

**BLAIRSTOWN TOWNSHIP  
LAND USE BOARD  
March 20, 2017**

**MINUTES**

The Blairstown Township Land Use Board met in a regular session on Monday, March 20, 2017, 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, Rosalie Murray, Mike Repasky, Joanne Van Valkenburg, Cynthia Dalton, Jim Sikkes, Debra Waldron, Dominic Daleo, Steven Sikkes, and Wickliffe Mott. Anthony Iurato was absent. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Marion Spriggs.

**SALUTE TO THE FLAG:** was recited.

**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)”.

**ROLL CALL:** was taken.

**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 February 20, 2017 Regular Meeting of the Land Use Board were approved, as written.

**Action:** A motion was duly made by Mr. James Sikkes, seconded by Mrs. Waldron, to approve the Minutes of the February 20, 2017 Regular Meeting of the Land Use Board, as written.  
Roll call vote: Murray, Repasky, Van Valkenburg, J. Sikkes, Waldron, S. Sikkes, and Mott—yes. Green, Keller, Mohr and Dalton abstained.

Mr. Daleo arrived at 7:35pm.

### **Burning Outdoor Ordinance**

Speaker: Eric Weber, Section Forest Fire Warden-NJ Forest Fire Service, Div. A, Sec. 3, Andover

Mr. Weber, Section Forest Fire Warden, from the NJ Forest Fire Service, explained they do wild land fire only, taking of the forest. In the event of a wild fire, they work with the local fire department.

They also do open fire permits - issuance and inspection, etc.

He distributed pamphlets, statute booklets, and business cards.

He explained the 3 main reasons he is here:

1. To inform what they do. They do a lot of permit issuance in Blairstown.
2. If Blairstown is going to enforce their Open Burning Ordinance, they wish to offer a seamless transition in working with that designee.
3. To inform if that Ordinance actually violates the Air Pollution Statute.

He clarified, he is not here to suggest how Blairstown should conduct business.

Nick Mohr looked up E code 360, Sec. 76, re: burning, which is in the Ordinance Code Book, available to anyone online. He explained this was passed in 1977, which at that time, may or may not have had over sight and permit enforcement on forest fires.

He revealed currently, there is no designated township official issuing Township permits, under Sec. 76. He noted that is another level, in addition to issuance of State Permits.

Mr. Weber revealed they issue about 150 recreational and agricultural permits in Blairstown per year.

Mr. Mohr pointed out it comes down to whether the Township wants to enforce or remove Sec. 76 under Blairstown's Ordinances and leave the enforcement up to the State.

Mr. Repasky commented that all that is said refers to burning within 25 feet of any building. He declared it says nothing about burning farther than 25 feet.

Mr. Weber pointed out, it does not refer to the State. He noted it says "no garbage, waste or refuse material of any kind, shall be burned within 25 feet of any building within the Township limits, nor shall any fire be permitted on any dumping ground unless a permit shall first have been secured by the Fire Inspector". He indicated that is a violation of NJ Statute Title 7,

Chapter 2 which relates to open burning and air pollution. He revealed even if a person was issued a permit from the Town, he would issue a violation for that.

Nick Mohr said Blairstown is not issuing permits, so it is not an issue. He explained it is something to look at, to clean up old “stuff”. It doesn’t represent current practice. It is an opportunity for the Township to change their current operations.

Mr. Weber explained and described the types of permits the State issues:

Recreational – for camps and campgrounds, Agricultural – allows discard of any material by burning. Prescribed fire permits, which he will not cover.

Mr. Weber found this on the internet and wanted to touch base with Blairstown because if it is something that should be enforced, he wants to make sure they are on same page whatever Blairstown’s stand is going to be. He pointed out this is the only town he knows of, with an Open Burning Ordinance.

Ted Rodman pointed out that this is not within Chapter 19, regarding Land Use.

Roger Thomas agreed, it seems redundant - an Ordinance that no one is abiding by, and the State agency that is doing its job at no cost.

Nick Mohr interjected we no longer have a Fire Inspector.

Roger Thomas reminded that this is not within LUB jurisdiction but the recommendation could be that Township Committee get rid of Chapter 76.

Chairwoman Waldron thanked Mr. Weber and notified him that Mrs. Dalton & Mrs. VanValkenburg, who are both Twp. Comm. & LUB members, will bring the info that Mr. Weber handed out to the Township Committee for that referral.

Mr. Weber concluded by stating, he will disregard the Ordinance for now, continuing business as normal.

### **RESOLUTIONS:**

**LB#06-15 1st Presbyterian Church of Blrstwn., Preliminary & Final Major Site Plan  
Blk.1206, Lot 1 – Main St. - EXTENSION**

Roger Thomas explained the LUB granted a 1 year extension from 3/20/17 to 3/20/18 which includes all the conditions of the prior approval.

Mrs. Green questioned if the second “WHEREAS a hearing” should read December 21, 2015. Roger Thomas agreed, and will make the necessary modification.

**Action:** A motion was duly made by J. Sikkes seconded by Mrs. Green, to *revote* on the Resolution of Approval for EXTENSION, for **LB#06-15 1st Presbyterian Church of Blrstwn** Blk.1206, Lot 1 – Main St., with the above modification. Roll call vote: Green, Keller, Mohr, Murray, Repasky, VanValkenburg, Dalton, J. Sikkes, Waldron– yes.

**COMPLETENESS:**

**LB#01-17 Jeffrey & Cindy Lusby**, Blk. 702, Lot 7–24 Mt. Vernon Rd., Min. Subdiv–lot line adj & C variance

Charles O’Connell, Esq. represented this applicant. He explained he needs to amend this application to include a C Variance.

Mr. O’Connell asked that the additional Escrow Fee be waived. It was pointed out this additional escrow is in accordance with the Ordinance therefore not waived. It was explained that the remaining escrow funds, upon completion of the application, will be refunded to the Applicant after submission of written request of same via Certified Mail.

Ted Rodman recommended there be a waiver granted for Item #1.

Roger Thomas noted that “additional comment” #2 re: signature lines, be addressed at the time of the Hearing.

**Action:** A motion was duly made by J. Sikkes seconded by Mr. Repasky, to deem **LB#01-17 Jeffrey & Cindy Lusby**, Blk. 702, Lot 7–24 Mt. Vernon Rd., Min. Subdiv–lot line adj & C var. – Complete. Roll call vote: Green, Keller, Mohr, Murray, Repasky, VanValkenburg, Dalton, J. Sikkes, Waldron– yes.

**PUBLIC HEARING:**

None

**CORRESPONDENCE:**

**OTHER BUSINESS**

**2016 LUB Annual Report**

Roger Thomas read the Report.

Re: **LB#06-16 Clark**, he stated the Title issue will have to be satisfied before anything is done.

When they apply for the Permit Application, the condition will have to be satisfied. Marion offered to give the Construction Dept. a “heads-up” on this.

Roger Thomas explained if they do not get approval, then there will be no access.

Mr. Mott suggested re: **LB#06-15 1<sup>st</sup> Presbyterian Church**. pg. 2, 4<sup>th</sup> line down “property” be changed to “building”. Roger agreed to change this.

**Action:** A motion was duly made by Mr. Keller, seconded by Mrs. Murray to approve the **2016 LUB Annual Report**, with the aforesaid modification. Roll call vote: Green, Keller, Mohr, Murray, Repasky, VanValkenburg, Dalton, J. Sikkes, and Waldron – yes.

A copy of this approved report will be given to the Township Committee.

**LB#05-15 Turf Pro**, Blk.803, Lot 4.15, D. Diehl **Notice of Violation** dated 2/27/17

“ “ R. Keiling Ltr. 3/6/17 re: NEW Frelin. Twp. location  
“ “ Ferriero Engin Lt. 3/3/17 re: NJDOT Access Permit

Roger Thomas spoke with David Diehl, Zoning Officer, today. Frelinghuysen Twp. has granted them an approval in December, 2016, to move the business to that township as a result of denial by Blairstown’s LUB to operate a business in an R-5 zone. In March, 2017, they are seeking from NJDOT, an access permit from Rt. 94.

Mr. Diehl informed him that some of the natural materials, remain on Artist View Ln., but are mulched. Some equipment has been moved.

**LB#07-16 James Reiger**, Blk.1505, Lot 1-51 Vail Rd., Min. Site & Use – 3/3/17 Mike Lavery Ltr. re: sq. footage of **14,469 sq. ft.**

Roger Thomas will change the Resolution to 14,469 from the 14,500 sq. ft. originally listed in the Resolution. No action need be taken.

**LB#05-12 NWRHS – Solar Panels – Results of 3/15/17 mtg. @ NWRHS**

Chairwoman Waldron, Mrs. Dalton, the Mayor, Ted Rodman and the School Board attended a meeting with regard to the landscape design for the Solar Panels.

She indicated there is a school board meeting tonight and they are bringing Blairstown’s comments back, where they will be discussed. They will then notify Blairstown of their proposal.

## **COAH**

### **Fair Share Housing – Settlement Agreement**

2/27/17 Ltr. Roger Thomas to Kevin Benbrook Re: Master Plan Amendment – overlay zone

2/28/17 E-mail Benbrooklaw.com to Roger Thomas re: Overlay zone necessary

3/9/17 E-mail Benbrooklaw.com re: APPROVAL of Settlement Agreement

Roger Thomas explained that the approval of the Settlement Agreement means that there will be an Overlay Zone added to the Blairstown Zoning Ordinance. He spoke with Jessica Caldwell, PP, who is in the process of preparing a document, hopefully for the next LUB meeting on 4/17/17.

He noted the Settlement Agreement indicates the Ordinance needed to be approved in 45 days, and the Master Plan within 120 days. He declared that should be reversed. He explained the Amendment to the Master Plan needs to be done to make sure the overlay is consistent with the Master Plan. He has phoned Kevin Benbrook, Esq. re: same.

Roger Thomas said the Overlay Zone includes the Village downtown area, which is serviced by water. Mrs. VanValkenburg read the following information: “the Overlay Zone will facilitate production of lower and moderate-income housing, should public sewer become available”. She added Blairstown is at capacity water-wise. Additional units cannot be added to the water.

Roger Thomas clarified the LUB’s only responsibility would be for the Master Plan. The Township Committee would be responsible for the Overlay, since they do ordinances.

He hopes the Master Plan and Overlay Zone are done simultaneously to be done more efficiently.

Chairwoman Waldron asked if this must be done within 45 days. Roger Thomas repeated, he believes this was drafted in reverse. The order should be in accordance with the Land Use Law – Master Plan first, then the Ordinance. Roger Thomas will let the LUB know.

**Darst #ZB04-10 / LB03-15 (2nd Amended)**

Roger Thomas spoke with David Diehl, Zoning Officer. There had been a meeting in the past, after which Mr. Diehl responded with a memo. Roger Thomas plans to respond to that so Mr. Diehl can synthesize that, enabling Mr. Diehl to move forward to do what has been requested of him.

A series of photos has been requested for documentation. Chairwoman Waldron agreed to follow up on that.

Roger Thomas said that will be taken care of within the next 10 days.

## **Design Standard Committee**

Chairwoman Waldron arranged for distribution of Mike Repasky's Comments of 3/20/17 re: Proposed Blairstown LUB Design Standards, to be handed out to LUB members at tonight's meeting.

She reiterated, the common goal is to arrange for uniformity for design standards for businesses to come into this town.

Rosalie Murray, Chairwoman of the Design Standard Committee, explained her committee wants to coordinate what they are doing with what is currently on the books. She noted what is on the books now, did not protect Blairstown.

She explained it is not the intent to have a stand-alone document. She finds difficulty in working from the computer screen and prefers a printed document.

She requested that LUB members think of something that can be included in the LUB Application that will alert applicants – they should be looking at design standards. Vice Chairman, Jim Sikkes, countered, it would be the LUB's desire that the Applicants would be looking at the Ordinances before applying.

Roger Thomas noticed that she had a lot of references in the Design Standards for various zones involving things like colors. He mentioned Jessica Caldwell is Blairstown's Planner. He suggested it would be helpful, if the LUB is willing, to get some planning advice. Mrs. Murray agreed, noting they are not professionals at this. She admitted there is a need to strengthen what we have by making it more definitive.

Nick Mohr cited examples of business signs which required, and were granted, variances from the LUB.

Chairwoman Waldron stated Blairstown does not have a Design Standard of any kind. The suggestion is for more conformity to the area. She wants to be pro-active, but not looking to control anybody.

Mr. Keller suggested revising our ordinances to require a pre-Application meeting, in certain zones, like the business zone. He admitted there are other things that must be done also. Ted Rodman confirmed that is a good idea. Now it is done on a volunteer basis. Chairwoman Waldron noted that David Diehl, Zoning Officer, did suggest that.

Chairwoman Waldron suggested that example ordinances that Blairstown likes, be obtained from other towns. She asked that Mrs. Murray print out a few ordinances that pertain to building

structure and appearance, for Blirstown to tweak its ordinances to reflect that. She stated a model is needed to look at for discussion. She said this might speed the process along.

Nick Mohr pointed out a mall on the right side of Rt. 202, across from DOT yard, south of Flemington, where everything is uniform. Chairwoman Waldron would like to know more about that stating that Ted Rodman asked, if it was brought about by ordinance, or voluntarily.

Mr. Keller noted it is hard to legislate aesthetics.

Mrs. Murray explained the Committee is attempting to bring proposals to the LUB. She upholds the idea of working with the Planner.

Chairwoman Waldron suggested seeing what other towns have similar to what Blirstown wants to keep the cost down. That way, she said, the decision can be made as to whether a planner should be hired.

Mrs. Murray suggested handing out samples of the Design Standard Committee's research of samples that look good for Blirstown, to the LUB members for their review.

Roger Thomas noted he does not know that Blirstown's Master Plan necessarily deals with design standards. He thinks what Rosalie has, is Sec. 500 of the Ordinance, pertaining to Design Standard. If an applicant deviates from that, they must seek a Design Waiver, not a variance. So, he said, "that can be sort of the guide".

**NEW BUSINESS:**

None

**PUBLIC PORTION:**

This portion of the meeting was opened to the Public. There were no members of the Public present.

**VOUCHERS:** Professional services rendered.

**Action:** Upon a motion duly made by Mrs. Murray, seconded by Mr. Repasky, escrow vouchers, as attached to these minutes, were approved. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, J. Sikkes, and Waldron – yes.

**ADJOURNMENT:**

Chairwoman Waldron asked the Board for a motion to adjourn.

**Action:** On a motion duly made by Mr. J. Sikkes, seconded by Mrs. Green, and unanimously carried, the meeting was adjourned at 8:37 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary