**STILLWATER TOWNSHIP**

**ZONING BOARD OF ADJUSTMENT**

**March 24, 2023**

A **REGULAR MEETING** of the Stillwater Township Zoning Board of Adjustment was held on Monday, March 27, 2023, at 7:30 p.m. The meeting was called to order by Chairman Lippencott in accordance with the Open Public Meetings Act. The flag was saluted and roll call taken:

**MEMBERS PRESENT:** Mr. Lippencott, Mr. Wycoff, Mrs. Draghi,, Mrs. Mountford, Mr., Kochenthal, Mr. van der Haeghen,

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Eileen Born, Esq.,Board Attorney (Substitute for William Haggerty), Joe Vuich, Engineer, Committee Liaison, Dawn Delaney

**MINUTES:**

Mr. Kochenthal made the motion to approve the minutes of February 27, 2023, seconded by Mr. Wykoff.

Roll call vote in favor: Mr. Kochenthal- Yes, Mr. Wykoff – Yes, Mrs. Draghi – Yes, Mr. Lippencott – Yes, Mr. van der Haeghen – Mrs. Mountford – Yes.

**RESOLUTIONS:**

None

**COMPLETENESS:**

#23-002 Jonathan Makrinos, Block 2401, Lot 30.03

– Motion to deem application complete by Mr. Kochenthal, 2nd by Mrs. Mountford

Roll Call - Mr. Kochenthal – Yes, Mrs. Mountford – Yes, Mr. Wykoff – Yes, Mrs. Draghi – Yes, Mr. Lippencott – Yes, Mr. van der Haeghen – Yes.

**HEARINGS:**

**#23-001 Scott Abramowitz, Block 3401, Lot 513**

The application is for an appeal of the Zoning Officer’s decision requiring a 50 ft setback from the street line. The request for appeal was based on the applicant’s interpretation that the setback begins at the curb line. Based on the applicant’s determination, the setback distance from his proposed addition would be 73 ft and well within the 50 ft requirement. Discussion was then held regarding the definition of “curb line”. Application believes “curb line” is considered the edge of the pavement.

Mrs. Mountford suggested if no curb line the Master Plan right of way could be considered and then suggested he instead request a variance hearing.

The applicant requested if the appeal is denied, we move the hearing to a Variance application (which was referenced on his notice to property owners). Our attorney advised that his application did not request a Variance hearing and therefore the Board did not have either an Engineering Report or an Attorney’s report to consider to properly hold a variance hearing.

The applicant moved on to present his position that the right of way line should only be 33 feet, but the Zoning Officer stated in his denial letter that the right of way is 66 feet. Engineer Vuich suggested the Board focus on definition in the Township’s code of “curb line” as opposed to the “edge of pavement” definition. The applicant then presented precedence of a neighboring property being granted approval in 2002. The Board could not consider the determination of a separate application.

The Board determined that the applicant must submit a separate application for a Variance and have this hearing carried to the April hearing.

Motion to Deny the applicant’s appeal of the Zoning Officer’s decision was made by Mr. Kochenthal and 2nd by Mrs. Draghi.

Roll call vote in favor: Mr. Kochenthal – Yes, Mrs. Draghi – Yes, Mr. Lippencott, Mr. Wykoff – Yes, Mrs. Mountford – Yes, Mr. Van der Haeghen – Yes.

**#23-002 Jonathan Makrinos, Block 2401, Lot 30.03**

The application was presented by Engineer, David Hansen on behalf of the resident. The Variance requested is to cross steep slopes to get to the location for a proposed house site. Adjacent parcels were checked and 30.09 had reference in 1965 that parcel already existed. The original owner was named McSweeney. This is the last vacant piece of property for the existing subdivision. The front 1/3 of the property is needed to gain access to the proposed home. The driveway will be approximately 500 feet from the road to the parking area due to switchback needed. Only minimal trees will be removed. Tree removal permit has been filed.

Application for the septic system with Sussex County Health Department has been approved and a permit was obtained in December 2022. No environmentally sensitive areas on property. Will make application to soil conservation as needed.

Catch basin discussion may require a minor swale retention or a traditional french drain. File and pay permit fee and Engineer Vuich will address drainage and confirm it is acceptable/finalized.

This hearing was opened to the public at 8:50 pm by Mr. Lippencott.

Michelle Vosper, 916 Middleville Road questioned water issues including the well/septic and their possible effects on neighboring properties. Mr. Hansen explained the plans in place to ensure none of these water issues will affect neighboring properties.

The hearing was closed to the public at 8:53 pm.

Mrs. Mountford made the motion to approve the application, 2nd by Mr. Kochenthal.

Roll call vote in favor: Mrs. Mountford - Yes, Mr. Kochenthal -Yes, Mr. Lippencott – Yes, Mrs. Draghi – Yes, Mr. Wykoff – Yes, Mr. Van der Haeghen – Yes.

**BILLS:**

Mrs. Draghi made the motion to pay the following bills, seconded by Mr. Kochenthal

 **Professionals:**

Dolan & Dolan General Matters/Annual Report $481.65

Dolan & Dolan Abramowitz, Block 3401, Lot 13 $115.50

Dolan & Dolan Giannantonio, Block 3804, Lot 1.03 $ 74.25

Van Cleef General Matters $ 69.50

Roll call vote in favor: Mrs. Draghi - Yes, Mr. Kochenthal – Yes, Mr. Lippencott – Yes, Mr. Wykoff – Yes, Mrs. Mountford – Yes, Mr. Van der Haeghen – Yes.

**CORRESPONDENCE:**

None

**OLD BUSSINESS:**

Discussion regarding Andy Martin’s application being moved from Zoning Board to Planning Board.

Mrs. Mountford brought up the subject of Escrows being returned once applications are completed. Mrs. Bair advised of her discussion with CFO and the suggested plan for applicants to request the return. Mr. Vuich suggested the appointment of a building permit being the trigger point to begin the review of escrows and any possible balance being released. Mr. Vuich and Mrs. Bair will work together to clean up all old escrows remaining.

**NEW BUSINESS:**

None

**EXECUTIVE SESSION:**

None

**OPEN TO THE PUBLIC:**

Mr. Lippencott opened the meeting to the public at 9:02 pm.

Lisa Chammings spoke as a neighbor to Applicant Abramowitz. She felt the Pin in the Road he may have been looking for is referenced in Book A of Roads for Sussex County, Page 135 and recorded September 9, 1970. If he comes back for the April hearing, Ms. Chammings is not in opposition to a Waiver being granted.

With there being no further public comment, the meeting was closed at 9:09 pm.

**COMMITTEE LIASON REPORT:**

Mrs. Delaney provided the following summary:

At the March 21, 2023, meeting the Budget was introduced and a hearing for adoption will be held on April 18, 2023.

The Recreation Fund was decreased from $550,000 to $500,000.

Discussion was held on the merging of Block 501, lots 1-7 – East court right of way in Crandon Lakes.

There were 16 new properties listed for foreclosure.

The Capital Bond Ordinance for improvements on Mount Benevolence Road $575,000 was discussed. This is also on the list for adoption at the April hearing.

Resolution passed for David Knoll Kover for Stillwater Volunteer Fire Department.

Resolution was granted to refund a Zoning escrow in amount of $75.00.

Resolution of salaries for full time and part time employees was passed.

Noise Ordinance was once again discussed to include the description of repetitive and excessive noise.

Tractor Trailer signs from the Sheriff’s Department have been removed. If residents continue to see tractor trailers on roads, call Stillwater Township to complain.

There was 1 submission for the Lewis Bay Scholarship.

Municipal Taxes only went up $1.00.

**OTHER:**

None

**ADJOURNMENT:**

With there being no further business, a motion was made and seconded to adjourn the meeting at 9:12 pm. In a voice vote, all were in favor.

Respectfully submitted,

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Penny Bair, Board Secretary George Lippencott, Chairman