

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

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, February 20, 2017, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Rosalie Murray, Mike Repasky, Joanne Van Valkenburg, Jim Sikkes, Debra Waldron, Dominic Daleo, Steven Sikkes, Anthony Iurato and Wickliffe Mott. Barbara Green, David Keller, Nick Mohr and Cynthia Dalton were 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 January 16, 2017 Regular Meeting of the Land Use Board were approved, as written.

Mr. Repasky questioned on pg. 4, re: **LB#07-16 James Reiger**, “Mr. Kyle said there is about 14,500 sq. ft. of useable space inside”. He suggests that is mathematically impossible with a 7,700 sq. ft. footprint. He stated, it would have to be a total 2nd floor to come close to that. Marion pointed out that is what was stated on the recording. It was noted this represents 2 floors.

Mr. Repasky suggested confirming this with the Applicant since this affects the Resolution. Roger Thomas said he remembers it as being 14,500 sq. ft., and therefore the Minutes are accurate, and remain as is. Further investigation will have bearing on the Resolution if the figure is proven inaccurate. Clarification will be reflected in the 3/20/17 LUB Minutes.

Action: A motion was duly made by Mr. James Sikkes, seconded by Mrs. Murray, to approve the Minutes of the January 16, 2017 Regular Meeting of the Land Use Board, as written. Roll call vote: Murray, Repasky, J. Sikkes, Waldron, Daleo, S. Sikkes, Iurato and Mott—yes. Van Valkenburg abstained.

RESOLUTIONS:

LB#08-16 Little Hill Fdn., Inc., Blk.1202, Lot 3.02 – Stillwater Rd., Min. Site Pl. & Blk. Var. (*Revote*)

Roger Thomas explained there was a problem with the motion made on this application. To correct this, it is necessary to now take a vote on the Resolution from the 1/16/17 LUB Meeting.

Action: A motion was duly made by Mrs. Waldron seconded by Mrs. Murray, to revote on the Resolution of Approval, for **LB#08-16 Little Hill Fdn., Inc.,** Blk.1202, Lot 3.02 – Stillwater Rd., Min. Site Pl. & Blk. Var. Roll call vote: Murray, Waldron and Daleo – yes. Repasky and J. Sikkes – abstained.

LB#07-16 James Reiger, Blk.1505, Lot 1 – 51 Vail Rd., Min. Site Plan & Use Var.

Roger Thomas has spoken with Mike Lavery, attorney for the Applicant, who is present. He noted the intent of the Resolution pg. 7, Condition #3, is “the permanent apartment located on this site, shall not be used without appropriate approvals”.

Mr. Lavery will phone Mr. Kyle tomorrow re: sq. ft. question raised by Mr. Repasky.

Action: A motion was duly made by Mrs. Waldron and seconded by Mr. Daleo, to approve the Resolution, for **LB#07-16 James Reiger,** Blk.1505, Lot 1 – 51 Vail Rd., Min. Site Plan & Use Var. with aforesaid modification. Roll call vote: Murray, Repasky, J. Sikkes, Waldron, and Daleo – yes.

LB#09-16 DAHA Dato Properties, LLC, Blk.505, Lot 1.01 – 309 Rt. 94, Prel. & Fin. Major Site Pl.

Mr. Mott mentioned on pg. 2, Mr. Baldwin’s name should be correctly spelled as Shawn.

Action: A motion was duly made by Mr. J. Sikkes and seconded by Mr. Daleo, to approve the Resolution, with the above modification, for **LB#09-16 DAHA Dato Properties, LLC**, Blk.505, Lot 1.01 – 309 Rt. 94, Prel. & Fin. Major Site Pl. & C Variance. Roll call vote: Murray, Repasky, J. Sikkes, Waldron and Daleo, S. Sikkes and Mott– yes.

COMPLETENESS:

None

PUBLIC HEARING:

None

CORRESPONDENCE:

Chairwoman Waldron recommended that Roger Thomas send a letter to Township Committee regarding **LB#03-15 Darst** and **LB#05-15 Turf Pro**, authorizing David Diehl, Zoning Officer, to act again.

Roger Thomas summarized that **LB#05-15 Turf Pro**, since LUB denial of its use variance in April, 2016, continues to run the business there, and also has expanded. If the LUB agrees, He will send a letter to Twp. Comm., cc to David Diehl, seeking enforcement of this matter.

Chairwoman Waldron noted for-the-record, she and Ted Rodman have given repeat information on one of the applicants to David Diehl. Mrs. Van Valkenburg will meet with him on Wednesday.

OTHER BUSINESS

JOHN BALBI PB#10-03, PB#06-06, ZB#03-11, LB#06-12 – email from D. Dech 2/8/17 to John Balbi Re: LUB approval necessary for “Convenience Center”.

(See public portion)

LB#05-12 NWRHS – Solar Panels – *Follow up* to R. Thomas’ letter of 1/19/17 to Twp. Comm.

Chairwoman Waldron stated re: **LB#05-12 NWRHS – Solar Panels**, she was asked at the last Township Committee meeting, and agreed, to meet with Ms. Bilotti, Superintendent NWRHS, to review what is outstanding on this application and resolve that issue. The meeting is scheduled on 3/15/17 and Ted Rodman will also attend.

COAH

1/27/17 e-mail from Kevin Benbrook w/article re: **GAP Decision Released**

Fair Share Housing – Settlement Agreement

K. Benbrook 2/13/17 Ltr. to A. Gordon & J. Bauers, Esqs. Fair Share Housing Re: **FINAL Settlement Agreement**

Roger Thomas stated there is a Settlement Agreement letter, dated 2/13/17, which was forwarded to Court.

He explained the LUB reviewed and approved a Settlement Agreement in October, 2016 at the request of the Township Committee. Between the time of the LUB approval and the memorialization of the Resolution, things changed. At his recommendation, the memorialization never occurred.

The 2/13/17 Agreement is a reflection of changes. It indicates that Blairstown is settling their obligation which it has opted into, as part of a decision of NJ Supreme Court in March 2015, which “canned” COAH for abdicating responsibility for administering Fair Share Housing, thereby deciding it is now being administered by the Courts. The Courts stated towns should be filing a Declaratory Judgement Action. Blairstown is among 370 townships agreeing to participate.

Judge Miller, Somerset Cty., is administering our vicinage, #13, including Warren, Hunterdon & Somerset Counties, for Round III, through 2025.

He stated this document is reflective of those changes. A chart is contained therein reflecting overall prospective need of 87 units.

He explained the Durational Adjustment whereby the Township will provide a plan for a realistic opportunity for affordable housing through various mechanisms. He declared, for the most part, they do not involve taxpayer money but opportunities through zoning techniques.

He revealed, what the Township is saying, is that they don't have the infrastructure (downtown) to support it.

He said the Durational Adjustment reveals, “OK - Blairstown recognizes that”. He explained, therefore Blairstown will not be obligated to provide those 55 units but provide a realistic opportunity through a zoning mechanism to have them occur i.e. the sewer.

He suggested the document should've included “if and when the Municipality obtains sewers, it will be required to do something”. He explained that would be an “overlay” in the downtown area to provide an opportunity to have sufficient density to accommodate an additional 55 low-moderate income units.

He said it does not bind the Municipality by stating, in the next 10 years you must pursue the sewer infrastructure.

He explained - it simply says, if you get it, you must provide lower-moderate income units within that overlay area.

It is his understanding that the Township is not required to pursue that within the next 10 years.

He believes the overlay should be included because then it is available and makes it clear since you are satisfying the obligation of The Settlement Agreement. It should be made clear that the overlay will be triggered only when the sewer infrastructure is available - only in the area covered by the overlay.

Roger Thomas explained the budget has not been submitted by Ms. Caldwell, PP, so the cost is uncertain. He said hopefully the money is coming out of the existing Fair Share Housing Trust Fund Administrative Cost.

Mrs. VanValkenburg revealed some money is set aside for a group home.

Chairwoman Waldron explained COAH money is a percentage of a purchase price for a building, either a business or a home. Since there is no building going on, there is no money coming into COAH.

Roger Thomas responded to Mrs. Murray's suggestion of negotiating with banks on foreclosures and using them for Fair Share Housing and Blairstown's obligation. He said it may have worked during the housing collapse in 2009 but that would require a significant amount of money now.

Chairwoman Waldron noted the Master Plan is coming up in 2020. She asked if the overlay can wait until then. Roger Thomas responded it would be more efficient to take it out of the Trust Fund. He noted it is not clear in this document when this must be done. He suggests Kevin Benbrook, Esq. find that out on 3/9/17 when he meets with Judge Miller.

He noted the benefit is, the Township is settling for a defined number for the next 8 years. Also, the Township is protected for the next 8 years with a border of immunity from a Builder's Remedy lawsuit. Finally, he advises, it is better to settle now as court cases have not been going well and there is the possibility the Township's number may be higher.

The following vote was taken to approve the Settlement Agreement:

Action: A motion was duly made by Mrs. Waldron and seconded by Mr. Jim Sikkes, to approve the **Settlement Agreement**. Roll call vote: Murray, Repasky, Van Valkenburg, J. Sikkes, Waldron, Daleo, S. Sikkes, Iurato, and Mott— yes.

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

LB#06-15 1st Presbyterian Church of Blrstwn., Preliminary & Final Major Site Plan

2/7/17 Ltr. Charles O’Connell, Esq. Ltr. to LUB requesting EXTENSION

Ted Rodman explained LUB approved it, then it went to the County for approval. They are adding an elevator shaft. This did not trigger storm water regulations. He is trying to resolve that with the County’s Engineering Office. He has been dealing with attorney O’Connell, as well as their engineer, and the County.

They are seeking a 1 yr. extension from 3/20/17 to **3/20/18.**

Action: A motion was duly made by Mr. Jim Sikkes and seconded by Mrs. Waldron, to grant a 1 year Extension for **LB#06-15 1st Presbyterian Church of Blrstwn.,** Preliminary & Final Major Site Plan. Roll call vote: Murray, Repasky, Van Valkenburg, J. Sikkes, Waldron, Daleo, S. Sikkes, Iurato, and Mott– yes.

Roger Thomas will prepare the Resolution and forward it to Marion.

Design Standard Committee

Mrs. Murray, Chairwoman of the Design Standard Committee, distributed hand-outs. She asked the LUB members to jot down ideas.

Chairwoman Waldron thanked all the members on that newly-formed committee. She reminded everyone that her goal is simplification.

Mrs. Murray has followed the Master Plan zones. Co-ordination must occur between what is in the Master Plan and what is desired. Concentration is on Village Residential and Commercial, where she noted the Township is most vulnerable.

Burning Outdoor Ordinance

Chairwoman Waldron asked that Mr. Mohr, who is absent tonight, be reminded to bring comments regarding this to the 3/20/17 LUB meeting.

NEW BUSINESS:

None

PUBLIC PORTION:

This portion of the meeting was opened to the Public.

Laura Tafuni, 89 Hope Rd., stated she lives down the road from John Balbi.

She stated when garbage was being taken, the Health Dept. inspected and advised in order to continue, Mr. Balbi would have to go before the Land Use Bd. for approval.

She discovered there isn't any oversight on the County or Township levels.

Ted Rodman commented Balbi was never approved for garbage.

She feels a convenience center for garbage should never be approved, especially with no oversight.

Chairwoman Waldron explained that a letter was submitted indicating Mr. Balbi will make application before this Board. She noted the LUB Agendas are posted on the Township website. She suggested checking the website up to the night of the meetings, in case of change.

Roger Thomas suggested since Mrs. Tafuni is not within 200', she contact her neighbors who are within 200', and who will receive notice, to contact her.

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: Murray, Repasky, Van Valkenburg, J. Sikkes, Waldron, Daleo, S. Sikkes, Iurato and Mott— yes.

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. J. Sikkes, seconded by Mr. S. Sikkes, and unanimously carried, the meeting was adjourned at 8:40 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary