

**STILLWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
December 15, 2014**

MEMBERS PRESENT: Mr. Powell, Mr. Hammond, Mr. Sarni, Mr. Lippencott, Mr. Stachura, Mrs. Draghi

MEMBERS ABSENT: Mrs. Galante

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, December 15, 2014, at 7:30 p.m. at the Municipal Building in Middletown, New Jersey. The meeting was called to order by Chairperson Powell in accordance with the Open Public Meetings Act. The flag was saluted and roll call taken.

MINUTES

Mr. Stachura made a **motion** to approve the minutes of November 24, 2014, seconded by Mr. Lippencott.

Roll Call Vote: Mr. Hammond, abstain, Mr. Lippencott, yes, Mr. Stachura, yes, Mr. Sarni, yes, Mrs. Draghi, yes, Mr. Powell, yes

HEARING

Michael Passafaro, Block 801, Lot 8, Cal. No. 589 – application to construct an addition

Michael Passafaro, 985 Mt. Benevolence Road was sworn in. All notices appeared to be in order.

Mr. Passafaro would like to construct a 16' x 22' addition to the right side of his house, consisting of an expansion to the existing master bedroom, an office and a playroom for his children. The side setback would be .36' in the front corner and 2.15' at the back corner. Mr. Passafaro believes the lot next door is not buildable due to a stream running through it. He does not want to add a second level as it would not be aesthetic. A family room and front and back decks have been added to the house in the past. The existing setback on the side of the proposed addition is 16.36'. The applicant is willing to decrease the size of the addition, and has not offered to purchase property from his neighbor. The septic system is located to the rear of the property and the neighbor's house (Rivara) is located behind the back left corner of the property and cannot be seen from the applicant's house. There are no wetlands located on the lot. The house will be 1700 square feet including the addition, and is currently 1350 square feet, one-story with a basement. The basement was originally finished but was flooded and damaged during Hurricane Sandy. There will be a full basement under the addition, unfinished with block walls. There is a detached two-car garage on the property, approximately 20' x 20'.

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

Thomas Rivara, 981A Mt. Benevolence Road was sworn in. Mr. Rivara owns lots 7.01 and 7.04 and was a noticed property owner. He owns the lot next door to the location of the addition. Mr. Rivara cannot sell property to the applicant as it would affect the required road frontage for his lot. His property encircles the applicant's property. He has no objection to the addition or to machinery accessing his property during construction although he is concerned with the possibility of the footings or overhang encroaching on his property. Mr. Rivara is not interested in a lot line adjustment as it would affect his road frontage and cause his property to be non-conforming.

At this point, this portion of the meeting was closed at 7:50 p.m.

The Board asked if the addition could be moved back a few feet to increase the side setback at the front corner of the addition as the property is angled. Mr. Passafaro felt it would not be aesthetic and would appear to be an addition and not a part of the original house as he would like. He would rather decrease the width of the addition. The home currently has a 6" overhang and the addition would be consistent. The Board felt granting a setback variance so close to the property line could result in future title issues and problems with maintenance with respect to access through the adjoining property.

In response to further Board questioning, Mr. Passafaro indicated he owns a construction company and uses a computer in his bedroom and one pickup truck for that purpose. He keeps small carpentry equipment for the business in his garage and has two employees that do not come to the house.

The Board requested the following information from the applicant:

-Survey of the property depicting accurate setback distances and all structures located on the property including the septic location

The Board suggested photographs of the location of the addition and rear of property, as well as an alternate plan for the location of the addition.

Mr. Passafaro felt the proposed addition location was his only option due to the layout of the house. His only alternative would be to move.

Mr. Powell made a **motion** to carry the application to January 26, 2015, seconded by Mr. Sarni, no further notice being required; with the applicant providing an accurate survey depicting all existing conditions on the property including the septic location and photographs of the property at the location of the proposed addition.

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

RESOLUTION

Gerber, Block 2401, Lot 44.02, Cal. No. 586, application to operate a landscaping business in the R-7.5 acre zone

Mr. Stachura made a **motion** to remove condition #17 of the Resolution memorialized on 11/24/14 as it does not apply in this case, seconded by Mrs. Draghi, as follows:

“17. The within variance expires within nine months from the date of this Resolution unless implemented pursuant to the ordinances of Stillwater Township.”

Roll Call Vote: Mr. Hammond, yes, Mr. Stachura, yes, Mrs. Draghi, yes, Mr. Powell, yes

BILLS:

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

<u>Dolan & Dolan:</u>	General – October 2014	\$442.90
	Escrow – Patrick	\$158.00
	Escrow – Nextel	\$ 39.50
	Escrow – Martin	\$ 39.50
	Escrow – Mackey	\$ 79.00
	Escrow – Gerber	\$145.36
<u>Rodman Associates:</u>	General – October 2014	\$ 57.50
	Escrow – Gerber	\$402.50

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

Correspondence:

NJPO Planner

At this point, this portion of the meeting was opened to the public at 8:12 p.m. There being no members of the public wishing to speak, this portion of the meeting was closed at 8:12 p.m.

Committee Liaison Report: Charles Gross

Mr. Gross expressed concern with development on properties where trout streams are located or within close proximity, and he asked the Board to be aware of such issues.

There being no further business, Mr. Lippencott made a **motion** to adjourn the meeting at 8:20 p.m., seconded by Mr. Hammond. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder, Board Secretary

Eric Powell, Chairperson