

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
October 20, 2014**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, October 20, 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 and Dick Mach. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas. Board Secretary, Marion Spriggs, was absent, due to surgery.

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

Minutes of the July 21, 2014 Regular Meeting of the Land Use Board were approved, as written.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mrs. Green to approve the Minutes of the July 21, 2014 Regular Meeting of the Land Use Board, as written. Roll call vote: Anderson, Green, Keller, Mohr, Avery, Shoemaker, Waldron, Smith, Price, and Daleo – yes. Repasky, Sikkes, and Mach - abstained.

RESOLUTIONS:

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

Chairwoman Waldron declared this resolution will not be voted on because documents which were supposed to be forwarded to Ted Rodman, are missing.

Roger Thomas noted Resolution Condition #10 states applicant must provide copies of retaining wall plans and copies of modified plans showing location of electrical service, utilities, and air conditioning and heating. Since he has not received those, Roger Thomas noted, Ted Rodman will be requesting same within the next week.

COMPLETENESS:

None

PUBLIC HEARING:

LB#06-13 John Clark, Block 801, Lot 1, 2.01 No road frontage

Chairwoman Waldron stated this matter is being carried until the next meeting on 11/17/14.

Roger Thomas commented he will be in touch with attorney Hilgendorff to discuss the status and what needs to be accomplished before returning to the Board.

LB#02-14 NWRHS, Blk.1402, Lot 21.02, 10 Noe Rd., - **Rezone** request

Roger Thomas noted information was to be sent by NWRHS to the Board's Planner. The applicant's consultant had technical problems and information was received too late for the LUB Planner to respond. He said it is important to note, since this application has been carried for considerable period of time, NWRHS has agreed to renounce. It is scheduled for the 11/17/14 meeting.

LB#05-14 Breathing Room Center, LLC, Block 1209, Lot 4, 21 Main St. – **Interpretation**

Ted Rodman stepped down for this application.

David Paulson, of Hardwick, was sworn in. He and his wife Cheryl have been in the business for 5 years. They own property on the corner of Water St. in the center of Blairstown. They wish to relocate from Rt. 94 Frelinghuysen to Main Street.

Their application for a Zoning Permit for 21 Main St., was denied by David Diehl, Zoning Officer, for non-conformance to the Village Neighborhood Zone. He suggested they apply to the Board for an Interpretation of the Ordinance.

Mr. Paulson wishes to address the following main points, referencing the Ordinance:

Conducting retail sale of small, portable goods – He stated 30% of revenue is from sale of retail goods. They are hoping the move will help sales grow.

Recognized professional use – His wife, Cheryl, underwent a 500 hr. course for certification as a Yoga Instructor.

Impact on other Main St. businesses – There is no noise generated in this business. He feels there is no impact on the surrounding businesses.

Parking – To mitigate parking, they have a letter dated 10/20/14 from Pastor Harvey, of the First Presbyterian Church, authorizing use of the Church parking lot and welcoming the business.

They wish to move their business to Main St. to be part of the solution to the downtown area. He stated about 100 people attend classes per week. He commented this would benefit other businesses in the area.

He noted the hours would be 7-8am until about 7:30pm. Saturday hours are only in the morning. They are rarely open on Sunday. Mr. Paulson mentioned they would adjust their schedule on Sunday to accommodate the Church's parking. A typical class consists of not more than 10 people.

Cheryl Paulson, wife of David Paulson, of Hardwick, was sworn in. She stated on Tues. there is one class that follows another but there is a 20 minute break in between. She believes there will not be a resulting parking problem.

Mrs. Paulson revealed that certified instructors pay her rent to run their own classes. They carry their own insurance. They are not considered employees. She does not pay them. She is not always there while classes are conducted.

David Diehl's memo to Mrs. Waldron and Mr. Thomas, dated 10/20/14, expressing concern with parking, was shown to Mr. Paulson. Mr. Thomas clarified, at the time, Mr. Diehl wrote it, he was unaware of the solution proposed by Pastor Harvey.

Mr. Thomas noted capacity of the building is subject to the appropriate fire regulations.

Michael Repasky stated the number of permitted people is determined by Code, based on type of construction and the square footage in the room, not personal opinion of a Fire Inspector. It is determined by law.

Nick Mohr noted the regulations are imposed by the State of NJ, Division of Consumer Affairs, Fire Safety Division.

This portion of the Hearing was opened to the public.

Dirk Herrmann, of Blirstown, who is also a Blirstown business owner, stated his fiance is an instructor with the facility. He noted instructors carry their insurance and have spent hours of training to obtain certification. He commented it is not like the business is being unmanaged by the owners.

He feels the Planning Board, over the last 30 yrs., has limited growth of the town to maintain a rural character. He feels dynamics have changed, economy is poor. He feels Blirstown needs to be more welcoming to new business.

Chairwoman Waldron defended the fact that this Board weighs very carefully, the negative impact on the community. She stated to change a zone, to allow a service to be provided, without knowing what that service is, can negatively impact a town. The Board is here to grant relief to have good business cooperative.

Vice Chairman Sikkes, took exception to Mr. Herrmann's comment. He disagrees that the Board has been negative towards bringing businesses into the Town. He noted, for example, Rite Aide exists because of his recommendation. He feels Mr. Herrmann's comments were out of order.

Mayor Shoemaker declared that decisions are based on ordinances and other rules that are in place. He doesn't like any inference that the Board's own agenda was setup because they did not like something. He noted he setup a committee which is reviewing all the Ordinances. He has another group reviewing the economic development of the Town.

Chairwoman Waldron, asked Mr. Herrmann to return with suggestions which would be of value since he has spent many years on the Planning Board.

Pastor David Harvey from Blairstown First Presbyterian Church offered his support for the positive aspect the business would bring to Main St. The decision to offer use of the church parking lot was discussed at length, amongst church members, before its approval.

3 Members of Gallery 23, as well as Mark Clifford, of the Blairstown Theater, voiced their enthusiasm with the addition of this business complementing Blairstown as a very good fit. They all positively supported it and noted surrounding businesses may benefit from additional clientele coming from Yoga classes.

Roger Thomas recommended the following conditions, if this application is approved as a related health-care facility:

Operating hours - 8am to 7:30pm

Operation of yoga studio and sale of goods is strictly limited to the first floor

Approval is subject to all outside agency reviews regarding the activity

Approval is subject to Applicants continuing to provide alternative parking

15%, minimum, of the space, should be used for retail sale of yoga-related goods

Approval subject to appropriate fees and taxes.

Action: A motion was duly made by Mr. Keller, seconded by Mr. Sikkes to approve **LB#05-14 Breathing Room Center, LLC**, Block 1209, Lot 4, 21 Main St. as an accepted use in the Village Neighborhood zone, subject to aforesaid conditions. Roll call vote: Anderson, Green, Keller, Mohr, Repasky, Avery, Shoemaker, Sikkes, and Waldron – yes.

CORRESPONDENCE:

Chairwoman Waldron read Jim Sikkes' thank you note to the Board for their gift he received during recuperation from his surgery.

OTHER BUSINESS:

None

NEW BUSINESS:

None

PUBLIC PORTION:

No members were present.

VOUCHERS: Professional services rendered.

Action: On a motion duly made by Mr. Keller, seconded by Mr. Repasky, escrow vouchers, as attached to these minutes, were 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. Repasky, and unanimously carried, the meeting was adjourned at 8:59pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary