**STILLWATER TOWNSHIP**

**ZONING BOARD OF ADJUSTMENT**

**January 23, 2023**

A **REGULAR MEETING** OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, January 25, 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. Kochenthal (arriving at 7:40 p.m)

Mrs. Draghi, and Mr. Wykoff.

**MEMBERS ABSENT:** Mr. van der Haeghen & Ms. Mumford

**ALSO PRESENT:** Board Attorney William Haggerty and Board Engineer, Joe Vuich, Committee Liaison, Lisa Chammings

**REORGANIZATION OF MEMBERS:**

Election of Chairperson – Motion by Ms. Draghi to appoint George Lippencott, Seconded by Mr. Kochenthal

Roll call vote in favor : Mr. Lippencott-Yes, Mr. Kochenthal-Yes, Mr. Wykoff-Yes, Mrs. Draghi-Yes

Election of Vice Chairperson – Motion by Ms. Draghi to appoint Mr. Wycoff – seconded by Mr. Lippencott

Roll call vote in favor : Mr. Lippencott-Yes, Mr. Kochenthal-Yes, Mr. Wykoff-Yes, Mrs. Draghi-Yes

Appointment of Secretary – carried to February meeting

Appointment of Attorney – Motion by Mr. Kochenthal to appoint Mr. Haggerty, seconded by Mr. Wycoff

Roll call vote in favor : Mr. Lippencott-Yes, Mr. Kochenthal-Yes, Mr. Wykoff-Yes, Mrs. Draghi-Yes

Appointment of Engineer – Motion by Ms. Draghi to appoint Joe Vuich, seconded by Mr. Kochenthal

Roll call vote in favor : Mr. Lippencott-Yes, Mr. Kochenthal-Yes, Mr. Wykoff-Yes, Mrs. Draghi-Yes

Official Newspaper and Meeting Dates – continue with NJ Herald and the Sunday Herald

Motion to accept the following hearing dates for 2023:

February 27, 2023

March 27, 2023

April 24, 2023

May 22, 2023

June 26, 2023

July 24, 2023

August 28, 2023

September 25, 2023

October 23, 2023

November 20, 2023 (amended from November 27, 2023)

December 18, 2023 (amended from December 25, 2023)

January 22, 2024 (Reorganization meeting)

Mr. Kochenthal made the Motion to accept dates as amended – seconded by Mrs. Draghi

Roll call vote in favor: Mr. Lippencott-Yes, Mrs. Draghi-Yes, Mr. Wycoff-Yes, Mr. Kochenthal-Yes

**MINUTES:**

Ms. Draghi made the motion to approve the minutes of November 28, 2022, seconded by Mr. Kochenthal

Roll call vote in favor: Mr. Lippencott-Yes, Mr. Kochenthal-Yes, Mr. Wykoff-Yes, Mrs. Draghi-Yes

**RESOLUTIONS:**

None

**COMPLETENESS:**

None

**HEARINGS:**

**#628 Alexander Fisher, Block 2401, Lot 53**

Daniel Benkendorf, Esquire was present on behalf of the Applicant. Mr. Fisher was present and sworn in. He is seeking a variance for a front yard set-back on his property. Applicant is planning to convert a 3 season hunting cabin to a single family, residential dwelling. The front yard setback requires 75ft, but it will only be approximately 50ft after the improvement to the property. In addition, the lot was created prior to the 7.5 acres zone requirement. Applicant is requesting a variance to build as he only has 3.65 acres.

He and his attorney explained the reason for the set-back request is because approximately 70% of his property consists of wetlands which are in the rear, thus prohibiting him from building further back. His property is located on a private road and the majority of other homes are also approximately the same distance from the shared road. His addition would also serve to improve the property value. Building will be pre-fab log cabin kit and will be more aesthetically pleasing.

Septic has been installed for the proposed dwelling and approved by the county. Well is located 100 feet from the septic. Applicant also provided a letter from Stillwater Fire Department indicating that the road is accessible by emergency vehicles.

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

Mrs. Draghi made the motion to grant the variances. Motion seconded by Mr. Kochenthal.

Roll call vote in favor: Mr. Lippencott-Yes, Mr. Kochenthal-Yes, Mr. Wykoff-Yes, Mrs. Draghi-Yes

Applicant’s attorney requested the town to waive the waiting period for Mr. Fisher to apply for building permits. Mrs. Draghi made the motion to waive the waiting period. Motion was seconded by Mr. Wycoff.

Roll call vote in favor : Mr. Lippencott-Yes, Mr. Kochenthal-Yes, Mr. Wykoff-Yes, Mrs. Draghi-Yes

**#629 Albert & Regina Giannantonio, Block 3804, Lot 1.03**

Howard C. Bach, III was present on behalf of the applicant. Albert Giannantonio was present and sworn in. The applicant is seeking variance approval for steep slopes.

Lot is located on Dove Island Road. 2.37 acres and is undersized but meets all requirements to build.

Two waivers requested:

1 – in order to get to the buildable portion of the property the driveway must pass through environmentally sensitive area which is 15% slopes or greater;

2 - Sight distance on the driveway. Property is located on a 30mph roadway and township ordinance calls for 250 feet of sight distance. It also calls for 50ft between driveways. 215ft is the maximum applicant can get with the proposed driveway and his engineer feels this is adequate. If moved to obtain the required 250ft of distance, they would then encroach on the 50ft required for the neighboring driveway. If they encroached on the 50ft between driveways, there is a low spot of in roadway which collects water and could be hazardous. Applicant’s engineer provided a picture (Exhibit A-1).

Chairman Lippencott questioned the fact that the land would need to be cleared and trees removed to install the driveway. The answer was yes. Mr. Lippencott then stated that approval would be conditioned upon the applicant complying with the tree removal ordinance. Mr. Bach confirmed no major excavation is needed to install the proposed paved driveway. Runoff from the driveway will drain into the wooded areas and low sections of the property.

Septic permit will expire at the end of March, so applicant will need to renew.

The hearing was opened to the public at 8:27 pm. With there being no public comment, the hearing was closed to the public.

Mr. Kochenthal made the motion to grant the variances. Motion seconded by Mrs. Draghi.

Roll call vote in favor: Mr. Lippincott-Yes, Mr. Kochenthal-Yes, Mr. Wykoff-Yes, Mrs. Draghi-Yes

**BILLS:**

Mrs. Draghi made the motion to pay the following bills, seconded by Mr. Wycoff (with funds permitted)

Dolan & Dolan Re: Urban $239.25

Dolan & Dolan Re: Fisher $ 90.75

Dolan & Dolan Re: General $325.00

Dolan & Dolan Re: Giannantonio $ 90.75

Roll call vote in favor: Mr. Lippencott-Yes, Mr. Kochenthal-Yes, Mr. Wykoff-Yes, Mrs. Draghi-Yes

**CORRESPONDENCE:**

None

**OLD BUSSINESS:**

None

**NEW BUSINESS:**

None

**EXECUTIVE SESSION:**

Not applicable

**OPEN TO THE PUBLIC:**

Chairman Lippencott opened the meeting to the public. With there being no public comment, the meeting was closed to the public.

**COMMITTEE LIASON REPORT:**

Not available at this time. Will be carried to February meeting.

**OTHER:**

Ms. Chammings asked the Board if they had any questions for the applicant, Penny Bair as possible new Board Secretary. Ms. Draghi asked if Mrs. Bair would take positions for both the Zoning and Planning Board. Mrs. Bair answered yes.

Ms. Chammings asked the Board if they had any questions for the Town Engineer. Ms. Draghi requested the reports to be submitted prior to the meetings like the prior engineer had done.

**ADJOURNMENT:**

With there being no further business, a motion was made and seconded to adjourn the meeting at 8:38 pm. In a voice vote, all were in favor.

Respectfully submitted,

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Penny Bair, Board Secretary George Lippencott, Chairman