

**STILLWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
January 28, 2019**

A **REORGANIZATION AND REGULAR MEETING** OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, January 28, 2019, at 7:32 p.m. at the Municipal Building in Middletown, New Jersey. The oath of office was administered to Richard Sarni prior to the meeting. The meeting was called to order by Attorney William Haggerty in accordance with the Open Public Meetings Act. The flag was saluted and roll call taken:

MEMBERS PRESENT: Mr. Lippencott, Mr. Sarni, Mrs. Draghi, Mr. van der Haeghen, and Mr. Wykoff .

MEMBER ABSENT: Mr. Straub

REORGANIZATION

Election of Chairperson:

Mrs. Draghi made the motion to nominate Mr. Sarni as Chairperson for 2019. With there being no further nominations, the nominations were closed and a roll call was taken: Mr. Lippencott-Yes, Mr. Sarni-Yes, Mrs. Draghi-Yes, Mr. Wykoff-Yes, and Mr. van der Haeghen-Yes

Election of Vice-Chairperson

Mr. van der Haeghen made the motion to nominate Mr. Lippencott as Vice-Chairperson for 2019. Motion seconded by Mr. Sarni. With there being no further nominations, the nominations were closed and a roll call was taken: Mr. Lippencott-Yes, Mr. Sarni-Yes, Mrs. Draghi-Yes, Mr. Wykoff-Yes, Mr. and Mr. van der Haeghen-Yes

Appointment of Board Secretary

Mr. Sarni made the motion to appoint Alfia Schemm as the Board Secretary for 2019. Motion seconded by Mr. Lippencott. Roll call vote: Mr. Lippencott-Yes, Mr. Sarni-Yes, Mrs. Draghi-Yes, Mr. Wykoff-Yes, and Mr. van der Haeghen-Yes.

Appointment of Board Attorney

A motion was made by Mr. Sarni to appoint William Haggerty, Esq. of Dolan & Dolan for the calendar year 2019 at a rate of \$160.00 per hour; and \$300.00 per meeting up until 10:30 p.m., \$160.00 per hour after 10:30 p.m., as per the contract, seconded by Mr. Lippencott and unanimously carried that the following Resolution be adopted:

WHEREAS, N.J.S.A. 40A:11-5, "The Local Public Contract Law," permits governing bodies to Contract for Certain Professional Services Without Competitive Bidding,"

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Stillwater, County of Sussex, State of New Jersey that the following appointment is made for the calendar year 2019 for the statutory term of the respective office:

**William Haggerty, Esq.
Dolan & Dolan
One Legal Lane
53 Spring Street
Newton, New Jersey 07860**

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

Appointment of Board Engineer

Chairman Sarni stated that the Board received a letter from Engineer Ted Rodman requesting that he not be reappointed as the Board Engineer. Present this evening is Planning Board Engineer, Joseph Golden, P.E., and he provided and presented his qualifications and experience as an Engineer and Planner.

A motion was made by Mr. Sarni to appoint Joseph Golden for the 2019 calendar year at a rate of \$110.00 per hour, on an as needed basis, as per contract, seconded by Mr. van der Haeghen and unanimously carried that the following Resolution be adopted:

WHEREAS, N.J.S.A. 40A:11-5, "The Local Public Contract Law," permits governing bodies to Contract for Certain Professional Services Without Competitive Bidding,"

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Stillwater, County of Sussex, State of New Jersey that the following appointment is made for the calendar year 2019 for the statutory term of the respective office:

**Joseph Golden
22 Angelo Drive
Sparta, New Jersey 07871**

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

Official Newspaper and Meeting Dates

Mr. Lippencott made a motion to designate the daily New Jersey Herald and the Sunday New Jersey Herald as the official newspapers of the Stillwater Township Zoning Board of Adjustment for 2019 along with approving the following meeting dates for 2019, seconded by Mr. Sarni.

January 28, 2019	July 22, 2019
February 25, 2019	August 26, 2019
March 25, 2019	September 23, 2019
April 22, 2019	October 28, 2019
May 29, 2019 (5th Wednesday)	November 25, 2019
June 24, 2019	December 23, 2019
	January 27, 2020 (Reorganization/Regular)

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

**Annual Summary Report for 2018
None-No Business in 2018**

MINUTES:

Mrs. Draghi made the motion to approve the minutes of October 22, 2018, seconded by Mr. Wykoff. Roll call vote: Mr. Lippencott-Yes, Mr. Sarni-Yes, Mrs. Draghi-Yes, Mr. Wykoff-Yes, and Mr. van der Haeghen-Abstain

HEARINGS:

#603 Lewis Seiler & Tawn Fitcher, Block 4104, Lot 17

Lewis Seiler & Tawn Fitcher were sworn in and Mr. Seiler went on to describe their request to attach their existing home to their existing garage. He went on to review the prior approval granted by the Board for the existing garage and the condition that was imposed regarding the residential use of the garage. Mr. Seiler also provided the approved Septic Permit, dated 7/25/18. He went on to describe the proposed residential use of the space. Board Engineer Golden also reviewed the photos, sketch,

and the proposal. The Board continued to discuss the proposal with the Applicants.

The hearing was opened to the public. With there being no public comments, the hearing was closed to the public.

Board Attorney Haggerty summarized the Applicant's request and Board Engineer Golden provided his comments.

Mr. van der Haeghen made the motion to grant the relief requested. Motion seconded by Mr. Lippencott. Roll call vote: Mr. Lippencott-Yes, Mr. Sarni-Yes, Mrs. Draghi-Yes, Mr. van der Haeghen-Yes, and Mr. Wykoff-Yes

#602 Allen & Barbara Burton, Block 2001, Lot 2

Michael Valenti, Esq. was present representing the Applicants. Allen Burton, Barbara Burton and James F. Moore were sworn in. Attorney Valenti provided a brief summary of the Applicant's proposal. The Board then went on to review the waivers being requested by the Applicant.

Mr. van der Haeghen made the motion to grant the waivers being requested. Motion seconded by Mr. Lippencott. Roll call vote: Mr. Lippencott-Yes, Mr. Sarni-Yes, Mrs. Draghi-Yes, Mr. van der Haeghen-Yes, and Mr. Wykoff-Yes

The Applicants described the existing condition of the dwelling. The following were submitted and marked as an Exhibit:

- A-1 Certificate of Compliance-approved Septic Design
- A-2 Building Plans
- A-3 Partial Property Survey

The Applicants went on to describe the proposal to reconstruct/renovate/design the home, which was reviewed and discussed with the Board. Board Engineer Golden also reviewed his January 25, 2019 review letter, which was discussed with the Applicants.

The hearing was opened to the public. With there being no public comment, the hearing was closed to the public.

Board Attorney Haggerty summarized the Applicant's request.

Mr. van der Haeghen made the motion to grant the relief requested. Motion seconded by Ms. Draghi. Roll call vote: Mr. Lippencott-Yes, Mr. Sarni-Yes, Mrs. Draghi-Yes, Mr. van der Haeghen-Yes, and Mr. Wykoff-Yes

Board Engineer Golden suggested that revised drawings be submitted for the record. The Applicant's agreed.

#601 Kristina Fischer, Block 2201, Lot 13

Mr. Wykoff recused himself as he is the Architect of record and is representing Ms. Fischer. He is also an adjacent property owner.

Kristina Fischer and Samuel Wykoff were sworn in. Ms. Fischer then went on to describe the existing site conditions and the proposal to replace the dwelling. Mr. Wykoff also addressed the issues and limitations, which were discussed at great length. He then provided some photographs of the existing site conditions, which were submitted and marked as an Exhibit:

A-1 18 Photographs

The Applicants continued to discuss the proposal with the Board and Board Engineer Golden's January 26, 2019 review letter.

The hearing was opened to the public. With there being no public comment, the hearing was closed to the public.

The following were submitted and marked as an Exhibit:

A-2 Certificate of Compliance-Septic Design, dated 5-10-17

A-3 Survey dated 8-16-96

The Board then reviewed the proposed setback dimensions, which were reviewed and discussed. Board Attorney Haggerty summarized the proposal.

Mr. van der Haeghen made the motion to grant the relief requested. Motion seconded by Mr. Lippencott. Roll call vote: Mr. Lippencott-Yes, Mr. Sarni-Yes, Mrs. Draghi-Yes, and Mr. van der Haeghen-Yes.

BILLS

Mr. Wykoff resumed his position on the Board. Mr. van der Haeghen made the motion to pay the following bill, funds permitting, seconded by Mr. Lippencott.

NJPO Dues \$185.00

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

OTHER:

The Board discussed the vacancies on the Board. It was noted that there was a Township Resident, sitting in the public this evening, who has expressed an interest in one of the vacant positions.

OPEN TO THE PUBLIC:

Chairman Sarni opened the meeting to the public at 9:02 p.m. With there being no public comment, the meeting was closed to the public at 9:03 p.m.

COMMITTEE LIASON REPORT:

None

ADJOURNMENT:

With there being no further business, a motion was made and seconded to adjourn the meeting at 9:03 p.m. In a voice vote, all were in favor.

Respectfully submitted,

Alfia Schemm, Board Secretary
6/13/19

Rich Sarni, Chairman