

**BLAIRSTOWN TOWNSHIP  
LAND USE BOARD MEETING  
October 19, 2015**

**MINUTES**

The Blairstown Township Land Use Board met in a regular session on Monday October 19, 2015, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, David Keller, Nick Mohr, Mike Repasky, Paul Avery, Herman Shoemaker, Jim Sikkes, Debra Waldron, Dominic Daleo, and Mark Ohannesian, and Richard Mach.

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.

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

Minutes of the September 21, 2015 Regular Meeting of the Land Use Board were approved, as written.

**Action:** A motion was duly made by Mr. Keller seconded by Mrs. Green, to approve the Minutes of the September 21, 2015 Regular Meeting of the Land Use Board, as written. Roll call vote: Green, Keller, Repasky, Avery, Shoemaker, Sikkes, and Daleo - yes. Mohr, and Waldron – abstained.

**RESOLUTIONS:**

None

**COMPLETENESS:**

**PUBLIC HEARING:**

**LB#04-15 Frank Diehl & Allan Brucato**, (fmr. Blairstown Amb Bldg.), 2 Stillwater Rd., Blairstown, Blk. 1103, Lot 11 -- Use Var.

Mayor Shoemaker and Committeeman Avery recused themselves from this application.

Bill Gold, Attorney for the applicant, explained they are proposing a motorcycle repair shop. This is currently an R-5 zone. A Use Variance is requested which requires 5 affirmative votes. He noted the applicants intend to purchase the building @ 2 Stillwater Rd. from the Blairstown Ambulance Corps., who have owned this building since 1952.

Joe DiGrazia, President for The Ambulance Corps., was sworn in.

He noted that he is a 13 yr. mbr. of the Squad and is serving 4<sup>th</sup> term as President. He served on Twp. Comm. in 1998 & 99. He was Mayor in 1999. He served 2 terms on the BOA, totaling 17 years – ending 6 yrs. ago.

He stated, as President of the Corps., he has entered into a contract of sale with the applicants.

He revealed this building @ 2 Stillwater Rd., was used as collateral to build the new facility @ 108 Rt. 94. He explained all the equipment could no longer fit into the former building. He noted expansion of the footprint didn't work, and cost to go up 1 level, equated to ¾ of the cost of the new building. There is no interest in maintaining the former building as a satellite. He said the cost of operating 2 buildings is unaffordable.

A contingency would be repairing the existing septic system. The Corps. has applied for those permits. Mr. Di Grazia indicated the engineering was done and application submitted. A letter was received from the Warren Cty. Bd. of Health requesting 3 things. The Engineer submitted the revisions and now they await approval.

Mr. DiGrazia discussed flooding. He said there were at least 4, one-hundred year storms, that he can remember. He stated water came in 1 time during hurricane Irene, covering the garage floor with 1 or 2 inches. They had several days to prepare. There was no equipment damage and nothing was lost. The supply cabinets for storage, are a few inches off the ground.

Mark Ohannesian questioned if Mr. Gold brought an expert Planner. Mr. Gold responded he submits that Mr. DiGrazia's experience in the Township qualifies him, as he knows the character of the Township. Mr. Gold noted Mr. DiGrazia's position as seller can be taken into consideration. Roger Thomas interjected the testimony should be taken for what it is worth.

Mr. Gold noted, upon completion of sale, this building will now be on the tax roll.

Mr. DiGrazia testified the last repair done in the building was 20 years ago.

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

Allan Brucato, co-applicant, was sworn in. He testified they are proposing a motorcycle repair shop which would also include repairs of ATVs and mowers. They plan to sell parts for those types of vehicles. He stated operating hours would be 9am to 7pm, Monday through Saturday. No vehicles, equipment, or parts, will be stored outside. No change in lighting is planned. Waste oil will be recycled.

Frank Diehl, co-applicant, was sworn in. He testified there would be a rack system 16" above the floor. There would be lifts for vehicle repair. No vehicles will be worked on, on the floor.

Ted Rodman had conversations with David Diehl, Zoning Officer & FPM. He said Mr. Diehl is satisfied the proposal regarding the storage of equipment, would be above the Base Flood Elevation which is required by FEMA.

A Memorandum dated 10/19/15, was submitted by David Diehl, Zoning Officer & CFM. It revealed the bay floors were at 343.53 feet and the base flood elevation is 343.6 feet.

Mark Saalfield, Supr. of Blairstown Elementary School, indicated at his Bd. of Ed meeting, support was indicated for this proposal. Noise, as a factor, was ruled out since the school is air-conditioned and the windows are kept closed.

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

The following Exhibits were marked:

A-1 Survey dated 9/10/15

A-2 Photo of the front of existing building (2 Stillwater Rd.)

A-3 Photo of side of existing building

A-4 Photo of bay, facing west

A-5 Photo from the front of the building through bay #1 door

A-6 Photo from the front of the building through bay #2 door

A-7 Elevation Certificate from FEMA

A-8 Schematic racking system inside the building

A-9 David Diehl's Certification Certificate as ASFPM Floodplain Manager

At 8:52pm, Chairwoman Waldron announced a 5 minute break.

The meeting resumed at 8:57pm.

Ted Rodman's report of 9/17/15 was reviewed. He suggested Items #4 through #10 as conditions.

Mr. DiGrazia noted re: Item #4 - there are 2 floor drains in the building, 1 in each bay. He declared both of these drains will be lawfully sealed before the transfer of title.

The following people were sworn in and gave testimony in support of this application:

Ron Schone, who owns ACE Hardware, Blairstown, endorses this application to keep commerce going. He does not want to see an empty building.

Dirk Herrmann, who is the President of the Board of Ed of Blairstown Elementary School, said the general thought of the BOE was that someone wants to invest in our community, and should be welcomed. He noted the neighboring Elementary School, which is approximately 100 yards away, is air-conditioned, so noise is not a problem anymore than when the landscapers are mowing the lawn. There doesn't seem to be a lot of good uses for this building. He said this applicant seems to fit. They are happy to see the building occupied.

Jeanette Iurato, Blairstown, revealed she is under contract to buy the "red barn" Stan Udell building, within 10 days. She is excited to see the proposed building will be filled, occupied, and on the tax roll.

Joseph Cardosa, Columbia, has known Frank Diehl 7 or 8 years. He stated Mr. Diehl's workshop is meticulous. He has lots of support to remove vehicles in case of flood.

Chairwoman Waldron reiterated this is a concern, and appreciates his testimony. He supports this application.

Frank Diehl Sr., father of applicant, he supports his son, and his friend – 100%.

Hearing no further question or comment, this portion of the Hearing was closed to the public.

Bill Gold, reiterated they are here for a use variance. They are seeking a Site Plan waiver since nothing is being done to the outside of the building. He explained this is an existing building, in a flood plain. His clients are doing everything humanly possible to mitigate any danger to downstream from flooding. He pointed out that Mr. DiGrazia's testimony reflected past floods were not Tsunami type but they had warning and were able to deal with it. There was no damage to equipment.

To summarize criteria:

No detriment to the public  
No expansion can occur – due to flood plain  
Located in a commercial area  
Waste fluids will be recycled  
Storage will be above base flood elevation  
Floor will be epoxied  
Noise will not affect air-conditioned school

Roger Thomas recommended 2 votes. The first vote would be for the D variance which requires 5 affirmative votes. The second vote requires the majority, and would be for a waiver of Site Plan.

He recommends, if the LUB approves, the motion in favor, would include:

Items 4 through 10 in Ted's report of 9/17/2015.  
Testing of vehicles towards Rt. 94.  
Epoxying of all the floors, for cleanliness.  
There will be an annual Inspection by the Zoning Officer and Flood Plain Manager.

He reiterated the motion to approve the Use Variance requires 5 affirmative votes.

**Action:** A motion was duly made by Mr. Sikkes seconded by Mr. Daleo, to approve **LB#04-15 Frank Diehl & Allan Brucato**, (fmr. Blairstwn Amb Bldg.), 2 Stillwater Rd., Blairstwn, Blk. 1103, Lot 11 - – Use Var. with the above-mentioned conditions. Roll call vote: Green, Keller, Mohr, Repasky, Sikkes, Waldron and Daleo - yes.

Roger Thomas declared if this Applicant chooses to do something that requires a modification of the footprint of the building, they will have to come back to this Board for purposes of review. He pointed out this Waiver of Site Plan vote would include all LUB members, except those recused.

**Action:** A motion was duly made by Mr. Keller seconded by Mr. Sikkes, to approve **LB#04-15 Frank Diehl & Allan Brucato**, (fmr. Blairstwn Amb Bldg.), 2 Stillwater Rd., Blairstwn, Blk. 1103, Lot 11 – request for Waiver of Site Plan for this application, (not for life). Roll call vote: Green, Keller, Mohr, Repasky, Sikkes, Waldron, Daleo, Ohannesian and Mach - yes.

**LB#05-15 Turf Pro, LLC**, 9 Artist View Lane, Blairstwn, Blk. 803, Lot 4.15 -- Use Var

Mayor Shoemaker and Committeeman Avery recused themselves from this application.

Chairwoman Waldron stated this matter will be carried until the 11/16/15 LUB meeting.

**CORRESPONDENCE:**

None

**OTHER BUSINESS:**

(FormerLB#01-12)**LB#06-13 John Clark**, Blk. 801, Lot 1,2.01No rd frontage-**9/2/15 Summons**

Roger Thomas indicated there has been a Prerogative Writ Complaint filed. His office responded. He anticipates conversations with Michael Selvaggi, Esq., Mr. Clark's attorney. Any proposals will be directed to the LUB, and will be discussed in Executive Session.

**COAH**

Roger Thomas indicated, though he has not been hired to represent Blairstown Twp., he has had a conference call with Darlene Green, Blairstown's Professional Planner, and Kevin Benbrook, Esq., Blairstown's Municipal Attorney. Mr. Benbrook noted that Twp. Comm. authorized Darlene Green to start working on her portion of the project. This is necessary so that she can defend the Township's position.

He noted Blairstown has become part of a consortium of about 230 municipalities who agreed to each spend \$2,000. to utilize an outside consultant called E-consult, to rebut the analysis done by The Builders' Association and The NJ Fair Share Housing Center.

Roger Thomas recommends Blairstown get an extension of time for an Order of Immunity until the end of March, 2016. The general rule from the various judges is, that they have given 5 months from the date of the filing. He has spoken with Judge Miller, who is assigned Blairstown, regarding this. Judge Miller indicated a motion must be filed, and most likely it will be granted.

Roger Thomas noted that The Fair Share Housing Center has filed motions throughout the state objecting to request by towns for an extension. This covers all that have, presently are, or in the future will be filed.

The E-consult Report will not be available until December, making it impossible for towns to deal with this.

Mayor Shoemaker asked if Mr. Benbrook is working on that. Roger Thomas responded he will be talking to him and that he is willing to give him some formats to assist him.

Nick Mohr pointed out that his research revealed that Fair Share Housing has a p/r campaign targeting those consortium towns. They object to those towns, as shunning their constitutional obligation, looking for stalling tactics to build a case. He noted the press in south Jersey is publishing a lot more articles regarding this.

Roger Thomas responded this does not change his opinion. He noted the Fair Share Housing Center is located in south Jersey, hence more press.

He explained if Blairstown was to withdraw, they would be out \$2,000. and have to rebut 2 reports by The Builders' Assn., as well as The Housing Ctr. He noted that would cost the Township \$75,000. minimum.

He and Mr. Benbrook agree that Darlene Green, PP, needs to look at the analysis done by the E-consult group and presumably agree on the methodology. When it comes to individual municipalities, they are looking at the data on a macro basis whereas Mrs. Green, will look at the data on a micro basis.

Mr. Mohr interjected the number is 139 units by 2025. Roger Thomas stated the number by E-consult will hopefully be lower. He said, then the micro information from Mrs. Green, will be able to get that number even lower. That is the approach he is taking.

Mayor Shoemaker indicated he's been told these numbers are being based on 2007 which was a high time.

Chairwoman Waldron added that her husband, who is a builder, does 1 charity case per year for people whose houses have been destroyed, for example, by fire, through no fault of their own. The last 3 cases were in the last 6 months, and they all have huge COAH fees. She is asking Blairstown to take that obligation away by mitigation, so they don't have that fee involved, as they are rebuilding. She mentions this, so that Mayor Shoemaker can bring this back to Twp. Comm. and get back to her, so Mrs. Green can draft something that would be exclusionary for something like that. To clarify the COAH fee, this is a fee associated with a new building permit.

**NEW BUSINESS:**

None

**PUBLIC PORTION:**

There were no members of the public present at this time.

**VOUCHERS:** Professional services rendered.

**Action:** On a motion duly made by Mr. Sikkes, seconded by Mr. Keller, escrow vouchers,

as attached to these minutes, were approved. Roll call vote: Green, Keller, Mohr, Repasky, Avery, Shoemaker, Sikkes, Waldron and Daleo – yes.

**ADJOURNMENT:**

Chairwoman Waldron asked the Board for a motion to adjourn.

**Action:** On a motion duly made by Mr. Keller, seconded by Mr. Repasky, and unanimously carried, the meeting was adjourned at 9:32pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary