with the application were used during testimony. Exhibit A3-an aerial photograph of the property was also submitted.

The issue of whether a use variance related to changing the existing nonconforming use of a residence in the NB district was discussed. After agreeing that there is no change of use and there had been no abandonment, the board determined that a use variance was not needed.

There is an existing in-ground pool and carriage house in the rear yard. The existing one-story cabana was deteriorated and was demolished and replaced with a new one-story structure on the existing foundation. The new cabana and proposed garage will be attached to the existing carriage house. An existing one story detached shed that is within two feet of the side property line will be removed to construct the new shed/garage. The location of the new shed/garage will result in an increased setback from two feet to six feet which decreases the nonconforming side yard setback. The applicant testified that the new cabana was erected on the remaining foundation pad of the old cabana and to locate it against the carriage house would be a hardship by encroaching on the pool area and also block the proposed doorway in the new shed/garage. The applicant feels that the location of the structures do not present a detriment to the area and actually are an improvement over the existing setbacks.

The architect testified that the setbacks indicated on the plan were to the side walls of the structures and did not take into account any overhangs; and, that any overhangs shown and planned would be between 6 and 12 inches.

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

**Deliberation:** There were no further questions from the board. The board discussed the letter from the construction official which requested that the building code requirement for fire rated construction on the parts of the structure within three feet of the property line be made part of any approving resolution. Brad Smith recommended any such language not be included since the board is being asked and only has the power to grant variances to the code requirements for the setbacks of the structure; and, that any approving resolution always conditions approvals as being subject to and complying with all local, county, state and federal rules and regulations. This includes building codes. Further, it does not serve the board to specify things that could become an issue of dispute over interpretation of the building code.

Mr. Smith suggested the board might consider a motion that it was determined a use variance was not required; and, to grant a variance for the cabana to allow the walls to follow and be built upon the existing foundation but no closer than one foot, ten inches to the side lot line plus an overhang no greater than twelve inches including any rain gutter; and, to grant a variance for the one story garage to allow its side wall to be no closer than six feet from the side lot line plus an overhang no greater than twelve inches including any rain gutter; and, conditioned upon the applicant obtaining all further approvals required by local, county, state and federal laws, rules and regulations. A motion was made by Ken Mills and seconded by Bob Kennedy to approve the application as suggested by Mr. Smith. The motion was approved by a poll vote of 5 to 0 as follows:

Mr. Brandt aye      Mr. Mills    aye  
Mr. Corbi    aye      Mr. Greenwood aye  
Mr. Kennedy    aye

Chairman Brandt assumed chairing the remainder of the meeting.

#### **OLD BUSINESS**

**Planning Board & Council Matters** – The secretary updated the board on any matters he was aware of. There was brief discussion on Council's plan to combine the planning and zoning boards and that Council wished to include as many members of the zoning board as possible and who wished to be included.

**CORRESPONDENCE** – None.

**NEW BUSINESS** – None.

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

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

**Meeting adjourned at 9:10 PM (motion by Mills, second by Kennedy)**

**Tape is on file.**

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