

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
September 16, 2019**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, September 16, 2019, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, David Keller, Richard Mach (arrived 8:02 p.m.), Rosalie Murray, Steven Sikkes, Debra Waldron, Wickliffe Mott, Norman Talley, Adam Baker, and Chairman James Sikkes. Nicholas Mohr and Michael Repasky were absent. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Linda Grohs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read.

LAND USE BOARD DEADLINE DATES:

Chairman Sikkes stated that submission of information supporting applications must arrive at Town Hall **10 calendar days** prior to meetings.

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

Mr. Keller advised that the word "site" should be "sight" in two places on page 5, and an "unfiled" application should be changed to "unsatisfied" as advised by Roger Thomas.

Minutes of the August 19, 2019 Regular Meeting of the Land Use Board were approved with changes.

Action: A motion was duly made by Mrs. Waldron, seconded by Mrs. Green, to approve the Minutes of the August 19, 2019 Regular Meeting of the Land Use Board.

Roll call vote: Green, Keller, Murray, S. Sikkes, Waldron, Mott, Talley, Baker, and J. Sikkes – yes. Absent – Mach, Mohr, and Repasky.

RESOLUTION:

LB#05-19, Nicholas Fluri Sr. & Jr., Block 1601, Lot 3.01, 140 Cedar Lake Road, Minor Subdivision with conditions (conforming minor one-lot subdivision without variances)

Mr. Thomas stated that this resolution was approved and is ready to be memorialized.

Action: A motion was duly made by Mrs. Waldron, seconded by Mrs. Murray, to memorialize the Resolution.

Roll call vote: Green, Keller, Murray, S. Sikkes, Waldron, Mott, Talley, Baker, and J. Sikkes – yes. Absent – Mach, Mohr, and Repasky.

FOURTH (4TH) EXTENSION:

LB#06-15, First Presbyterian Church, Block 1206, Lot 1, 1 Main Street, Preliminary & Final Major Site Plan. Pastor David Harvey's request for a fourth (4th) extension.

Reverend David Harvey introduced himself and provided his home address as 20 Maple Lane, Blairstown, NJ. The address of the First Presbyterian Church is 1 Main Street, Blairstown. His purpose tonight is to request a twelve-month extension to the elevator/stairs project that the Church is undertaking. Their last extension was through August 19, 2019, for which they did have a groundbreaking. The architectural plans are in place and have been sent out to bid. They only received one bid that was higher in cost than envisioned by about 30%. If they are permitted to get an extension, they would resend out for bid and begin the project in the Spring of 2020 with a completion date of approximately October 2020. To be on the safe side, they would be grateful for an extension through December 2020.

There were no questions from the Board. Chairman Sikkes opened to the Public for questions and there were none.

Chairman Sikkes asked for a motion from the Board for an extension.

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. Keller, to approve the fourth (4th) extension for the First Presbyterian Church through December 2020.

Roll call vote: Green, Keller, Murray, S. Sikkes, Waldron, Talley, Baker, and J. Sikkes – yes. Abstained – Mott. Absent – Mach, Mohr, and Repasky.

COMPLETENESS:

LB#09-19 Klazina DeVogt, Block 1603, Lot 5.08, 48 Mt. Hermon Road, C Bulk Variance

Mr. Thomas stated there was a letter from the Applicant's Attorney dated September 16, 2019, stating that they did not anticipate attending on behalf of the applicant and requesting a waiver for completeness only on the seven (7) items outlined in Mr. Rodman's report. Mr. Rodman commented that anything waived would be addressed at the Hearing, and that most items were not serious and could be made conditions of approval.

Chairman Sikkes abstained due to the possibility of his property being within 200 feet of the Applicant's property.

Mr. Thomas asked for a motion to either deem the application complete with granting of waivers or deem incomplete for whichever portions of Mr. Rodman's report that are critical.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Waldron, to deem the application complete with granted waivers.

Roll call vote: Green, Keller, Murray, S. Sikkes, Waldron, Mott, Talley, and Baker – yes. Abstained – J. Sikkes. Absent – Mach, Mohr, and Repasky.

PUBLIC HEARING:

LB#07-19 David Berberian, Block 2101, Lot 4.02, 141 Hope Road, C Bulk Variance

Mr. Richard Keiling introduced himself on behalf of Sabrina and David Berberian.

Mr. Thomas stated that he and Mr. Keiling have had conversations throughout the day/this evening that this application is for a bulk variance with regard to a barn. Information on file (which he has shared with Mr. Keiling) potentially indicates that the nature of this variance (while it may also be a C Variance) may also be another type of variance. Mr. Thomas referred to advertisements that have been made available indicating "Interested in Fox Hunting?" and "SVH Intro to Foxhunting Clinic" which was to take place on Saturday, September 14, at 9 a.m. at Black Town Stables, 141 Hope Road, Blirstown. There was also another advertisement about Spring Valley Hounds 2019 newsletter with pictures and welcomes to the new SVH Kennels. These discuss activities beyond what are authorized in the R-5 Zone and talk about kennels, which are not a permitted use in that zone. Mr. Thomas stated that this needs to be clarified prior to addressing this application. He recommends to Mr. Keiling that if the application needs to be dealt with as a D Use Variance with the proper Notice, that it be put off until the October Land Use Board Meeting. If Mr. Keiling does not agree, then he can discuss as an Interpretation. It is up to the Board whether they hear this application as an Interpretation.

Mr. Keiling categorically stated that this is not a D Variance. His client produced a newsletter concerning the accommodating of her own animals, her own dogs. They do not rent space for anyone to have their dogs overnight, they don't breed, and they don't allow anyone to come and board their animals at all. The word kennel was just used, and his client's vet will testify as to what occurs at the property. His clients will address what happens at the property, and they will address the pictures and photos Mr. Thomas mentioned as to why they were produced and what they were for.

Mr. Thomas stated that the word "clinic" sounds like a business enterprise, and Mr. Keiling said they will address this. Mr. Thomas understands that Mr. Selvaggi is here to represent a client, and Mr. Selvaggi needs to be aware (as does Mr. Keiling) that this is becoming an Interpretation Hearing. Both attorneys will be given an opportunity to be heard and present witnesses as appropriate. The Board needs to decide if they want to have testimony regarding the Interpretation tonight. The Interpretation will not address the substance of the application; it is rather a procedural mechanism to determine what you are trying to review. If you are dealing with a C Variance, it has a certain standard which you are all familiar with. If you are dealing with a D Variance, it has a much higher standard in terms of proof and in terms of the number of votes that are necessary.

Mr. Selvaggi did not anticipate the direction this application has taken, but he does have a question. The Municipal Land Use Law (MLUL) does not require Notice for an Interpretation; some local ordinances do and he doesn't know if Blirstown does. Mr. Keiling stated that his Notice was for a C Variance and/or any other Variances deemed necessary. Mr. Thomas answered that normally that would be the case, but this is an Interpretation and is not generally considered to be in the scope of an application. Mr. Selvaggi stated that this is an application for a bulk variance, and this application is something entirely different than what was applied for. Mr. Keiling answered that is only true if there is a business operating there, and there is not. Mr. Thomas again reiterated that this is why this needs to be an Interpretation.

Mr. Mach arrived at 8:02 p.m.

This application was put on hold at 8:05 p.m. with Mr. Keiling's approval, and the Board decided to proceed with the next application while the matter of Notice for an Interpretation was researched.

The Board returned to this application at 8:43 p.m. Mr. Keiling agreed that the application would be put off until the Notice requirement was resolved and would present at the October Land Use Board meeting.

There was no motion for this pending application as it will be carried to the October 21, 2019 meeting as an Interpretation application. The municipal requirement for Notice for an Interpretation will be researched and communicated to the Board and Applicant/Attorney.

LB#08-19 Blair Academy (Steckel House), Block 906, Lot 13, 2 Park Street, Preliminary / Final Major Site Plan and D Use Variance

Mrs. Waldron and Mr. S. Sikkes recused themselves from this application.

Mr. Michael Selvaggi of Lavery, Selvaggi, Abromitis & Cohen introduced himself, representing Blair Academy for a Use and Bulk Variance and a Site Plan application. The D Use Variance is required as Blair Academy itself is a non-permitted use in the R-5 District. Any activity, construction or expansion to the existing facility requires a D(2) Variance. They will have testimony by their Engineer / Planner. The application was deemed complete last month with waivers, and Notice has been completed and Proof of Publication submitted to the Land Use Board Secretary.

Mr. Paul M. Sterbenz was sworn in by Mr. Thomas, who verified that he is a licensed engineer in New Jersey as well as several other states. Mr. Thomas also confirmed that Mr. Sterbenz has represented various municipalities around the State as a professional engineer. Mr. Sterbenz has testified before various Land Use, Planning, and Zoning Boards around the State and has been qualified as a professional engineer before those Boards. Mr. Sterbenz has been a professional Planner since 1989 and represents several municipalities as their Planner. He testified before this Board on March 19, 2018 for the Bogle Hall project on the Blair Academy campus.

Mr. Sterbenz explained that Blair Academy is situated on Block 906, Lot 13, in the Township of Blirstown, and the address for the campus is 2 Park Street. Blair Academy is a private school campus with a mix of academic and residential buildings as well as cultural and recreational facilities. The area of Lot 13 in Block 906 is 181.05 acres. One of the residential buildings and the subject of tonight's application is the Steckel House. This residence is a detached, single-family residential dwelling that is utilized by a faculty member. This dwelling has three bedrooms in it, and it is situated at the end of the campus driveway that begins at Academy Drive, adjacent to Bogle Hall. The Steckel House is located adjacent to another detached, single family house known as the Rea House. These two houses collectively are located about 400 feet south and west of Bogle Hall. Bogle Hall was a matter that the Land Use Board approved back on March 19, 2018, for a building addition. Steckel House is a one-story dwelling and has a footprint of 2,034 sq. ft. There is also an attached wood deck with a footprint of approximately 266 sq. ft. The Steckel House does not have a garage, but there is a paved driveway for parking for this dwelling. There is a paved sidewalk that provides ingress and egress for pedestrians between the driveway and the house. The Steckel House is not visible from Park Street due to the topography of the campus. There is a very steep slope that extends northerly into the campus from Park Street. There is also a considerable amount of vegetation that also screens the dwelling. The Steckel House is located approximately 600 ft. at its closest point to Route 94. This property is located in the single-family residential R-5 Zone, and private school campuses are not a principal permitted use in the District. This application is for Preliminary and Final Major Site Plan approval as well as requests for several variances, including a Use Variance.

Mr. Sterbenz explained that Blair Academy is seeking approvals to remove and rebuild the Steckel House. The proposed replacement home will have two dwelling units with the associated driveways, sidewalks, and decks that will replace the current Steckel House structure. The new units, similar to the current situation, will only be used by

Blair Academy faculty members. Each unit will have their own attached garage which would be available for residents. The proposed improvements are depicted on an eight (8) sheet site plan that was submitted to the Board. Mr. Sterbenz reviewed the demolition plan on Sheet 2 of 8. The Steckel House, deck, driveway and sidewalk network will all be removed. The septic system that services this building, north of the structure, will be removed. To the east of the structure is a lightly wooded slope area. There are a few accessory shed structures which will be removed. Some individual trees to the north of the Steckel House as well as some lightly wooded areas to the east will also be removed. On Sheet 3 of 8, there is the dimension plan which shows the footprint of the new structure. The proposed structure is a new two-story residential structure with two units dedicated to faculty members. The footprint of the new structure is 5,215 sq. ft., which is larger than the original structure which was 2,034 sq. ft. Each unit will have a one-car garage, and access to the garage will be provided by an 18 ft. wide bituminous concrete driveway. The driveways will have different lengths; the westerly one is 40 ft. in length, and the easterly driveway is about 70 ft. in length. The length of the driveway, coupled with the attached garage, will provide adequate parking with two spaces per unit. There are sidewalks proposed to provide ingress and egress for pedestrians from the driveways. Each unit will have a 220 sq. ft. attached deck. There is a small modular block retaining wall that will line the driveway to the easterly unit to try to transition the grade from the driveway to the slope area to the east. It is being installed to minimize the amount of slope and grading that would be needed on the east side of the easterly unit.

Chairman Sikkes asked how much disturbance there would be to the land, and Mr. Sterbenz answered that it would be 27,480 sq. ft. or about 2/3 of an acre. Chairman Sikkes asked about water runoff, and Mr. Sterbenz answered that Sheet 4 of 8 depicts the grading and drainage which answers this question. The area around the Steckel House is in three (3) different watersheds. The area on the north side of the development drains to Golf Course Road. The area near the westerly dwelling unit drains to the south and west toward Park Street, and most of the water runoff drains to the south and east to a closed depression just south of Bogle Hall. This was discussed extensively during the Bogle Hall hearing and this is a depression with no outlet to it. There is very granular, sandy soil there and any water that gets into it percolates into the ground. At the Bogle Hall development that became the detention basin for the development for the increasing runoff for that project and the same will be true for the portion of this disturbance that is being drained.

Chairman Sikkes asked where the septic would be located, and Mr. Sterbenz answered that there will not be a septic for this as the proposal is to connect this two unit structure to the sewer system on campus. The proposal is to maintain existing drainage patterns.

Mr. Sterbenz discussed the increased building coverage and impervious coverage. The building coverage increase campus-wide is 3,036 sq. ft. and building coverage increases from 2.97% to 3.01% with no compliance issues. The overall impervious coverage is an increase of 4,588 sq. ft. which means the impervious coverage on campus increases from 13.76% to 13.82% which is a variance situation which will be addressed later. The Board granted a bulk variance for Bogle Hall to allow a slight increase similar to this application with respect to the overall impervious coverage. Based on the fact that the increase of impervious coverage is 4,588 sq. ft. and an overall disturbance of 0.63 acre, this project is not a major development from the perspective of the Land Use Ordinance 19-502, similar to Bogle Hall. The Steckel House is serviced by a septic system which will be removed, and a connection to the campus' sewer system will be made. The wastewater treatment plant on campus is rated for 50,000 gallons per day, and the flow is generally in the low to mid 20,000's, which is well below capacity of the plant. The plant can accommodate the flow from these two dwelling units. The Steckel House is currently connected to the campus' water distribution system, and the proposed structure will also be connected. Each dwelling unit will have its own water shutoff. The aerial electric lines that service the Steckel House and the Rea House will be removed and replaced. Immediately east of the driveway there will be a new utility pole with underground service being run to the new Steckel House and the existing Rea House. Regarding soil erosion and sediment control, they have a plan which will be submitted to the Warren County Soil Conservation District this week.

Sheet 7 of 8 addresses landscaping with a foundation planting package. There will be 96 total plantings with each unit having 48 plants in front of it. There are no yard plantings, but there will be in the future and are usually handled by the faculty members occupying the units. Regarding lighting, it will be typical residential lighting. There will be wall mounted fixtures at doorways and at garages and rear entrances to decks. There are no pole mounted fixtures. Mr. Thomas asked for confirmation that lighting would be pointed downward and Mr. Sterbenz confirmed. There will be no signage proposed for this residential project. Refuse and recyclables generated by the occupants will be collected by the staff at Blair Academy and brought to refuse / recycling enclosures that exist on campus. There will be no garbage cans left out.

Mr. Selvaggi now addressed the D Use Variance as they are expanding a pre-existing, non-conforming use. Two-family dwellings are not permitted in the R-5 Zone. Mr. Selvaggi stated that there is a slightly different standard to a use that is not permitted under any circumstances and a use that is not permitted but has been sanctioned and is

being expanded. The expansion of this two-family structure needs D(2) relief and Mr. Selvaggi asked whether they needed to run through the D(1) analysis as well. Mr. Thomas asked Mr. Sterbenz to highlight both briefly.

Mr. Sterbenz stated that there are three (3) variances requested. The first variance is requested from the use provisions of 19-405 (a) of the LDO to permit an expansion to a residential building and an increase in the number of residential units on the campus where such use is not permitted in the R-5 Zone, which is a D(2) variance. There is a Bulk Variance requested due to impervious coverage increasing from 13.76% to 13.82%, and the maximum permitted lot coverage in the R-5 Zone is 10% so this is exacerbating an existing nonconformity. There are two prongs of the criteria for a use variance where the project advances the purposes of zoning, and the negative criteria where they demonstrate that the variance can be granted without substantial detriment to the public good. The positive criteria is satisfied as schools are an inherently beneficial use, and Mr. Thomas stated that the position of Blair is well established. The negative criteria addresses four (4) balancing steps which are (1) public interest, (2) detrimental effects, (3) approval conditions that mitigate detrimental effects, and (4) analysis/comparison of the positive vs. negative criteria. This project satisfies Step 1 by the advancement of public education at Blair Academy, whereby the residential unit will be used and occupied by family members and the additional unit will be dedicated to a faculty member. These units in total will enhance the academic experience at Blair Academy. Step 2 addresses the negative effects which are increased stormwater runoff and the potential increase of visibility to the footprint. Step 3 is approval conditions where the project runoff increases are directed to the closed depression as shown on the map, and there will be no issues. Regarding the footprint increase, this is a brand new structure and has much more appealing architecture than the worn Steckel House. Mr. Rodman's comments on potential conditions will be adopted in the resolution. The assessment of positive vs negative criteria will not be a detriment to the Township of Blairstown. There is no increase in traffic.

The C(2) Bulk Variance addresses five (5) criteria which are (1) must relate to a specific piece of property, (2) the Municipal Land Use Law is advanced by the proposed deviation, (3) the benefits outweigh any detriments, (4) the variance can be granted without substantial detriment to the public good, and (5) the variance will not substantially impair the intent and purpose of the zoning plan and zoning ordinance. Mr. Sterbenz explained that this variance does relate to Lot 13 in Block 906. He cited Purpose A – general welfare – as this is an inherently beneficial use. The new structure will replace a worn structure and will be connected to the campus sanitary sewer system versus a septic system. Regarding any detriment to the public good, Mr. Sterbenz believes there is none as there will be no traffic change as results to this particular use. There are no visual impacts, and there will be a visual improvement on campus with the new structure. The surface water in the watershed around the duplex unit will drain to the south and east to the closed depression by Bogle Hall.

Mr. Selvaggi stated that they need an amended Site Plan and under Section 76-B they have to establish that the negative criteria is still satisfied. Mr. Sterbenz answered that they still satisfy the negative criteria as the project enhances education by replacing an old structure with a new structure, and that all drainage issues were addressed. Mr. Selvaggi asked Mr. Sterbenz if there was any impairment to the Master Plan or Zoning Ordinances, and Mr. Sterbenz confirmed there were none.

Chairman Sikkes asked if there were any more questions from the Board and there were not. Chairman Sikkes then opened the meeting to the Public for questions, and there were none.

Mr. Thomas stated that the Board may approve the Use Variances (which require five affirmative votes) either together or separately. Chairman Sikkes asked for a motion, and Mrs. Murray moved to approve both D Use Variances.

Action: A motion was duly made by Mrs. Murray, seconded by Mr. Mach, to approve both the D Use Variances. Roll call vote: Green, Keller, Mach, Murray, Mott, Talley, and J. Sikkes – yes. Absent – Mohr and Repasky.

Mr. Thomas asked for a motion to approve the Preliminary / Final Major Site Plan and the Bulk Variance.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Green, to approve the Preliminary / Final Major Site Plan.

Roll call vote: Green, Keller, Mach, Murray, Mott, Talley, and J. Sikkes – yes. Absent – Mohr and Repasky.

Mr. Selvaggi asked for a "Zoning Hold Harmless" form which allows for work to begin prior to the Resolution being memorialized, and he was given the form by the Board Secretary. Mr. Thomas reminded Mr. Selvaggi that they would be proceeding at their own risk and any deviation would be the Applicant's concern and not the Land Use Board's.

LB#06-19 The Last Frontier (Brian Piccolo), Block 2003, Lot 27, 44 Hope Road, Minor Site Plan and D Use Variance

Mrs. Waldron and Mr. S. Sikkes recused themselves from this application.

Mr. Keiling introduced himself again as representing his client, the Last Frontier. The application was deemed complete at the last meeting and they advertised for the Public Hearing. Mr. Thomas swore in Agnes Piccolo of 59 Brighton Road, Andover, and Brian Piccolo of the same address. He also swore in Eric Snyder, P. O. Box 202, Newton, New Jersey, who has been a professional planner since 1977. He is a charter member of the American Institute of Certified Planners since 1979. He is a member of the New Jersey chapter of the American Planning Association and sits on the Board of Directors of various planning officials. He teaches planning and zoning courses for Rutgers and New Jersey Planning Officials. He has testified before many Boards throughout the State of New Jersey and was the Planning Director for Sussex County for thirteen (13) years.

Mr. Piccolo explained they have owned the property at 44 Hope Road for five (5) months. It is a single-family home and a commercial garage. The Township granted a used car dealership to the Skows who lived in the single-family home, where both uses – single-family home and garage were approved.

Mrs. Piccolo stated that they have another operation in Broadway, and she has worked there for five (5) years as the President. They operate part-time from Monday through Friday by appointment only. They work with people who would like to purchase a vehicle, they detail the vehicles and sell them. They advertise online and have many repeat customers. Blairstown will be the same type of operation. Mrs. Piccolo has a used car dealer license and must be open 25 hours/week in Broadway, and it will be the same in Blairstown. They will keep the hours to the minimum that the State requires and will not be open on Saturday or Sunday. Mr. and Mrs. Piccolo are the only people working there. They do detailing, which is a very deep cleaning, to make a vehicle look new. They do buffing, waxing, and vacuuming. There are no oil changes, no transmission work, no battery changes, and no mechanical work. They do not change tires or steam clean the engines, and they do not have a steam cleaning machine or a compressor. They use A-Tech Automotive in Blairstown to handle any engine work, or they use Motor City in Hackettstown. Any walk-in trade would be about two times per week. Online appointments would be made, or interested parties would call Mr. Piccolo on his cell phone to make an appointment to see a vehicle. Many customers see a posting online and buy the vehicle onsite. Some vehicles need to be delivered, and payment would be exchanged upon delivery. The only people involved in a delivery are Mr. and Mrs. Piccolo where one drives the new vehicle and the other drives their own vehicle. Once delivery is made, they drive home in their own vehicle. There are no tow trucks, trailers, or roll-offs coming into their dealership.

Mr. Piccolo reiterated that they handle 1950s and 1970s muscle cars (valued from \$50-100,000) which they take to auctions. There would be five-six (5-6) muscle cars onsite in the showroom (as they are expensive). Chairman Sikkes asked if all the cars would be located within the showroom, and Mr. Piccolo responded that the muscle cars will be in the garage. Chairman Sikkes asked how many vans, and Mr. Piccolo answered that there will be about ten-fifteen (10-15) white vans and contractor vehicles in the outside area, which will be a fenced-in area on the left side of the building. The fence will be a six (6) ft. high stained, wood fence which will separate the Piccolo property from the Darst property and continue around the parking area. There will be a twenty (20) ft. sliding wooden gate to access to the storage yard. This area will all be paved and the front has also been paved. Mr. Piccolo is just waiting for approval on the storage yard. There will be two (2) lights on the side of the building and one post and two (2) lights for the front door. The lighting (including the parking area) will be off at night unless they detect motion. The only employees are Agnes Piccolo and himself. There are two (2) septic systems on the property, one for the house and one for the garage. Mr. Piccolo has had two (2) licensed contractors (a plumbing and heating contractor and an excavator) who have inspected and passed the system. There will be no oil, gas, or kerosene, etc. used at the facility, just rubbing compound. Mr. Piccolo has removed the driveway between the house and the building, and it was seeded. The concrete area for the prior pool area in front of the house is now grass. There will be ten (10) trees to buffer the storage yard so there will be no sight from the road. He has planted shrubs and flowers and will do more landscaping in the front. Mr. Piccolo took up the gravel area from the single-family residence to the garage so there will be no traffic between the two (each has one ingress/egress). The single-family house is rented, and Mr. Piccolo confirmed that there are still two (2) uses on the property. There will occasionally be one (1) or two (2) motorcycles in the back corner of the building, inside the showroom. There are no additional employees, no flags, no banners, and no signage. The only signage in the window will be for State regulations with their name and phone number on it. To prevent people from using the driveway for a U-turn, they will rope off one of the driveways. Mr. Piccolo is not modifying the building; it will always be a dealership which it was since 1954. Mr. Piccolo's father previously had a used car dealership and appeared before the Board in 1991 with Mr. Keiling. The Board approved the dealership.

Mrs. Piccolo stated that their business doesn't deal with the general public, so there will be no flags, no signs, etc. – just appointment only. Chairman Sikkes added that they (flags) are not permitted. There will be no general public

sales and they don't advertise. They are dealing with 1966 Corvettes to take to auction for clients; they do not deal in something like a 1996 Honda.

Mr. Thomas asked if they get any walk-ins in their Broadway location, and Mr. Piccolo stated that it is all "word of mouth". They have two (2) Ferrari dealers, three (3) BMW dealers that they deal with who call him to advise they have a car to sell. Mr. Piccolo then takes it to the auction for them. Many never make it to the used car dealership. Mr. Keiling asked if they would continue doing business at their Broadway location. Mr. Piccolo answered that if the Blirstown location is approved, they will shut down the Broadway location, which they rent. If their application is approved, the Blirstown Zoning Officer has to sign off on their license and then it is sent to the State. The State then inspects the facility to ensure it meets their requirements, and then they will open. If the Piccolos are away, they will not use part-time help. They would only use a family member if needed.

Chairman Sikkes opened the meeting to questions from the Board.

Mr. Rodman reviewed some of his comments on his August 15, 2019 report. It appears the Piccolos are requesting a variance for the two uses on the lot, and Mr. Keiling replied that there already was a variance for that purpose for the Skows in a resolution approved at that time. Mr. Thomas explained the D Use Variance was declared null and void for the car dealership due to conditions not being satisfied, not the two uses on the site. Mr. Rodman stated there will be two (2) exterior lights, one wall-mounted and a new one in the gravel area. Mr. Keiling replied there will be a single bulb light by the man door on the street side. There will be a pole light in the storage area and two lights on the side of the building. Mr. Piccolo stated there will be a sign in the window glass (State guidelines) and there will be no free-standing sign. No auto repairs will be a condition of approval. Mr. Rodman asked about the disposal bed, and Mr. Piccolo answered that there have always been two (2) – one for the garage and a leech field for the house. Mr. Thomas asked for confirmation that there are two (2) separate systems, with a tank and a field for each, and Mr. Piccolo confirmed. Mr. Rodman asked for clarification on the hours of operation, and Mr. Piccolo answered that it will be twenty-five (25) hours per week from Monday through Friday. Mr. Rodman stated that there will be a light test as a condition of approval. The applicant indicated that there would be a maximum of twenty-five (25) cars onsite, and the Board may wish to limit that number by resolution. The prior application requested eighteen (18) cars; the site plan should show parking spaces and it does not appear the parking area and block building will hold twenty-five (25) cars. Chairman Sikkes asked if there would be only ten-fifteen (10-15) vehicles outside, and Mr. Piccolo answered that there will be sixteen (16) outside in the fenced-in area. There will be four (4) vehicles inside. Chairman Sikkes asked about parking spaces, and Mr. Keiling answered that there are not designated parking areas; they will be in rows. Mr. Rodman continued that there will be outside agency review and the used car licensing and permit from the State as approval conditions. He recommends that a limited EIS be provided depending on the use of the garage. If auto repairs are to be conducted, then they should be addressed. However, Mr. Thomas reiterated there are no repairs. Mr. Rodman asked if there are any existing gas tanks, and Mr. Piccolo answered that there are not (gasoline, kerosene, diesel were all removed). Mr. Rodman asked for a "No Further Action" letter, and Mr. Piccolo answered that he did not have it but they were not on the State Plan either for a designated site. Mr. Thomas stated that Mr. Piccolo's father operated since 1981, and Mr. Piccolo clarified that he came before the Board in 1986 until 1990 at that location. Mr. Piccolo proceeded there from 1991 through 1995. Mr. Thomas asked if Mr. Piccolo's father was aware of any tanks, and Mr. Piccolo stated that his father was not. Mr. Piccolo stated that there was a Stage 1 completed two (2) years ago by Joel Balbi. Mrs. Balbi has a Stage 1 complete, and he could retrieve a copy of it. This was one of the reasons that Mr. Piccolo purchased the building as the tanks were removed years ago (Phase 1, Stage 1). Mr. Thomas stated that Mr. Piccolo would need to provide this letter as a condition of approval, and Mr. Piccolo answered that he could get this from Mrs. Balbi. Mr. Rodman stated that the gravel driveway connecting the dwelling and the garage area will be removed. A new 2,442 sq. ft. gravel parking area is shown. Section 19-511 B. states that all parking and loading areas are paved with curbing. A gravel driveway is shown and he assumes this is intended for the gravel parking area and relief is required from this Board for that. Mr. Keiling initially thought it would be gravel, but Mr. Piccolo testified that it would be paved. For curbing, they request a design waiver since it will be paved within an enclosed fenced-in area. Chairman Sikkes asked about water runoff, and Mr. Keiling answered that the planner will address that. Mr. Rodman asked if there needed to be customer parking for any onsite sales, and Mr. Piccolo answered that a customer could park on the paved area of the parking lot (it will be one customer at a time). Mr. Rodman asked if the prior Site Plan approval since 1986 would be addressed, and Mr. Keiling answered that this is where the condition of approval for paving was not completed. Mr. Piccolo has paved the parking area and will do additional paving. (The prior Applicant didn't pay the Board fees.)

Mr. Mott asked Brian and Agnes Piccolo about how they would handle the water for washing the vehicles. Mr. Piccolo answered that they would use the car wash in Blirstown.

Mrs. Murray asked if they will be selling used cars from that site, and Mr. Piccolo confirmed. Mrs. Murray asked Mr. Piccolo if he was aware that used car lots are not permitted in that zone. Mr. Piccolo answered that there are four (4) licensed used car dealers in Blirstown. Mr. Thomas stated that this is why they are applying for a D Use Variance.

Mr. Piccolo answered that the site was a used car dealership since 1954 and in that area the zoning has never changed. Mrs. Murray stated that there will be twenty (20) vehicles outside the building, and it is not a large lot. Mr. Keiling answered their planner, Mr. Snyder, will testify with respect to the visual impact. Mrs. Piccolo emphasized that it is not your typical used car lot; it is by appointment only.

Mr. Mott stated that it would not be possible to take commercial vans through the car wash, nor would the Piccolos take a \$100,000 muscle car through the car wash. Mr. Piccolo answered that they have washed some of the cars at their own home, but they will wash vehicles onsite, but it would not be more often than once/month (occasional).

Chairman Sikkes asked if there were any other questions from the Board, and there were not. He asked for testimony from their Planner.

Mr. Snyder, Professional Planner, presented his testimony as follows. Used car dealerships are not permitted in this zone, and that is why there are applying for a D Use Variance. In 2004 the property was zoned HC-Highway Commercial Zone. As part of the 2004 Master Plan, it was then changed to the CC-Community Commercial Zone. This zone consists of relatively small scale retail offices, banks, and funeral homes, which are uses with a lot of traffic. However, this used car dealership is not typical because it will not have flags and banners and advertising. Mr. Snyder presented Exhibit A-1 which is a marked up copy of the second sheet of the application plan revised as of September 14, 2019. It shows the accommodation of sixteen (16) cars with a six (6) ft. high fence. It is not invisible but neither is the storage facility behind it. There are two uses and you will see the house on the property. There is an old train station and welding company on the other side which is hidden. The used car dealership will have landscaping and fencing to keep people out (for security). There will be no tow trucks, no loading areas, etc. similar to a normal dealership. Route 521 is a major County Road which runs through multiple counties.

Mr. Snyder reviewed the proofs for a D(1) Use Variance of the Municipal Land Use Law for the commercial use of this used car dealership as follows:

- Purposes of planning and zoning are advanced
- The site is particularly suited to the use
- Use is not inconsistent with the Master Plan
- Meet negative criteria

Mr. Snyder addressed the following points that addressed the proofs:

- o The buildings are already there.
- o The Piccolos are reducing in scope, and cutting traffic to a minimum.
- o They have made the location look nice and have cleaned it up already
- o There are no signs and no flashing lights.
- o There is no conflict with the neighbors as they are a storage facility.
- o The only residential property is across the street which will be looking uphill at a six (6) ft. fence with newly installed landscaping.
- o Onsite safety is improved by removing the driveway between the house and used car dealership.
- o The septs have been inspected and have passed.

This is a very efficient use of the property, maintains its value, and has been used for this use for over thirty (30) years. It is particularly suited to the use and is consistent with the Master Plan by providing a small business in this part of town.

As far as negative criteria, the site looks better, works better, and is a positive income generator. There is no substantial negative impact, but there is a substantial positive impact.

Mr. Keiling asked Mr. Snyder about the visibility proceeding uphill on Route 521. Mr. Snyder answered that if you are watching traffic, you will see a storage building. Mr. Keiling asked if a motorist was driving past Balbi, the Skow house, and a property with a six (6) ft. wooden fence, what would be seen and what is the speed limit? Mr. Snyder answered that at 45 mph (not the speed limit), the site would be a blink. Motorist's cone of vision narrows with higher speed, and the site will not be invisible but it will not be strikingly there.

Mrs. Murray expressed that the Master Plan is to keep the Township rural and historic. The vista coming along Route 521 towards Blairstown is beautiful, but seeing a lot with twenty (20) cars isn't consistent with rural and historic. Mr. Snyder answered that the Exhibit shows in yellow the sixteen (16) vehicles and the rest are in the building. They are not all over the lot, and they are hidden behind a six (6) ft. fence. There will be spruce trees installed.

Mr. Keiling asked about the drainage in the enclosed area which was earlier addressed by Chairman Sikkes. Mr. Snyder answered that there were 11,028 sq. ft., and there will now be 11,460 sq. ft. which is an additional 400 sq. ft. (20x20) of coverage which will keep the additional impervious de minimis.

Chairman Sikkes asked the Board if they had any more questions and they had none.

Chairman Sikkes then opened the meeting to the Public. Mr. Kevin Thompson of 98-100 Route 94, asked if this was the place that has all the boats next to it, and Mr. Snyder answered that the boats are behind the fence and it is the storage place. Mr. Thompson asked if the used car dealership would be more or less visible. Mr. Snyder feels it is less visible than the storage location (Darst). Mrs. Piccolo stated that the trees and the fence will block the cars and the boats. Mr. Piccolo doesn't want his cars to be seen, which is why he has a fence and insurance to protect his vehicles.

Mrs. Murray stated that the Board has been working for years to improve the Darst storage area. They have the greatest responsibility to the community and what they want, which is rural and historic. She is concerned with the number of vehicles there. Mrs. Piccolo answered that the Piccolos love the rural community and live in a rural area in Andover. They painted the location green to maintain the country feel.

Mr. Mott asked how they would accommodate a three (3) car carrier pulled by a pickup truck. If the Piccolos give up the Broadway location, how would they take a car to auction? Mr. Piccolo answered that pickup is in Panther Valley and the cars are taken in an enclosed trailer, which he has done for twenty-five (25) years. The same would be true for consignments from the dealership to auction. There is no parking on the shoulder of the road in front of the facility.

Mrs. Green asked if they used a lot of chemicals in their detailing. Mr. Piccolo answered that they are all biodegradable and that most of the cars are already clean. They do not want to use their immaculate showroom to clean cars.

The Board had no more questions and when the Public was asked, they had none.

Mr. Thomas reminded the Board that to approve the D Use Variance it requires five (5) affirmative votes from a seven (7) member Board. The Board should be satisfied with the positive criteria that are the purposes of zoning found in Section 2 of the Municipal Land Use Law, that the site is well suited for the intended purpose, is consistent with the Master Plan and no negative criteria which the applicant has to establish that there is no substantial detriment to the public good or substantial impediment to the purposes of the Zone Plan or Zoning Ordinance.

Chairman Sikkes asked for a motion in favor of the D Use Variance.

Action: A motion was duly made by Mr. Mach, seconded by Mr. Keller, to approve the D Use Variance.
Roll call vote: Green, Keller, Mach, Mott, Talley, and J. Sikkes – yes. Murray – no. Absent – Mohr and Repasky.

Mr. Thomas outlined the conditions for approval of the Minor Site Plan as follows: no tow trucks onsite; the house is rented; no flags / banners, except glass window with lettered sign; no auto repairs onsite; twenty-five (25) hours per week, Monday through Friday; maximum of sixteen (16) vehicles outside, four (4) inside; subject to all agency reviews; Applicant to provide a copy of Phase 1 approval; gravel driveway removed and paved; night light test; and design waiver for curb. Mr. Mott asked to include no loading or unloading of vehicles from a trailer.

Chairman Sikkes then asked for a motion from the Board if they wish to approve the Minor Site Plan as stated above.

Action: A motion was duly made by Mr. Keller, seconded by Mr. Mach, to approve the Minor Site Plan.
Roll call vote: Green, Keller, Mach, Mott, Talley, and J. Sikkes – yes. Murray – no. Absent – Mohr and Repasky.

Mr. Keiling asked for a "Zoning Hold Harmless Form" in order to get the paving completed at the site before the weather changes and he was given a form by the Land Use Board Secretary. Mr. Thomas reminded Mr. Keiling that they would be proceeding at their own risk and any deviation would be the Applicant's concern and not the Land Use Board's.

CORRESPONDENCE:

Chairman Sikkes' August 19, 2019 letter to Marianna Stires accepting her resignation effective July 29, 2019.

David Diehl's violation letter of August 26, 2019 to 53 Warren County, LLC / Gary Wishnia (Blairstown Diner) for two sheds and erection of bollards and walls (along with alteration of onsite parking) without permits and violation of sign zoning permit. Violator has twenty (20) days to submit a Site Plan application or Appeal (September 15, 2019).

Chairman Sikkes advised that there has been no appeal or filing of a Minor Site Plan/Variance to date. The Land Use Board Secretary advised that Mr. Keiling submitted a letter that he will represent Mr. Wishnia and has retained an engineer to provide an application. Mr. Thomas will follow up with Mr. Keiling regarding this matter.

Certified mail letter from Laura Brill dated August 27, 2019 (copied to the Land Use Board) for Application to the DEP re 61 and 67 Gaisler Road to build a driveway to a house and barn on each lot that results in <1 acre of disturbance to wetlands.

Mr. Rodman stated that this notice is required for any wetlands applications and that they are putting the Land Use Board on notice for a wetlands permit. Chairman Sikkes asked if this is to an existing house and barn, and Mr. Rodman replied that it doesn't make a difference. Chairman Sikkes stated that if there is an existing house and barn, how are they being accessed. Mr. Rodman answered that they are now remedying the situation. Chairman Sikkes asked if a response was necessary, and Mr. Thomas confirmed that this is a Notice for an application and there is no need to respond. Mrs. Green later supplied the information that there is a house and a barn on each of the lots.

OTHER BUSINESS:

Master Plan for 2020 – A planning draft 2020 Master Plan Reexamination has been provided to all LUB Members as a basis/direction to complete this report. Land Use Board Members were to provide Land Use Board Secretary with their selection(s), to work on the Master Plan elements or major criteria prior to the September 16 meeting where finalization was to be completed.

Chairman Sikkes asked Board Members to let the Board Secretary know which subcommittees they wish to join. Board Members can pick a whole section if they are having trouble picking a part of the Master Plan. Chairman Sikkes has a subcommittee already working on Zoning. Mrs. Murray asked if the Master Plan could be expanded to include material existing on the environment, open space, and farmland preservation so it doesn't get lost. Chairman Sikkes advised Mrs. Murray to contact the appropriate people. Mr. Keller stated that there are lots of elements and does there need to be a subcommittee for each one. Chairman Sikkes answered no, and groups should work on several elements. Mr. Keller stated that someone should decide what the grouping should be and list the elements and the committees. Mrs. Waldron answered that the Township Committee does not want to rewrite the Master Plan. The goal is to advise and change areas that have mistakes and resolve conflicting areas. Mrs. Waldron is working on some specifics such as one-way streets, maps updated, ordinances that need to be revised, areas with problems, and definitions that need to be addressed. The Master Plan needs to be kept financially tight. Chairman Sikkes stated that definitions need to be addressed and this is why the Zoning Officer has brought up so many areas that need attention. He would like to see progress on this effort within the next two (2) months. Mr. Thomas reminded the Board that the Master Plan is due in October 2020.

NEW BUSINESS: None

PUBLIC PORTION:

Mr. Dave Paulson of 3 Water Street is the new President of the Blairstown Enhancement Committee (BEC), and he asked how the committee to work on the Master Plan is filled. Mrs. Waldron answered that the committee is filled by Land Use Board Members, and that if he has any concerns he should send them to the Board. Mrs. Waldron is working with the DPW and the Town Police Department to revise some of the roads in town to be one-way for expediency and safety concerns which will be part of the Master Plan. Mr. Paulson responded that at the BEC meetings, they have discussed supporting work on the Master Plan. It seems to him that each Board Member is a committee of one for a section, and Chairman Sikkes answered that there are two-three (2-3) members from the Board only. Mr. Thomas stated that if Mr. Paulson is interested, he should review the Master Plan and submit comments to the Land Use Board which will get distributed through the Chairman. Mr. Paulson stated that this is a public document so they would just have to request a copy. Mr. Thomas reminded Mr. Paulson that this is a ten-year look forward and to make comments on how you would like the town to develop.

Mr. Kevin Doell of 111 Heller Hill Road was interested in the process of the Master Plan. Will the Land Use Board work on bits and pieces of it at each meeting? Is there a public outreach process? Mr. Thomas answered, as mentioned by Mrs. Murray, that Land Use Board members can reach out to the Public, and groups can provide feedback to the Land Use Board Secretary who will distribute to the Board. Mr. Doell asked about the presentation to the public, and Mr. Thomas added that per Municipal Land Use Law there will be two (2) Public Hearings on the

Master Plan document where all the Public is invited. Input should be provided prior to that time. Mrs Waldron advised Mr. Doell that he could come in to see the Master Plan and should contact the Land Use Board Secretary. Hopefully these documents will be on the Township website in the future.

The meeting was then closed to the Public.

VOUCHERS: Professional services rendered.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Green, to approve the Vouchers.
Roll call vote: Green, Keller, Mach, Murray, S. Sikkes, Waldron, Mott, Talley, Baker, and J. Sikkes – yes. Absent – Mohr and Repasky.

ADJOURNMENT:

Chairman Sikkes asked the Board for a motion to adjourn.

Action: Upon a motion duly made by Mrs. Waldron, seconded by Mr. Mach, and unanimously carried, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Linda J. Grohs, Board Secretary