

November 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, Mr. Epperly, Mr. Hart, Mr. Stottlemire, and Chairman Kane. Mrs. Hatcher, Ms. Carruthers, Mr. Graf and Mr. Kenney were excused.

APPROVAL OF MINUTES: (N.B. No meeting was held in October.)

Motion made by Mr. Epperly and Mr. Hart that the minutes of the September 12, 2011 Regular Meeting be approved as amended.

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

Nays – None.

Abstentions – None.

Motion Carried.

RESOLUTIONS:

Before a motion was made, Chairman Kane read the resolution into the record.

Motion made by Mr. Hart and Mr. Stottlemire to approve Resolution 2011-8.

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

Nays – None.

Abstentions – None.

Motion Carried.

Before we moved to the new business item, we address the action item regarding DeLuca's subdivision. The subdivision was approved in February and memorialized in March, but due to delays with the final review of the plan, the applicant is in need of an extension of time for filing purposes.

Motion made by Mr. Hart and Mr. Epperly to approve an extension of time for the previously approved subdivision for Libby DeLuca.

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

Nays – None.

Abstentions – None.

Motion Carried.

NEW BUSINESS:

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

Mr. Richard Minter came forward as the attorney for the applicant.

Before Mr. Minter proceeded with testimony, Solicitor Cappelli asked Mr. Minter to clarify the block and lot of the application. The block for 605 Eighth Street is 2307, not 2306 as the notice indicates. Mr. Cicali interjected that the list of persons within 200 feet was done correctly for block 2307. Solicitor Cappelli determined that the notice was sufficient.

Sebastian Yildiz came forward as the owner of the property and was sworn in by Solicitor Cappelli.

Mr. Minter explained that Mr. Yildiz has erected an accessory structure on his property to cover the wood that he uses for his wood burning fire place. Mr. Yildiz did not think it was considered a shed and, thus, did not understand that approval was need, and did not obtain zoning approval or construction permits. Mr. Minter further explained that the structure erected does not meet the setback requirements of the zone and encroaches on the neighbor's property.

Mr. Yildiz stated that he has spoken to his neighbor and that he does not have a problem with the location of the structure, as he asked Mr. Yildiz to do something about the wood sitting on his property and to place the structure against his fence. Mr. Minter asked Mr. Yildiz if his neighbor has given consent. Mr. Yildiz indicated that he had, but that it was not in writing, but he could get it in writing.

Mr. Epperly asked Mr. Yildiz to confirm his statement that his neighbor asked him to put the shed against his fence. Mr. Yildiz stated that was correct. Mr. LaRossa stated that he was not sure, as he only spoke to Mr. Yildiz when performing his review.

Mr. Stottlemire asked Mr. Yildiz about the drainage of rain water from the structure. Mr. Yildiz explained that the roof is pitched so that the water runs into the gutters and drains through the downspout on to the driveway.

Chairman Kane asked if this was the second accessory structure on the property. Mrs. Jack indicated that it is and that if the structure had met the setback requirements for the zone, a technical review would be required rather than a variance. Chairman Kane stated that there are three issues before the Board: the variance for the setbacks, the second structure, and the encroachment, which there is not much we can do about. Solicitor Cappelli also stated that there is also a structural issue. Mr. LaRossa stated that although he is not a structural engineer, there appears to be a rather large span that is not supported. The structure does require a permit and must pass inspection, but there are concerns about the roof holding in the interim.

Chairman Kane asked about the other accessory structure on the property. Mrs. Jack stated that it is a shed and as far as she is aware, it is pre-existing.

Mr. Cicali asked how the applicant plans to address the encroachment. Mr. Minter asked Mr. Yildiz who stated that the neighbor wants it that way. Chairman Kane explained that there is no theoretical problem with the encroachment, but a legal one, and that the neighbor may be comfortable with it today, but what happens in the future? Mr. Minter suggested that it may be appropriate to adjourn the meeting until such time as Mr. Yildiz can properly address the question. Solicitor stated that would be the best course of action, but there is still the question/concern about the safety of the structure. Mrs. Jack stated that she would make the Construction Official aware of the issue.

Motion made by Mr. Cicali and Mr. Hart to table the application.

Ayes – Mr. Cicali, Mr. Epperly, Mr. Hart, Mr. Stottlemire 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. Chairman Kane stated that the report refers to attached documents and asked Mrs. Jack to provide them for the Board members. In addition, it was determined that Chairman Kane, Vice-

Chairman Kenney, Mr. Cicali, Mr. Hart and Mrs. Jack would work on the report and the changes to the Ordinance.

ACTION:

Mrs. Jack stated that extension of a one-year period of time to proceed granted to Mr. Viana and Mr. Rheino for 320 Heulings Avenue has expired.

Motion made by Mr. Epperly and Mr. Hart to authorize the Solicitor to issue a letter to Mr. Viana and Rheino regarding the expiration of their extension.

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

Nays – None.

Abstentions – None.

Motion Carried.

CORRESPONDENCE:

No correspondence.

PUBLIC PORTION:

Richard Horton came forward and stated that other individuals have been required to demolish garages by the Township and the Board and that the same standards should apply to the property at 320 Heulings Avenue.

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

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

Nays – None.

Abstentions – None.

Motion Carried.

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

Meghan Jack
Secretary

