

BLAIRSTOWN TOWNSHIP  
LAND USE BOARD  
December 17, 2018

MINUTES

The Blirstown Township Land Use Board met in a regular session on Monday, December 17, 2018, at 7:30 pm at the Blirstown Municipal Building, 106 Route 94, Blirstown, New Jersey. The following members were present: Barbara Green, David Keller, Michael Repasky, Steven Sikkes, Joanne VanValkenburg, Debra Waldron, Jim Sikkes, Wickliffe Mott, Marianna Stires, and Norman Talley (arrived at 7:59 p.m.). Nick Mohr and Rosalie Murray 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.

Meeting was called to order by Chairman Jim Sikkes.

“Adequate notice of this meeting of the Blirstown 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:**

Chairman Sikkes declared that submission of information supporting applications must arrive at Town Hall **10 calendar days prior to meetings.** He explained this is an effort to give the Board members enough time to review the documents.

**MINUTES OF PREVIOUS MEETINGS:**

Minutes of November 19, 2018 Regular Meeting of the Land Use Board were approved with changes by Mr. Repasky, Mrs. Stires, and Mr. Mott incorporated.

**Action:** A motion was duly made by Mr. Keller, seconded by Mrs. Green, to approve the Minutes of the November 19, 2018 Regular Meeting of the Land Use Board, as revised.

Roll call vote: Green, Keller, Repasky, S. Sikkes, Van Valkenburg, Mott, Stires, and J. Sikkes – yes. Waldron – abstained. Mohr and Murray – absent.

**APPEAL OF ADMINISTRATIVE OFFICER:** None

**RESOLUTIONS:**

**LB#03-15B Darst**, Block 2003, Lot 28, Amended Preliminary and Final Site Plan Application and C Bulk Variance

Mrs. Green questioned if NJDOP should be NJDEP on page 4 of the Resolution and Mr. Thomas said yes and he will correct.

Mr. Mott questioned the wording on the bottom of page 2 about the 5.3 foot front yard setback. Mr. Thomas stated that the deviation fits the character of the area, and that he is comfortable with the wording.

**Action:** A motion was duly made by Mrs. Waldron, seconded by Mr. Repasky, to memorialize the resolution. Roll call vote: Keller, Repasky, S. Sikkes, Van Valkenburg, Waldron, Mott, Stires, and J. Sikkes – yes. Green – abstained. Mohr and Murray – absent.

**LB#05-18, Farley, Block 1206, Lot 4, D Use Variance**

Mr. Keller questioned on page 2 where it states that the property was vacant. Mrs. Van Valkenburg confirmed that it was vacant, and Mr. Keller then understood that the building was vacant, not vacant land. Mr. Thomas stated that he will change the wording to the building was vacant.

**Action:** A motion was duly made by Mr. Keller, seconded by Mr. Steven Sikkes, to memorialize the resolution. Roll call vote: Green, Keller, Repasky, S. Sikkes, Mott, Stires, and J. Sikkes – yes. Van Valkenburg and Waldron – abstained. Mohr and Murray – absent.

**LB#06-18, Montage Enterprises, Block 702, Lot 18.01, Amended Preliminary and Final Major Site Plan and C Bulk and D Use Variances**

Mr. Repasky asked for #2 on page 4 to be changed from equipment to “equipment and material” and to add “or under the covered roof overhang”. Mrs. Green asked to revise #6 on page 5 from Service to District.

**Action:** A motion was duly made by Mrs. Green, seconded by Mrs. Waldron, to memorialize the resolution. Roll call vote: Green, Keller, Repasky, S. Sikkes, Waldron, Mott, Stires, and J. Sikkes – yes. Van Valkenburg – abstained. Mohr and Murray – absent.

**Consistency Review of Ordinance No. 2018-22 Clarifying Administration Enforcement Penalties in the Land Development Ordinance**

**Action:** A motion was duly made by Mr. Keller, seconded by Mr. S. Sikkes, to memorialize the resolution. Roll call vote: Green, Keller, Repasky, S. Sikkes, Van Valkenburg, Waldron, Mott, Stires, and J. Sikkes – yes. Mohr and Murray – absent.

**Consistency Review of Ordinance No. 2018-28 Definition of Household and Non-Household Animals**

**Action:** A motion was duly made by Mr. S. Sikkes, seconded by Mr. Repasky, to memorialize the resolution. Roll call vote: Green, Keller, Repasky, S. Sikkes, Van Valkenburg, Waldron, Mott, Stires, and J. Sikkes – yes. Mohr and Murray – absent.

**COMPLETENESS:** None

**PUBLIC HEARING:** None

**CORRESPONDENCE:**

Chairman Sikkes stated that all Board Members have received a copy of Commissioner McCabe’s letter on DEP’s Solar Siting Analysis Update. We will review this for the Master Plan for next year and work with them on how we can adjust it to our Master Plan. Chairman Sikkes asked that a copy of the last Master Plan be distributed to all Board Members prior to the next meeting.

The next item is the Blairstown Hose Company letter stating no exceptions to the Darst project (LB#03-15B). The Board had no questions on this letter.

Everyone received a copy of the New Jersey Planner for September / October 2018.

**OTHER BUSINESS:** None

**NEW BUSINESS:**

**LB#07-18 Crown Castle**, Block 1501, Lot 4, 155 Route 94 – Informal Review Application for Replacement of Wireless Telecommunications Facility.

Mr. Mott recused himself from this application as he lives at 10 Lambert Road in Blairstown and he sees the cell towers for about 90-95% of the entire property. He feels he cannot be objective, and Mr. Thomas accepted his recusal and thanked Mr. Mott.

Mr. David Kenny introduced himself as an attorney with the law firm Snyder & Snyder, and he is representing the Applicant, Crown Castle. The application is for an informal review to start the process of this unique filing. The tower already exists and this is not building an additional tower, it is replacing the tower that is there at 155 Route 94. There are two existing towers at the property; one owned by Verizon and one owned by Crown Castle. Crown Castle houses the antennas for AT&T, Sprint, and T-Mobile, and it is the one with the American Flag on it. This proposal is being presented as the carriers need to modify their equipment within the tower. They will actually be replacing the tower itself, and it will be 125 feet instead of 120 feet which is taller by five (5) feet. The tower will be slightly larger diameter to eight (8) inches at the top of the tower and to sixteen (16) inches at the bottom of the tower. The tower tapers as it goes up. The existing facility was originally approved in 2002 pursuant to a D Use Variance because it did not meet all the requirements of a conditional use approval. The Applicant wants to put a “face” to the application to begin the process. They would like to receive feedback from the Board regarding the application and to determine if there are any concerns or any focus that the Board would like the Applicant to comply with and include in this application.

Chairman Sikkes asked if Mr. Kenny had received a copy of Mr. Rodman’s report, and Mr. Kenny replied that he did. Mr. Kenny stated that he and Mr. Rodman had a conversation today prior to the meeting to review his questions and their answers. Questions/answers follow:

1. Mr. Rodman had questioned whether there will be a formal Site Plan Application and Mr. Kenny replied that there will be a formal application and a variance, if needed.
2. Mr. Kenny explained the larger diameter of the tower will be sixteen (16) inches at the base and eight (8) inches at the top where the actual antennas are located.
3. The height of the existing tower is 120 feet and the new tower will be 124 feet and 6 inches, roughly 125 feet.
4. As far as flag etiquette, the flag being flown now is the American Flag, and they will continue to fly it, but the Applicant is open to type and design. Chairman Sikkes asked if the American Flag is in disrepair, and Mrs. Waldron interjected that this has been an ongoing issue with the American Flag and also the other flag. Mr. Kenny stated that they will correct any issues and maintain the flag. Verizon flies the State flag. Mr. Rodman stated the issue was only one American Flag could be flown.
5. The replacement tower will be approximately 17 feet northwest, farther away from the property line which will help with the setbacks.
6. The existing cell towers are painted white, but their existing plan calls for galvanized. If the Board wishes them to paint the cell towers white, they will do so. Mrs. Waldron expressed that the cell towers should be painted white for consistency.

Chairman Sikkes asked if any of the base items would be changed, and Mr. Kenny replied that since they are moving the tower slightly that there would be a cable bridge to do that.

Mrs. Waldron expressed concerns from the past with this cell tower that would not normally have occurred. Inconsistencies with coming before the Board or filing in advance for changes being made at that location. There needs to be open dialogue between the Board and the Applicant and that they follow the process all the way through. There should not be notification from others than the Applicant that they have made changes or brought in a temporary tower to offset a tower that wasn't working properly. Mr. Kenny said that this is the purpose of this meeting to open a dialogue before the official filing. Mr. Kenny was not involved in past filings, and he will ensure that the Township Code is followed.

Mr. Repasky asked if the construction sequence would be to install the new cell tower, change over all the electronics, and then demolish and remove the old tower. The Applicant's engineer answered yes. When Mr. Repasky asked how soon after the change operation the old tower would be removed, the engineer answered within three-five days. Mr. Kenny stated that these projects are usually completed quickly in two (2) weeks to one (1) month, and Mrs. Waldon asked them to notify the Board if this time is exceeded. Mr. Kenny stated that in the filing they will include some information to that respect, and Mr. Rodman said that could be a condition of approval.

Mrs. Van Valkenburg asked if raising the tower by five feet would affect Verizon as far as interference. Mr. Kenny replied that the FCC regulates that actual topic but they are on different frequencies and the additional height will not have any effect.

There were no other questions from the Board, and Mr. Kenny asked that if there are any other questions that come up, please reach out to him and he will include in their filing. Mr. Rodman reconfirmed that the Applicant would be returning with a formal site plan for the tower. Mr. Kenny confirmed and that they have some homework on their end to complete the process. Mr. Thomas thanked the Applicant for coming to introduce themselves and open a dialogue with the Board.

#### **Township of Blirstown, Block 1402, Lot 24-30, 25 Lambert Road, Blirstown – Capital Improvement Review for Equipment Storage Shed**

Mr. Rodman explained that the Municipal Land Use Law states that when there is a Capital Improvement the Land Use Board or Planning Board must review it. It is not an approval; it is a review process where any suggestions should be voiced to the Township. Mr. Eric Usinowicz, DPW Acting Director, is here tonight to explain the details. This project needed to be built prior to the weather change, so the Zoning Officer issued a Zoning Permit conditional on the Land Use Board reviewing the application for the storage shed. Mr. Rodman explained that some of the groundwork or other work is already started, and Mr. Usinowicz stated that the building is already up. Mr. Mott requested to be recused from this review due to proximity as he will be inheriting the six (6) acres of wetlands. Mr. Thomas stated that if Mr. Mott feels uncomfortable, it is valid for him to recuse himself.

Mr. Rodman has given all members a copy of the site plan. Mr. Usinowicz explained that it is a 60 by 40 foot, 20 foot high storage shed to replace the existing storage shed at the Jones Farm. This will keep all the equipment closer to the Township Building where there can be better surveillance with cameras. There have been numerous issues at the other site, including burglaries.

Mr. Usinowicz corrected the map to show the building would be 60 feet long and 40 feet wide. Mr. Keller asked for the total project cost, and Mr. Usinowicz answered \$80,000, which includes six inch concrete floors. Mr. Keller asked how the project is being funded, and Mr. Usinowicz replied capital improvement (Township). Chairman Sikkes asked if there would be water to the new building, and Mr. Usinowicz replied that there is no water or electric now although they would like to run electric to it in the future. The cameras are on the existing building which has electric. Mr. Keller asked what the shed will be used for,

and Mr. Usinowicz explained that it will be for storage, especially for the seasonal equipment that was shuffled between the DPW building and the Jones farm, which will now be eliminated.

There were no other questions or recommendations from the Board Members. Mr. Thomas confirmed that there was no need for any vote or Resolution.

**PUBLIC PORTION:**

Mrs. Van Valkenburg has given all Board Members a copy of the NJ League of Municipalities FCC rules granting local control of ROW regarding communications towers. She asked all members to review this, as well as the Model Code for municipalities regarding cell towers. Mrs. Van Valkenburg read from the code: "While efforts are still underway to fight implementation of this order, the order is that local governments can set for wireless facilities seeking access to ROW. This includes limitations and standards set by local governments for setting safety and resiliency purposes." What this means is that municipal practices should be reviewed with your municipal attorney to ensure compliance with the new FCC standards. This means we will have less say as far as the ROW. Mr. Thomas will take the document and get a copy back to Chairman Sikkes.

**VOUCHERS:** Professional services rendered.

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

Mrs. Van Valkenburg advised everyone that this is her last meeting on this Committee, and it was a pleasure being here with all of the Board. Unfortunately, she had very little opportunity to participate due to conflicts of interest and is the reason she is vacating the position. She knows many people in town and deals with a lot of the attorneys. Mr. Steven Sikkes will be taking her position.

Mrs. Van Valkenburg, in conjunction with Mrs. Waldron and Mr. Diehl, the Zoning Officer, asked the Board to please bring to their attention any items that arise that may seem different from our Ordinances, or to improve our Ordinances. Next year, the Ordinance Committee will be continued as Mrs. Van Valkenburg will be able to focus more attention to it. The Master Plan will also be worked on.

**ADJOURNMENT:**

Chairman J. Sikkes asked the Board for a motion to adjourn.

**Action:** Upon a motion duly made by Mrs. Waldron, seconded by Mrs. Green, and unanimously carried, the meeting was adjourned at 8:08 pm.

Respectfully submitted,

Linda J. Grohs, Board Secretary