

**STILLWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
December 30, 2013**

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

**MEMBERS ABSENT:** Mrs. Galante

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

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, December 30, 2013, 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.

Certification was submitted by Mr. Stachura for the meeting of November 25, 2013.

**MINUTES**

Mr. Lippencott made a **motion** to approve the minutes of November 25, 2013, seconded by Mr. Sarni.

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

**RESOLUTION**

**Theresa Martin, Block 3305, Lot 6, Cal. No. 585 – Retaining Wall**

The applicants were still under oath. A discussion was held regarding a condition requiring the installation of a guiderail, which the applicant's engineer has indicated is not necessary. No information or documentation was submitted by the applicant to either Mr. Rodman or Mr. Vreeland to warrant a change to the condition. Mr. Powell felt it would be necessary for Township Engineer Vreeland to corroborate that the guiderail was not required. He suggested rewording the condition in both resolutions (wall #3/garage addition #16) to reflect the guiderail is required unless deemed unnecessary by the Township Engineer. Condition #6 of the wall resolution was discussed with Mr. Rodman expressing concern with whether or not the letter received from the neighbor (Gaal) was sufficient as it refers to "clean up" of the property, not "grading" of the property. Mr. Martin testified that Mrs. Gaal has reviewed the plans and is aware of the situation. Mr. Powell felt the letter was adequate as Mrs. Gaal is aware of the project and has expressed no objection. The Board agreed. Mr. Rodman would monitor the conditions of the wall resolution and submit a memo when all have been satisfied. Mr. Hammond made a **motion** to adopt the resolution as amended, seconded by Mr. Lippencott with the following conditions applying:

1. As a temporary measure the Applicant shall have sandbags placed along the edge of Cedar Ridge Road to prevent erosion and to prevent runoff from entering the disturbed area. The Applicant shall also place additional traffic cones or drums to protect the work area from traffic. This is as required by the email report of Michael Vreeland, P.E., the Township Engineer annexed.
2. Applicant shall install a guiderail in the right-of-way of Cedar Ridge Road in the vicinity of the retaining wall prior to the issuance of a Certificate of Compliance for the wall. The design, location and materials for the guiderail shall be approved by the Township Engineer. Applicant shall submit a proposal by his engineer as to these features.
3. The guiderail shall be installed and maintained at the expense of the Applicant unless deemed unnecessary by the Township Engineer.
4. Access to the lane leading to Lot 7 shall be coordinated by Applicant's engineer and Applicant with the Township Engineer.
5. Permission for grading on the adjacent Lot 7 shall be obtained from the owner of Lot 7, Marjorie Gall.
6. The drainpipe to be installed by the Applicant shall not discharge onto the property of others.
7. The Zoning Board Engineer shall review submittals from the Applicant and Applicant's engineer and surveyor to determine if the conditions of approval have been satisfied. The Applicant may apply for a building permit and zoning permit once the conditions are satisfied.
8. The Applicant shall apply for and obtain a zoning permit from the Township Zoning Officer and a building permit from the Township Construction Official before commencing work.
9. Prior to the Applicant obtaining a Certificate of Approval for the construction of the wall Applicant shall submit a certification by Applicant's engineer that the wall was constructed according to the plans submitted and approved.
10. If Cedar Ridge Road is damaged during construction the Applicant shall repair the same to the satisfaction of the Township Engineer upon receiving 72 hours' notice from the Township Engineer or Construction Official or else the building permit or Certificate of Approval may be revoked or withheld.
11. The Applicant shall reimburse the Township for the cost of inspections of the property and wall by the Township Engineer and Zoning Board Engineer. The property owner shall post an adequate deposit to the Township as required by the 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 property owner upon the issuance of a Certificate of Occupancy.
12. The within variance expires within nine (9) months from the date of this Resolution unless implemented pursuant to the Ordinances of Stillwater Township.
13. No permanent Certificate of Approval for the wall shall be issued until all the conditions of the Resolution have been met.
14. Applicant shall pay all taxes and fees to date to the Township of Stillwater.
15. The Applicant shall comply with all other laws, rules, and regulations in implementing the variances.

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

## HEARING

### **Theresa Martin, Block 3305, Lot 6, Cal. No. 585 – Garage Addition**

The applicants remained under oath. The Board reviewed the draft of the resolution for the addition to the garage noting a slight discrepancy between the applicant's engineer's distance to the ROW line and the one indicated on the survey. Mr. Morgenstern felt the survey was accurate at 2.2' and the resolution reflected such. A condition will be added requiring dedication of an additional ROW for Cedar Ridge Road to the township in a form approved by the Zoning Board Engineer and Attorney. Wording indicating the guiderail will be installed unless "deemed unnecessary" by the Township Engineer will also be added.

Mr. Hammond asked the applicants what caused the flooding in their home prompting the addition to the garage for storage. Mr. Martin indicated the road basin on Cedar Ridge Road overflowing and the rising of the Paulinskill River during the storms. Mrs. Martin testified she had lost the furnace and hot water heater and the water was chest high. Mr. Hammond suggested raising the floor of the basement and installing shelving as he was concerned with the size of the garage and exceeding the lot coverage.

The following variance relief is necessary:

-Variance to construct an accessory structure in the front yard.

-Minimum front yard setback: 50 ft. required; 2.2 feet provided from the ROW and 22.9 feet from the front setback line.

-Variance from the requirement limiting the maximum size of an accessory structure: 1,000 sq. ft. permitted; 1,223 sq. ft. requested.

-Maximum Lot Coverage – 15% permitted; 18%+ provided

-Front yard setback for the wall/accessory structure in the front yard: 50 feet required; 7/10 of a foot provided to the ROW line

Mr. Sarni made a **motion** to grant the variances necessary to construct an addition onto the existing garage, seconded by Mr. Lippencott, with conditions applying.

**Roll Call Vote:** Mr. Hammond, no, Mr. Lippencott, yes, Mr. Stachura, yes, Mr. Sarni, yes, Mr. Powell, yes

**At this point, this portion of the meeting was opened to the public at 8:10 p.m., there being no public wishing to speak, this portion of the meeting was closed at 8:10 p.m.**

## RESOLUTION

### **Theresa Martin, Block 3305, Lot 6, Cal. No. 585 – Garage Addition**

Mr. Sarni made a **motion** to adopt the Resolution as amended, seconded by Mr. Lippencott with the following conditions applying;

1. The garage shall not be used for human habitation. No one shall live in the garage.
2. The garage shall not be used for business or commercial use.
3. The garage may be used for the following uses under the provisions of §240-107G10(c): (a) storage of Passenger Motor Vehicles; the garage shall contain no more than three (3) motor vehicles, and the storage of residential personal property.
4. The garage shall be constructed no closer than 2.2 feet from the right-of-way line of Cedar Ridge Road.
5. The garage shall be constructed no closer than 22.9 feet from the center line of Cedar Ridge Road.
6. The retaining wall shall be constructed no closer than 7/10 of a foot from the right-of-way line of Cedar Ridge Road.
7. The Applicant shall have prepared and record a Deed from herself to herself for the lot containing the following: "Restrictive Covenant – the garage on the above-described lot shall not be used for human habitation. No one shall reside in the garage. The garage shall not be used for business or commercial use. This restrictive covenant runs with the land and is binding upon the grantees their heirs, successors and assigns."
8. The garage shall not exceed 15 feet in height.
9. If Cedar Ridge Road is damaged during construction, the Applicant property owner shall repair the same to the satisfaction of the Township Engineer on 72-hours' notice from the Township Engineer or Construction Official or else the building permit and/or Certificate of Occupancy may be revoked or withheld.
10. The Applicant shall reimburse the Township for the cost of inspections of the property and roads and review of the plan by the Township Engineer and Zoning Board Engineer as appropriate. The property owner shall post an adequate deposit with the Township as required by the engineers 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 property owner upon the issuance of a Certificate of Occupancy.
11. All deeds and easements shall be reviewed and approved by the Zoning Board Attorney and Zoning Board Engineer and recorded in the Sussex County Clerk's Office with proof of recording furnished to this Board.
12. Sand bags shall be placed along the edge of Cedar Ridge Road to prevent runoff from entering the disturbed area. Additional traffic cones and/or drums shall be set to guard the construction area. These measures shall be to the satisfaction of the Stillwater Township Engineer. See his email report dated September 25, 2013 annexed.
13. The garage addition shall be no larger than 24 feet by 30 feet.
14. The location and design of the guiderail shall be approved by the Township Engineer after proposal by the Applicant's Engineer. The guide rail shall be installed and maintained by the Applicant unless deemed unnecessary by the Township Engineer. Access to the lane leading to the adjoining Lot 7 shall be approved by the Township Engineer with regard to the construction of a guide rail.
15. The Applicant's engineer shall provide a certification that the proposed guiderail meets NJDOT requirements for length and end treatments if required.

16. The guiderail shall be installed and maintained by the Applicant. Access to the lane leading to the adjoining Lot 7 shall be approved by the Township Engineer with regard to the construction of a guiderail unless deemed unnecessary by the Township Engineer.
17. The drainpipe to be installed by the Applicant shall not discharge onto the property of others.
18. Permission for the grading of the lot shall be obtained from the owner of Lot 7, Marjorie Gall.
19. A building permit shall be obtained from the construction official prior to the construction of the garage addition and the wall.
20. The Zoning Board Engineer shall review the submittals to determine the satisfaction of conditions.
21. After the wall is constructed the Applicant shall submit a certification by Applicant's engineer that the wall was constructed in accordance with the plan submitted by Applicant's engineer. This is a condition of the issuance of a Certificate of Compliance for the wall and a Certificate of Occupancy of the garage.
22. Applicant shall obtain the approval of the Sussex County Planning Board of the garage and retaining wall or shall obtain a Letter of No Interest from the County.
23. No permanent Certificate of Occupancy or Certificate of Approval or Compliance shall be issued until conditions of this Resolution have been met.
24. Applicant shall pay all taxes and fees to the Township of Stillwater.
25. The within variance expires within nine (9) months of the date of this Resolution unless implemented pursuant to the Ordinances of Stillwater Township.
26. Applicant shall comply with all other laws, rules and regulations in implementing the variances.
27. The Applicant shall grant an additional right of way for Cedar Ridge Road to the Township of Stillwater in a form approved by the Zoning Board Engineer and Zoning Board Attorney.

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

**OTHER BUSINESS:** Citizen Leadership Form – Kathy Draghi

The form was submitted to the Township Clerk expressing interest in serving on the Zoning Board. Mrs. Draghi introduced herself indicating she has attended Township Committee meetings for three years and is familiar with township matters. She felt it was important to participate in the community. Mr. Gross, Committee liaison, noted the appointment is made by the Township Committee under Title 40.

The Board thanked Mrs. Draghi for her interest and authorized Mrs. Wunder to forward a memo to the Township Committee recommending her appointment as a regular member.

**CORRESPONDENCE:**

**Nextel/JCP&L Developer's Agreement:** The agreement was signed by Chairman Powell.

**BILLS:**

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

**Dolan & Dolan:**

Escrow – Martin	\$167.40
Escrow – Nextel – April 2013	\$218.55
Escrow – Nextel – May 2013	\$323.95
Escrow – Nextel – June 2013	\$348.75
Escrow – Nextel – July 2013	\$116.25
Escrow – Nextel – September 2013	\$155.00
Escrow – Nextel – November 2013	\$ 38.75

**Rodman Associates:**

General – November meeting	\$ 28.25
Escrow – Martin	\$169.50
Escrow – Nextel – June 2013	\$395.50

**New Jersey Herald:**

Dec. 30 <sup>th</sup> – Meeting Date Change	\$ 7.50
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**Roll Call Vote:** Mr. Hammond, yes, Mr. Lippencott, yes, Mr. Stachura, yes, Mr. Sarni, yes, Mr. Powell, yes

**At this point, this portion of the meeting was opened to the public at 8:22 p.m. There being no public wishing to speak, this portion of the meeting was closed at 8:22 p.m.**

**Committee Liaison Report: Mayor Charles Gross**

Mayor Gross thanked the Board for their excellent service, stating he enjoyed serving as the liaison during 2013 and hopefully would continue to do so in 2014.

There being no further business, Mr. Powell made a **motion** to adjourn the meeting at 8:24 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

