

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
May 19, 2014**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, May 19, 2014, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Charles Anderson, Barbara Green, David Keller, Nick Mohr, Mike Repasky, Paul Avery, Herman Shoemaker, Jim Sikkes, Debra Waldron, Andrew Smith, Harold Price, and Dominic Daleo. 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.

MINUTES OF PREVIOUS MEETING: (As distributed prior to the meeting date).

Minutes of the April 21, 2014 Regular Meeting were approved, as modified.

Action: A motion was duly made by Mr. Sikkes, seconded by Mr. Shoemaker to approve the April 21, 2014 Regular Minutes, as modified. Roll call vote: Anderson, Green, Shoemaker, Sikkes, Waldron, Smith, Price and Daleo – yes. Mohr, Repasky, Avery and Shoemaker – abstained.

RESOLUTIONS (Incomplete):

LB#03-14 NWRHS, Blk. 1402, Lot 21.02, 10 Noe Rd., Use Var. – **Multi-purpose building**

Action: A motion was duly made by Mr. Keller, seconded by Mr. Sikkes, to approve the Resolution deeming **LB#03-14 NWRHS**, Blk. 1402, Lot 21.02, 10 Noe Rd., Use Var. – **Multi-purpose building** - Incomplete. Roll call vote: Anderson, Green, Keller, Sikkes, and Waldron - yes. Mohr, Repasky, Avery and Shoemaker – abstained.

COMPLETENESS:

LB#03-14 NWRHS, Blk. 1402, Lot 21.02, 10 Noe Rd., Use Var. – **Multi-purpose building**

Messrs. Repasky, Avery and Shoemaker were recused.

Mr. Fox noted there has been a change in the application. Ms. Waterbury, PP, who represented on **LB#05-12 NWRHS** Solar Panel application, has been asked to do the same on this application. She filed a response to Ted Rodman’s original letter, along with the plans currently in front of the Board.

Unfortunately, she phoned Mr. Fox with a family emergency and had to leave the state. Mr. Fox pointed out that David Cranmer, PE, PP has agreed to come in her stead. He visited the property today.

David Cranmer, PE, PP, of Cranmer Engineering, Shrewsbury, NJ, was sworn in.

Ted Rodman indicated he updated his 4/15/14 report based on Ms. Waterbury’s 5/8/14 letter and maps which were submitted. His new report is dated 5/15/14.

He pointed out waivers are requested for all items. He recommended Items 1, 2, and 3 be waived. He said Ms. Waterbury’s letter indicated there would be testimony for Items 4, 5, and 6 regarding Completeness.

Mr. Cranmer indicated he did have an opportunity to review Mr. Rodman’s report dated 5/15/14, as well as plans submitted from Ms. Waterbury dated 5/7/14.

He explained the additional items 4, 5, & 6.

Item 4 Buffer – They do not plan to buffer the proposed structure, as they believe there is adequate screening by virtue of its location within the school grounds.

Item 5 Delineation of flood plains – Ms. Waterbury supplemented the plans to show the wetlands location at a 75 and 50 ft. wetlands buffer. Mr. Cranmer noted the nearest point from the wetlands to the proposed building, is approximately 200 - 225 feet.

Item 6 – Wetlands marshes, ponds and lands subject to flooding. They are asking for exemption from this, as they will be shown on the Exhibit. Mr. Cranmer said the proposed structure lies in flood zone X which is not expected to be flooded and there is no flood insurance required in that zone.

Based on that, Ted Rodman recommends this application be found Complete. Roger Thomas concurred.

Action: A motion was duly made by Mr. Mohr, seconded by Mr. Keller, to deem **LB#03-14 NWRHS**, Blk. 1402, Lot 21.02, 10 Noe Rd., Use Var. – **Multi-purpose building** - Complete. Roll call vote: Green, Keller, Mohr, Sikkes, Waldron, Smith and Daleo – yes. Anderson and Price – no.

PUBLIC HEARING:

(Former LB#01- 12)**LB#06-13 John Clark**, Blk. 801, Lot 1, 2.01 No road frontage - **CARRIED**

LB#03-14 NWRHS, Blk. 1402, Lot 21.02, 10 Noe Rd., Use Var. **Rezone** request

Messrs. Repasky, Avery and Shoemaker were recused.

Jim Fox, Esq. identified himself as representing the applicant.

Mr. Thomas revealed he investigated creation of a new zone. He has an example from a large township. It is called an Education, Government and Institution District which authorizes schools. He will give Marion sample copies of items controlled in that zone i. e. the area, yard, height and bldg. coverage for future Board Member discussion and reference.

He noted he will also provide a copy to Mr. Fox. He plans to discuss these with Mr. Fox and refine some parameters, taking into account the current usage the School Board has of its 105 acres, and what reasonable expansion is anticipated.

He said he would report back to the Board at the next meeting with thoughts of what can be set up.

He also contacted Darlene Green, PP, for her thoughts on this matter.

Mr. Thomas noted the R-5 zone is massive and should address individual needs if, and when, they present themselves.

Chairwoman Waldron requested paperwork, representing comments from both sides, before the next meeting, so the Board has a chance to review it for voting.

He agreed, and noted the Board would be recommending to Twp. Committee, not legislating.

This matter will be carried without further notice until 6/16/14.

LB#03-14 NWRHS, Blk. 1402, Lot 21.02, 10 Noe Rd., Use Var. – Multi-purpose building

Jim Fox, attorney for the applicant, reviewed that this is a multi-purpose building. They are trying to update some of the older facilities for use by various teams.

Dr. Brian Fogelson, Superintendent of Schools in NWR, Noe Rd., was sworn in.

He explained that a number of parents have come before the School Board requesting upgrading of facilities due to inadequacy, and approaching possibility of danger. There are no facilities for visiting teams.

He said something can be done short of a Referendum, which is allowed by law, under the Lease Purchase Agreements. (The Referendum for expansion failed in 2007).

The proposed plan was submitted to the Dept. of Education and approved. Dr. Fogelson stressed it is not based on enrollment but on programmatic need.

He said parents want team, weight and locker room facilities upgraded.

Dr. Fogelson noted that they come before this Land Use Board for a use variance, since schools are not a permitted use in an R-5 (residential) zone.

He explained within the 10,101 sq. ft. building, there are 2 locker rooms – girls and boys. He explained proposed uses not only for athletics but he also pointed, for example, use by booster groups etc. It will be available to Community groups.

There will be counter space. No food will be cooked and no ovens. There is room for a refrigerator, storage and a sink. The bleacher capacity will be up to 250 people. The room can accommodate small musical activity. He said it is ideal for large group instruction. Additional space will accommodate physical fitness programs. Hall of Fame for NWRHS graduates can be established on the walls of the proposed building.

The entrance to the building will be through the front door on the front parking lot of the school. They are working with the Police Dept. regarding security.

Dr. Fogelson has been in contact with Mr. Miller, Construction Official. He said if the variance is approved by this Board, an application will be submitted with the Warren County Planning Board for review, as per Ted Rodman's 5/15/14 report, Comment #6.

This portion of the Hearing was opened to the public.

Dr. Fogelson notified the public there are no plans to do anything to Noe Rd.

Ray O'Brien, PA, Main St., was sworn in.

He addressed # of toilets as per Code, 200 people will be managed, 6 fixtures in men's room and 7 in the ladies' room.

He remarked that Dr. Fogelson has defined the areas well, in his testimony. He addressed certain areas more specifically.

He revealed there will be no air-conditioning but plans for a system which can be retrofitted later, will be provided.

Exhibit A-1, was marked, which is a color rendering of the exterior of the building, designed by Mr. O'Brien.

Mr. O'Brien explained that emergency power is tied to existing building. He noted key circuits, anything dealing with life safety: heating, lighting, access doors, and anything dealing with electronic or remote, will be tied in. He confirmed there is plenty of electrical power on the site. He noted this is for emergency and primary systems.

He explained there are no sprinklers. They are not fire suppressed, as they are under 12,000 sq. ft. range.

Chairwoman Waldron questioned what kind of heat there will be. Forced hot air was the response.

Mr. O'Brien stated the building can't be seen from Rt. 94 or Noe Rd.

He said there is a walkway w/canopy from this building to the existing building. He noted this building can be used independently, minimizing security risk.

Nick Mohr, Board Member, noted previously the NE wall of the building, which houses the chemistry wing, could be accessed. He expressed his concern for emergency access to the building, since the 31 ft. walkway now, blocks it off. Mr. O'Brien noted there is access to that building, around the other side. Mr. Mohr pointed out weather, i.e. 2 ft. of snow or 4" of rain which we've had recently, plays an important role, and this is a real concern which should be addressed.

This portion of the Hearing was opened to the public.

Mike Repasky, Ax Handle Rd., asked if this facility had provision for hanging coats, since the students will have to travel outside under the canopy in winter and inclement weather. Mr. O'Brien responded this was not addressed. He admitted that Maintenance Dept. would be open to look into provision from an outside awning standpoint, as protection from the elements.

Mr. Fox asked for a recall of Mr. Cranmer.

David Cranmer, PP, Broad St., Shrewsbury, NJ, was sworn in.

He conferred with Ms. Waterbury, PP, on Fri., reviewed Ted Rodman's documents, and visited the school, as acting representative for Ms. Waterbury.

He reviewed the plans, and repeated much of the information previously submitted during testimonies. He explained they are staying within the confines of what is established.

He noted the amount of impervious surface is less than 10,000 sq. ft., therefore this does not constitute a major project as defined by the DEP and by Blairstown Twp. Ordinance. A site plan review, or storm water management permit, are not warranted.

The bituminous-paved area is used for storage of outdoor maintenance equipment, thus there will be no loss of parking.

He pointed out the school is considered an inherently-beneficial use because it advances the public good. He noted clearly this is a public school system which serves the public. He believes it qualifies as an inherently-beneficial use.

Mr. Cranmer then defined the positive and negative criteria in accordance with the Sica balancing test for this type of variance.

Ted Rodman's report of 5/15/14 was discussed.

This portion of the Hearing was opened to the public for comments and questions.

The following residents were sworn in:

Ron Lubertazzo, Walnut Valley Rd., supports this project. He stated our kids need this.

Eugene Fluri, Ridge Lane, volunteered at NWRHS since 1996. He stated the facility hasn't changed since 1996. He feels the usage has gone up. He feels it is necessary at this time.

Jim Baldwin, Gap View Rd., declared he is a NWRHS 1983 alumni. He feels nothing has changed since that time. He stated it is embarrassing when compared to what other school districts provide. He supports this project. He noted he has children in his family that are selecting schools based on their facilities. He feels it is shameful, since he pointed out, we have it all here.

Roger Thomas summarized, stating that case law is clear, that this is an inherently beneficial use. So, the positive criteria has been met by operation of law.

He declared that balancing test of the Sica case is applicable. Testimony pointed out that the benefit is the enhancement of the school, and improvement of the facilities. It is his understanding that no negatives exist.

He made reference to conditions minimizing the negative criteria, if any, by referring to Ted Rodman's 5/16/14 report with Items #4, 5, 6, & 7, as conditions. The applicant agreed to that, notwithstanding their position, that there is no substantial negative.

He feels the School Board's position is that the positive benefits, outweigh the negative.

Mr. Mohr would like a provision for the Fire Dept. to review the plan prior to construction. He suggested a letter of access. Mr. Fox had no objection.

Mr. Thomas stated if there would be positive determination, it would be granting of the D-2 variance as outlined in the 5/7/14 maps prepared by Elizabeth Waterbury, PP, with the aforementioned-conditions in Mr. Rodman's 5/16/14 report, as well as review by Fire Dept. officials for discussion re: adequate access.

Action: On a motion duly made by Mr. Sikkes, seconded by Mr. Keller, to approve **LB#03-14 NWRHS**, Blk. 1402, Lot 21.02, 10 Noe Rd., Use Var. – **Multi-purpose building**. Roll call vote: Green, Keller, Mohr, Sikkes, Smith and Waldron – yes. Anderson – no.

Roger Thomas declared Exhibit A-1 – a foam board depiction of NWRHS Multi-purpose Bldg., must remain with the Land Use Board Secretary for 45 days.

CORRESPONDENCE:

Ltr. 5/6/14 James Fox, Esq. Re: Elizabeth Waterbury, PE, PP – newly appointed PP for **LB03-14**

OTHER BUSINESS:

Darst #ZB04-10 – Compliance

Ltr. 3/13/14 Ursula Leo, Esq. Laddey, Clark & Ryan, Re: update Darsts' progress on conditions

Chairwoman Waldron revealed that she and Ted Rodman spoke with David Diehl, Zoning Officer, regarding this application. She said he is looking into the Resolution and criteria for violations.

COAH

Ltr. 2/19/14 R. Thomas, Esq. to Mayor Shoemaker Re: Status of COAH trust funds

Roger Thomas noted the Supreme Court deadline was 5/1 and it has been met. He stated regulations have been issued. He stated at this point, the regulations should be reviewed. He said there may be some issues raised by the NJLM from a municipal standpoint.

He offered to go through the regulations without doing a detailed analysis. He anticipates a change but would like to be able to report to this Board, between now and the 6/16/14 meeting, if there is anything of which they should be especially aware. Chairwoman Waldron asked this be listed on the 6/16/14 Agenda.

NEW BUSINESS:

None

PUBLIC PORTION:

No members of the public were present at this time.

VOUCHERS: Professional services rendered.

Action: On a motion duly made by Mr. Mohr seconded by Mr. Shoemaker, only one escrow voucher, as attached to these minutes, was approved. Roll call vote: Anderson, Green, Keller, Mohr, Repasky, Avery, Shoemaker, Sikkes, and Waldron – yes.

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Mohr seconded by Mr. Shoemaker, and unanimously carried, the meeting was adjourned at 9:44 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary