

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
June 17, 2019**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, June 17, 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, Rosalie Murray, Michael Repasky, Steven Sikkes, Debra Waldron, Wickliffe Mott, Marianna Stires, Norman Talley, Adam Baker, and Chairman James Sikkes. The following members were absent: Nicholas Mohr. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Linda Grohs.

ROLL CALL: was taken.

SALUTE TO THE FLAG: was recited.

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).

Minutes of the May 20, 2019 Regular Meeting of the Land Use Board were approved.

Mr. Keller made clarifications to change “building” to “storage container” on page 2, and to change “block” to “signature block” on page 3. Mr. Mott asked to clarify “he” to “Mr. Laban” on page 1.

Action: A motion was duly made by Mrs. Green, seconded by Mr. Keller, to approve the Minutes of the May 20, 2019 Regular Meeting of the Land Use Board with the changes above.
Roll call vote: Green, Keller, Mach, Murray, Repasky, S. Sikkes, Mott, Stires, Talley, and J. Sikkes – yes. Baker and Waldron – abstained. Mohr – absent.

RESOLUTIONS:

LB#04-19, Brooke Norman, Block 1701, Lot 9.05, 75 Mt. Hermon Road, C Bulk Variance for high tunnel greenhouse that exceeds 50% of main dwelling - Incomplete

Action: A motion was duly made by Mr. Repasky, seconded by Mr. Keller, to memorialize the Resolution.

Roll call vote: Green, Keller, Mach, Murray, Repasky, Mott, and J. Sikkes – yes. S. Sikkes and Waldron - recused. Mohr – absent.

LB#03-19, William & Susanne Laban, Block 1601, Lot 11, 15 Mt. Hermon Road, Appeal of Administrative Officer re sea container not being permitted in Township of Blairstown – Denied

A clarification was made on page 2 by Mr. Repasky to change the word “rear” to “front” yard on page 2. This was accepted and the Resolution will be revised.

Action: A motion was duly made by Mr. Repasky, seconded by Mr. Mach, to memorialize the Resolution.
Roll call vote: Green, Keller, Mach, Murray, Repasky, Mott, and J. Sikkes – yes. S. Sikkes and Waldron - recused. Mohr – absent.

COMPLETENESS:

LB#04-19, Brooke Norman, Block 1701, Lot 9.05, 75 Mt. Hermon Road, C Bulk Variance for high tunnel greenhouse that exceeds 50% of main dwelling

Mr. Thomas confirmed the applicants have a copy of Mr. Rodman's report of June 12 which deemed the application incomplete.

Mr. Rodman stated the applicants have provided a revised map and the following items must still be waived as the copy of the survey did not have a raised seal. However, the provided map is sufficient.

There were no other comments from the Board.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Murray, to deem the application complete.

Roll call vote: Green, Keller, Mach, Murray, Repasky, Mott, and J. Sikkes – yes. S. Sikkes and Waldron - recused. Mohr – absent.

PUBLIC HEARING:

LB#04-19, Brooke Norman, Block 1701, Lot 9.05, 75 Mt. Hermon Road, C Bulk Variance for high tunnel greenhouse that exceeds 50% of main dwelling

Mr. Thomas swore in both Brooke and Chris Norman, 75 Mt. Hermon Road, Blairstown, NJ, and then asked the Applicant to briefly explain what they hope to accomplish with this application.

Mrs. Norman provided three (3) Exhibits as follows:

Exhibit A-1: Three (3) photos

- 1- manufacturer's photo showing the interior of the high tunnel
- 2- internet photo showing 30 foot wide high tunnel
- 3- another internet photo showing 30 foot wide high tunnel (different angle)

Exhibit A-2: Survey map showing the location of the high tunnel

Exhibit A-3: Three (3) Photos of property site from location of High Tunnel to Road

Mr. Keller questioned if the Normans' application was for a 30-foot-wide high tunnel, and Mrs. Norman confirmed that was what their grant was for. Mr. Keller asked Mrs. Norman to show where the high tunnel will be placed on the survey. Mrs. Norman replied that the location was depicted on the initial submission. Mrs. Norman then marked the survey map provided at this meeting with the location of the high tunnel (**Exhibit A-2**).

Mrs. Murray asked if the Normans are going to sell their produce, and Mrs. Norman answered that initially they are growing just for their family. Anything above that they would like to sell. Mrs. Murray asked if they would be selling from this location, and Mrs. Norman answered that they were looking into that when they discovered they needed the variance. The outcome of the variance will determine whether they can have a farm stand. Mr. Rodman stated from conversations with the applicant that there would be no sales from people coming into the site. Mrs. Norman will take items away to sell, and if they do have a farm stand it would require a site plan. Mrs. Norman stated that they are currently going to a farm market. Mr. Thomas clarified that these issues (farm stand site plan) are not in this application.

Mr. Repasky observed that the high tunnel is partially within the wetlands buffer area. Mrs. Norman answered yes as it fell within the minimum setback distance from the property line. The high tunnel is a

nonpermanent structure and it is within the setback requirements. Mr. Repasky asked if this type of structure is prohibited in the wetlands area, and Mr. Rodman stated that they would have to get a permit. Chairman Sikkes asked Mrs. Norman if she has a permit to locate the high tunnel in the wetlands area. Mrs. Norman answered that she has spoken with Pat Ryan in Trenton who stated that because they are a farm (grandfathered from ten years back), they are allowed to continue agricultural use within the wetlands area. They are not allowed to use concrete or put in any permanent structures. Mrs. Norman can get documents as needed. Mr. Mach responded that Part B of that question is, "are structures allowed in the conservation area". Mr. Rodman answered that it depends, as the conservation area specifically should state what is restricted within that zone/area. Mr. Thomas stated that both points are well taken and if the Board ultimately gives an approval, there could be submission of whatever documentation Mrs. Norman has verifying that there is not a problem regarding the wetlands. Secondly, Mrs. Norman should submit to Mr. Rodman a copy of the conservation easement. Mrs. Norman responded that she has tried to get one since they have purchased the house to no avail. Mr. Thomas asked if it was an easement from the State, and Mrs. Norman said she could not find anything at all. Mr. Keller asked if Mrs. Norman could move the high tunnel off the conservation easement line, and Mrs. Norman asked how to determine, using that survey, how far the easement line starts from the property line. Mr. Rodman stated there should be a metes and bounds description. Mr. Keller believes if they get an approval, they should get a surveyor to stake out the location to be sure the high tunnel is clear of the conservation easement line.

Mr. Norman stated that the Federal Government inspected the site and approved the plotting of where the high tunnel should be located. Mr. Rodman stated that conservation easement is a broad term and there should be specifics on what that conservation includes. Mr. Norman answered that there is no record, and Mr. Rodman stated there has to be a record of it somewhere because whoever that easement is "to" has to know what it is. Mr. Norman stated that the grant was through the Federal Government and that individual was a soil conservation expert. Mr. Rodman stated that the State put the conservation easement on the map, not the high tunnel, and the State will have the regulations. Mr. Thomas replied that it should be with the DEP and if Mrs. Norman speaks to the gentleman she spoke to about the wetlands, she could get some clarity. Mrs. Norman stated that she had spoken with him at length about the nonpermanent structure being used and he said as no concrete or footings are being put in the ground, it is a nonpermanent structure. Mr. Thomas responded that this was in regards to the wetlands, but is the conservation easement the same? Chairman Sikkes stated that the conservation easement has to do with the wetlands. Mr. Rodman stated "not necessarily", so the situation needs to be clarified.

Chairman Sikkes asked if Mrs. Norman was finished with her case, and she replied that she would like to provide another exhibit (**Exhibit 3**). These are three (3) pictures from the site of the high tunnel out to the road. The first is the high tunnel site view to Mt. Hermon Road, the second photo is the high tunnel site view from Mt. Hermon Road, and the third is the barn from the road. Mrs. Norman explained that she wanted to show the relationship to the site as it is bright red (the barn), and Chairman Sikkes responded that you cannot see it from the road. Mr. Rodman did a site inspection and confirmed that the vegetation, even in the winter time, should buffer the tunnel from the neighboring properties and from the road.

Mrs. Norman summed up that their high tunnel may be insignificant in the grand scheme of what our community produces for food. However, she believes that even above and beyond the food they produce locally, they will be instilling a positive understanding in their children that they can bring out to the community. They do this often with their children, as a regular conversation, during the growing season. They take part in other gardening projects in the community, which in turn helps to maintain the food bank, and encouraging a mentality of producing their own food.

Chairman Sikkes asked if there were any further comments from the Board, and there were not. He then asked if there were any comments from the Public.

Mr. Thomas swore in Susanne Marshall of 67 Mt. Hermon Road. She is the direct neighbor to this property, and the Normans' property comes behind her fields and barns. Ms. Marshall stated that she personally, as a resident of Blairstown, is excited by something like this going on in our community. She

supports it completely and hopes she can get food from them. She believes that this is what this town is about.

As there were no more comments, the meeting was then closed to the Public.

Mr. Thomas stated that unless there are any more comments from the Board, if there is to be a motion in favor of this application, the Applicant will obtain a letter to verify the nature of the structure will not violate any wetlands concerns and they will clarify that the structure is outside what is described as a conservation easement by whatever manner is appropriate.

Action: A motion was duly made by Mrs. Murray, seconded by Mr. Keller, to approve the application with the stated conditions.

Roll call vote: Green, Keller, Mach, Murray, Repasky, Mott, and J. Sikkes – yes. S. Sikkes and Waldron - recused. Mohr – absent.

LB#06-19, The Last Frontier, Block 2003, Lot 27, 44 Hope Road, Interpretation re previously granted D Use Variance and Site Plan to be reinstated or to apply for D Use Variance

Richard Keiling introduced himself as appearing on behalf of his client, The Last Frontier. Mr. Thomas confirmed that Mr. Keiling was given a copy of David Diehl's memo of June 7, 2019. Mr. Thomas stated that this is an Interpretation to reinstate the D Use Variance and **not** an Interpretation **and** a D Use Variance Application, which Mr. Keiling also confirmed.

Mr. Keller stated the application was denied years ago, and the reason was due to missing paving. Mr. Keiling stated that Mr. Caselli (the former applicant) also did not pay the escrow. The approval had certain conditions and the former applicant did not complete the conditions, and based on that the Board vacated the approval. Mr. Thomas clarified that this is an application for an Interpretation, not an application for a variance. There is no completeness review for an Interpretation, so the Board can proceed as a hearing. Mr. Keiling indicated that the application was originally submitted by the applicant with the attorney listed as Dominick Santini. Mr. Keiling is now representing the applicant as Mr. Santini is no longer conducting business in the evenings.

Mr. Keiling explained that this property at 44 Hope Road has a long history. Driving from Blairstown, it is located on Hope Road before Balbi and after the Darst property. In the early 1990's (based on Mr. Diehl's summary), Mr. Keiling made an application for Mike Piccolo to get permission to have a used car lot. He operated the used car lot for a while and after a number of years he ceased doing business in approximately 2004. At that time, Mr. Caselli purchased the property and tried to reinstate the used car business. In Mr. Diehl's review he indicated that Mr. Caselli came back to the Board as the Use variance for the used car lot was revoked by the Board and was reinstated by the Board subject to a site plan that needed to be done. Mr. Caselli submitted a site plan, but a few items were missing – a paving requirement not completed and an escrow requirement of about \$1000 not paid, as well as lighting or signing not completed. Based on these items, Mr. Rodman and then Mr. Thomas wrote a letter sometime in 2006 stating that any approval was vacated.

Mr. Keiling is now representing Brian Piccolo, Mike's son, as an entity, The Last Frontier. Mr. Piccolo has cleaned up the property and paved the parking area. The building has been painted. The property has a housing component on it to the left and to the right is the existing building, which is 36 x 36 feet. Mr. Keiling submitted a short position statement to the Board which explains his applicant's intentions. Mr. Piccolo buys and sells "muscle" cars which are collectible 1960-1970 Corvettes, Camaros, etc. He also purchases fleet cars or vans from Verizon or companies such as that (white panel trucks) which are then sold to local electricians, etc. There is no intention of doing any repair work, engine work, or transmission work. The only proposed work at the site would be detailing, which is polishing, vacuuming, replacing a bulb, etc. There will be no lifts at the site, as all repair work will be completed offsite. There will be no engine oil changes so there will be no oil drums stored onsite. Cars will be displayed outside and inside. Most of the foot traffic would be by appointment only. There will be no banners or displays, like on

Route 22. Mr. Keiling confirmed that Mr. Piccolo would not have a salesman or employee onsite every day; there would be someone there on a Saturday when there would be more car traffic going past.

Mr. Piccolo has a used car license in Washington, NJ, and he needs to get a second license for the Blairstown area from the New Jersey DMV. This licensing takes six to eight months to process and qualify. If, as Mr. Diehl recommends, a site plan is required, they can come back to apply for that, as the DMV process will be time consuming. A used car license requires the Township to be a cosigner, not on the license, but to consent to the license being applied for.

Mr. Piccolo purchased the property four or five months ago, and he has made substantial improvements to a property that was very rough looking. He has landscaped and paved which will be an asset to the location. Mr. Piccolo's opinion is that continuing the use as a used car lot appears to be a use that suits the site, as there have been no demands from other types of businesses.

Chairman Sikkes asked if there were any questions from the Board for Mr. Piccolo.

Mr. Thomas then swore in Brian Piccolo, 59 Brighton Road, Andover, NJ 07821.

Mr. Repasky stated from Mr. Keiling's description it sounds more like a car storage yard and building and only people coming in by appointment to look at them and asked for clarification. Mr. Keiling answered that most would be by appointment, but that he may have someone there on a Saturday. Mr. Piccolo stated that they mostly buy and sell cars that they take to Barrett-Jackson (a well-known car auction). They bring them in, shape them up, and ship them out as they cannot leave those cars outside and only have room for five to six cars inside. They sell Verizon and Sprint vans, but they usually have them sold before they arrive onsite. Those are kept on the side of the building. They do not really sell to the general public; however, he does sell some cars to people he knows in town. There will be no banners or advertising or prices on any of the cars.

Mr. Repasky asked if the Corvettes or "muscle" cars are parked outside when nobody is there during the daytime – and Mr. Piccolo interjected that they have one now that is going to Barrett-Jackson but it is just being stored there for June. They have seven (7) going to Barrett-Jackson in June and some going to Williamsport in July.

Mrs. Murray expressed her aversion to used car dealers and believes that the Board agreed a long time ago that one was more than enough. She is concerned about the name that is proposed to be on the building. Mr. Piccolo answered that the corporation name is The Last Frontier, but they go by Black Bear Customs. Mr. Piccolo had a license at that location before when his father occupied it. His father left and he occupied it, and this Board gave him a license in that location. When the opportunity came to buy the building, he bought it because it is close to home and he was raised here in Hope-Blairstown. He also has an operation in Washington, New Jersey. Mr. Piccolo reconfirmed that he will have no stickers or banners or any used car persona. He doesn't do it now and he will not ever do it. He distributes cars by word of mouth, internet, and auctions. Mr. Keiling sought to assuage Mrs. Murray's concerns by advising her that they are not selling \$2500 cars like Pintos and Vegas; they are selling 1969 Chevy's that go for around \$70,000. Mrs. Murray stated that Hope Road is beautiful and it is an introduction into town and she is being very protective. Mr. Piccolo asked if Mrs. Murray had seen the building recently and she confirmed she has (today) and that it looked nice and clean. Mrs. Murray asked if there is any way to protect the town if Mr. Piccolo should retire. Mr. Thomas understands Mrs. Murray's point and outlined that in Mr. Keiling's summary he stated that there will be no more than 25 vehicles on the site at any time. He confirmed that Mr. Piccolo testified that there be will five to six classic cars. Mr. Piccolo said he cannot keep those classic cars there as the inventory could be \$1M and he can't afford to lose them. Mr. Thomas confirmed that he would have as many as four to five cars inside the building, but no high cost cars outside. Mr. Piccolo added that the Verizon vans will be coming in and out. Currently he has 17 cars in inventory besides the classic cars that are being sold on a daily basis. Mrs. Murray began to ask about the vans, and Mr. Piccolo answered that they are white. Mrs. Murray asked how big the vans are, and Mr. Piccolo answered that they are like a GMC Express van or a cargo van, which are the size of an SUV. Mr. Repasky asked if most of the vehicles parked outside are vans, and Mr. Piccolo answered yes,

and that they will be parked on the side of the building. There won't be many there as there is not enough room. Mr. Piccolo would like to fence in the side yard, but Phase 1 was getting the building back into shape. Phase 2 is doing more curb appeal like plantings. Mr. Thomas asked that with the expensive vehicles inside, are the vans the kind of vans you are looking to display for drive-by traffic or are they really there for storage. Mr. Piccolo answered no, that he does not want walk-in traffic and that the vans that they are selling are only two or three years old (not junk vans). Mr. Thomas stated that to mitigate the impression of a used car dealership, some landscaping to buffer that impact may be appropriate. Mr. Rodman asked about the site plan, and Mr. Thomas stated that first is the question to reestablish the D Use Variance. If that doesn't happen, they would have to apply for a new D Use Variance and Site Plan.

Mr. Piccolo stated that he owns property on both ways coming into Blairstown. He owns a building in Knowlton that he just bought and fixed up. His intention is to make Blairstown a little bit nicer on both ends coming in. He also owns a couple of houses in Blairstown that he is fixing up. His intention is to come back to Blairstown and put his hard-earned money back into it. Mr. Piccolo wants to have a small shop there (at 44 Hope Road - with some cars) that looks nice and is low-key - no signs or additional lighting. Knowlton Township is happy with his location there. He also owns 439 Route 94 which he has also fixed up. Mr. Piccolo is asking the Board to reinstate the prior variance he already had. The location was an eyesore coming into Blairstown that he has fixed up.

Mr. Keiling appreciates Mrs. Murray's concerns and if the Board reinstates the D Use Variance, they would then come back with the site plan. They would make proposals about the fencing or screening and how they would have the vehicles on the side, and ask the Board for their feedback. Mr. Thomas addressed the approval that has bounced back and forth, but most importantly it was for a used car dealership. From Mr. Piccolo's testimony it sounds like he is doing something different from that so reinstating the variance opens up some potential problems. There is the potential, given that Mr. Piccolo has to get a license from Trenton, that maybe the better approach is to seek a new D Use Variance being very specific to what Mr. Piccolo wants, along with a site plan. When Mr. Piccolo leaves, another owner could bring in lesser quality vehicles. Mr. Rodman stated that the site plan has to address more than the buffering – lighting, drainage, the whole scope. Mr. Keiling commented that they are proposing a lesser scale. Mr. Thomas agrees because if the Board reinstates the D Use Variance, it goes well beyond what Mr. Piccolo wants or needs so a new D Use Variance would be the better approach. Chairman Sikkes and Rosalie Murray expressed their total agreement. Mr. Thomas stated that Mr. Piccolo needs to get a license which is a long process – probably six months – and the timing for the new D Use Variance/Site Plan should not delay his operation. Chairman Sikkes asked Mr. Keiling if he agreed, and Mr. Keiling stated that he would prefer the Board to reinstate the D Use Variance and make it subject to only this Applicant. If it changed hands, they would have to come back to this Board.

Mr. Mott is in favor of a new application as the site is just over one acre with two uses and the residence takes up approximately half and you have a septic out there. Mr. Mott really questions and would want to see demonstrated on a site plan how you are going to fit 25 cars when halfway between the house and garage area it shows the approximate location of the disposal bed.

Mr. Rodman asked if there is a question of two uses on the lot when you change the use; do you need a variance for that. Mr. Thomas asked if there was always a house on the lot, and Mr. Keiling confirmed. Mr. Thomas stated that they can address the two uses in the new variance.

Chairman Sikkes asked if there were any more questions from the Board and there were none.

Chairman Sikkes then opened the meeting to the Public.

Mr. Thomas swore in Edgar Wright, 45 Hope Road, Blairstown. Mr. Wright stated that the work done by the Applicant is much better than what he has seen in the 18 years he has lived opposite the location. Mr. Wright's concern about the size of the lot with the inventory of 16-17 vans, or even two or three is going to look clumsy in relationship to everything else that is around it. It is going to be pretty difficult to hide. He likes the idea of classic car restorations. There is some non-permeable area that has been installed outside the buildings but the rest is grass. He is concerned about oil-filled vehicles waiting their

turn to be refurbished is not a very good idea. Chairman Sikkes answered that when the Applicant does the site plan they will have to show the parking and how many vehicles will be on that property and see if that is satisfactory to the Board members.

Mr. Thomas swore in Robert Castellucci, 6 Alexander Lane, Blairstown. Mr. Castellucci has been watching the remodeling and cleanup and it looks very good in a short period of time. There are a couple of comments that may not have been addressed by the Board. Mr. Castellucci asked the Applicant if he is aware that he cannot park any cars in the back of the building and Mr. Piccolo answered that he is aware of this. Mr. Castellucci stated that if they are going to park cars on the side of the building, they have been through this before about cars being parked on dirt or gravel. There is motor oil that contaminates the soil. They should have to pave so that the motor oil doesn't soak into the ground.

The meeting was then closed to the Public and Chairman Sikkes returned the meeting to the Board.

Mr. Thomas summarized for the Board that they can either reinstate the current D Use Variance with conditions or to indicate that the prior approval is null and void and any further action with regard to that activity would require a new D Use Variance.

Action: A motion was duly made by Mrs. Murray, seconded by Mr. Repasky, to deny the interpretation to reinstate the previously granted D Use Variance and for the Applicant to apply for a new D Use Variance and Site Plan.

Roll call vote: Green, Mach, Murray, Repasky, and J. Sikkes – yes. Keller – no. S. Sikkes and Waldron - recused. Mohr – absent.

CORRESPONDENCE:

The NJ Planner was received by all.

OTHER BUSINESS:

Mrs. Waldron introduced Everett Falt, Township Clerk, to all members of the Land Use Board.

Ordinance to amend Chapter 19 “Land Development”, Article 19-500 “General Provisions” to add new sections entitled “Soil Fill Placement”, “Operating Requirements”, and “Fees; Bonds; Penalties and Miscellaneous Provisions” and to amend Section 19-901 “Fees” of the Code of the Township of Blairstown.

Chairman Sikkes asked for comments from the Board.

Mr. Repasky clarified that “of” less than rather than “or” less than should be changed on page 2.

Chairman Sikkes addressed the Wantage Township ordinance that starts at 25 yards of soil which he agrees with, and Steven Sikkes and Mr. Repasky felt that was too low. Mrs. Waldron stated that this happened because of the Wantage and Vernon contamination issues, and it has been coming closer and closer to home. The less desirable lots go on the market and people bring in fill that the Township has no idea of what the fill contains. Blairstown is primarily septic and well properties, and she takes the risk of contamination very seriously.

Chairman Sikkes addressed the 25 yards and understands it doesn't sound like very much, but years ago a developer in another Township was doing a septic system and the dirt came from a McDonald's in another location. This was the fill for the septic system, and this is why he feels strongly about the 25 yards. Mrs. Waldron has witnessed dump trucks who have taken fill from contaminated sites and the people who had the fill delivered to them were unaware. One drop of gasoline can pollute a ton of well water.

Mr. Thomas summarized that the Land Use Board's mission is to review under Section 26 of the MLUL, which is a consistency review, to determine if the Ordinance is consistent with the Master Plan. Mr. Repasky's comment does not materially change the Ordinance. From a notice viewpoint if the Board is recommending that the Ordinance changes from 100 cubic yards to 25, the Ordinance may have to be reintroduced. Mrs. Murray brought up the fact of ensuring that the existing Ordinance reflects the change, and Mr. Thomas found that Section 19-510 (B) 2.a. will need to be merged with this Ordinance as it reads "Board may approve the removal or import of more than 500 cubic yards of soil on request of the Applicant". Mrs. Waldron will take this issue back to the Township Committee. Chairman Sikkes asked if the Zoning Officer would establish the permit fees, and Mrs. Waldron confirmed. Mr. Rodman asked if the Zoning Officer would enforce, and Mrs. Waldron also confirmed this.

Mr. Thomas again summarized that the Board has to decide if the Ordinance is being changed from 100 cubic yards to 25 cubic yards. Mrs. Waldron took comments from the Board and Mr. Mach suggested that 50 cubic yards would be appropriate. There was discussion about the appropriate amount of fill, and the Board agreed to 50 cubic yards. Mr. Thomas suggested that the Ordinance is consistent with the Master Plan and the Board is suggesting to reduce the number of yards from 100 to 50. The Governing Body will then decide.

Mr. Repasky also clarified on page 5 under (2) a., that "he" should be changed to "they", and on page 7, H 1. that "he/she" should be changed to "they".

Action: A motion was duly made by Mr. Mach, seconded by Mr. Repasky, to agree that the Ordinance is consistent with the Master Plan of the Township of Blairstown and recommending that a minor soil permit should be triggered at 50 cubic yards rather than 100 cubic yards.

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

Master Plan 2020 – Review/discussion of Land Use Board Members' and Zoning Officer's submissions for periodic re-examination of Master Plan.

Chairman Sikkes asked if everyone has been working on the Master Plan and turning in their submissions to the Land Use Board Secretary. With that confirmation Chairman Sikkes stated that the Report of recommendations should be able to be submitted within the next month or so. Mr. Mach asked for a copy of the 2010 census to determine if the Town has grown or not grown to assist them in preparation of the Master Plan Reexam. Mr. Thomas added that 2010 may or may not be viable, but the 2016 preliminary numbers should be available. Mr. Thomas has heard that Sussex, Warren, and other counties in the State have declined in population so using the 2010 census data may provide a false reading. Mr. Mach answered that having 2010 and 2016 would be most helpful.

NEW BUSINESS:

Laban Update:

Chairman Sikkes addressed the meeting with the Department of Agriculture (Warren County Agriculture Development Board) that Mr. Thomas would not be attending until further information was provided. Mr. Thomas responded that the June 20, 2019 meeting was for a determination that the Laban property was qualified as a farm. The July 18, 2019 would address the sea land container that was presented to this Land Use Board. Mr. Thomas so advised the Board that he would not be attending the June 20 meeting. There is a recent note from David Diehl, Zoning Officer, indicating that in his opinion the property does not qualify as a farm, and he suggested that Mr. Thomas attend the June 20 meeting to represent the Board's interest in that regard. Mr. Thomas raised the question as to whether we have standing in that issue, and just as importantly, to ensure that Mr. Diehl will be available to testify. Mr. Thomas will get in touch with Mr. Diehl and appear on the Board's behalf about the farm. Both Mr. Thomas and Mr. Diehl will attend the July meeting referring to the sea land container. Chairman Sikkes explained to the Board

that Mr. Diehl had provided information today that the applicant stated under acreage that his cropland which qualifies him as a farm is 3.74 acres. However, the law is written that you need a minimum of five (5) acres for farming, and the applicant does not qualify for that assessment. The Board wants this information brought up to the Board of Agriculture that what he is applying for does not qualify. Mr. Thomas will discuss with Mr. Diehl to verify all the details. Mr. Mach asked if the entire parcel is 3.74 acres, and Chairman Sikkes answered that no, the entire parcel is 26 acres. The applicant has 22 acres of woodland which does not qualify as farmland. Mr. Thomas stated that Appurtenant woodland and wetlands equals 0, Non-Appurtenant Woodland is 22.08 acres, Cropland is 3.74 acres, and Home site is 1 acre, for a total of 26.82 acres. Chairman Sikkes stated that the applicant had a forester come in for tree management, which does not qualify as farmland, and that is the issue. Mr. Mach wants clarification of that from a higher authority because five (5) acres of "land" qualifies for farmland assessment. Chairman Sikkes replied that he does not have farmland to farm, and Mr. Mach responded that to the Town he believes that woodland and farm are the same. Mrs. Green suggested speaking with the Tax Assessor, and Chairman Sikkes replied that has been done by the LUB Secretary. Mrs. Grohs answered that the Tax Assessor's file stated that it was a woodland management program. Mr. Thomas questioned if the Tax Assessor provided the Labans with an agricultural assessment based on a forest management plan, and not knowing the answer to this is the critical point.

Mr. Mach questioned if on woodland and only on woodland, is a sea land container allowable. Mrs. Waldron stated that they have already addressed this issue with another applicant, whereby they limited the number to be only the existing sea land containers and denied any new ones. Mrs. Waldron also stated that there are now sea land units being occupied as residential units, in addition to storage units. Other municipalities are looking at ways to disallow these units other than for their original purpose – shipping. Mrs. Murray believes it is critical to prohibit the sea land containers by Ordinance. Mr. Mott's opinion is that sea land containers should be considered as permanent structures due to their weight and size. They should be treated in the Ordinance and Master Plan as permanent structures and should be regulated as such – footings, setbacks, impact on neighbors, etc. Mr. Thomas answered that it appears as if the Board wishes to prohibit sea land containers so those comments would not apply. Steven Sikkes asked about temporary storage situations where houses are being renovated. In contractor situations, they use them all the time. There was discussion about the use being pods or sea containers and whether they should be allowed as short term rentals with a time limit for temporary storage. This discussion was tabled for another meeting.

Knox Boxes:

Steven Sikkes brought new business from the Township Committee to the Land Use Board from the Fire Chief and Police Chief. He would like to propose a Knox Box Ordinance which would have to be approved by this Board. New commercial building owners are providing them. The owner buys a small black box for the outside of the building and the Fire Department and Police Department have a key to that box. During off-hours, either Department can get into the building if there is a fire or theft alarm. Recently, they had to break through the door of a building to get in due to a fire alarm. Mr. Keller asked if this would be for all commercial buildings, and Steven Sikkes answered yes although there was some discussion as to whether this would be voluntary or not. Mrs. Waldron replied that it can be mandatory, but they believe it can be voluntary, as business owners may not live locally. Mr. Mach questioned why this would be a law/ordinance, and Mrs. Waldron answered that it is providing permission. Mr. Rodman said that Knowlton Township has enacted this, and Mr. Thomas will get a copy of that Ordinance to assist a decision.

PUBLIC PORTION:

Mr. Castellucci expressed some comments about a situation where an individual has not complied with the Board's Resolutions. Mr. Thomas stated that is not entirely true as at the last approval (where Mr. Castellucci was not present) there was a modification requiring landscaping along the front entrance of the Darst property. There was also a requirement to remove certain boats in particular and the deadline for the removal of those boats is today, June 17. Mr. Thomas communicated this information to the applicant's attorney, Ms. Leo, who advised that the boat that was still there required a crane and was

intended to be removed today. There is a new approval that outlines where the access point will be which has been outlined by the Town, allowing the County to approve. There is also a landscape plan that requires them to put in trees along the front of that property, particularly in front of the Miller buildings. This is what is supposed to be done, but there is no new information now due to Mr. Darst passing away and Mrs. Darst having significant health problems requiring hospitalization. Mr. Castellucci expressed strong feelings about the length of time for this applicant to comply. Mrs. Waldron agreed and Mr. Thomas has sent repeated letters to the Applicant outlining all items in noncompliance. Mr. Rodman, Town Engineer, and Mr. Diehl, Zoning Officer, have gone out and inspected and shown areas in noncompliance. This has been an ongoing issue for the last four years. The applicant and attorney were supposed to come back to the Board, and then Mrs. Darst became ill. Mr. Castellucci expressed concern about Mrs. Darst's health and if it should become necessary to sell the property, will this begin again? Mr. Thomas explained that the use and approval are on the site and not the owner, so the Board can enforce. Mr. Castellucci asked if the owners can't sell without completing the work or does it mean that somebody can't buy it unless they agree to complete the work. Mr. Thomas answered that they are responsible for the work and that they would lose the variance that accompanied the site as a condition of completing the work if not completed. The Board agreed to contact Mr. Castellucci when this application comes before the Board again.

VOUCHERS: Professional services rendered.

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

ADJOURNMENT:

Chairman Sikkes asked the Board for a motion to adjourn.

Action: Upon a motion duly made by Mrs. Waldron, seconded by Mr. Keller, and unanimously carried, the meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Linda J. Grohs, Board Secretary