

August 8, 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 (7:20), Ms. Hatcher, Mr. Epperly, Ms. Avery, Ms. Carruthers, Mr. Stottlemire, Mr. Kenney and Chairman Kane. Mr. Hart, Mr. Stottlemire and Mr. Graf were excused.

APPROVAL OF MINUTES:

Before a vote was made on the minutes of the July 11, 2011 regular meeting, Mr. Kenney requested that Mrs. Jack add additional language in the July 11 minutes to the Solicitors comments that were made to the Board members following the recess. Specifically with regard to the positive and negative criteria, Mr. Brennan indicated that the Board must consider both when voting upon a variance. Mrs. Jack agreed and the minutes were amended.

Motion made by Mr. Kenney and Mr. Epperly that the minutes of the July 11, 2011 Regular Meeting be approved as amended.

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

Nays – None.

Abstentions – Ms. Carruthers.

Motion Carried.

RESOLUTIONS:

Before a vote was made on Resolution 2011-8, Chairman Kane noted that they Board members had not had an opportunity to review the Resolution prior to the meeting and recommended that the Board table it until the members of the Board had an appropriate amount of time to review the resolution. In addition, Ms. Carruthers asked the Solicitor if she

must abstain from such a vote due to the fact that she was not in attendance during the meeting. Solicitor Cappelli replied in the affirmative.

Motion made by Mr. Cicali and Ms. Avery to table Resolution 2011-8.

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

Nays – None.

Abstentions – Ms. Carruthers.

Motion Carried.

NEW BUSINESS:

- 1) Nancee May
532 Polk Street
Block 204, Lot 9
Bulk Variances for Addition

Mrs. Nancee May of 532 Polk Street was sworn in by Solicitor Cappelli.

Chairman Kane asked if the application was complete. Mr. Cappelli indicated that the notice was sufficient and Mr. Domen indicated that he received a complete application. Mrs. May, indicated that since the filing of the application and initial plans, she had provided updated plans in response to the Engineer's comments specifically with regard to the designated side and rear yard setbacks. Mrs. Jack indicated that a preliminary review of the application indicated that the side and rear yard setbacks could be subject to use for lots that have two front yards. A further review, however, concluded that the setbacks had to be altered from the original plan. Chairman Kane asked if the Engineer's Report reflects the correct setbacks. Mr. Domen indicated it did.

Mrs. May indicated that she was before the Board for variances which are required in order to permit her to construct an addition that will connect her detached garage to her home, as well as the construction of a new deck. Though it is stated on the plans, Mrs. May indicated that she no longer intended to do the front addition and that was not be considered by the Board.

Chairman Kane opened the application to questions.

Chairman Kane asked if there was a street or a neighboring property along the side of the proposed deck. Mrs. May indicated that it was a neighbor. Chairman Kane asked what was the setback of the deck. Mr. Domen indicated that six (6) feet is required and that it appeared to be five (5) feet. Chairman Kane asked if there was any buffering vegetation. Mrs. May indicated that there is a three (3) foot flower bed and arborvitaes that are approximately six (6) to seven (7) feet in height. Mrs. Jack asked Mrs. May if she was going to install a fence. Mrs. May indicated that she spoke to her neighbors and is planning on erecting six (6) foot vinyl privacy fence with

lattice and that the neighbors have indicated they have no objections. Solicitor Cappelli asked if there is an existing fence. Mrs. May indicated yes, but that it is a cyclone type of fence.

Solicitor Cappelli asked Mrs. May why she is building the addition. Mrs. May indicated that her house is in desperate need of siding and windows. In addition, her husband has just passed and she needs to feel safe, so the addition would allow her to park in the garage with an entrance directly into the house and will bring the laundry room upstairs. Mrs. May also indicated that she loves entertaining, but has limited space to do so at this time. Solicitor Cappelli asked Mrs. May if she would be able to construct the addition without a variance if the house was not sitting on an angle on the property. Mrs. May indicated that she believed so and Mr. Domen confirmed that it would fit if the house was not so constructed..

Chairman Kane asked Mr. Domen to comment on the review letter on the application. Mr. Domen stated that the application is for a one-story addition and deck that requires four variances as follows:

- 1) Lot Width: 90 feet is required; 85 feet is provided.
- 2) Front Yard Setback: 90 feet is required; 24.7 feet is provided on Pulaski Street and 29.6 feet is provided on Polk Street, both without the bathroom.

Both of the above requested variances are pre-existing conditions.

- 3) Rear Yard Setback: 25 feet is required; 9.6 feet is provided with attachment to principal structure.
- 4) Side Yard Setback: 6 feet is required; 4 feet is provided.

Mr. Kenney asked what is changing with the garage that it requires a variance. Mr. Domen indicated that the garage is an existing accessory structure, but once the addition is erected, the garage becomes a part of the principal structure and must adhere to that setback requirement.

Chairman Kane indicated to Mrs. May that the Engineer has asked in his report that she address drainage. Mrs. May indicated that there were no proposed changes to the drainage. Mr. Domen stated that there is a concern with the size of the proposed structure and additional run-off. Solicitor Cappelli asked Mrs. May if she would agree any required downspouts would be installed, and any drainage patterns altered, so as not to disturb the neighbors. Mrs. May indicated that she would. Mrs. Jack also indicated that drainage would be regulated under the Uniform Construction Code.

Chairman Kane opened the application to the public.

No public comment.

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

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

Nays – None.

Abstentions – None.

Motion Carried.

Solicitor Cappelli gave a summation of the items the Board must vote upon. Solicitor Cappelli indicated that the conditional use approval is a “C” variance and, as such, the applicant has the burden of proof in demonstrating that the variance can be granted due to features of the lot and without detriment to the public good and the intent of Master Plan and Zoning Ordinance.

Motion made by Mr. Kenney and Mr. Epperly to approve the bulk variances.

Ayes – Mr. Cicali, Mrs. Hatcher, Mr. Epperly, Ms. Avery, Ms. Carruthers, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

Before the Board addressed the remaining agenda items, Chairman Kane asked Mrs. Jack to provide an update on the status of the redevelopment projects, a summary of which is as follows:

- 1) Hovnanian Site:
Owner proposes building apartment buildings on the site. To date, however, an application to appear before the Planning Board has not been submitted.
- 2) Golden Triangle Site:
Owner has Phase I preliminary and final approvals, as well as clearance from DEP, but currently does not have a timeline for submission of construction permits. The balance of the project requires waterfront development approval and the owner is in the process of obtaining said approvals. In addition, the Township and three (3) developers are working on bringing a project to the site.
- 3) Hospital Site:
Owner has preliminary and final site plan approval for the construction of 48 two-family homes. Owner, however, is under agreement with Ryan Homes for the sale of the property in order to construct approximately 34 fee simple, single townhomes. Owner is also working with the State to remediate the environmental issues on the Hospital lot.

ACTION:

No Action Items to address.

CORRESPONDENCE:

Chairman Kane and Mrs. Jack discussed correspondence from the New Jersey League of Municipalities regarding pending Senate and Assembly Bills S-2950/A4128. Chairman Kane indicated that the proposed legislation gives a Planning Board the ability to adopt “adaptive approvals” if an applicant filed an application before 2006. This would allow applicants to easily obtain modifications to their approvals based on economic grounds, as the Board would be required to approve the modifications if they meet the provisions of the legislation. Chairman Kane then asked Solicitor Cappelli to comment.

Solicitor Cappelli stated that he was not aware of the legislation, but as he has read through it prior to the meeting, it is something that he believed would take away from the time, the reports and the consideration given for the original application.

Chairman Kane indicated to the members that the Board his belief that the Planning Board should provide a recommendation to the Township Committee on whether or not they should support or oppose the legislation. Solicitor Cappelli indicated that the Board should authorize the Chairman to write a letter to the Township Committee reflecting the feelings of the Board members.

Following discussion among the members of the Board, consensus was reached that the proposed Legislation was narrowly drawn and would likely limit the powers of the Board in a negative fashion and benefit a developer more than the community.

Motion made by Mr. Kenney and Ms. Carruthers to authorize Chairman Kane to communicate with the Township Committee and espress the Planning Board’s opposition to the the proposed Legislation and to suggest the Township Committee approve a Resolution opposing the Legislation .

Ayes – Mr. Cicali, Mrs. Hatcher, Mr. Epperly, Ms. Avery, Ms. Carruthers, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

PUBLIC PORTION:

No public comment.

Motion made by Mrs. Carruthers and Mr. Kenney to close public portion.

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

Nays – None.

Abstentions – None.

Motion Carried.

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

Meghan Jack
Secretary