

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

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

MEMBERS ABSENT: Mr. Hammond, Mrs. Galante

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, November 24, 2014, at 7:30 p.m. at the Municipal Building in Middleville, 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

Mrs. Draghi made a **motion** to approve the minutes of October 27, 2014, seconded by Mr. Stachura.

Roll Call Vote: Mr. Lippencott, abstain, Mr. Stachura, yes, Mr. Sarni, abstain, 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

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

1. There shall be no expansion of the business over and above what presently exists without prior approval of the Stillwater Township Zoning Board of Adjustment.
2. The number of employees for the business is limited to six (6) unless the Stillwater Township Zoning Board of Adjustment expressly approves an increase in the number of employees.
3. The hours of operation of the business are limited to 7:00 a.m. to 5:00 p.m., Monday through Saturday. However, snow plowing and snow removal operations may be conducted at any hour of the day or week. No customers shall come to the site. There shall be no retail sales conducted on the site.
4. The equipment and vehicles utilized on the site is limited to those on the equipment list Exhibit "A-13" annexed to this Resolution. Of course, vehicles and equipment may be replaced by like vehicles and equipment.
5. Applicant shall keep the vehicles and materials stored on the site out of the wetlands.
6. Applicant shall submit the prior written approval of the wetlands delineation on the site by the NJDEP to this Board and to the Stillwater Township Construction Official.
7. The operator of the business must reside in the residence on the lot. Only the resident of the house located on the lot may operate the business.
8. If Applicant ever desires to construct a building on the site for business use, a use variance and site plan approval is required from the Stillwater Township Zoning Board of Adjustment.
9. No pesticides shall be stored on the site unless approved by the Zoning Board of Adjustment.
10. If any additional disturbance of the lot is proposed, Applicant is required to obtain an amendment to the site plan approval. However, an addition to the single family residential dwelling would not require site plan approval.
11. All trees shall be preserved on the site from the street for a distance of 100 feet back and for a distance of 30 feet from each side line and for a distance of 75 feet from the rear property line unless the Zoning Board approves the specific cutting of trees. In other words, no trees shall be cut in those strips of land constituting the minimum front, side and rear set back areas specified in the Zoning Ordinance unless the Board approves the cutting of specific trees in those areas.
12. There shall be no signs identifying the business constructed or maintained on the site.
13. There shall be no exterior lighting other than the existing residential lighting installed.
14. The Applicant shall comply with all yard, bulk and set back requirements of the Zoning Ordinance in the operation of the business.
15. 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.
16. The Applicant 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.
17. The within variance expires within nine months from the date of this Resolution unless implemented pursuant to the ordinances of Stillwater Township.
18. Applicant shall comply with all other laws, rules and regulations in implementing the variances.
19. No permanent certificate of occupancy shall be issued until all conditions of the Resolution have been met.
20. All taxes and fees shall be paid to the Township of Stillwater.
21. Applicant shall record this Resolution in the Sussex County Clerk's Office and furnish proof of recording with this Board.

22. It appears that this application will not trigger the Stillwater Stormwater Regulations. If the Stillwater Stormwater Coordinator (Township Engineer Mike Vreeland) determines that they are required, these regulations must be addressed.

23. The areas shown on the site plan for existing equipment, parking and excess materials (pavers, bricks and pallets) are restricted to those areas.

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

RESOLUTION

Joseph Mackey, Block 703, Lot 2, Cal. No. 587, application to construct a pole barn.

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

1. The garage shall not be used for human habitation.
2. No one shall live in the garage. No toilet shall be installed in the garage which is connected to the septic system on the lot.
3. The garage shall contain a maximum of 1,200 square feet.
4. The garage shall be set back farther from Hampton Road than the existing single family residential dwelling.
5. The Applicant shall stake out the location of the garage for the Construction Official prior to the issuance of a building permit.
6. The Applicant shall file an as-built plan with the Zoning Board of Adjustment and the Construction Official after it is constructed.
7. The garage shall be constructed in the location shown on the variance location sketch.
8. The garage shall not exceed 18 feet in height.
9. A maximum of three (3) motor vehicles shall be stored in the new garage to be constructed.
10. The Applicant shall plant a landscaped buffer of pine trees with a minimum height of 5 feet on 15 foot centers. The Zoning Board Engineer shall approve the location of these trees so that they form a screen for the garage in the direction of Iris Circle.
11. The Applicant shall paint the garage neutral colors.
12. Applicant shall file a copy of all Deeds for the subject house and lot with this Board.
13. The driveway access leading from the garage shall outlet on Hampton Road only. It shall not outlet on Iris Circle.
14. The Applicant shall keep the garage a minimum of 20 feet from the swimming pool.
15. The garage shall be constructed so that it complies with all building setbacks, contained in Section 240-106D4. The garage shall be constructed a minimum of 30 feet from the sideline of the lot and 20 feet from the rear line.
16. Applicant shall remove the trash along the side of the home and northwest property line as set forth in the report of the Stillwater Township Environmental Commission.
17. If Hampton Road is damaged during the construction of a dwelling on Applicant's lot, Applicant shall repair the same to the satisfaction of the Construction Official of Stillwater Township and Zoning Board Engineer on 72 hours notice from the Township Construction Official or else the building permit and/or the Certificate of occupancy may be revoked, withheld or suspended.
18. 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 of Engineer. The Applicant 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.
19. The within variance expires within nine (9) months from the date of this Resolution unless implemented pursuant to the ordinances of Stillwater Township.
20. Applicant shall comply with all other laws, rules and regulations in implementing the variances.
21. No permanent certificate of occupancy shall be issued until all conditions of the Resolution have been met.
22. All taxes and fees shall be paid to the Township of Stillwater.

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

BILLS:

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

<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
Vreeland Engineering:	Escrow – Martin	\$230.00

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

Correspondence:

NJPO Planner

OTHER BUSINESS: Budget Worksheet 2015

Following review, Mr. Stachura made a **motion** to recommend the following 2015 budget to the Township Committee, seconded by Mr. Sarni:

Advertising:	\$ 500.00
Forms & Books:	\$ 125.00
Office Supplies:	\$ 75.00
Equipment:	\$ 75.00
Membership/Dues:	\$ 220.00
Schools, Training:	\$ 500.00
Legal Fees:	\$4,000.00
Litigation:	\$2,000.00
Engineering:	<u>\$ 750.00</u>
Total:	\$8,245.00

Salary increase to be determined by the Township Committee.

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

At this point, this portion of the meeting was opened to the public at 7:49p.m. There being no members of the public wishing to speak, this portion of the meeting was closed at 7:49 p.m.

Committee Liaison Report: Charles Gross

Mr. Gross discussed the overall budget process and holding the line. He commended the CFO for her management of the budget.

Mr. Powell reported on his attendance at the League of Municipalities Conference in Atlantic City.

There being no further business, Mr. Lippencott made a **motion** to adjourn the meeting at 9:00 p.m., seconded by Mr. Stachura. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder, Board Secretary

Eric Powell, Chairperson