

**STILLWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
June 22, 2015**

MEMBERS PRESENT: Mr. Hammond, Mrs. Draghi, Mr. Wykoff, Mr. Sarni, Mr. Lippencott

MEMBERS ABSENT: Mr. Stachura, Mr. Powell

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, June 22, 2015, at 7:30 p.m. at the Municipal Building in Middleville, New Jersey. The meeting was called to order by Mrs. Wunder in accordance with the Open Public Meetings Act. The flag was saluted and roll call taken.

Mr. Sarni made a **motion** to appoint Mr. Lippencott as Temporary Chairperson, seconded by Mrs. Draghi.

Roll Call Vote: Mr. Hammond, yes, Mr. Lippencott, yes, Mr. Sarni, yes, Mrs. Draghi, yes, Mr. Wykoff, yes

MINUTES

Mr. Wykoff made a **motion** to approve the minutes of May 18, 2015, seconded by Mrs. Draghi.

Roll Call Vote: Mr. Hammond, yes, Mr. Lippencott, yes, Mr. Sarni, yes, Mrs. Draghi, yes, Mr. Wykoff, yes

HEARING

Thomas Rivara, Block 801, Lot 10, Cal. No. 592 – application for a rear covered deck

All notices appeared to be in order. Thomas Rivara, 995 Mt. Benevolence Road, was sworn in. Mr. Rivara testified he would like to construct a covered deck with railings onto the rear of the existing residence for his growing family. The deck will be 42.6' from the rear property line, the Rivara Family Farm borders his property on three sides and the road is the fourth side, and there are no houses located on either side of his lot.

Mr. Morgenstern reviewed the variances necessary:

Rear setback: 75' required, 42.6' proposed

Lot area: 7.5 acres required, 36,817 sq. ft. existing

In response to Board questioning, Mr. Rivara testified a sliding glass door would be installed for access from the house to the deck and stairs on the side of the deck would provide access to the yard. The deck will not be screened in. The septic tank proximity to the deck was questioned as it appears from the survey it is very close. The Board determined health code compliance for distance to the septic tank would be a condition of any approval. Mr. Rivara reviewed the plan submitted with respect to the existing windows and also placement of the sliding doors. He stated there is no adjoining property available, the farm has been in his family for over 100 years and the family is not interested in selling any of it. A contractor will be hired to construct the deck.

At this point, this portion of the meeting was opened to the public at 7:43 p.m.

Thomas Rivara Sr., 981A Mt. Benevolence Road, was sworn in. He testified the stairs will extend out approximately two feet from the deck. The sliding door shown on the plan has been permitted through other work that is currently being done on the house. Mr. Rivara indicated he is one of the owners of the farm and is not interested in selling any portion of the property.

At this point, this portion of the meeting was closed to the public at 7:45 p.m.

Mr. Morgenstern reviewed possible conditions:

-Rear of house after construction must be no closer than 42.6 to the rear boundary line.

-Must comply with all building and health code requirements with respect to the septic.

-The deck must be constructed according to the location on the plan submitted.

-All other standard conditions applying.

Mr. Hammond made a **motion** to grant the necessary variances, seconded by Mr. Sarni.

Roll Call Vote: Mr. Hammond, yes, Mr. Lippencott, yes, Mr. Sarni, yes, Mrs. Draghi, yes, Mr. Wykoff, yes

Mrs. Draghi made a **motion** to allow the applicant to waive his right to wait to receive the Resolution, and proceed at this own risk, seconded by Mr. Hammond.

Roll Call Vote: Mr. Hammond, yes, Mr. Lippencott, yes, Mr. Sarni, yes, Mrs. Draghi, yes, Mr. Wykoff, yes

Mr. Sarni made a **motion** to carry the application for memorializing Resolution, seconded by Mr. Hammond.

Roll Call Vote: Mr. Hammond, yes, Mr. Lippencott, yes, Mr. Sarni, yes, Mrs. Draghi, yes, Mr. Wykoff, yes

RESOLUTION

Joseph and Judy Symons, Block 1601, Lot 6.03, Cal. No. 591- application for an addition

Mrs. Draghi made a **motion** to adopt the Resolution, seconded by Mr. Wykoff, with the following terms and conditions applying:

1. If the road is damaged during construction, Applicants shall repair the same to the satisfaction of the Construction Official of Stillwater Township on 72 hours' notice from the Township Construction Official or else the building permit and/or certificate of occupancy may be revoked or withheld.
2. The Applicant shall reimburse the Township for the costs of inspections of the property and roads and review of the plan by the Zoning Board Engineer. The Applicants shall post an adequate deposit with the Township as required by the Zoning Board Engineer prior to a building permit being issued and shall replenish the deposit if and when it has been fully utilized. Any unused escrow deposit shall be returned to the Applicant upon the issuance of a certificate of occupancy.
3. The within variance expires within nine months from the date of this Resolution unless implemented pursuant to the Ordinances of Stillwater Township.
4. Applicant shall comply with all other laws, rules and regulations in implementing the variances.
5. No permanent certificate of occupancy shall be issued until all conditions of the Resolution have been met.
6. All taxes and fees shall be paid the Township of Stillwater.

Roll Call Vote: Mrs. Draghi, yes, Mr. Wykoff, yes

Other Business:

Mrs. Draghi asked for clarification on the procedure for recommending an ordinance and she expressed concern with the Zoning Board having no knowledge of the use of property ordinance being considered. Mr. Morgenstern indicated the procedure does not require the Zoning Board to receive a proposed ordinance although it can be done as a courtesy. He noted the ordinance in question was sent from the Planning Board to the Township Committee for their consideration.

BILLS:

Mr. Sarni made a **motion** to approve the bills, seconded by Mr. Hammond:

Rodman Associates:	General – April 2015	\$ 28.75
	Escrow – Durkos	\$517.50
Refund of Escrow:	Passafaro	\$234.24
New Jersey Herald:	Meeting Date Change/Resolution Notice	\$ 32.10
Dolan and Dolan:	General – May 2015	\$134.00
	Escrow – Symons	\$415.38
	Escrow – Gerber	\$ 80.50

Roll Call Vote: Mr. Hammond, yes, Mr. Lippencott, yes, Mr. Sarni, yes, Mrs. Draghi, yes, Mr. Wykoff, yes

Correspondence:

Township of Hampton Ordinance #2015-04 An Ordinance Amending the Hampton Township Code to Amend Chapter 108, the Zoning Ordinance to Amend Article IX, Residential Development Fees for Low and Moderate Income Housing and Repealing Article VIII of the Hampton Township Code

Mr. Morgenstern explained that the COAH fee for commercial development is in effect again as the moratorium was not extended.

At this point, this portion of the meeting was opened to the public at 8:01 p.m. There being no members of the public wishing to speak, this portion of the meeting was closed at 8:01 p.m.

Committee Liaison Report: Charles Gross, Committeeman

Mr. Gross expressed concern with the guiderail installation on Cedar Ridge Road and he asked for an update. Mr. Morgenstern suggested he contact Mr. Vreeland to see if it meets with his approval. Mrs. Wunder indicated Mr. Rodman is working on his report for condition compliance at this time.

There being no further business, Mr. Hammond made a **motion** to adjourn the meeting at 8:10 p.m., seconded by Mr. Sami. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder, Board Secretary

George Lippencott, Temporary Chairperson