

**BLAIRSTOWN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
February 9, 2010**

MINUTES

The Blairstown Township Board of Adjustment met in regular session on Tuesday, February 9, 2010 at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following Board members were present: Barbara Green, Mark Ohannesian, Charles Anderson, Andrew Straut, Andrew Smith, Debra Waldron, Philip Rivera, Mike Repasky and John Sartori. Also present were: Board Attorney, Roger Thomas, Engineer, Ted Rodman, and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read aloud.

OATH ADMINISTRATION:

Andrew Smith was sworn in as a new Zoning Board member.

ITEMS CARRIED:

Due to an impending blizzard, Chairwoman Waldron announced that the following applications will be deferred until the March 9, 2010 meeting.

ZB#02-10 Blirstown Ambulance. Corps., Block 904, Lot 8.04, 106 Rt. 94 – Prel. & Final Major Site Plan.

Richard Keiling, attorney for the applicant, requested that no further notice to the adjacent property owners, be required. Chairwoman Waldron granted that request.

ZB#03-10 Montage Enterprises, Block 702, Lot 18.01 – 140 Rt. 94 – Major Prel. & Final Site Plan, Bulk and Use Variances

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

Minutes of January 12, 2010 Regular Meeting

Action: A motion was duly made by Mr. Anderson, seconded by Mr. Straut, and unanimously carried, without abstentions, to approve the minutes of January 12, 2010, as corrected.

Due to a technicality, a revote was taken on the following minutes.

Minutes of December 8, 2009 Regular Meeting

Action: A motion was duly made by Mr. Rivera, seconded by Mrs. Green, and unanimously carried, to approve the minutes of the December 8, 2009 meeting, as corrected. Messrs. Smith and Sartori abstained.

Minutes of December 8, 2009 Executive Session

Action: A motion was duly made by Mr. Rivera, seconded by Mr. Ohannesian, and unanimously carried, to approve the Executive Session minutes of December 8, 2009 meeting, as corrected. Messrs. Smith and Sartori abstained.

RESOLUTIONS:

ZB#06-09 Country Kids Station, Block 1202, Lot 3.02, 13 Stillwater Rd., - Use Variance

Chairwoman Waldron stated on Item #9 of the resolution, there should be an insert indicating that “periodic reports regarding fencing should be furnished to Ted Rodman”, as reflected as a condition of approval on page 4 of the 12/8/09 BOA minutes. Roger Thomas agreed to modify this resolution.

Action: A motion was duly made by Mr. Anderson, seconded by Mr. Straut, to approve modified resolution for **ZB#06-09 Country Kids Station**, Block 1202, Lot 3.02, 13 Stillwater Rd., - Use Variance. Roll call vote: Green, Ohannesian, Anderson, Straut, Waldron and Rivera – yes. Mr. Smith abstained.

ZB#01-10 Dominic Zukoski, Block 902, Lot 12, 4 Cobblewood Rd. – BulkVar. & Interpretation
INCOMPLETE

Action: A motion was duly made by Mr. Rivera, seconded by Mr. Repasky, to approve Incomplete resolution for **ZB#01-10 Dominic Zukoski**, Block 902, Lot 12, 4 Cobblewood Rd. – BulkVar. & Interpretation. Roll call vote: Green, Ohannesian, Straut, Waldron and Rivera – yes. Messrs. Anderson and Smith – abstained.

COMPLETENESS:

Mr. Anderson stepped down for this application.

ZB#01-10 Dominic Zukoski, Block 902, Lot 12, 4 Cobblewood Rd. – BulkVar. & Interpretation

Ted Rodman indicated in his report of 2/5/10, the information in Item #4 has been provided by Attorney Gold’s letter of 1/26/10, therefore he recommends this application be deemed complete. He suggested that if this application is deemed complete, that the other items that have been waived, be included as conditions of final approval.

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Action: A motion was duly made by Mr. Rivera, seconded by Mr. Ohannesian, to deem **ZB#01-10 Dominic Zukoski**, Block 902, Lot 12, 4 Cobblewood Rd. – BulkVar. & Interpretation complete. Roll call vote: Green, Ohannesian, Straut, Smith, Waldron and Rivera – yes. Mr. Anderson – abstained.

PUBLIC HEARING:

ZB#01-10 Dominic Zukoski, Block 902, Lot 12, 4 Cobblewood Rd.– BulkVar. & Interpretation

Mr. Anderson stepped down for this application.

Dominic Zukoski was sworn in.

Bill Gold, attorney for the applicant, stated that the applicant is here for a number of reasons. He requests first, an Interpretation of the Home Occupation Ordinance, also a waiver of a Minor Site Plan, and variances for distances between accessory buildings and lot coverage. He desires the Board to allow him to continue operating his business from his garage.

Roger Thomas recommended to the Board, that this be done all at once, with a vote at the end.

Bill Gold explained that the Board of Adjustment has the power of Interpretation if an ordinance is not clear. He read what the Ordinance states regarding accepted occupations. He stated the Ordinance allows permitted, recognized, service businesses, including seamstresses, needle-workers, tailors and other such service businesses. His client, Mr. Zukoski, is running a business from an accessory building on his property. He is asking for a favorable Interpretation for that type of work. Bill gold stated that what Mr. Zukoski is doing, is similar to a service business of a seamstress, needle-worker or tailor, working on materials to make a finished product.

Mr. Zukoski, explained that he operates 2 metal milling machines out of his 623 sf insulated garage. He fabricates small parts, such as camera housings, in small quantities. It is all computerized and numerically controlled. He does research for universities. He takes his product to his clients. His hours of operation are 7am – 7pm.

Exhibit A-1 was marked, which are aluminum pieces of his product. (These will be kept with the application for 45 days.)

Mr. Zukoski explained there is no noise, fumes, odors, glare, exterior lighting evident, or employees with his business. He has parking for UPS deliveries, twice a week. As screening, he has a fence between his property and his neighbor. He takes his discarded aluminum chips to Recycling.

Mr. Zukoski has another 165 sf building which houses his gator but he desires to put his compressors in there, due to the humming sound. This is 3’4” from the garage. He plans to put in a phase converter to convert single phase electricity into triple phase to operate his machines.

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His accessory buildings do not exceed the 1,000 sf allowed by the Ordinance. There are 3 accessory buildings and a garage. He stores a lawn mower, leaf vacuum and small household items in the sheds.

The Ordinance requires 20' distance between all accessory buildings. Two of Mr. Zukoski's buildings have a distance of 19.4'. He is seeking a variance of .6 of a foot. The distance between the garage and the other shed to house compressors, is 3'4".

Mr. Zukoski admitted he put the sheds up without a permit. He learned that before putting buildings up, he must obtain a zoning permit. If the Board approves this application, he will have to comply with construction codes for the buildings. He has already been in contact with Ralph Price, CO, and everything is pending Board approval.

A Board member questioned when the sheds were put up. Mr. Zukoski responded about 2004. He also revealed that the garage was converted into a machine shop in 2003. Mr. Zukoski admitted he did not know permits were required for pre-fab sheds.

Bill Gold stated that most variances run with the land. He revealed that Mr. Zukoski agreed to a deed restriction, that whatever relief the Board would grant, with the machine shop as a home occupation, would not run with the land. The rights granted would not go to the next owner. If the new owner wanted to run a machine shop, they would have to come back to this Board.

Exhibit B-1 was marked, which was a series of 6 photos of the accessory buildings taken by Ted Rodman on 1/2/10.

Ted Rodman reviewed his report of 2/5/10. He recommended as conditions of approval, Items #4, 6, 7, and 8.

This section of the Hearing was opened to the public.

Andy Korosec, 3 Hickory Hollow Lane, was sworn in. He is an adjacent property owner. He stated that he has no objections and considers Mr. Zukoski an asset to the neighborhood. He pointed out that the property is neat and clean, with no noise.

Jackie Korosec, 3 Hickory Hollow Lane, was sworn in. She indicated that Mr. Zukoski's shop is so quiet she does not know when he is working. She doesn't mind buildings being close to her house, remarking that it is better than seeing equipment outside.

Matt Reynolds, 4 Hickory Hollow Lane, was sworn in. He stated that he has no objections. He feels the presence of sheds indicates a respect for the community. He commented the property is kept clean and the sheds enhance the property.

John Young, 11 Cobblewood Rd., was sworn in. He lives to the west of the applicant. He does not hear any noise. He supports the applicant.

Suzanne Britto, 7 Cobblewood Rd. was sworn in. She revealed that she feels safer during the day knowing Mr. Zukoski is working from home. She stated that if the property is sold, she would support a requirement necessitating the new owner to get a variance to use the property in the same manner, since the next person may not be as good a neighbor.

Tamara Young, 11 Cobblewood Rd., was sworn in. She commented the property is immaculate with no noise. She pointed out no one has any objections.

Attorney Gold feels that the Ordinance is elitist, in favor of professionals, who feasibly generate a lot of traffic.

Chairwoman Waldron indicated that she is not in favor of the Interpretation but would consider the variance. She stated that if anyone was allowed to do whatever they want to their property, it would be to the detriment of the community. The rules are still in place, the Ordinance may have been put in a long time ago but it still holds true. She stated that a machine shop, by definition, is not what the applicant is doing. If something else was being done, it could have a negative impact on the neighbors and community.

A Board member pointed out that the application listed that the machine business is in the garage, the other 3 sheds are used to store yard and personal equipment. He commented that tonight the Board is learning that the applicant wishes to put a compressor and some electrical equipment in a shed. Attorney Gold responded that when he completed the application, he didn't realize the air compressors are in the garage. Mr. Zukoski revealed if this application is approved, he will go to Ralph Price, Construction Official, to get an application to move the electric. He desires putting the compressors in the shed, due to the humming noise.

This Board member commented that putting in a machine shop is stretching the definition of a home occupation, such as a tailor or seamstress.

Roger Thomas interjected if there is a motion with regard to an Interpretation, then everything can be joined together.

Roger Thomas suggested that if the Board entertains the notion of a D "use" variance, requiring 5 affirmative votes, that motion be made first. He stated that if that is seconded, that it include:

- The use of the garage as a machine shop.
- The air compressor be kept in the shed.
- There be no employees.
- The variance not run with the land.
- There be a waiver of the Minor Site Plan requirement.

Action: A motion was duly made by Mr. Rivera, seconded by Mrs. Green to approve **ZB#01-10 Dominic Zukoski**, Block 902, Lot 12, 4 Cobblewood Rd. – Use Variance, with the aforementioned conditions. Roll call vote: Green, Ohannesian, Straut, Smith, Waldron, and Rivera – yes. Repasky – no.

Roger explained the next vote would be for the 2 bulk variances. One is for the separation between the buildings. The other is for the percentage of accessory buildings in relation to the principal building. He suggested that it include:

There be a requirement to incorporate Ted Rodman's recommendations as conditions, as per his report of 2/5/10, Items #2, 3, 4, 6, 7, and 8 in his additional comments.

Ted suggested that Item #2 be modified to allow for the use of one accessory structure for the compressor, as per previous motion - granting D variance.

Roger Thomas responded to Ted Rodman's question of additional fees due from the applicant. He explained that this is a matter that has not been brought by the applicant but rather it has been brought to the Board by the Board. Roger Thomas stated that it's the Board's motion and not particularly part of this application. So he doesn't know that fees would be appropriate in this case. He further stated that he does not think it is necessary to make that part of his findings.

Action: A motion was duly made by Mr. Rivera, seconded by Mrs. Green to approve **ZB#01-10 Dominic Zukoski**, Block 902, Lot 12, 4 Cobblewood Rd. – Bulk variances with the aforementioned conditions in Ted Rodman's report of 2/5/10. Roll call vote: Roll call vote: Green, Ohannesian, Straut, Smith, Waldron, Rivera, and Repasky — yes.

CORRESPONDENCE:

None

OTHER BUSINESS:

Darst Status – ZB#02-05

Last Frontier – ZB#02-06

Roger Thomas revealed that he was in court at the Appellate Division in New Brunswick on 2/1/10, and argued the case in front of a 3 judge panel. He is hopeful that a decision will be rendered within 4 weeks or so.

Verizon/All Walnut Valley – ZB#05-08 aka /“Cellco”

NEW BUSINESS:

None

PUBLIC PORTION:

There were no comments from the public, the audience was empty.

VOUCHERS:

Action: On a motion duly made by Mr. Rivera seconded by Mr. Straut, escrow and general vouchers, as attached to these minutes, were approved. Roll call vote: Green, Ohannesian, Anderson, Straut, Waldron, Rivera, Repasky and Sartori – yes. Mr. Smith abstained.

ADJOURNMENT:

The Chairman asked the Board for a motion to adjourn.

Action: On motion duly made by Mr. Sartori, seconded by Mrs. Green, and unanimously carried, the meeting was adjourned at 8:57 pm.

Respectfully submitted,

Marion C. Spriggs
Board Secretary