

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
May 15, 2017**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, May 15, 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, Rosalie Murray, Mike Repasky, Joanne Van Valkenburg, Cynthia Dalton, Jim Sikkes, Debra Waldron, Dominic Daleo, Steven Sikkes, Anthony Iurato and Wickliffe Mott. Nick Mohr was absent. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas and Marion Spriggs, Board Secretary.

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 April 17, 2017 Regular Meeting of the Land Use Board were approved, as corrected.

Action: A motion was duly made by Mr. J. Sikkes, seconded by Mr. Keller, to approve the Minutes of the April 17, 2017 Regular Meeting of the Land Use Board, as corrected. Roll call vote: Green, Keller, Murray, Repasky, Van Valkenburg, Dalton, J. Sikkes, and Daleo–yes. Waldron, S. Sikkes, and Iurato – abstained.

COAH

Jessica Caldwell, PP, submitted a DRAFT of Housing Element and Fair Share Plan (HEFSP) dated 4/11/17 and a DRAFT Affordable Housing Overlay Zone which resulted from a Fairness Hearing held on 3/19/17 before the Superior Court of NJ and Warren County where the signed Settlement Agreement with Fair Share Housing was approved.

She explained the HEFSP is in compliance with the Settlement Agreement and she is presenting it to the LUB for review and informational purposes.

She noted there is a 120 day time frame to adopt the HEFSP along with the Affordable Housing Overlay Zone and a couple of other ordinances that will be forwarded to the Township Committee. She said this puts Blairstown around the 1st week of July.

She suggested it be discussed in DRAFT form tonight and if everything's in order, publish Notice for Adoption for next month, and forward the Ordinance to the Township Committee. She noted it is their purview to adopt the Ordinance.

Roger Thomas said it has been noted that Maximum Density for residential development shall not exceed 6 dwelling units. He questioned if Affordable Housing will agree to 6 dwelling units as a *minimum* density.

Ms. Caldwell responded that it is called an Inclusionary Zone, which when developed, Affordable Housing has to be a part of that development proposal. 20% of those units would have to be affordable, 15% if they were rental units.

She further explained, the minimum density by the State Law for Inclusionary Zones is 6 units per acre. She believes that is a defensible number because Blairstown is so rural.

Minimum density for rental units is 12.

A proposed ordinance will only go into effect if sewers were to be put in place where the Overlay Zone is.

Vice Chairman, Jim Sikkes, asked, "How do you put 6 dwellings on 1 acre without sewers"? The answer was "You don't". Ms. Caldwell doesn't think that is a likelihood. She pointed out the special Master required this as part of Blairstown's settlement.

Chairwoman Waldron questioned, if it is now before LUB, since this came up in a public meeting discussing sewers. Ms. Caldwell answered affirmatively. She said it may have had to be done anyway but this put it on the "front burner".

Ms. Caldwell revealed the Overlay Zone Ordinance requirement exists for 2015-25, ONLY if the sewers are provided.

She reviewed the HEFS Plan explaining why Blirstown wound up with this ordinance.

The following items were pointed out:

124 unit obligation for the Third Round was reduced by 30% to **87 units**, as part of Blirstown's settlement with the Fair Share Housing Center. (pg. 17 HEFSP)

There are no rehabilitation units lacking in facilities.

Prior Round Obligation was 12 units. 15 units have been provided, producing a *carryover* of **3 units** for this Third Round Obligation starting 1999 to 2025. (pg. 18 HEFSP)

Market to Affordable Program – proposing **10 units**. 6 have been completed to date. (pg.19 HEFSP)

Accessory Apartment Program - proposing **10 apartments**. 3 have been constructed. (pg.19 HEFSP)

Supportive Housing - Blirstown has a memo of understanding with A.R.C. to provide a 4 bedroom group home – **4 units**. A location for that group is being sought. (pg.19 HEFSP)

There is a total of **35 units** for Round III. (pg.20 HEFSP)

Ms. Caldwell explained the Durational Adjustment which is when a municipality is lacking public water or sewers to provide for Inclusionary Zoning.

She emphasized the main mechanism for addressing Affordable Housing is Inclusionary Zoning. Public water and sewers are necessary in order to get the densities to provide for Inclusionary Zoning. Since Blirstown does not have that, a Durational Adjustment was requested. That was approved. Blirstown is adjusting the 55 units but one of the conditions of that approval was finding a location within the municipality to provide an Overlay Zone to capture some units in the event that Blirstown ever got public water and sewer.

An Overlay Zone draft was done outlining the downtown area which already has water. If development were to occur, residential zoning would happen only if and when sewers were available.

She explained the Overlay Zone would have to be adopted as part of The Settlement Agreement.

She noted the Settlement was approved by the Judge. She said following the 120 day period, providing all the documents are adopted, Blirstown would get its 10 years, of repose, to 2025, wherein the Municipality is protected from Builder's Remedy lawsuits.

Roger Thomas stated, the Overlay Zone outlined area (indicated on pg. 21 HEFSP), when the Ordinance is in place, will be protected by a Judgement of Repose. He explained the Township has a Plan and can reject any other location suggestion, unless a builder comes up with reasons from a D variance viewpoint that make sense. Bottom line is, Blairstown's Affordable Housing is taken into account and if the builder wants to put their package plan in this area, that is a different issue. He noted if a builder puts it elsewhere, then the Township has defenses to say "It's not going to happen".

Mrs. VanValkenburg questioned how much of the 88 acres is not developed and can be. Ms. Caldwell noted if it is preserved, it would not be developable. She noted there are environmental constraints. Mrs. VanValkenburg said there are wetlands, and Blair Academy – which is exempt. She said most of the property in this area is already developed. Ms. Caldwell agrees and revealed she does not foresee an overwhelming amount of development even if sewer came in. Ms. Caldwell stated she can take a look at it. She repeated, The Overlay Zone only kicks in if there is adequate water and sewer. In her opinion, the likelihood of water and sewer being built in this 9 year-period, is pretty slim.

Chairwoman Waldron asked if the existing amount of water would be taken into consideration, since the supply is inadequate for that existing area and a new well is being drilled currently. Ms. Caldwell responded adequate water would be necessary to balance out the sewer.

Roger Thomas declared the minimum is 6 (units). Approval could not be obtained from a court or Master for less. There would not be an approved Plan which Blairstown now has. COAH established those minimums which are now upheld by the Judge. Before that, the Courts established those as minimums. If less than 6 units are proposed, the Township would have no protection against a Builder's Remedy lawsuit. Attorney Benbrook has protected Blairstown for the next 9 years. He explained in Blairstown's case "the minimum (# units) is also the maximum (# units)" which is a credit to the Planner and Attorney Benbrook, affording the best possible position.

Ms. Caldwell stated the Plan will have to stay the same until 2025 as per one of the stipulations of the Settlement. If units were approved in other areas, Blairstown would get credit for those, reducing the Plan in the future. She said those would be emerging opportunities.

Ms. Caldwell concluded if there are no further proposals or changes, there will be a Public Hearing in June. She said Roger and she will address any issues about the rezoning, perhaps a Re-exam Report.

Chairwoman Waldron asked for confirmation that they will both put together any needed information so Notice can be published for adoption at the June 19, 2017 LUB Meeting.

Mrs. VanValkenburg said the Twp. Committee is waiting for adoption from this LUB Board.

RESOLUTIONS:

LB#01-17 Jeffrey & Cindy Lusby, Blk. 702, Lot 7 – 24 Mt. Vernon Rd., Min. Subdiv–lot line adj & C vars., 11 Amackassin Rd.

Roger Thomas pointed out this a simple application for a Lot Line Adjustment. Mr. Lusby attempted to gain additional buffers. He noted there were additional variances which the Board approved.

Action: A motion was duly made by Mr. J. Sikkes seconded by Mrs. Green, to approve the Resolution of Approval for **LB#01-17 Jeffrey & Cindy Lusby**, Blk. 702, Lot 7 – 24 Mt. Vernon Rd., Min. Subdiv–lot line adj & C vars., 11 Amackassin Rd. Roll call vote: Green, Keller, Murray, Repasky, VanValkenburg, Dalton, J. Sikkes and Daleo– yes. Waldron, S. Sikkes, and Iurato – abstained.

COMPLETENESS:

None

PUBLIC HEARING:

None

CORRESPONDENCE:

OTHER BUSINESS

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

Chairwoman Waldron has spoken with Ms. Billoti, NWRHS Supr. She suggested contact with Race Farms who will be meeting this week to do an outline which will be given to Ted Rodman for his approval. They will then proceed with the plantings.

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

Roger Thomas sent out a letter 4/19/17 but has not heard a response from Attorney Leo nor has he heard from David Diehl, Zoning Officer, re: violations.

Chairwoman Waldron interjected, she would like the LUB to authorize Roger to get involved. She noted this has been ongoing for 2 years.

Ted Rodman revealed that David Diehl indicated he would get together with him. No date has been provided yet.

Roger Thomas declared he would be in touch with David Diehl this week.

Chairwoman Waldron requested feedback from both Ted Rodman and Roger Thomas.

Roger Thomas said he would be in touch with Chairwoman Waldron by the end of the week.

Design Standard Committee

Rosalie Murray, Chairwoman of DS committee, addressed the hand-out she provided on this topic containing the findings on the work done so far.

She stated many of the standards already exist in Chapter 19 of Blairstown's Land Use Ordinance. There is no need for duplication.

She recommended the LUB members should have a copy of the Chapter 19 book so they are knowledgeable of Blairstown's Rules and Regulations.

ENFORCEMENT - Mrs. Murray declared that it's a "fool's errand" to develop standards only to see them disregarded. It must be impressed upon Twp. Committee to find a means to improve enforcement.

MASTER PLAN REVIEW - Mrs. Murray pointed out that if this was done soon, it would be the best venue to make any changes or additions to Design Standards.

Vice Chairman, Jim Sikkes, noted the MP review is not due for 2 years at which time the LUB members may be different Board members, with different thoughts. Mrs. Murray responded that is true in any case. She doesn't anticipate many changes since research reveals most current suggestions already exist.

PURPOSE and INTENT document – Mrs. Murray stated the DS Committee recommends it be an attachment to the LUB Application Checklist. Also suggesting that a meeting with the DS Committee must be scheduled, upon application.

DESIGN STANDARDS – Mrs. Murray suggested an establishment of a Design Review Committee of at least 3 LUB members. This Committee would submit its finding to the LUB.

Chairwoman Waldron supported her idea but noted that she and Ted Rodman already make comments, not of a design nature, but this would give them "more teeth".

Mrs. Van Valkenburg disagrees with the Highway Commercial Zone language which can be construed as "don't do this and that". Chairwoman Waldron agreed and said it can be viewed as bias. Mrs. Murray's concern is with strip malls.

Mr. Iurato, a member of the DS Committee, explained the appearance of a flat-fronted façade is less appealing and it would be beneficial to the Applicant if they choose more of a 3-dimensional look.

Chairwoman Waldron said, it is a matter of rewording, to be more descriptive. It's interpretation.

Mr. Iurato stated that so much of what the DS Committee found, was already in Chapter 19, why re-create, when it has to be reviewed for the Master Plan. He suggested info be given to the Applicant beforehand to inform of things being looked at for conformity and completion.

Chairwoman Waldron explained what she is looking for is something of a rural character, not a box store.

Roger Thomas interjected that some of the things being sought may already be in Section 511 of Chapter 19, and it is simply a matter of enforcement.

Mrs. Murray questioned conformity of all existing signs in a mall. Chairwoman Waldron responded, it depends on when the store opened. Mrs. Murray asked if signage could be changed to conform now. Roger Thomas responded, it would be very difficult. If however, the store owner came in seeking to change something, a modification to their sign could be implemented. He said they have pre-existing, non-conforming rights. Roger explained, once they come in for change, that would be the time.

Chairwoman Waldron requests the LUB to tweak the section of interest and she said it will be put together and submitted.

Mrs. Murray stressed the importance of notifying the Applicant initially that his application will be closely scrutinized before he gets in too deep.

NEW BUSINESS:

None

PUBLIC PORTION:

Jeanette O'Brien, East Ave., stated she is opposed to sewers. She has 3 properties which would require hook-ups. She can't afford that. She questioned if the Township has money for sewers.

Mrs. VanValkenburg admitted there is not much money. Revenue would come from residential and commercial development. The last commercial property was Dollar General. She stated the Township would have to bond.

Roger Thomas reminded, that Ms. Caldwell indicated the proposed Plan would be up for discussion and adoption at the next LUB meeting. It does not require the Township to provide for sewer. He reiterated, if this Plan comes into existence, there will be a Plan to provide for low/moderate income housing. He explained that will not be paid by the taxpayer but by the developer who will benefit from increased density. It is not a taxpayer burden.

Chairwoman Waldron stated the Township is abiding by what the Court mandates.

VOUCHERS: Professional services rendered.

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

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Iurato, seconded by Mr. J. Sikkes, and unanimously carried, the meeting was adjourned at 8:32 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary