

**STILLWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
May 18, 2015**

MEMBERS PRESENT: Mr. Powell, Mr. Stachura, Mrs. Draghi, Mr. Wykoff

MEMBERS ABSENT: Mr. Hammond, Mr. Sarni, Mr. Lippencott

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, May 18, 2015, at 7:30 p.m. at the Municipal Building in Middleville, New Jersey. The meeting was called to order by Chairperson Powell in accordance with the Open Public Meetings Act. The flag was saluted and roll call taken.

MINUTES

Mrs. Draghi made a **motion** to approve the minutes of April 27, 2015, seconded by Mr. Stachura.

Roll Call Vote: Mr. Stachura, yes, Mrs. Draghi, yes, Mr. Wykoff, yes, Mr. Powell, yes

HEARING

Joseph and Judy Symons, Block 1601, Lot 6.03, Cal. No. 591- application for an addition

Joseph and Judy Symons were sworn in stating their address as 978 Old Foundry Road. All notices appeared to be in order. Mr. Symons stated he would like to add onto the existing kitchen constructing a dining room area and front porch.

The following variances are required:

Front yard setback: 75' required; 65.42' existing; 51.42' proposed

Lot width: 200' required; 175' existing; 175' proposed

In response to Board questioning, Mr. Symons described the different levels of the roof having one roof over the main section of the home, one over the garage, and a new one over the dining room area and the front porch. The setback to the addition is average for the neighborhood, the parking will remain the same and the loft area shown on the plan will remain the same with no changes. Mrs. Symons described the floor plan entering the home into the existing living room and proposed dining area using the plans submitted. She noted the kitchen is small and they would like to expand it but did not want to change the location of the front door to do so and no walls will be moved. The double closets shown on the plan are used for storage and all proposed materials will match the existing home. The applicants had considered extending into the garage and building a new garage, however due to the expense, loss of access to the yard, tree removal, and the extensive excavation, they determined an addition would be more suitable. Wetland areas are located to the rear of the property and the septic and leach field are located to the right side of the property.

At this point, this portion of the meeting was opened to the public at 7:47 p.m. There being no public testimony, this portion of the meeting was closed at 7:47 p.m.

A site survey was provided by the Environmental Commission with no concerns or issues.

Mr. Morgenstern suggested the following conditions:

-If the road is damaged during construction, it must be repaired to the satisfaction of the Construction Official within 72 hours.

-The applicant must reimburse the township for the cost of inspections of the property and roads, and post an adequate deposit.

-The variance approval will expire within 9 months unless implemented by a building permit.

-All other laws, rules and regulations applying.

-Taxes must be paid to date.

-Other standard conditions applying.

Mrs. Draghi made a **motion** to grant the necessary variances, seconded by Mr. Wykoff.

Roll Call Vote: Mr. Stachura, yes, Mrs. Draghi, yes, Mr. Wykoff, yes, Mr. Powell, yes

Mr. Stachura made a **motion** to allow the applicants to waive their right to wait to receive the memorializing resolution, and proceed at their own risk, seconded by Mr. Wykoff.

Roll Call Vote: Mr. Stachura, yes, Mrs. Draghi, yes, Mr. Wykoff, yes, Mr. Powell, yes

Mr. Powell made a **motion** to carry the application for memorializing resolution to June 22, 2015, seconded by Mrs. Draghi.

Roll Call Vote: Mr. Stachura, yes, Mrs. Draghi, yes, Mr. Wykoff, yes, Mr. Powell, yes

RESOLUTION

Gerber, Block 2401, Lot 44.02, Cal. No. 586 – Amending condition #7 of the original approval to read as follows: “Applicant shall submit the prior written description of the wetlands on the site in the subdivision deed and map to this Board.”

Mr. Stachura made a **motion** to adopt the resolution seconded by Mrs. Draghi.

Roll Call Vote: Mr. Stachura, yes, Mrs. Draghi, yes, Mr. Powell, yes

RESOLUTION

Durkos, Block 3601, Lot 11.17, Cal. No. 590 – Application to demolish an existing cabin and construct a new cabin

Mrs. Draghi made a **motion** to adopt the resolution, seconded by Mr. Stachura, with the following terms and conditions:

1. If the road is damaged during construction, Applicants shall repair the same to the satisfaction of the Construction Official of Stillwater Township on 72 hours’ notice from the Township Construction Official or else the building permit and/or certificate of occupancy may be revoked or withheld.
2. The Applicant shall reimburse the Township for the costs of inspections of the property and roads and review of the plan by the Zoning Board Engineer. The Applicants shall post an adequate deposit with the Township as required by the Zoning Board Engineer prior to a building permit being issued and shall replenish the deposit if and when it has been fully utilized. Any unused escrow deposit shall be returned to the Applicant upon the issuance of a certificate of occupancy.
3. The within variance expires within nine months from the date of this Resolution unless implemented pursuant to the Ordinances of Stillwater Township.
4. Applicant shall comply with all other laws, rules and regulations in implementing the variances.
5. No permanent certificate of occupancy shall be issued until all conditions of the Resolution have been met.
6. All taxes and fees shall be paid the Township of Stillwater.

Roll Call Vote: Mr. Stachura, yes, Mrs. Draghi, yes, Mr. Wykoff, yes, Mr. Powell, yes

BILLS:

Mr. Stachura made a **motion** to approve the bills, seconded by Mrs. Draghi:

Dolan & Dolan:	General – April 2015	\$129.38
	General - April Meeting	\$281.75
	Escrow – Durkos	\$309.12
	Escrow – Gerber	\$120.75
New Jersey Herald:	Meeting Notices	\$ 59.40

Roll Call Vote: Mr. Stachura, yes, Mrs. Draghi, yes, Mr. Wykoff, yes, Mr. Powell, yes

Correspondence:

- CFO Budget Memo
- NJPO Planner – March/April

At this point, this portion of the meeting was opened to the public at 8 p.m. There being no members of the public wishing to speak, this portion of the meeting was closed at 8 p.m.

Committee Liaison Report: Charles Gross, Committeeman

Mr. Gross reported on two ordinances being considered by the Township Committee.

-Use of property: No person shall use or develop property unless the use or structure is permitted or has Zoning Board/Planning Board approval.

-Lot line adjustment: Lessening current restrictions, fast-tracking the process and allowing the Board to grant approval based on the recommendation of the Planning Board Engineer.

Mr. Powell asked the secretary to provide a copy of each ordinance to the Board for their review.

Board members expressed concerns with the use of property ordinance as they felt it was repetitive as the current regulations require the same compliance. Mr. Morgenstern explained it is for enforcement purposes to allow the Zoning Officer to issue a summons if someone is not complying. Mr. Morgenstern suggested the Committee hold the introduction of that ordinance to allow the Planning Board time to further review it. Mr. Gross will address the Board concerns with the Committee at their next meeting.

There being no further business, Mrs. Draghi made a **motion** to adjourn the meeting at 8:20 p.m., seconded by Mr. Stachura. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder, Board Secretary

Eric Powell, Chairperson