

**STILLWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
April 25, 2011**

MEMBERS PRESENT: Mr. Powell, Mr. Sarni, Mr. Hammond, Mr. Stachura, Mr. Lippencott, Mr. Lockwood

MEMBERS ABSENT: Mr. Daingerfield; Mr. Saal

ALSO PRESENT: Board Attorney Morgenstern; Board Engineer Rodman

A REGULAR MEETING OF THE Stillwater Township Zoning Board of Adjustment was held on Monday, April 25, 2011, at 7:30 p.m. at the Municipal Building in Middleville, New Jersey. The meeting was called to order by Mr. Lockwood in accordance with the Open Public Meetings Act.

The flag was saluted and roll call taken.

HEARING

Nextel of New York, Inc. & JCP&L, Block 1703, Lot 21, Cal. No. 569

Mr. Meese, Esq. was present on behalf of the applicant.

At this point, Mr. Lockwood announced that following consultation with the Board Attorney, it was determined that due to the large public turnout and the maximum capacity of the meeting room being 49, the application would be carried to the May Zoning Board meeting to a location that can accommodate everyone. Mr. Meese consented to having the application carried to May and had no objection.

Following a brief discussion, Mr. Stachura made a **motion** to cancel the May 23, 2011 Zoning Board meeting, rescheduling it to May 31, 2011; and to carry the Nextel of New York, Inc. & JCP&L application to May 31, 2011, the meeting to be held at the Stillwater School, 904 Stillwater Road at 7:30 p.m., pending availability, with the applicant being required to provide further notice, seconded by Mr. Powell. Mr. Lockwood announced the new date and location to the public.

Roll Call Vote: Mr. Powell, yes, Mr. Hammond, yes, Mr. Stachura, yes, Mr. Lippencott, yes, Mr. Lockwood, yes

MINUTES

Mr. Powell made a **motion** to approve the minutes of March 28, 2011, seconded by Mr. Hammond.

Roll Call Vote: Mr. Powell, yes, Mr. Hammond, yes, Mr. Sarni, abstain, Mr. Stachura, yes, Mr. Lippencott, yes, Mr. Lockwood, yes

RESOLUTION

Michael Chaves, Block 3804, Lot 12.04, Cal. No. 560, application amendment

Mr. Stachura made a **motion** to adopt the Resolution, seconded by Sarni.

The following terms and conditions applying:

1. The addition shall be constructed no closer than 20 feet to the northerly sideline of the lot. It shall be constructed in the location shown on the variance map.
2. Applicant shall plant the landscaped screening pursuant to the approved landscape plan within 90 days of his filing an application for a Certificate of Occupancy for the dwelling.
3. No permanent Certificate of Occupancy for the addition shall be issued until the trees on the approved landscape plan are planted and the planting is approved by the Township.

4. Applicant shall cause drainage from the dwelling and impervious surfaces to be retained on his lot.
 5. If the road is damaged during construction, Applicant shall repair the same to the satisfaction of the Construction Official of Hampton 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.
 6. 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 Applicant 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.
 7. The within variance expires within nine months from the date of this Resolution unless implemented pursuant to the ordinance of Stillwater Township.
 8. Applicant shall comply with all other laws, rules and regulations in implementing the variances.
 9. No permanent Certificate of Occupancy shall be issued until all conditions of the Resolution have been met.
 10. Applicant shall pay all taxes and fees to the Township of Stillwater.
- Roll Call Vote:** Mr. Stachura, yes, Mr. Hammond, yes, Mr. Sarni, yes, Mr. Stachura, yes, Mr. Lockwood, yes

RESOLUTION

Cellco Partnership d/b/a Verizon Wireless, Block 3101, Lot 13, Cal. No. 566

Mr. Hammond, Mr. Sarni and Mr. Stachura cited a conflict.

Mr. Lockwood made a **motion** to adopt the Resolution, seconded by Mr. Powell.

WHEREAS, the Board received a letter from Vogel, Chait, Collins and Schneider by David H. Soloway, Esq. dated April 6, 2011, advising the Board that the application was withdrawn without prejudice; the board finds that since the application is withdrawn, the Board should deny the application without prejudice since this Board has jurisdiction only to grant or deny applications.

NOW, THEREFORE, BE IT RESOLVED by the Stillwater Township Zoning Board of Adjustment that the application of Cellco Partnership d/b/a Verizon Wireless is hereby denied without prejudice.

Roll Call Vote: Mr. Powell, yes, Mr. Lippencott, yes, Mr. Lockwood, yes

BILLS

Mr. Stachura made a **motion** to approve the following bills, seconded by Mr. Hammond:

Dolan & Dolan:

General Monthly Meeting (March 2011)	\$ 430.00
General (March 2011)	\$ 82.65
Escrow – Pipher	\$ 61.50
Escrow – Nextel of NY/JCP&L	\$ 661.50

Roll Call Vote: Mr. Powell, yes, Mr. Hammond, yes, Mr. Sarni, abstain, Mr. Stachura, yes, Mr. Lippencott, yes, Mr. Lockwood, yes

Mr. Powell made a **motion** to approve the following bills, seconded by Mr. Lockwood:

Rodman Associates:

Escrow – Cellco Partnership/Verizon	\$1,525.00
Escrow – Nextel of NY/JCP&L	\$ 621.50

Roll Call Vote: Mr. Powell, yes, Mr. Hammond, abstain, Mr. Sarni, abstain, Mr. Stachura, abstain, Mr. Lippencott, yes, Mr. Lockwood, yes

Mr. Lockwood made a **motion** to approve the following bill, seconded by Mr. Stachura:

New Jersey Planning Officials:

Mandatory Training/SCCC (George Lippencott)	\$ 105.00
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Roll Call Vote: Mr. Powell, yes, Mr. Hammond, yes, Mr. Sarni, yes, Mr. Stachura, yes, Mr. Lippencott, abstain, Mr. Lockwood, yes

Correspondence: Dated 3/31/11, from Attorney Morgenstern, re: Permit Extension Act
Mr. Morgenstern briefly summarized the Permit Extension Act, noting the approvals are now extended to July 1, 2013. There is an exception for environmentally sensitive properties, which would not be extended, including NJDEP approvals.

At this point, this portion of the meeting was opened to the public at 7:50 p.m.

Liaison Report: Committeeman Gross reported that he had received a letter from Dolan & Dolan regarding unpaid Zoning Board bills. The issue was addressed at the Township Committee level and he signed several approved Zoning Board bills at that meeting and would continue to make sure that the bills are being paid in a timely manner.

At this point, Mr. Morgenstern informed the public that no signs could be displayed during the meeting.

There being no further members of the public wishing to speak, this portion of the meeting was closed at 7:57 p.m.

There being no further business, Mr. Hammond made a **motion** to adjourn the meeting at 7:58 p.m., seconded by Mr. Sarni. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder, Board Secretary

Laurence Lockwood, Chairman