

**STILLWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
March 24, 2014**

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

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Board Attorney Morgenstern

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, March 24, 2014, at 7:30 p.m. at the Municipal Building in Middleville, New Jersey. The meeting was called to order by Mr. Powell in accordance with the Open Public Meetings Act.

The flag was saluted and roll call taken.

**MINUTES**

Mrs. Galante made a **motion** to approve the minutes of January 27, 2014, seconded by Mrs. Draghi.

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

**BILLS:**

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

**Dolan & Dolan:**

General – December 2013/January 2014	\$617.11
Meeting – January 27, 2014	\$150.00
General – February 2014	\$395.00
Escrow – Nextel of NY/JCP&L	\$118.50
Escrow – Tanis	\$237.00
Escrow – Cellco Partnership/Verizon	\$116.25
	\$ 38.75
	\$ 38.75
Newton Trophy: Nameplate –Kathy Draghi	\$ 8.00
New Jersey Herald: Meeting Cancellation	\$ 7.20
Reorganization Notices	\$ 61.20
Staples: Land Use Ordinance Copies	\$ 65.05

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

**Correspondence:**

-NJPO Planner January/February 2014

-An Ordinance Amending Chapter 240 of The Land Development Ordinance of the Township of Stillwater to Amend Section 240-90Q Establishing GIS Update Fees for Land Development Applications – Adoption 3/4/14

-R. Morgenstern, 2/25/14: Ordinance Governing Setback of Structures from a Lake

**Discussion:** Mr. Morgenstern provided sample ordinances and input from other municipalities with respect to their requirements for the setback of structures from a lake. Mr. Morgenstern reviewed his research reviewing the setbacks of other municipalities including the following:

Hampton – 50’ rear yard setback for principal structures/ 15’ for accessory

Sparta – 35 ‘ rear yard setback for principal structures/ 10’ for accessory

Frankford – under 1 acre, rear yard setback of 50’/ greater than 1 acre, 75’

Hopatcong – no building permitted within 50’ except docks, piers, boathouses and marinas

Mr. Morgenstern noted Stillwater is the only municipality of those he has reviewed that considered the lakeside of a property to be the front yard.

Mr. Powell felt the restriction could be eased and the front yard lake side changed to the rear yard. Following the discussion, Mr. Stachura made a **motion** authorizing the Board Secretary to forward Mr. Morgenstern’s research to the Planning Board for their review and input, seconded by Mr. Sarni.

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

This item will be added to the next agenda for further discussion and review of the Planning Board comments.

**At this point, this portion of the meeting was opened to the public at 7:49 p.m.**

**Ian Blanchard, 908 Wall Street** asked if the township had an ordinance in place that dealt with foreclosed properties. He expressed concern with fuel oil tanks on such properties and referenced a recent oil spill in Fredon.

Mr. Morgenstern indicated the NJDEP would have jurisdiction over leaking fuel tanks. Complaints could also be filed with the Zoning Officer and enforced based on current regulations, as well as the County Health Department.

Mr. Blanchard is a member of PAC Water Quality and would address the issue with that board. He expressed concern with a foreclosed property in his neighborhood that has been vandalized. Ownership of these properties can be difficult to determine. Mr. Powell stated an oil spill can happen anytime, on any property regardless of whether or not it has been foreclosed on. Mr. Stachura noted the property in Fredon Mr. Blanchard referred to was not a foreclosure. Mr. Powell suggested utilizing the Property Maintenance Code with the Zoning Officer, and when visiting these sites if she discovers by sight or odor a possible fuel leak, she can notify the NJDEP. Mr. Lippencott commented that banks will not provide a mortgage to properties with an underground tank; it has to be removed with proof of removal provided.

**There being no further members of the public wishing to speak, this portion of the meeting was closed at 8:08 p.m.**

**Committee Liaison Report: Charles Gross**

Mr. Gross reported the 2014 budget was introduced and the Zoning Board requests were granted. It will be considered for adoption at the meeting held on April 1, 2014. With reference to the ordinance review by Mr. Morgenstern, Mr. Gross felt the lakeside should be considered the rear yard. He noted that any ordinance recommended by the Planning Board is ultimately considered by the Township Committee for adoption.

Mrs. Draghi reported on the mandatory training she attended at SCCC. She asked if permission is obtained from a property owner when conducting a site inspection. Mrs. Wunder indicated a site inspection authorization form is included with the application and must be signed by the owner.

There being no further business, Mr. Hammond made a **motion** to adjourn the meeting at 8:15 p.m., seconded by Mr. Sarni. In a voice vote, all were in favor.

Respectfully submitted,

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Kathy Wunder, Board Secretary

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Eric Powell, Chairperson