

August 13, 2012  
**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 15, 2012.
2. Written notice was delivered to the Burlington County Times and mailed to the Courier Post on January 15, 2012.
3. Filed written notice with the Clerk of the Township of Riverside on January 15, 2012.

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, Ms. Avery, Mr. Daley, Mr. Kenney and Chairman Kane. Ms. Carruthers and Mr. Stottlemire were excused.

**APPROVAL OF MINUTES:**

**Motion made by Mr. Kenney and Mr. Hart that the minutes of the June 11, 2012 Regular Meeting be approved as written.**

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

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

**RESOLUTIONS:**

**Motion made by Mr. Cicali and Mr. Daley that Resolution 2012-#12 be approved as written.**

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

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

**NEW BUSINESS:**

- 1) Carlos Marcano  
Block 3106, Lots 6  
Subdivision Application

Tim Hiskey, Esq. came forward as a representative for Mr. Marcano and introduced Glenn Wallace as an expert witness. Mr. Cappelli swore in Mr. Marcano and Mr. Wallace.

Mr. Hiskey began the hearing with a set of questions:

Mr. Hiskey asked Mr. Marcano if he owned 324-326 Harrison Street. Mr. Marcano stated yes since 1976.

Mr. Hiskey asked Mr. Marcano if the structure was a duplex with two driveways. Mr. Marcano stated yes.

Mr. Hiskey asked Mr. Marcano if the units were occupied. Mr. Marcano stated yes, and indicated that he lived in one of the units and tenants lived in the other unit.

Mr. Hiskey asked Mr. Marcano if the two units have separate utilities. Mr. Marcano stated yes.

Mr. Hiskey asked Mr. Marcano to explain to the Board what he would like to do. Mr. Marcano explained that he would like to subdivide the property and sell the other unit, as he is getting older and the maintenance of the rental unit is becoming too much.

Mr. Hiskey brought Mr. Wallace forward to provide testimony as an expert witness. Mr. Wallace indicated that he is a license Engineer and Planner since receiving his degree from Drexel University in 1986, and that he has testified before this Board in the past. Mr. Hiskey asked that he be accepted as an expert witness and Chairman Kane agreed.

Mr. Wallace indicated that a number of variances are required with the approval of the subdivision, but that the majority of them are, in fact, existing conditions. The most notable required variances are for the lot area and side yard setbacks. The proposed subdivision would result in each lot being under 5,000 square feet and no side yard setback possible because of the shared party wall. All other required variances are the result of existing conditions, which are not due to the proposed subdivision. Mr. Wallace noted that an easement may be required for access to the water line. Mr. Hiskey indicated that the buyer would be made aware of that fact.

Chairman Kane asked Mr. LaRossa to comment on the application. Mr. LaRossa indicated that the applicant seeks to subdivide the property into two lots, which necessitates several variances. As noted by Mr. Wallace, a variance for the lot area and side yard setback is created by the subdivision and a variance for the lot depth, front yard setback and rear yard setback are pre-existing conditions. Mr. LaRossa also noted that an easement would be required for the utility.

Chairman Kane asked Mr. Marcano if he would agree to the easement by deed. Mr. Marcano stated yes.

Mr. LaRossa asked Mr. Wallace if it was his opinion that the applicant has satisfied the burden of proof for the negative criteria. Mr. Wallace stated yes, and explained that the variances are mainly necessitated by existing conditions, which is not out-of-character for the neighborhood. Mr. Wallace pointed out that a number of properties on Harrison Street do not meet the current code for area and bulk requirements. Mr. Wallace further indicated that there are other duplex properties in the neighborhood, like Mr. Marcano's, which have been subdivided.

Chairman Kane asked if there were any additional questions or comments from the Board. Hearing none, Chairman Kane opened the meeting to the public.

Richard Horton came forward and asked if there is a separate sewer service for each unit. Mr. Wallace stated yes.

Upon motion and voice vote, the public portion was closed.

Mr. Cappelli recommended to Chairman Kane that this application be handled with two votes, one on the variances and one on the subdivision. Mr. Cappelli further indicated that the requested variances are "C" variances, and that the burden of proof is on the applicant to satisfy the positive and negative criteria and to show that the application can be approved without detriment to the community or zone plan.

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

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

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

**Motion made by Mr. Epperly and Mr. Kenney to approve the subdivision plan.**

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

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

**ACTION:**

None.

**CORRESPONDENCE:**

None.

**PUBLIC PORTION:**

No public comment.

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

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

**Nays – None.**

**Abstentions – None.**

**Motion Carried.**

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

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Meghan Jack, Secretary