

**STILLWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
April 22, 2013**

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

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, April 22, 2013 at 7:30 p.m. at the Municipal Building in Middleville, New Jersey. The meeting was called to order by Chairman Powell in accordance with the Open Public Meetings Act.  
The flag was saluted and roll call taken.

**MINUTES**

Mr. Lippencott made a **motion** to approve the minutes of February 25, 2013, seconded by Mr. Stachura:

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

**HEARING**

**Peter Tanis, Block 1703, Lot 2.01, Cal. No. 580**

Application to use the existing eight unit multi-family dwelling building for long-term residential occupancy for low and moderate income housing pursuant to the applicant's Affordable Housing Agreement with the Township of Stillwater executed on 6/14/12; and site plan.

The Board noted that the certified list of property owners within 200 feet used for notice was outdated and three properties have changed owners. All other notices appeared to be in order. Mr. Sarni made a **motion** to carry the application, Cal. No. 580, to May 30, 2013, with proper notice to be provided to those property owners that have not been noticed, seconded by Mr. Stachura.

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

**BILLS**

Mrs. Galante made a **motion** to pay the following bills, seconded by Mr. Stachura:

**Bills:**

Dolan & Dolan:	General – March 2013	\$124.58
	Escrow – Manser	\$ 77.50
	Nextel – Litigation – February 2013	\$ 38.75
	Nextel – Litigation – March 2013	\$141.05
	Meeting – February 2013	\$150.00
	General – February 2013	\$907.20
	Escrow – Cellco Partnership	\$ 38.75
Rodman Associates:	Nextel – Litigation – March 2013	\$226.00
NJH – Notice/Resolution		\$ 20.40
NJ Planning Officials – Galante		\$ 98.00
Gann Law Books – 2013 Zoning and Land Use		\$105.00

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

**Correspondence:**

4/16/13 – R. Morgenstern, re: Co-location of wireless telecommunications antennas

NJPO Planner

4/17/13 – Sussex County Freeholders – Ordinance Providing for Amendment of the Land Development Standards for the County of Sussex

Budget – Approved for 2013

Financial Disclosure Statements

**At this point, this portion of the meeting was opened to the public at 7:41 p.m.**

**There being no members of the public present, this portion of the meeting was closed at 7:41 p.m.**

Mr. Sarni stepped down from the meeting at this point.

**Executive Session:**

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Lippencott, seconded by Mr. Stachura and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 7:45 p.m.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Stillwater, in the County of Sussex and State of New Jersey as follows:

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows: Possible Litigation
3. As nearly as can now be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

There being no further business to attend to, a **motion** was made by Mr. Lippencott, seconded by Mr. Stachura to conclude the Executive Session at 7:45 p.m., unanimously carried by roll call vote.

**Nextel of NY Inc. and JCP&L, Block 1703, Lot 21**

A minor amendment to site plan was requested by letter of Gregory Meese, Esq. of the firm Price, Meese, Shulman & D'Armini, P.C. Due to a possible boundary issue and to address concerns expressed by Hampton Township, Nextel has reduced the size of the equipment compound so that no part of the compound could possibly be located within Hampton Township.

Mr. Powell made a **motion** to grant the amendment and accept the field adjusted compound, which is smaller with less fencing, as depicted on the sketch provided, seconded by Mr. Lippencott, memorializing Resolution on 5/30/13.

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

At this point, Mr. Sarni rejoined the Board.

It was noted that no public was present at the meeting.

**Committee Liaison Report (Mayor Gross):** No report as Mayor Gross had a prior work commitment.

There being no further business, Mr. Lippencott made a **motion** to adjourn the meeting at 8:05 p.m., seconded by Mr. Stachura. In a voice vote, all were in favor.

Respectfully submitted,

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Kathy Wunder, Board Secretary

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Eric Powell, Chairman