

February 14, 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, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire and Mr. Kane. Mr. Graf and Mr. Kenney asked to be excused. Mr. Kenney arrived at 7:46 p.m.

**APPROVAL OF MINUTES:**

**Motion made by Mr. Hart and Mr. Epperly that the minutes of the January 10, 2011 Reorganization Meeting be approved as written.**

**Ayes – Mrs. Jack, Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, and Chairman Kane.**

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

**Motion made by Mr. Hart and Ms. Hatcher that the minutes of the January 10, 2011 Regular Meeting be approved as written.**

**Ayes – Mrs. Jack, Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, and Chairman Kane.**

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

**NEW BUSINESS:**

Libby DeLuca  
Kossuth & Bridgeboro Streets  
Block 3105, Lots 3, 4, 5 & 18  
Major Subdivision & Bulk Variance

Alan Ettenson came forward as the attorney representing the applicant, who is before the Board with a major subdivision and bulk variances application with the potential for a use variance.

Libby DeLuca of 866 Faunce Street in Delran, NJ came forward and was sworn in by Solicitor Cappelli.

Mr. Ettenson then provided a short background and history on the ownership and use of the properties identified in the application. Mr. Ettenson explained that DeLuca's Bakery has been in existence for 100 years and that over that time period it has been expanded, which has encroached upon the various surrounding lots, all of which were owned by the DeLuca family. At present, Mrs. DeLuca intends to sell the properties, but cannot do so until the issue of the encroachment is resolved. Mr. Ettenson stated that it is his opinion that subdivision is the most practical tool by which the proper lot lines can be established even though it creates the need for bulk variances in the process.

Mrs. DeLuca stated that she has been a part of the DeLuca family for approximately thirty (30) years now and since that time the lot lines have not changed.

Mr. Ettenson then entered a series of photographs as exhibits into the record:

A-1: Photo of Bakery.

A-3: Photo of side entrance of Bakery and back of Bakery.

A-2: Photo of three (3) unit apartment building on Bridgeboro Street behind Bakery.

A-4: Photo of Angelo's parking lot, which was previously owned by the DeLuca family.

A-5: Photo of the back entrance to the Bakery

A-6: Photo of the open space between the apartments on Bridgeboro Street and Bakery.

A-7: Photo of house the DeLuca's lived in, which the Bakery was built around and behind.

A-8: Photo of front of Bakery.

A-9: Photo of cinder block area that is a part of the Bakery, which houses the refrigerators.

The photographs illustrate the following issues that have lead to the subdivision application:

- 1) Parking-There is insufficient parking for the Bakery and the tenants.
- 2) Sale of the Properties-The properties are not marketable as they stand due to the encroachment of lot lines. In addition, there are easements that are required, one of which is already in place with Angelo's on lot 19, in order to account for the refrigerator and air units that service the Bakery.
- 3) Variance-Numerous variances are required, which are no more non-conforming than what currently exists on each lot.

Chairman Kane asked Engineer LaRossa to discuss his review letter. Mr. LaRossa stated that the majority of the review addresses the area requirements and the list of all variances required, which were listed in detail.

Chairman Kane asked Mr. LaRossa to speak to the completeness of the application. Mr. LaRossa indicated that at the time of review, the applicant had failed to include the three required checklists. They were, however, subsequently received and reviewed, so the application can now be deemed complete. Chairman Kane asked Mr. Cappelli if the remainder of the application was complete. Mr. Cappelli indicated it was.

Mr. LaRossa proceeded to enumerate the variances and/or waivers that were required on each lot, as well as address his general review comments. Mr. LaRossa drew attention to comment number 2, which Mr. Ettenson asked Mr. Simon to address. Solicitor Cappelli swore in Mr. Simon, who was identified as the individual who currently operates the Bakery and would be purchasing the Bakery. Mr. Simon indicated that the concrete pad is for the entrance to the bakery and that the trash service is located on the adjoining lot. Mr. LaRossa then drew attention to comment number 5, stating that lot 4 should be lot 3, with which Mr. Ettenson agreed, and to comment number 10, stating that the side yard dimension needs to be identified, to which Mr. Ettenson agreed. In addition, Mr. LaRossa indicated that the application must be submitted to the County Planning Board for review and approval.

Chairman Kane asked the Board members if there were any questions. Before opening to the Board comments, Chairman Kane indicated that the applicant had met with the Development Review Committee (Mr. Kane, Mr. Kenney, Mr. Hart and Mr. Cicali), and that all agreed that the application before the Board is likely the best solution to the problems that have been created.

Ms. Hatcher asked if the easement agreement with lot 19 was in writing. Mr. Ettenson replied that it was.

Chairman Kane opened the application to the public.

No public comment.

**Motion made by Ms. Carruthers and Mr. Epperly to close public portion.**

**Ayes – Mrs. Jack, Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, Chairman Kane.**

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

Before a motion was brought to the floor, Solicitor Cappelli reiterated that the Board would be voting on bulk variances and requested waivers for lots 3, 4, 5, and 18.

**Motion made by Mr. Hart and Mr. Cicali to approve the bulk variance.**

**Ayes – Mrs. Jack, Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, Chairman Kane.**

**Nays – None.**

**Abstentions – None.**

**Motion Carried**

**ACTION:**

No Action Items to address.

**CORRESPONDENCE:**

No Correspondence.

**PUBLIC PORTION:**

No public comment.

**Motion made by Ms. Carruthers and Ms. Hatcher to close public portion.**

**Ayes – Mrs. Jack, Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, Chairman Kane.**

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

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

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Meghan Jack  
Secretary