

December 12, 2011
Regular Meeting
7:00p.m.

STATEMENT:

PUBLIC NOTICE of this meeting pursuant to the Open Public Meetings Act has been given by the Riverside Township Planning Board in the following manner:

1. Posting written notice on the official bulletin board at the Township Municipal Building on January 13, 2011.
2. Written notice was delivered to the Burlington County Times on January 13, 2011.
3. Filed written notice with the Clerk of the Township of Riverside on January 13, 2011.

The Regular Meeting of the Riverside Township Planning Board was held on the above date at the Riverside Municipal Building.

Roll Call: Mrs. Jack, Mr. Cicali, Mrs. Hatcher, Mr. Epperly, Mr. Hart, and Chairman Kane. Ms. Avery, Ms. Carruthers, Mr. Stottlemire, Mr. Graf and Mr. Kenney were excused.

APPROVAL OF MINUTES:

Motion made by Mr. Hart and Mr. Epperly that the minutes of the November 14, 2011 Regular Meeting be approved as amended.

Ayes – Mrs. Jack, Mr. Cicali, Mr. Epperly, Mr. Hart and Chairman Kane.

Nays – None.

Abstentions – Mrs. Hatcher.

Motion Carried.

RESOLUTIONS:

Motion made by Mr. Cicali and Mr. Hart to approve Resolution 2011-10.

Ayes – Mr. Cicali, Mrs. Hatcher, Mr. Epperly, Mr. Hart and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried

OLD BUSINESS:

- 1) Sebastian Yildiz
605 Eighth Street
Block 2307, Lots 5 & 6
Bulk Variance

Mr. Sebastian Yildiz and Mr. Richard Minter came forward. Before Mr. Minter proceeded with additional testimony, Solicitor Brennan reminded Mr. Yildiz that he is still under oath.

Mr. Yildiz was before the Board because he has erected an accessory structure on his property for which did not obtain zoning approval or construction permits. The structure erected does not meet the setback requirements of the zone and encroaches on the neighbor's property.

Mr. Minter stated that the previous hearing was suspended due to questions concerning two matters: the encroachment of the structure on the neighbor's property and the stability of the structure. Mr. Minter distributed copies of a grant of easement signed by the neighbor on whose property the structure encroaches, as well as a letter from architect Walter Croft, which outlined the deficiencies with the structure, which Mr. Yildiz agreed to address if the variance is approved.

Mr. Yildiz indicated that the purpose of the structure is for storing wood. Chairman Kane indicated that it is a rather large structure for that purpose. Mr. Yildiz concurred, stating that he has several piles of wood that were previously covered with tarps, which would grow mildew and were prone to termites. The neighbor is now happy that he does not have to look at the wood or the tarps.

Chairman Kane asked Solicitor Brennan to comment on the deed. Mr. Brennan stated that the deed is in order, but suggested that the applicant provide proof that the easement has been recorded as a contingency of any approvals. Mr. Cicali asked when the grant of easement terminates. Solicitor Brennan indicated that it terminates when the structure is demolished. Mr. Cicali stated that he has reservations that someone could demolish the structure and build it again years later. Solicitor Brennan indicated that anyone would have the right to come before the Board to request reconstruction. Mr. Cicali asked if the encroachment has a bearing on the neighboring property owner's setbacks. Mr. Brennan indicated that the setbacks would still be measured from the property line, not from the encroaching structure. Mr. Cicali indicated that he would not want the neighboring property owner erecting an accessory structure that backs up to Mr. Yildiz's shed. Solicitor Brennan indicated that he could not do so without a variance.

Chairman Kane asked Mr. LaRossa to comment on the letter from Mr. Croft. Mr. LaRossa first noted that the survey does not have a title and that it should reference by whom the survey was prepared. Mr. LaRossa further indicated that the letter from Mr. Croft sufficiently addresses his concerns with the integrity of the structure. Chairman Kane asked Mr. Yildiz if he understood that a construction permit is required. Mr. Yildiz indicated that he did.

Chairman Kane asked if there were any final comments or questions.

Mrs. Hatcher made a motion to approve with the conditions recommended by Mr. Brennan and Mr. LaRossa. Chairman Kane clarified that the grant of easement must be modified and recorded and that the structure must be altered in accordance with the letter from Mr. Croft to meet the code and that permits must be obtained.

Chairman Kane opened the application to the public.

No public comment.

Motion made by Mrs. Hatcher and Mr. Epperly to close public portion.

Ayes – Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

Chairman Kane asked for a motion on the application.

Motion made by Mrs. Hatcher and Mr. Cicali to approve the application.

Ayes – Mr. Cicali, Mr. Hatcher, Mr. Epperly, Mr. Hart and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

2) Master Plan Re-examination Report:

Mrs. Jack gave an overview of the status of the Master Plan Re-examination Report. Mrs. Jack stated that the Board must refer the report to the Township Committee for approval. Once approved the Board can move forward with recommended changes to the Land Use Ordinance. Mrs. Jack stated that Chairman Kane has scanned the supporting documents to a CD, which has been supplied to each the Board members. In addition, Mrs. Jack would be seeking assistance from Mr. Edward Fox of the Burlington County Bridge Commission to assist with the process.

ACTION:

Mrs. Jack requested that Chairman Kane allow Mr. Armindo Viana of 320 Heulings Avenue to address the Board at this time rather than waiting for the public portion. Mr. Viana received a letter from Solicitor Cappelli, as authorized by the Board at the meeting on November 14, 2011, informing Mr. Viana and Mr. Rainom that extension of a one-year period of time to proceed,

which was granted on November 8, 2010, had expired and, as a result, the garage would have to be demolished no later than January 31, 2012.

Mr. Viana addressed the Board stating that he believed the extension previously granted was for two years, not one year, and that he does not wish to demolish the garage, as it is the main reason the property was purchased. Mr. Viana indicated that he will proceed with building the structure, but that it will be impossible for him to have plans generated and permits secured by January 31, 2012.

Chairman Kane asked Mr. Viana if it was always his intention to build the structure. Mr. Viana indicated that they normally purchase parcels and build immediately. However, due to the economy, it has been an incredibly tough market for selling new homes, construction was delayed. He asked that, if the Board would give him an extension of time to have plans drawn, Mr. Viana indicated that they would build come Spring/Summer. Chairman Kane asked what type of timeline is associated with this process. Mrs. Jack indicated that at a minimum it would take approximately three (3) to four (4) weeks to have sealed plans drawn up and a minimum of three (3) weeks to secure permits. Chairman Kane asked how long permits are good once issued. Mrs. Jack indicated that permits are essentially good in perpetuity as long as even a fraction of the work continues annually. Mr. Viana assured the Board that he is not looking to prolong this process another year by securing permits; once the permits are secure, they will build.

Mr. Hart asked if there is a copy of his original request for an extension. Mrs. Jack indicated that she did not have a copy with her at that time.

Chairman Kane asked Solicitor Brennan for the Board's options. Solicitor Brennan indicated that the Board could hold the line on the letter issued, amend the letter issued or give an additional extension of time.

Mr. Hart asked Mr. Viana when he purchased the property. Mr. Viana was unsure and Mrs. Jack stated that she believed it was probably 2008 or 2009, as the original subdivision approval was granted to Mr. Lamon in 2007 or 2008. Mr. Hart asked Mr. Viana if a six-month extension of time would be sufficient. Mr. Viana indicated that it would.

Chairman Kane opened the application to the public.

No public comment.

Motion made by Mr. Cicali and Mrs. Hatcher to close public portion.

Ayes – Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

Motion made by Mr. Hart and Mr. Epperly to authorize a six month extension of time to secure permits and begin to build the structure.

Ayes – Mr. Cicali, Mrs. Hatcher, Mr. Epperly, Mr. Hart, and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

NEW BUSINESS:

- 1) Thomas Iannuci
600 Washington Street
Block 2301, Lot 32
Technical Review-Shed

This is a request referred to the Technical Review Committee. The Committee members, Mr. Hart and Chairman Kane, visited the property and reviewed the request. Mr. Kenney, the Committee's third member was unable to attend the visual inspection.

Mr. Kane asked if there was anyone present regarding the application. There was not. Chairman Kane asked Mr. Hart to deliver the Technical Review Committee's report.

Mr. Hart explained that the applicant proposes to erect a large garage on the property, adjacent to an existing rear porch and running along the side of the property into the back yard.. The proposed structure will not encroach any setbacks. The garage would be the second accessory structure, but the property is large enough to accommodate the additional structure.

Mr. Kane stated that this is a typical technical review application and Mr. Kenney always reminds the Board that it is quite common throughout the Township.

Mr. Hart recommended that the application be approved.

Motion made by Mr. Epperly and Mrs. Hatcher to approve the technical review.

Ayes – Mrs. Jack, Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

CORRESPONDENCE:

No correspondence.

PUBLIC PORTION:

No public comment.

Motion made by Mr. Cicali and Mr. Epperly to close public portion.

Ayes – Mr. Cicali, Mr. Epperly, Mr. Hart, Mr. Stottlemire, and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

Before adjourning, Mrs. Jack asked the members to confirm that they would like to continue meeting the second Monday of the month. They did. Mrs. Jack informed the members that reorganization would be January 9, 2012 at 7:00 p.m. with the regular meeting to follow.

Mrs. Jack also provided an update on the three (3) redevelopment projects. Mrs. Jack stated that J.S. Hovnanian is moving forward with plans for 100 townhouses on the old Taubel's Mill lot and she anticipates that they will be before the Board in the first quarter of 2012. Mrs. Jack stated that NJDEP decided to hand over the remediation of the Hospital Site to USEPA. The project for the vacant lots, however, is moving forward as planned and Mrs. Jack anticipates that the amended site plan will be before the Board by February. Lastly, Mrs. Jack indicated that there is no movement on the Watchcase site projects.

There being no further business to attend to, **motion made by Mr. Epperly and Mrs. Hatcher that the meeting be adjourned, and so declared by Chairman Kane.**

Meghan Jack
Secretary