

**STILLWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
September 24, 2012**

**MEMBERS PRESENT:** Mr. Hammond, Mr. Stachura, Mr. Daingerfield, Mr. Sarni, Mrs. Feenstra, Mrs. Galante, Mr. Powell

**MEMBERS ABSENT:** Mr. Lippencott

**ALSO PRESENT:** Board Attorney Morgenstern; Board Engineer Rodman

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, September 24, 2012, at 7:30 p.m. at the Municipal Building in Middleville, New Jersey. The meeting was called to order by Chairman Powell in accordance with the Open Public Meetings Act.

The flag was saluted and roll call taken.

The Board acknowledged receipt of a resignation letter from Regular Member Ed Saal, effective 8/31/12.

**RESOLUTION**

**Barry Hollinger**, Block 3304, Lot 3, Cal. No. 575 – Amended Application for Change of Use

Mr. Hollinger was represented by William Hinkes, Attorney, Newton, New Jersey.

As per his letter dated 9/21/12, Mr. Hinkes indicated he felt there were two discrepancies in the Resolution. The Resolution as drafted limits Nock on Wood to one employee and also limits the number of water tankers to be stored on the property to one. He respectfully requested the Board revisit each issue as he believed approval was granted for two employees and two water tankers. Following a brief discussion, the Board agreed with Mr. Hinkes, and Mr. Hammond made a **motion** to revise the Resolution limiting Nock on Wood to two employees and limiting the number of water tankers stored on the property to two, seconded by Mr. Sarni.

The following dimensions (square feet) were provided to Mr. Morgenstern by the applicant to be inserted into the Resolution:

Main Building: 10,258

First Outbuilding: 1,000

Second Outbuilding: 1,300

DeLade Bros.: 5,200

Nock on Wood: 3,848

Highlands Chimney: 1,000 (separate building)

Barry Hollinger (main floor): 1,210

Barry Hollinger (second outbuilding): 1,300

The following terms and conditions apply:

1. No customers shall come to the site. There shall be no public access to the site.
2. There shall be no more than the following persons occupying the site or coming to the site for business purposes whether they be business owners or employees:
  - a. DeLade Brothers Electrical, Inc., four persons;
  - b. Brett Nock (Nock on Wood), two persons;
  - c. Highlands Chimney Sweep, one person;
  - d. Barry Hollinger/Water Boy, one person;Total eight (8) people.
3. No additional vehicles other than those set forth above shall be utilized on the site.
4. If any of the foresaid changes, or if additional persons or vehicles are proposed for the site, Applicant shall apply to the Board for new variances.
5. Only two water tank trucks shall be parked or stored on the site.
6. The existing frame constructed on the site shall be removed.
7. No sign shall be installed on the building or property without prior approval of this Board.
8. Brett Nock shall operate the paint booth on the site in conformance with regulations of the NJDEP.
9. Brett Nock shall dispose of the paint, paint thinners and chemicals off site in accordance with the regulations of the NJDEP.
10. Applicant shall obtain a letter from the Sussex County Health Department that the septic system on the site is adequate for the uses.
11. There shall be no storage of other equipment or materials outside the building other than what is there now and described in this Resolution.
12. All materials shall be stored in a safe manner to insure that chemicals do not reach or impact the well or groundwater on the site.
13. Applicant shall provide the Stillwater Township Fire Department with a list of chemicals and materials stored on the site.
14. The Applicant shall obtain the approval of the Sussex County Planning Board or obtain a Letter of No Interest.
15. The within variances expire within nine (9) months from the date of this Resolution unless implemented pursuant to the Ordinances of Stillwater Township.
16. No permanent Certificate of Occupancy shall be issued until all conditions of the Resolution have been met.
17. All taxes and fees shall be paid to the Township of Stillwater.
18. Applicant shall comply with all other laws, rules and regulations implementing these variances.

**Roll Call Vote:** Mr. Hammond, yes, Mr. Lippencott, yes, Mr. Daingerfield, yes, Mr. Sarni, yes, Mrs. Feenstra, yes, Mr. Powell, yes

**MINUTES**

Mr. Daingerfield made a **motion** to approve the minutes of August 27, 2012, seconded by Mr. Hammond, amending typographical errors where necessary.

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

**HEARING**

**Cellco Partnership/d/b/a Verizon**, Block 3101, Lot 13, Cal. No. 578 – Cell Tower

Conflicts were cited by Mr. Sarni, Mr. Stachura, and Mr. Hammond.

Mr. Daingerfield made a **motion** to carry the application to 10/22/12 as per the letter received from Attorney Richard Schneider dated 9/24/12, no further notice required, seconded by Mr. Powell.

**Roll Call Vote:** Mr. Daingerfield, yes, Mrs. Feenstra, yes, Mrs. Galante, yes, Mr. Powell, yes

**BILLS**

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

<u>Dolan &amp; Dolan:</u>	General – August 2012	\$248.33
	Meeting – August 2012	\$467.50
	Escrow – Goldberg	\$424.50
	Escrow – Cellco Partnership	\$438.00
	Escrow – Hollinger	\$300.00
<u>Staples:</u>	Nextel Litigation	\$ 29.76
<u>New Jersey Herald:</u>	Rae/Lee Resolutions	\$ 21.60
	Morris/Howe Resolutions	\$ 23.10
<u>Rodman Associates:</u>	General – August 2012	\$ 28.25
	Escrow – Cellco Partnership	\$226.00
	Escrow – Hollinger	\$113.00

**Roll Call Vote:** Mr. Daingerfield, yes, Mr. Hammond, yes, Mr. Lippencott, yes, Mrs. Feenstra, yes, Mrs. Galante, yes, Mr. Powell, yes

**Correspondence:** Budget Worksheet 2013; Budget Report through 9/17/12

**At this point this portion of the meeting was opened to the public at 7:47 p.m. There being no members of the public wishing to speak, this portion of the meeting was closed at 7:47p.m.**

**Committee Liaison Report:** Mr. Gross was not present due to a prior commitment.

There being no further business, Mr. Sarni made a **motion** to adjourn the meeting at 7:47 p.m., seconded by Mrs. Feenstra. In a voice vote, all were in favor.

Respectfully submitted,

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Kathy Wunder, Board Secretary

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Eric Powell, Chairman