

**BLAIRSTOWN TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

June 14, 2011

MINUTES

The Blairstown Township Board of Adjustment met in regular session on Tuesday, June 14, 2011 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 Smith, Philip Rivera, Debra Waldron, and Mike Repasky. Andrew Straut was absent. Also present were: Board Attorney, Roger Thomas, Board Engineer, Ted Rodman, and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

Ted Rodman arrived at 7:32 pm.

THE SUNSHINE STATEMENT:

Chairwoman Waldron read the following statement:

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

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

Minutes of May 10, 2011 Regular Meeting

Action: A motion was duly made by Mr. Rivera, seconded by Mr. Anderson, to approve the minutes of May 10, 2011 Regular Meeting, as written. Roll call vote: Ohannesian, Anderson, Smith, Rivera, Waldron and Repasky – yes. Green abstained.

RESOLUTIONS:

Joel & Claire Balbi-ZB#03-11 – Block 2003, Lot 25 - 48 Hope Rd - **Incomplete**

Action: A motion was duly made by Mr. Rivera, seconded by Mr. Anderson, to approve resolution deeming **Joel & Claire Balbi-ZB#03-11** – Block 2003, Lot 25 - 48 Hope Rd., incomplete. Roll call vote: Ohannesian, Anderson, Smith, Rivera, Waldron and Repasky – yes. Green abstained.

ZB#02-06 Last Frontier-ZB#02-06 – Block 2003, Lot 23 – Hope Rd. – Use Variance

Roger Thomas asked this matter be deferred until the July 12, 2011 meeting.

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COMPLETENESS:

Joel & Claire Balbi-ZB#03-11 – Block 2003, Lot 25 - 48 Hope Rd - **Use Variance**

Certification of Taxes paid has been submitted.

Action: A motion was duly made by Mr. Anderson, seconded by Mr. Smith, to deem **Joel & Claire Balbi-ZB#03-11** – Block 2003, Lot 25 - 48 Hope Rd., complete. Roll call vote: Ohannesian, Anderson, Smith, Rivera, Waldron and Repasky – yes. Green abstained.

ZB#04-11 NWRHS Bd. of Education – Block 1402, Lot 21.01, 10 Noe Rd.,- Bulk Variance

James Fox, of Morris, Downing, Sherred, attorney for the applicant, confirmed that taxes have been paid, (Item #1 in Ted Rodman’s 6/10/11 Report). He indicated the Township waived the application fees. He further stated the escrow fees were paid.

He stated waivers were requested because this is a very large piece of property and they are trying to avoid the cost of a new survey which would exceed the cost of the sign. He declared this sign is not funded by taxpayers but by more than 80 private donors. They are asking to locate the sign exactly where the old sign is. He admitted it is slightly larger. He pointed out it is part of the 40th anniversary of the High School. He revealed, as Ted Rodman suggested, he has the dimensions of the original sign.

Ted Rodman explained, the applicant provided a portion of the original survey. He pointed out a section of the map reveals where the sign is going to be.

Ted Rodman recommended the completeness items be waived for Completeness and the Hearing be scheduled for next month.

Mr. Fox commented that he did advertise as a bulk and use variance.

Marion Spriggs stated she had not received a signed Certified Mail Receipt from Elizabeth Nykun. She pointed out that it was sent to the wrong address. Mr. Fox agreed, and indicated he has an affidavit from his secretary stating Ms. Nykun was waiving the notice. Roger Thomas suggested re-noticing her. Mr. Fox presented the aforementioned affidavit for the file.

Action: A motion was duly made by Mr. Anderson seconded by Mr. Smith, to deem **ZB#04-11 NWRHS Bd. of Education** – Block 1402, Lot 21.01, 10 Noe Rd.,- Bulk Variance - Complete. Roll call vote: Green, Ohannesian, Anderson, Smith, Rivera, Waldron and Repasky – yes.

PUBLIC HEARING:

Joel & Claire Balbi-ZB#03-11 – Block 2003, Lot 25 - 48 Hope Rd - **Use Variance**

Bruce Jones, Esq., represented the applicant.

James Kyle, PP, of Kyle Planning and Design, Hopewell, NJ, and Joel Balbi, 48 Hope Rd., were sworn in.

Mr. Jones explained that Joel Balbi is in the heavy equipment business located in the old railroad station on Hope Rd. He noted that Mr. Balbi rents out dumpsters, he owns, and stores them on his site.

Mr. Jones said that when Blairstown closed the Recycling Center, Mr. Balbi felt that was a service needed here.

He revealed that the applicant is seeking a variance that will permit him to collect recyclables from local residents. No major changes are planned.

Mr. Balbi anticipates 8 to 10 cars daily on a weekly basis. His normal business hours are 8a to 5p. Monday through Friday, Saturday from 8a until 12 noon. He stated in the winter, there is no traffic after dark. He plans only 1 employee to help. The dumpsters will be no more than 3 ½ ft. high for safety purposes. There will be no hazardous waste. Items must be sorted and he will be responsible. Recyclables will be brought off the site weekly. A sign listing what is accepted will be posted. A chain link fence will be put up for separation and safety. Gates will be locked after 5p. There are no plans for expansion.

Mr. Jones pointed out this would be a Class A facility, same as the Town's Recycling Center, which closed about 2 years ago. He said they must go to the County and will be in compliance with the State and County. David Dech, County Planner, recommended that Mr. Jones come before this Board first.

Ted Rodman stated he was told recyclable items would be glass, cans and paper. Ted Rodman suggested, no branches or electronics should be listed as conditions.

In addition to local residents, Mr. Balbi revealed the recycling will be available to surrounding towns but not to out-of-state residents.

This portion of the Hearing was opened to the public.

A resident questioned water runoff due to washing. Mr. Balbi replied the dumpsters are not washed. Mr. Balbi stated there will be no additional noise.

Mr. Kyle, PP, indicated the property contains 3.35 acres. He stated it is a pre-existing, non-conforming use. The zoning was changed from Highway Commercial to Community

Commercial. Previously, an application for a site plan for current use came before the Planning Board.

He explained the following exhibits which he left as part of the application.

Exhibit A-1 - An April 2007 aerial photo showing Lot 25, was marked

Exhibit A-2 – Photo #3 & #4 taken on April 2011, were marked

Exhibit A-3 - Photo #1 & #2, April 2011, were also marked.

In terms of the positive criteria, Mr. Kyle stated it is intended to serve the general public. Allows them to engage in state-mandated recycling, provides conservation of natural resources, reduces green house gases, provides jobs. It is centrally located along a major road. The site is adequately buffered and has adequate access. The present use of the property is compatible with the one proposed. The only need is for signage and fencing.

Negative criteria re: detrimental effects - Mr. Kyle stated no new impervious surfaces will be imposed. The access was reconstructed by State and County when the road was realigned. He said the assumption is that site distance and safe standards were part of the design. Additional traffic would be minimal.

Regarding the negative aspects in Ted Rodman's Report, Mr. Kyle said the applicant would agree to only Class A recyclables. Hours would be 8a-5p Monday through Friday, Saturday 8a until noon. Issues of lighting and signage will be addressed on the Amended Site Plan.

Roger Thomas asked if there would be no customers after dusk. Mr. Kyle responded "yes". He also agreed to have signs defining Class A recyclables. He also agreed as a condition, to have circulating plans for recycling purposes.

This portion of the hearing was opened to the public.

Robert Castellucci, Blairstown resident, questioned if the approval runs with the land. Roger Thomas responded affirmatively.

Rosalie Murray, Blairstown resident, stated she is in favor of granting this approval. She has used the Balbi dumpsters and found workers helpful and location clean.

Ted Rodman declared on the approval portion, the Plan has to be amended. Mr. Jones responded he does not know how long the Plan will take. He indicated Mr. Dech, assured him it should be a relatively easy process pending Township approval.

Roger Thomas interjected that Approval by the County consists of Amendment of the Plan. He believes there will be some action by the County with regard to its Solid Waste Plan to incorporate this before operation. He said this Board has no jurisdiction over that.

Mr. Jones commented that he hopes to run the two applications parallel.

Ted Rodman stated his concern is that the starting date may be affected if the County amendment to the Plan takes long.

Mr. Anderson framed his motion by stating approval would be on the condition that the site plan approval be obtained from the County.

Roger Thomas asked the Board for clarification of the reason for their motion. The Board responded the approval would be based upon the inherently beneficial use.

Action: A motion was duly made by Mr. Anderson, seconded by Mr. Rivera to approve **Joel & Claire Balbi-ZB#03-11** – Block 2003, Lot 25 - 48 Hope Rd - **Use Variance**, subject to the aforementioned conditions. Roll call vote: Green, Ohannesian, Anderson, Smith, Rivera, and Waldron – yes. Repasky – no.

ZB#01-11 Frank Giambrone, Block 1802, Lot 5.01, 1 Hoagland Rd – Bulk Variance

Richard Keiling, attorney for the applicant, explained when the applicant appeared before the Board on 4/12/11, there were questions regarding height concerns. He revealed since the prior appearance, he submitted a revised position statement.

Stan Konya, 148 Rt. 94, Blairstown, NJ was sworn in. He revealed he is a builder for 33 years. He had a meeting with David Diehl, Zoning Officer, and discussed the Height Ordinance of 25 ft. and the lay of the land of Mr. Giambrone’s property. They sought specific direction.

Exhibit A-4 - sketches and Exhibit A-5 – sketch by David Diehl, were marked.

Mr. Konya indicated a variance is sought because the plan is 1 ft. over. He stated the proposed building would be based on the calculation given by Mr. Diehl, which is 26 ft.

The revised measurements, grading and retaining walls were discussed.

Chairwoman Waldron asked if any blueprints were available. Mr. Konya replied, “No”.

Mr. Keiling pointed out that Mr. Giambrone’s RV is not going to be parked within the building.

Mr. Keiling pointed out there would be no electricity, no heat, and no running water. He stated it would not be used for living space or business purposes.

Mr. Keiling stated that Mr. Giambrone repairs commercial generators. He does not do this at home. Mr. Keiling stipulated Mr. Giambrone will agree that he will not conduct any business whatsoever at his home or this barn, as a condition of approval.

This portion of the meeting was opened to the public.

There was no public present.

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Roger Thomas summed it up as follows:

He declared the Board is looking at the size of the building in relationship to the Ordinance requirements. He stated what is authorized is a building that is 40% of the size of the principal structure. This building is 120%.

He pointed out the second variance is the height variance which has been represented to be 1 foot.

Mr. Keiling confirmed that the applicant meets all the sideline and setback requirements, even with the overhang.

Roger Thomas pointed out if the vote is an affirmative one, there are certain conditions that would apply. He stated there would be no water, electric, no business uses within the structure, the overhang would now be 6 ft., and that the architectural appearance of the structure will be similar to Exhibit A-4.

Action: A motion was duly made by Mr. Smith, seconded by Mrs. Green to approve both variances for **ZB#01-11 Frank Giambone**, Block 1802, Lot 5.01, 1 Hoagland Rd. pursuant to the aforementioned conditions. Roll call vote: Green, Ohannesian, Smith – yes. Anderson, Rivera, Waldron and Repasky – **NO**.

This application was denied.

CORRESPONDENCE:

PB Mins. of 4/18/11

Ltr. 5/16/11 from P. Pizzaia, Twn. Clk., to J. P. Fox, Esq., Morris, Downing, granting application fee waiver for NWRHS sign application

Ltr. 6/8/11 (recd. 6/13/11) from Blairs. Bus. Assn. to NWRHS re: proposed digital sign

OTHER BUSINESS:

None

NEW BUSINESS:

None

PUBLIC PORTION:

This portion of the meeting was opened to the public for comment.

Chairwoman pointed out there is no one in the audience at this time.

VOUCHERS:

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

ADJOURNMENT:

The Chairwoman asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Rivera, seconded by Mrs. Green, and unanimously carried, the meeting was adjourned at 9:31 pm.

Respectfully submitted,

Marion C. Spriggs
Board Secretary