

SPECIAL MEETING
BLAIRSTOWN TOWNSHIP
LAND USE BOARD
May 13, 2014

MINUTES

The Blairstown Township Land Use Board met in a Special session on Monday, May 13, 2014, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Charles Anderson, David Keller, Nick Mohr, Mike Repasky, Paul Avery, Herman Shoemaker, Debra Waldron, Andrew Smith, and Harold Price. Barbara Green, Jim Sikkes, Dominic Daleo were absent. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read.

Meeting was called to order by Chairwoman Waldron, who stated:

“Adequate notice of this meeting of the Blairstown Township Land Use Board has been provided in accordance with the Open Public Meetings Act (Chapter 231.P.L. 1975)”.

LAND USE BOARD DEADLINE DATES:

Chairwoman Waldron declared that submission of information supporting applications must arrive at Town Hall **10 calendar days prior to meetings.** She explained this is an effort to give the Board members enough time to review the documents and requested this notice be read at each meeting.

RESOLUTIONS (Incomplete):

LB#01-14 Allen Gibson, Blk. 301, Lot 10.14, 8 Mountain Terr. - Bulk Var.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mr. Anderson, to approve Resolution deeming **LB#01-14 Allen Gibson**, Blk. 301, Lot 10.14, 8 Mountain Terr. - Bulk Var. – Incomplete. Roll call vote: Anderson, Keller, Mohr, Avery, Shoemaker, Waldron, Smith and Price– yes. Repasky – abstained.

COMPLETENESS:

LB#01-14 Allen Gibson, Blk. 301, Lot 10.14, 8 Mountain Terr. - Bulk Var.

Action: A motion was duly made by Mr. Price, seconded by Mr. Repasky, to deem **LB#01-14 Allen Gibson**, Blk. 301, Lot 10.14, 8 Mountain Terr. - Bulk Var. - Complete. Roll call vote: Anderson, Keller, Mohr, Repasky, Avery, Shoemaker, Waldron, Smith and Price— yes.

PUBLIC HEARING:

LB#01-14 Allen Gibson, Blk. 301, Lot 10.14, 8 Mountain Terr. - Bulk Var.

Robert Simon, Esq., of Herold Law, Warren, NJ, representing the applicant was sworn in.

He explained the applicant is seeking relief to build a detached 2 car garage to an existing single family house on the property. The Ordinance indicates the accessory structures can't exceed 2% of the entire lot. He noted it also states in no event can the accessory structures exceed more than 50% of the coverage of the single-family home. The home coverage is only 2,639 s.f. He revealed there also exists, on this property, a Board-approved skate board rink @3,698 s.f., and a pool @715 s.f. There is an existing, attached garage to the house. The applicant wishes to add 856 s.f. of proposed garage coverage.

He noted that Ted Rodman questioned if they also needed relief for a 2nd driveway on the lot.

Mr. Simon's position is that when lot width is calculated, it far exceeds the 200 ft. that is the threshold requirement for a 2nd driveway.

Chris Szymczak, RA, of Appel Design Group Architects, Union, NJ, representing the applicant was sworn in.

He has an original copy of the site plan, dated 11/10/04, which was marked as A-1; it is the only one. He will retain it.

The only original rendering of the house, from 1985, was marked as A-2, and Mr. Szymczak will retain it.

He described the house. He explained he was requested to keep the look for the proposed garage similar to a carriage house to blend with the existing farmhouse look. Similar materials will be used.

Chairwoman Waldron asked if the garage storage area will be used for living space.

Mr. Szymczak replied Mr. Gibson wants to finish upstairs as a multi-functioning space. Mr. Gibson has lots of hobbies, i.e. bikes. He insisted this will not be a living space. There will be heat but no plumbing, no bathrooms. It will not be used for commercial use. Ted Rodman pointed out if it were for habitation, there would be another variance.

Mr. Szymczak described the location, stating it was following the topography of the ground. He noted the closest house is hundreds of feet away.

Roger Thomas asked for the distance from the proposed garage to the house. The response was approximately 400 ft.

Chairwoman Waldron questioned the retaining walls. Mr. Szymczak responded, the walls are stone. He explained the property between the house and garage is fairly steep. Cutting and filling were necessary - which caused the retaining wall. This was in order to get the road flat. He added that they did not want to affect the existing trees next to the driveway.

Mr. Simon asked if it would be possible if construction of this garage could be attached to the existing home.

Mr. Szymczak responded that the character of the house would be ruined if the garage was attached to the house. Also, he noted, the well is in front of the house, the septic system is at the rear of the house. If it was put right next to the house, he noted, you can't get to the existing garage. He explained, you would have to drive through one garage to get to the other garage.

Since there is already a 2 car garage on the house, Roger Thomas asked what the intended use of the proposed garage is. Mr. Szymczak responded, storage for vehicles, bikes, motorcycles.

Mr. Keller, a Board member, commented the site plan does not reveal a lot of detail. He noted there should be more grading details. There should be proposed contours along the driveway to determine what the disturbance is. He explained if it is 5,000 s.f, then a soil erosion sediment control plan is required. Mr. Simon responded that will be addressed when applying for the driveway permit. Ted Rodman explained the driveway is roughed in and there is a sub-base of stone.

Mr. Keller finds it surprising there is no bathroom proposed in a building of that magnitude, since the second floor will be used. Mr. Simon responded that Mr. Gibson did not want anything to appear that he was doing something not permitted.

Chairwoman Waldron asked if the applicant would be willing to have a deed restriction, as a condition, indicating it would never be used as a living space. Mr. Simon responded affirmatively, with the caveat, that an elderly parent could occupy it. Chairwoman Waldron noted then the applicant would have to come back before the Board, should their needs change. She pointed out that there is a lot of coverage on that lot. Ted Rodman noted his report of 5/8/14 Item #3 encompassed that issue.

Chairwoman Waldron asked what made the applicant come to the Board since work was already started. Mr. Simon responded, Mr. Gibson was told he needed a permit. When he went for the permit, he was told to stop because he was over 50% allowable, and told he needed approval.

Mr. Repasky, a Board member, questioned the intent of the second floor. He noted comments reveal decorative timber, a number of windows etc. He asked if this is more than a hobby shop. Mr. Simon explained that Mr. Gibson wanted a barn feel. Mr. Repasky asked what kind of hobbies. Mr. Simon responded that he did not know. He thinks at this point it is for storage, or for his children to play, like a family room. Mr. Repasky commented that is why he is surprised there is no bathroom. Mr. Shoemaker noted it is a long way to the house to use the bathroom.

Russell Naysmith, Landscape Designer, of Trend Landscaping & Design, Budd Lake, NJ, representing the applicant was sworn in.

He described the Landscape Plan. In response to Roger Thomas' inquiry, he stated there is no disturbance of the septic pipe as part of the driveway construction. Ted Rodman stated there should be a sleeve or some reinforcement over the top. He noted this can be a condition. He explained there are standards for that. He noted the depth needs to be established.

Mr. Naysmith revealed the fill was brought in during November. He clarified for Ted that they added above the existing grade. They cut and filled.

He noted the widest point of the driveway is approximately 30 – 35 feet. The main approach will be 12 feet. Mr. Keller scaled the length of the driveway and revealed it is at least 350 feet.

Mr. Naysmith mentioned that Mr. Gibson's proposal is to have 2 tire track lines with gravel. Ted Rodman noted the Driveway Permit must still be obtained and the details must be shown on it. He pointed out that if the profile exceeds a certain percentage, it must be paved. The first 25 feet must be paved.

Chairwoman Waldron asked if there is a turning radius for a fire truck at the top of the driveway before it meets the garage. Mr. Naysmith said there is for a car but not a fire truck.

He has been contracted by the applicant since 2005. He described the natural landscaping. He noted Mr. Gibson wants naturally-landscaped property, and to be locked in. He values his privacy and has already planted approximately 185 spruces. He revealed there are a number of stone walls and pathways which work with the 100 ft. elevation change overall.

He pointed out there is a grade difference from the existing home driveway to the garage approximately 10 to 15 ft. He proposes natural stone steps – 4 to 6 ft. wide x 2 ft. deep. x 6" high.

Exhibit A-3 was marked, which was a series of 14 photos taken by Ted Rodman.

Ted Rodman suggested Mr. Naysmith describe the photos since he was onsite when they were taken. He explained they have started digging. He noted the proposed plantings will grow 50 to 60 feet tall.

Mr. Naysmith noted there is a huge stone row, of which, part was removed to gain access. The proposal is to have the bottom 3 feet of the foundation veneered with it. The retaining wall going up the driveway and over the septic is dry, stacked stone. The retaining walls alongside the garage are recommended to be concrete block with stone veneer from the stone row. The height from the floor of the garage is 6 to 7 feet at the highest point. It should be designed by an engineer.

Mr. Keller asked how high, and who designed, the existing-retaining fieldstone wall around the proposed garage. Ted Rodman noted if it is over 6 feet, it should've been designed by an engineer. Mr. Naysmith had no response.

Chairwoman Waldron said she wants to know that an engineer designed the retaining wall.

Chairwoman Waldron would like to see where electric service will come from. She would like to know what the heat pump is, whether it will be oil or gas.

Mr. Simon noted that he doesn't believe Mr. Gibson is planning to do anything else to the property.

Kathryn Gregory, PP, Gregory Associates, Fort Lee, NJ representing the applicant, was sworn in.

She explained the applicant is seeking a bulk variance. She considers it to be a C-1 & C-2 variance. She explained that besides hardship and topography, a C-1 variance deals with lawful structures on the property. She noted because of the septic tank, well, and pool, an attached garage can't be designed. She pointed out extreme topography to the right.

She believes that the applicant meets the C-2 criteria. They need to be rooted in the purposes of zoning and the benefits must outweigh the detriments. She pointed out, she reviewed the 2010 Master Plan Re-examination yesterday and a goal was to maintain the country and rural character. She noted the applicant is doing that.

She submitted and described 2 aerial views and 8 photos which were marked as Exhibit A-4.

Mrs. Gregory admitted, technically they exceed 50% allowable of lot coverage. The Ordinance allows 4% for the principal structure and 2% for accessory structures. She said the caveat is, the house is modest in size. She revealed the applicant is almost @ 200% of the principal structure which is approximately 2,600 s.f. She stated he is allowed to have 13,000 s.f. for a home.

She believes there are characteristics that mitigate the variance. The positive criteria indicating her belief that the variances are warranted are: it is oversized and at the end of a private road, it is at the end of the cul de sac, there is a topography on the property, and there is extensive landscaping on the property.

She presented terms of negative criteria. She stated there is no substantial detriment to the public good. She admitted there is disturbance of the land but argues there would be much more disturbance, and much more fill, if this were to be added onto the home. She noted the septic system would have to be reworked, and moving a section of the patio to the pool would require a lot more fill.

She believes the applicant meets the first intent of the Zoning Ordinance.

Mrs. Gregory states Purpose C is met, which provides adequate light, air and open space. She believes the applicant promotes Purpose J - promotion of a desirable visual environment due to its design.

Ted Rodman showed Mrs. Gregory the 2004 survey that they had previously done, which reveals 225 foot frontage. Mr. Simon interjected that the Ordinance requirement to have a second driveway, is 200 feet. He noted the lot width is in excess of 200 feet. Ted confirmed the second driveway is permitted.

Ted Rodman noted residential lots don't require a Site Plan. A plot plan which shows the house, is what was submitted. Mr. Simon responded that is why some features are not shown. He does acknowledge there is a need for a driveway permit. He noted it will be applied for, and all the requirements in the Ordinance to obtain same, will be complied with.

This portion of the Hearing was opened to the public. There were no members of the public present.

Mayor Shoemaker questioned the Planner's remark re: the Ordinance. Roger Thomas responded that generally the intent of the Ordinance is met in the 2% principal building and 4% accessory building standards on this lot, and far exceeded it. He noted the Planner's argument is that the general intent of the Ordinance is met, even though the 50% requirement is not met.

Ted Rodman referred to his report of 5/8/14 and noted there is a correction. The first paragraph should be 2,639 s.f. not 2,531. He reviewed his report recommending conditions.

Ted Rodman noted that the proposed landscaping plan shows a proposed buffer of Norway Spruce which generally are susceptible to deer damage. Mr. Simon confirmed the existing ones

are fine. The property is completely fenced in (with split rail with agricultural fencing inside), 6 ft. high. Mr. Simon concurs that they must replace any landscaping that no longer functions as a buffer in the future. Roger Thomas confirmed that goes on indefinitely, as it is considered part of the approval.

Chairwoman Waldron reiterated the Board must be revisited if circumstances change and there is a change of use.

Ted Rodman pointed out the Construction Official or he, as Township Engineer, will monitor the 7 ft. retaining wall by the driveway, and the walls alongside the garage. Chairwoman Waldron requested copies of those reports.

Chairwoman Waldron commented this is a unique property as it has a good amount of acreage, is at the end of a private road, borders state and JCP&L property. She noted there is a lot of development on this property, which she doesn't like to see but in view of the aforesaid, sees no problem. She mentioned it had been stated if the garage could have been attached to the house, it would've been.

Roger Thomas summarized, if the motion is in favor, the following should be conditions:

- No habitation in the garage – subject to the right to revisit
- Garage will be in accordance with the plans, having matching siding and stone
- No commercial use
- No plumbing or water attached to the garage
- Subject to review by the Soil Conservation District
- Requirement for the septic pipe – reinforcement from the septic tank to the field, if required - subject to Bd. Engineer approval
- Subject to a driveway permit
- Access from the garage to home would be natural stone steps with no lighting
- Retaining walls for garage should be concrete block with stone veneer
- Retaining wall for garage area be designed by an engineer
- The plans be modified, so that the location of electricity service and location of utilities i.e. air conditioning, heating, be shown, if they are going to be located outside.

Chairwoman Waldron noted she wants copies of the retaining wall plans and copies of the modified plans with location of electrical service, location of utilities i.e. air conditioning, and heating forwarded to Marion for the Board members.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mr. Anderson, to approve **LB#01-14 Allen Gibson**, Blk. 301, Lot 10.14, 8 Mountain Terr. - Bulk Var. based on all the conditions afore mentioned. Roll call vote: Anderson, Keller, Mohr, Repasky, Avery, Shoemaker, Waldron, Smith and Price– yes.

Roger Thomas wants the record to reflect that there was only 1 set of renderings which he asked for copies for the Board, since the applicant is retaining them. These are requested before the memorialization of the Resolution.

PUBLIC PORTION:

No members of the public were present at this time.

VOUCHERS: Professional services rendered.

None were available.

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Anderson seconded by Mr. Repasky, and unanimously carried, the meeting was adjourned at 9:47 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary