

**Borough of Pitman Combined Planning/Zoning Board  
Pitman, New Jersey**

**Minutes of December 21, 2015**

**Call to Order:**

Chairwoman Stech called the meeting to Order at 7:00pm.

**Attendance:**

Mrs. Hausmann, Mayor Johnson, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Chairwoman Stech, Mr. Owen, Mr. Romick

Absent members: Mr. Aspras, Mr. Fijalkowski, Mr. Shirley, Mr. Dutil

**Advisors Present:**

Mr. MacDonald, Solicitor, Mr. Kernan, Planner & Engineer, Mr. Pierpont, Zoning Officer.

**Public Comments:**

None.

**Approval of November Minutes:**

A motion was made by Mr. Lowden, second by Mrs. Hausmann to approve the November minutes. On voice vote: Mrs. Hausmann, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Chairwoman Stech, Mr. Owen, Mr. Romick

**Historic Preservation Commission:**

Mr. MacDonald swore in Michelle LaPlante.

2015-55: Susan Perrone, 116 12<sup>th</sup> Ave B-13, L-21  
Roof- approved by the zoning officer

2015-57: Salvatore Gattinelli, 68 S Broadway, B-2, L-5  
sign

A motion was made by Councilwoman Kelley, second by Mr. Lowden to approve Historic applications 2015-55 & 57. On voice vote: Mrs. Hausmann, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Chairwoman Stech, Mr. Owen, Mr. Romick

**Report from Zoning Officer:**

Mr. Pierpont gave the board a report:

- 123 Zoning Permits issued year to date.
- Investigated 3 Zoning complaints

- Issued 2 violation notices
- 11 persons visited the Zoning office during Wednesday evening hours. 1 appointment and 2 site visits.

**Variance Application: Richard Mcllvaine, 818 S. Broadway, Block 33, Lot 2: Seeking Garage Roof Height Variance:**

Mr. MacDonald first asked, secretary Hausmann and Chairwoman Stech, if all the notices are in order to complete application 15-549. The notices were all in order and Mr. MacDonald swore in the applicant, Richard Mcllvaine, 818 S. Broadway, Pitman, New Jersey.

The applicant gave Mr. MacDonald permission to have Mr. Pierpont, zoning officer, to give the board back ground about his application. Mr. Pierpont gave the board a timeline on when the applicant came into Borough Hall to apply for permits.

- December 2014: the zoning office issued a zoning permit to build a 24 x 24 detached garage located on their property showing five (5) feet from all joining properties.
- January 2015: Mr. Mcllvaine came into the office with a set of building plans. The building plans met the zoning requirements, the plans shown the garage was 19.8 high not including the cupola trim on top. The cupola does not count towards the height of the garage. Mr. Mcllvaine received storm water wavier from the planning and zoning board engineer and he began construction.
- October 27, 2015: Sue Weaver, construction office, contacted Jeff Keir, construction official, that Mr. Mcllvaine came in requesting a framing inspection. Mr. Mcllvaine did tell Ms. Weaver that he changed the design and added more to the second floor. Ms. Weaver advised Mr. Mcllvaine to submit new plans showing the design changes.
- October 30, 2015: Mr. Mcllvaine emails Mr. Pierpont the drawing showing the new second floor. After reviewing the drawings, Mr. Pierpont emailed Mr. Mcllvaine stating that it appears that the height will be excessive of twenty (20) feet and it does not fit in the zoning code. Mr. Mcllvaine advised Mr. Pierpont that he was going to seek a variance.

Mr. MacDonald stated that the applicant submitted the copy of the drawings with his application. He then asked Mr. Pierpont for copies of the zoning and the construction permits that were issued to the applicant. Mr. MacDonald added the permits into exhibits. Exhibit- A: Zoning permit issued. Exhibit-B: Construction permit issued. Exhibit-C: December 2014, original plans submitted.

Chairwoman Stech asks the applicant, Mr. Mcllvaine to give the board background on his application. Mr. Mcllvaine explained since receiving the approvals to begin construction he has ran into many delays. As the process started picking up, Mr. Mcllvaine noticed when the first floor construction was completed, that he could use extra height in the second floor, due to his large pickup truck. Mr. Mcllvaine knew at that time that he had to submit new plans for the extra height, but proceeded to build the second floor with extra height, due to having a friend who was available to help right away. The extra space will give him the extra storage space and the much needed headroom. Mr. Mcllvaine also changed the design of the garage to match his

Victorian home, by adding two (2) beautiful French doors that open up to two (2) balconies. Mr. McIlvaine then went into the construction office and mentioned to Ms. Weaver that he did change the design and that the garage is above the height of his original plans. At that time, he was unaware of the twenty (20) foot height restriction, because his original plans were showing a height over twenty (20) feet with the cupola. He stated that he was unaware that the cupola was not part of the measurement for height. Mr. McIlvaine summed up his testimony by saying the added height is for the much needed storage and the design changes are for curb appeal and to match his Victorian home.

Chairwoman Stech opened it up to the board members to question the applicant. Mr. Slenkamp questioned the applicant on the new height of the garage. Mr. McIlvaine answered he believes it is now closer to twenty-five (25) feet. Mr. MacDonald stated to the board members that the application does state it is twenty-five (25) feet. Councilwoman Kelley questioned if the cupola was included in the twenty-five (25) feet. Mr. McIlvaine stated it is without the cupola. Councilwoman Kelley also asked how large the first floor of the garage is. Mr. McIlvaine said he did raise the first floor by one (1) foot. Now the first floor is a nine (9) feet tall instead being eight (8) feet tall. He also went with custom garage doors that are nine (9) feet tall that swing out (barn doors). The rest of height was added to the second floor storage area. Mr. Owen questioned if there really is a second floor. Mr. McIlvaine said yes there is a second floor. Mr. Owen asked how the second floor would be utilized. Mr. McIlvaine answered that he will only use it for storage. Mr. Owen asked about how the French doors open to the second floor. Mr. McIlvaine stated the doors open out to a small balcony. The balconies were only added there for curb appeal. Mr. Owen's last question to the applicant was how you would access the second floor. Mr. McIlvaine stated he was going to add exterior stairs to the smaller balcony located on the right side of the garage. He did not want interior stairs, because there would be no room to access them unless he pulled out both of his vehicles. Mrs. Hausmann questioned where the French doors are located. Mr. McIlvaine stated on the sides of the garage. Mr. Ryder questioned since the approval of the construction it was not till early October that it was decided to increase the height of the garage. Mr. McIlvaine said yes; as he was framing the garage that was when he decided on the height increase. Mr. Ryder then continued by saying at the end of October you were told by Mr. Pierpont you were over the maximum height requirement. Mr. McIlvaine stated only after he submitted the new plans was when he realized the garage was over the height requirements. Mrs. Hausmann questioned Mr. Pierpont if on the permit does it state the height. Mr. Pierpont said no, but the plans submitted stated it would not exceed the twenty (20) foot height and that is what he approved. Mr. Lowden questioned the height of the second floor. He said it is quite large for just storage. Mr. McIlvaine said it was cost effective for him to raise the ceiling that high. Mayor Johnson questioned that by looking at the garage, the second story looks more like living space rather than just storage space. Mr. McIlvaine agreed by just looking at the garage one could think that it is living space, but it is only for storage. He wanted the garage to match the look of his house. Mr. McIlvaine stated to the board that there would never be anyone living in the garage. Mr. Romick questioned if there are any utilities. Mr. McIlvaine stated by code he would have to run a switch and a light to the door downstairs. Mr. Romick then questioned if there is any hardship on this property as to why the garage could not be built to fit the zoning height requirement.

Mr. McIlvaine replied that he was unaware of the height restriction and did not know the height of the cupola was not included in the height restrictions. Councilwoman Kelley asks if there are any intentions in the future about running gas or water/sewer lines. Mr. McIlvaine said in the future he would like to have a gas line running to the garage. If the board grants approval, he will install duct work now, so in the future he will be ready for running the gas line.

Mr. MacDonald swore in, Tim Kernan, board's engineer and planner. Mr. Kernan questioned the 24 x 24 footprint is of the garage and then it comes out four (4) feet and continues upward. Mr. McIlvaine replied that he maintained the 24 x 24 footprint and only the two (2) balconies overhang out four (4) feet.

Chairwoman Stech opens to the public.

Paul D. Streck, 4 Glen Lake Avenue, Pitman, New Jersey. Mr. Streck lives in the property directly behind the applicant's property. Mr. Streck is not in favor of the application, he brought in photographs of documentation for his reasons. Mr. MacDonald labels the three (3) photographs as Exhibit- E: Objector. Mr. MacDonald showed the photographs to Mr. McIlvaine who agreed that they are of his garage. Mr. Streck then described each photograph.

Photograph #1: looking from the back porch of his residents directly looking at the back of the applicant's property. The proposed structure of the proposed variance is a complete intrusion of his privacy and will likely result in a devaluation of his property. Mr. Streck stated that privacy is a big concern if and when he decides to sell his property. The photograph shows two (2) windows at this angle, but there are actually three (3) windows across the back of the garage. It also shows the two (2) side balconies that look directly onto his patio and backyard.

Photograph #2 & #3: These two (2) photographs are different angles looking directly at the garage from Mr. Streck's backyard. It shows Mr. Streck's own garage and privacy fence which is a half foot onto his property. The structure looks like it is on top of his fence and not the full five (5) yard setback. The two (2) photographs show the height of the garage and the overhang of the new structure. Mr. Streck is concerned with the height and with the overhang of the garage and that in the future it will drop snow onto his fence and onto his garage. Mr. Streck also pointed out in photograph #2 that there is another garage in the same area from another adjacent lot. Mr. Romick questioned what garage is his in the photograph. Mr. Streck stated that his is the one on the right of the photograph and the other garage is the home located on Broadway and Seneca Avenue. Chairwoman Stech asks if Mr. McIlvaine had any questions. Mr. McIlvaine wanted to point out to the board that Mr. Streck's garage is maybe about one (1) foot off the fence and his garage's overhang is hanging over the fence and dumps snow onto his yard. Mr. McIlvaine also addressed the runoff from his new garage. He stated that there was already a concert slab there and he did receive a waiver from the engineer about lot grading.

Chairwoman Stech asked if Mr. Streck wanted to reply. Mr. Streck stated to the board that his garage is on his property along with the fence which has a half foot setback off his property line. His main concerns are about the height of the applicant's garage and his privacy. Mrs. Hausmann questioned Mr. Streck about how old is his garage if known. He replied, 1912.

Chairwoman Stech questioned Mr. McIlvaine if the previous garage was a one (1) or two (2) car garage. Mr. McIlvaine replied that it was a two (2) car garage. Mr. Ryder wanted to read the Land Use Ordinance on record. Ordinance 35-24.3-Yard Exception for Private Garage or

Accessory Building. A private garage or accessory building other than a stable which is not an integral structural part of the main building may be located in the required rear yard but not less than five (5) feet from any property line, provided that it shall not exceed twenty (20) feet in height.

Close to the public.

Councilwoman Kelley stated to the board that her concerns are that they do not have exact measurements on the setbacks of the garage and drawings with setbacks of the exterior stairs that Mr. McIlvaine stated he was going to place in. Mr. MacDonald advised the board; at this time the application only involves the height of the garage and reminded them to keep focus on that and not any setbacks. Mr. Ryder stated to the board, that the ordinance was written for a reason with the twenty (20) feet in height. If this application is granted, then what is to stop the other surrounding residents from building these large garages? Mr. Ryder also mentions that the applicant did not express the uniqueness of his property to consider this hardship. Mr. McIlvaine replied that his home is a unique three (3) story Victorian home and wants a garage to match.

Mr. MacDonald wanted to go over with the board members the procedure for understanding to vote for a bulk variance. There are two (2) types of C-Variations: C1 Variance and C2 Variance. The applicant must prove the positive criteria and negative criteria as part as a hardship.

Chairwoman Stech asks the board if there are any more questions for the applicant. No one on the board had any other questions. A motion was made by Mr. Ryder, second by Mrs. Hausmann to deny the variance for not proving that the property is unique to meet the positive criteria and to agree with the way the zoning ordinance is written not to allow a structure to exceed the twenty (20) feet in height.

Chairwoman Stech stated that there is a motion on the floor and asked the board members if there is any discussion before proceeding to roll call. Mr. MacDonald stated to the board members to explain on record when their name is called what the reasons are on why voting the way they are. On voice vote:

Mrs. Hausmann- yes to deny the application. The garage is not appropriate for the area and is not within the zoning ordinance height of twenty (20) feet.

Mayor Johnson- yes to deny the application. After hearing the applicant's testimony, he believes it will have a negative impact among the neighbors.

Councilwoman Kelley- yes to deny the application. This application will impair the zoning ordinance for height.

Mr. Lowden- yes to deny the application. The applicant did not prove a hardship. The original application was to replace a garage not to expand to have additional storage.

Mr. Ryder- yes to deny the application. The applicant did not provide to the board that the property is unique to meet the positive criteria and to agree with the zoning ordinance to not allow a structure to exceed the twenty (20) feet in height.

Mr. Slenkamp- yes to deny the application. The additional height is not necessary to grant the variance and the applicant did not prove their property was unique to grant the positive criteria.

Chairwoman Stech- yes to deny the application. The applicant did not testify that the property is unique and agrees with Mr. Ryder about not exceeding the twenty (20) feet in height.

Mr. Owen- yes to deny the application. The applicant did not testify any kind of hardship and did not hear testimony for the advantages the Borough would have for allowing the variance.

Mr. Romick- yes to deny the application. He did not hear any testimony on any positive impact this structure would have extending over the twenty (20) feet in height.

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**New Use Waiver Committee:**

None.

**Economic Development Committee:**

Mr. Owen gave the board a report:

- New traffic signs were placed up to point people to some attractions and parking areas.
- Next project the committee is going to work on is to get the new sign approved on the corner of Holly Avenue and Broadway.
  - A sample of the electronic sign was passed around to the board members.
  - Committee will be going through the permit process in the upcoming month.

**Site Plan Committee:**

None.

**Subdivision Committee:**

None.

**Master Plan Committee:**

Mr. Ryder gave the board a report:

- February 1, 2016, at 6 pm will be the next master plan meeting.

**Environmental Commission:**

Mr. Slenkamp gave the board a report.

- A couple members from the Commission met with Borough Council about adding vegetation around the lake.
  - Council voted yes for a one (1) year trial period.

**Council Report:**

Councilwoman Kelley gave the board a report.

- The Green team is working on their applications.
  - Sustainability Pledges are part of the application.
  - Land Use pledge is part of the Planning/Zoning Board.
  - The Green Team fell short for their certification for a Bronze.

- At the last Borough Council meeting, a vote to move forward with a liquor license.
  - Borough Solicitor will be working on writing up the procedure for Council to start the first reading.
- January 3, 2016 at 6 pm is Borough Council's reorganization meeting.

Councilwoman Kelley wanted to personally thank each member for their services this year.

**Other Business:**

Mr. Romick wanted to know if there is any other movement about the resident that wants to purchase the bank next door to Borough Hall. Mayor Johnson replied the resident had a few of her contractors out at the beginning of the month with our Borough employee, Ryan Pierson. This resident still expressed interest in the building. Chairwoman Stech questioned any new news on the old Sony property. Mayor Johnson stated nothing new.

**Adjournment:**

A motion was made by Councilwoman Kelley, second by Mr. Lowden. On voice vote: Mrs. Hausmann, Mayor Johnson, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Chairwoman Stech, Mr. Owen, Mr. Romick

Respectfully Submitted,

Jessica Vernacchio