

**STILLWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
November 28, 2016**

A regular meeting of the Stillwater Township Zoning Board of Adjustment was held on Monday, November 28, 2016, at 7:30 p.m. at the Municipal Building in Middletown, New Jersey. Oaths of Office were administered to Mr. van der Haeghen and Mr. Straub prior to the meeting. The meeting was called to order by Chairman Eric Powell in accordance with the Open Public Meetings Act. The flag was saluted and roll call taken:

MEMBERS PRESENT: Mr. Sarni, Mr. Wykoff, Mr. Stachura, Mrs. Draghi, Mr. van der Haeghen, Mr. Straub, and Mr. Powell.

MEMBERS ABSENT: Mr. Lippencott

MINUTES:

Mrs. Draghi, Mr. Stachura, Mr. Straub, and Mr. van der Haeghen all listened to the audio of the October meeting.

Mrs. Draghi made the motion to adopt the minutes of October 24, 2016. Motion seconded by Mr. Sarni. Roll call vote: Mr. Sarni-Yes, Mr. Wykoff-Yes, Mr. Stachura-Yes, Mrs. Draghi-Yes, Mr. Straub-Yes, Mr. van der Haeghen-Yes, and Mr. Powell-Yes

HEARINGS:

#ZB 16-001 Herb Reutsch Real Estate LLC, Block 3501, Lot 15-Interpretation/Use Variance/Minor Site Plan

William Hinkes, Esq. was present on behalf of the Applicant. He reviewed where they left off at the at the October meeting. He also thanked the Board Members who listened to the audio of the October meeting. Engineer Rodman stated that the Board would need to deem the Use Variance/Minor Site Plan portion of the application complete or incomplete. He reviewed the waivers being requested and he addressed his November 28th report. The Board reviewed the items that needed to be waived to grant completeness. The Board Secretary verified the property owners within 200 feet as per the certified list prepared by the Tax Assessor. A member of the public asked if she should have received notice. Chairman Powell stated that she must be outside of the 200 feet and there will be an opportunity for the public to ask questions later in the hearing.

Mrs. Draghi made the motion to grant the waivers outlined in Board Engineer Rodman's report of November 28th and to deem the Use Variance/Minor Site Plan portion of the application complete. Motion seconded by Mr. Stachura. Roll call vote: Mr. Sarni-Yes, Mr. Wykoff-Yes, Mr. Stachura-Yes, Mrs. Draghi-Yes, Mr. Straub-Yes, and Mr. Powell-Yes. Mr. van der Haeghen noted that he will be recusing himself from the hearing.

Attorney Hinkes addressed the criteria for the Use Variance being requested. Board Engineer Rodman then went on to review the additional comments listed in his November 28, 2016 report, which were discussed with the Applicants. Both Joanne and Kyle Ruetsch acknowledged that they were still under oath. Ms. Ruetsch stated that they did apply for a sign permit, which will need to be addressed with the Zoning Officer. Mr. Wykoff questioned the lighting of the existing sign. Attorney Hinkes stated that they will comply with the Township regulations. The Applicants also addressed the outdoor lighting and they stated that they propose to have light storage in the loft. The Board questioned the aroma produced and the hours of roasting. Mr. Ruetsch addressed the coffee roasting process and he stated that they anticipate two 8 hour roasting days a week, 16 roasts a day.

The hearing was opened to the public at 8:04 p.m.

Debra D'Andrea stated her concerns over the roasting of coffee and the aroma that will be emitted out into the air and the monitoring of the amount of coffee that will be roasted. She stated her concern over the byproducts and her concerns for the environment. She also stated her concern over the category 1 trout stream that is nearby.

Attorney Hinkes addressed the impacts of larger scale roasters. Ms. D'Andrea stated the Board might need science to determine what the possible impacts might be. Attorney Hinkes offered to come back in a year to review the status of their activity. Chairman Powell also reviewed the possible methods and conditions (County and/or State regulations, Solid Waste Management, NJDEP or EPA standards) that could be imposed to regulate/monitor the process so that it would not be a problem and/or nuisance. Ms. D'Andrea stated that she feels that the matter bears a little bit more investigation.

With there being no further public question or comment, the public session was closed at 8:21 p.m.

The Board continued to review the proposal. The Board discussed the reasonable and defensible conditions that could be imposed to limit rapid expansion so that the proposal stays within the character of the village. Board Attorney Morgenstern reviewed the possible conditions of an approval, which was discussed with the Board and the Applicants. It was agreed that the roasting operation can be viewed by the public, but no retail sales out of the barn. The Board then discussed the hours of operation for the roasting: Monday thru Friday 8 a.m. to 5 p.m.; currently there are three paid employees with a potential for two additional employees; and a limit of one roaster of the current capacity. Board Attorney Morgenstern reviewed the boiler plate conditions. Attorney Hinkes stated that they agree with the reasonable conditions as they are non problematic. Board Attorney Morgenstern reviewed that the Applicant needs a Use Variance as the coffee roasting operation is a non permitted accessory use to the General Store along with Minor Site Plan approval.

Mr. Stachura made the motion to grant the Use Variance for the non-permitted accessory use to the General Store along with Minor Site Plan approval. Motion seconded by Mr. Sarni. Roll call vote: Mr. Sarni-Yes, Mr. Wykoff-Yes, Mr. Stachura-Yes, Mrs. Draghi-Yes, Mr. Straub-Yes, and Mr. Powell-Yes

The Board reviewed the scheduled December 26th meeting date and alternate meeting nights. After a brief discussion it was agreed to change the December meeting date to December 28th. The Board also agreed to move the meeting to 7:00 p.m.

Mr. Straub made the motion to carry the memorializing of the Resolution to the Board's December 28th meeting. Motion seconded by Mr. Sarni. Roll call vote: Mr. Sarni-Yes, Mr. Wykoff-Yes, Mr. Stachura-Yes, Mrs. Draghi-Yes, Mr. Straub-Yes, and Mr. Powell-Yes

Mr. van der Haeghen resumed his position as a Board Member.

BILLS:

Mrs. Draghi made the motion to pay the following bills funds permitted, seconded by Mr. Stachura:
Ted Rodman: General \$ 29.50
 Ruetsch \$ 383.50

Dolan & Dolan:	General	\$ 90.10
	General	\$ 164.00
	Ruetsch	\$ 451.00
	General	\$ 90.10

Roll call vote: Mr. Sarni-Yes, Mr. Wykoff-Yes, Mr. Stachura-Yes, Mrs. Draghi-Yes, Mr. Straub-Yes, Mr. van der Haeghen-Yes, and Mr. Powell-Yes

CORRESPONDENCE:

The Board reviewed the letter sent by Board Attorney Morgenstern stating that he would not be seeking to be reappointed as the Board Attorney for next year. Board Secretary Schemm stated that the Planning Board received the same letter and will be going out for RFPs. She stated that the Planning Board was waiting to see if the Zoning Board of Adjustment wished to be included in the process. Both Board Attorney Morgenstern and Board Engineer Rodman left for the evening. Mr. van der Haeghen updated the Board on the discussion had at the Planning Board meeting. The Board discussed the matter and agreed to go out for RFPs and to send a letter to William Haggerty asking if he would be willing to represent the Board for the first three months in 2017 and to strongly urge Mr. Haggerty to apply as he is highly recommended by Board Attorney Morgenstern.

Mr. Stachura made the motion to have Board Secretary Schemm send a letter sent to William Haggerty asking if he would be willing to represent the Board for the first three months of 2017, to provide a fee schedule, and to also urge him to submit a proposal. Motion seconded by Mr. Wykoff. Roll call vote: Mr. Sarni-Yes, Mr. Wykoff-Yes, Mr. Stachura-Yes, Mrs. Draghi-Yes, Mr. Straub-Yes, Mr. van der Haeghen-Yes, and Mr. Powell-Yes

OLD BUSINESS:

NONE

NEW BUSINESS:

NONE

OTHER BUSINESS:

2017 Budget

The Board reviewed the Budget figures on what was spent so far in 2016. It was agreed to reduce litigation by \$1000.00 and recommend a budget of \$7245.00.

Mr. Wykoff made the motion to recommend a Budget of \$7245.00 for 2017. Motion second by Mr. Sarni. Voice vote: Mr. Sarni-Yes, Mr. Wykoff-Yes, Mr. Stachura-Yes, Mrs. Draghi-Yes, Mr. Straub-Yes, Mr. van der Haeghen-Yes, and Mr. Powell-Yes

OPEN TO THE PUBLIC

The meeting was opened to the public at 9:24 p.m. With there being no public, the meeting was closed to the public.

COMMITTEE LIAISON REPORT:

ADJOURNMENT:

With there being no further business, a motion was made and seconded to adjourn the meeting at 9:25 p.m. In a voice vote, all were in favor. .

Respectfully submitted,

Alfia Schemm, Board Secretary
12/21/16

Eric Powell, Chairman