

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
April 15, 2019**

MINUTES

The Blirstown Township Land Use Board met in a regular session on Monday, April 15, 2019, at 7:30 pm at the Blirstown Municipal Building, 106 Route 94, Blirstown, New Jersey. The following members were present: Barbara Green, David Keller, Richard Mach, Nicholas Mohr, Rosalie Murray, Michael Repasky, Steven Sikkes, Debra Waldron, Marianna Stires, Norman Talley, and Adam Baker. The following members were absent: James Sikkes and Wickliffe Mott. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Linda Grohs.

SALUTE TO THE FLAG: was recited.

THE SUNSHINE STATEMENT: was read.

ROLL CALL: was taken.

LAND USE BOARD DEADLINE DATES:

Vice Chairman Keller 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: (As distributed prior to the meeting date).

Minutes of the March 18, 2019 Regular Meeting of the Land Use Board were approved.

Action: A motion was duly made by Mrs. Murray, seconded by Mrs. Green, to approve the Minutes of the March 18, 2019 Regular Meeting of the Land Use Board.

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

APPEAL OF ADMINISTRATIVE OFFICER: None

RESOLUTIONS:

LB#06-15, First Presbyterian Church, Block 1206, Lot 1, 1 Main Street, Preliminary & Final Major Site Plan. Pastor David Harvey's March 6, 2019, letter requesting 3rd Extension to their two outstanding conditions.

Mr. Thomas stated that in the third Whereas clause, the word "extension" needs to be added after the word "additional".

Action: A motion was duly made by Mrs. Green, seconded by Mrs. Murray, to memorialize the resolution.

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

Blairstown Township Open Space Plan

Mr. Thomas stated the Resolution was submitted and he hasn't received any comments and submits it for the Board's consideration.

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. S. Sikkes, to memorialize the resolution.

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

COMPLETENESS:

Mr. Thomas stated that there was an application for Completeness on the agenda for Mr. Dominic Santini (**LB#02-19 Dominic Santini**, Block 401, Lot 20, 6 Wishing Well Road – Minor Subdivision and C Bulk Variance for annexation from adjacent Ridge and Valley Conservancy property). He and Mr. Rodman reviewed on Friday, April 12, 2019, and he doesn't believe it requires a Variance or a Minor Subdivision. Mr. Thomas advised the Applicant, Mr. Santini, and told him that he did not have to appear and he has the opportunity to receive his Application Fee and Escrow back.

Mr. Keller stated that the land to be added to the Santinis' property is under a conservation easement and he wanted to know if that goes with the land. Mr. Thomas said it would although he was unaware of it, but it doesn't affect this jurisdiction. Mr. Thomas believes the conservation easement does go with the land unless Mr. Santini and the Ridge and Valley Conservancy make an arrangement where they release. The conservation easement is to the benefit of the Ridge and Valley Conservancy and they would have the right to relinquish that. If it was through Green Acres, they don't have the right.

Mrs. Waldron asked if Mr. Santini was merging these two properties, and Mr. Thomas confirmed this. Mr. Thomas also advised Mr. Santini that he would be required to acquire a new deed to have the new part of land incorporated into the existing lot. It would now be Lot 1, Block 1 and one lot with a new deed description. Mrs. Waldron asked if there would be any restrictions on development of the property, and Mr. Thomas stated that the additional land will eliminate a concern for the lot frontage but it will not eliminate the concern for lot area. Any development of the land would require a Variance as it is not buildable under the ordinance at this point. Mrs. Waldron asked if the property is ever put up for sale that this would be incorporated into the Deed. Mr. Thomas said a purchaser should review the zoning ordinances to see if it is a buildable lot. If not the Building Inspector or Zoning Officer would so advise that they have purchased a lot that is not buildable without a Variance. Mr. Rodman stated that the seller should so advise the purchaser.

Mrs. Murray stated that the Township has five acre zoning, but smaller lots were grandfathered in and are buildable. Mr. Thomas stated that this was not a grandfathered lot. Mrs. Murray stated that with the lot lacking frontage, they could have come to the Board. Mr. Thomas stated that the grandfathering is not throughout the entire town. Mrs. Waldron asked Mr. Joel McGreen to address the Board as he is a member of the Ridge and Valley Conservancy. Mr. McGreen first thanked the Board for their assistance on the Blairstown Open Space Plan. He reiterated that he is a member of the Ridge and Valley Conservancy and they purchased this lot which was across from Dominic and Jane Santini's driveway. The Ridge and Valley Conservancy agreed to sell it to the Santinis, and his understanding is that this is a lot line adjustment. Mr. Thomas was told this was a vacant lot, and Mr. Rodman said that is correct as there is no building there now as the building burned down on the Santinis' lot. There is only a shed/chicken coop there. Mr. Thomas stated that they acquired the additional piece to add to the existing

lot, and if they do build, they do so as a grandfathered lot or apply for a Variance if it is not a grandfathered lot.

PUBLIC HEARING:

LB#07-18 Crown Castle, Block 1501, Lot 4, 155 Route 94 – Amended Minor Site Plan, Conditional Use and **D Use Variance** Application for Replacement of Wireless Telecommunications Facility

Mrs. Waldron and Mr. S. Sikkes recused themselves from this Application.

Mr. David Kenny of Snyder & Snyder introduced himself as the attorney for Crown Castle, the Applicant. The application tonight is for a D Use Variance as well as a conditional use permit, and an Amended Minor Site Plan. Crown Castle is replacing the existing telecommunications cell tower located at 155 Route 94. There are currently two (2) flagpole telecommunications cell towers there. One is owned by Crown Castle and the other is owned by Verizon. The one owned by Crown Castle flies the American Flag. This cell tower needs to be replaced to accommodate the needs of the carriers that are inside the tower, which are AT&T, T-Mobile, and Sprint. Mr. Kenny has confirmed that the taxes are now paid, and he has received a letter from the Blairstown Tax Collector, Ms. Kerri Womack, which certifies that all taxes have been paid through the first quarter. Mr. Kenny has also received Mr. Rodman's engineering report (Township Engineer). He also has the Applicant's planner here tonight to discuss why the Board can approve this application without it causing a negative effect on the zoning code or the character of the community.

Mr. Thomas asked if Mr. Kenny would have someone come up first to explain the nature of the antenna so the Planner has the testimony on which to base an opinion. Mr. Kenny agreed to bring up the Engineer.

Mr. Thomas swore in Edward Iamiceli, with Tectonic Engineering, having corporate offices in Newburgh, New York. Mr. Kenny advised the Board that there was a photo simulation presentation submitted with the application that shows what the existing cell tower looks like today and a photo simulation of the proposed cell tower. There is actually a very minimal change between the existing and the proposed replacement cell tower. The new cell tower will be five (5) feet taller and the diameter will be a little bit larger; there is an existing canister expansion on the pole; the proposed diameter will be no larger than the existing canister expansion. This will essentially streamline the cell tower and will not have any extension or expansions on the pole.

Mr. Iamiceli began by showing Sheet C5 which is an enlarged plan of the compound and shows the proposed cell tower and provides an elevation of the current and proposed cell tower. Mr. Iamiceli stated the existing cell tower is 120 feet tall and displays the American Flag. The proposed cell tower will be 124 feet 6 inches. The existing cell tower is about 17 feet from the property line. The new cell tower is about 20 feet from the property line. The new cell tower is about 12 feet northwest from the existing location and it will still be in the compound. Mr. Kenny stated that it will be moving farther away from the rear property line. The original facility (as history) required a setback variance for its proximity to the rear property line. The new Crown Castle cell tower is moving farther away, so the Variance requested today is less than previously granted.

Mr. Keller asked how much farther forward. Mr. Kenny said it went from 17 feet to 20 feet, so approximately three (3) feet. It went 12 feet northwest for approximately three (3) feet farther from the property line.

Mr. Thomas asked the diameter of the existing cell tower versus the new cell tower. Mr. Iamiceli said the new cell tower base diameter will be 48 inches and at the top it will be 36 inches. The existing cell tower is 32 ½ inches at the base and at the top it is 20 inches so it is a little larger diameter.

Mr. Keller asked if the new cell tower would be tapered. Mr. Iamiceli said yes it is tapered from 48 inches to 36 inches.

Mr. Thomas asked if the cell tower would be white as the other was, and no wires or mechanics will be exposed but will all be internal. Mr. Iamiceli confirmed the cell tower will be white, and all co-ax and fiber will be internal.

Mr. Repasky asked if the cable bridge will be any higher than the existing bridge, and Mr. Iamiceli replied no, it will all be +/- 10 foot high.

Mr. Thomas asked if the Board needed to know anything different about the mechanicals on the ground or are they all remaining the same. Mr. Iamiceli says they are basically the same and will remain within the fence line. The only difference is rerouting the cable bridge to where the new cell tower is going.

Mr. Kenny asked Mr. Iamiceli to address the upward facing light to light the flag at night and how it would be changed. Mr. Iamiceli said the light will still be there but will be redirected to light up the new location. Mr. Keller stated that there are regulations regarding lighting the flag and asked if this proposal conforms with the regulations. Mr. Kenny stated the existing uplighting will continue.

Mr. Repasky asked with adding another level of equipment to the cell tower, would they have to add any new equipment cabinets at grade. Mr. Iamiceli stated it is just a rerouting of cables and that in the future they may swap a cabinet or two, but it will all be located behind the privacy slats. Mr. Repasky reconfirmed that there would be no additional cabinets, they are just putting up a new cell tower, removing the existing cell tower, and putting up a cable bridge. Mr. Kenny confirmed this is correct.

Mr. Thomas said there were no questions from the Public and no further questions from the Board.

Mr. Thomas then swore in Mr. David Karlebach, 96 Linwood Plaza, Fort Lee, New Jersey as Planner.

Mr. Karlebach stated that this particular use is conditionally permitted, it is a second priority location under the ordinance. The ordinance requires a minimum of 100 foot setback between any street line and any property line and the cell tower. If the cell tower exceeds 100 feet in height, then the required setback is the distance of the height of the cell tower from the property line. In this case the newly constructed cell tower where the antennae will migrate is 124 feet, 6 inches, so this is the requirement from the rear property line setback. The new cell tower has a 20 foot setback. In 2002 when Sprint Spectrum made application, it was for a similar variance and they were granted a setback variance for 17 feet for a stealth cell tower of similar proportions. This application is actually a continuation of that existing, non-conforming condition, and it improves upon it by now being 20 feet versus 17 feet setback. The cell tower is moved away from the property line by three (3) feet. They are seeking a D(3) Conditional Use Variance for not meeting the setback requirement.

Mr. Karlebach then addressed the two prongs of the negative criteria: substantial impairment of the zone plan or the zone ordinance and whether or not there is any substantial detriment to the public good.

- The courts have found that the negative criteria pertaining to wireless communications facilities implicates aesthetics. This site is already home to multiple wireless providers, and residents and people passing by are already acclimated to the presence of two stealth cell tower structures at

this location. The removal and replacement of one cell tower will not change their perception of the site. The photo simulations prepared by Tectonics Engineering indicate that there are no discernible differences between the existing and proposed conditions. The larger diameter cell tower is barely detectible. This telecommunications use will not create any noise, vibration, odors, glare, dust, fumes, or any other objectionable influences. It is a very benign use. The proposed facility is unmanned so there is no increase in population or employment to the site. It requires very little in the way of municipal services; it requires electric and telephone service similar to a single-family home. It does not require any water supply or sewer service. There is virtually no traffic impact associated with this type of use. There are only infrequent maintenance visits - approximately once every 4-6 weeks by a technician in a small SUV who will spend approximately 45 minutes to one hour at the site.

- There is no substantial impairment to the zone plan. This is a conditionally permitted use, and the only condition not met is a continuation of a previously approved abbreviated setback condition. No other variances are sought.
- The application does further the objectives of the wireless ordinance. One objective is to enable location of necessary antennas within the township while at the same time limiting the number of cell towers to the fewest possible. The continued colocation of antennas on this property advances this objective. Significantly, this proposal will not change the number or location of cell towers within the community.

Mr. Karlbach concluded that this is a very innocuous application, it is a minimal change over what exists currently, and the general public will not observe a difference between what is proposed and what is there currently.

Mr. Thomas then asked Mr. Karlbach to provide his professional background. Mr. Karlbach stated that he is a licensed professional planner for 25 years, and he holds a Master's Degree in City and Regional Planning from Rutgers University. Mr. Karlbach testifies on almost a nightly basis in front of Planning Boards and Boards of Adjustment. Mr. Thomas asked if he is accepted in this field by those Boards of Adjustment and Land Use Boards in the State of New Jersey, and Mr. Karlbach confirmed.

Mr. Keller asked if any additional comments from the Board members.

Mr. Repasky had a general question on the construction timing. Mr. Iamiceli, the Tectonic Engineer, answered that once construction has begun, it is completed fairly quickly. Once the foundation (which is 16-17 feet deep) is set, it usually takes one week of foundation curing and another week to set the cell tower. Mr. Keller asked if the cell tower comes in sections, and Mr. Iamiceli answered that they come in 20 foot sections. The first part where you get to what is called the spine, where the antenna starts at about 88-89 feet, is all steel. From there it is a center spine where the antenna is attached to and then the next elevation up. Once it is all steel, it gets erected within a few days. The most time is the foundation piece and then it takes a few days to a week to set all the antennas. Mr. Keller asked if there would be ladder rungs inside the cell tower to access from the inside. Mr. Iamiceli replied that all access is from the outside. Once at the canister, they use bucket trucks for any needed maintenance.

Mr. Rodman stated that the existing pole is white and the drawing did not show the color. The pole will be white, and this will be a condition of approval.

Mr. Repasky asked how many weeks from the start of the foundation to the time the cell towers are activated. Mr. Iamiceli said he can't speak to the carrier side as they each bring their own equipment up and install at different times, but from a cell tower erection time you are looking at three to four weeks. Mr. Repasky asked if someone could answer on timing for activating the cell tower and for demolition of

the existing cell tower. Mr. Kenny stated that they have a representative from Crown Castle who can answer these questions. Mr. Thomas then swore in Sarah Brown, Crown Castle Project Manager, from Charlotte, NC. Ms. Brown explained that for construction it takes a couple of weeks to set the foundation and then another one to two weeks to set the cell tower. Next comes customer cutovers. There will be two cell towers in the air for about 60 days in order for the customers to get all their antennas up in the cell tower and to be sure they are working properly. They will then dismantle the current cell tower which takes approximately one week. Mr. Repasky stated that from the start of construction until everything is activated will be about two months, and then another week to tear down the existing cell tower. Total time will be between two and three months including weather. Ms. Brown stated there are variables but that timing is typical. Mr. Thomas asked if a reasonable condition would be to assume the two cell towers would not be up for more than 90 days, and Ms. Brown said that would be fair.

Mr. Rodman asked about flag etiquette (not on their cell tower) as there have been problems in the past with the other cell tower. Ms. Brown ensured that Crown Castle is responsible for maintaining the American Flag. They are not responsible for the other flag on the Verizon cell tower which is in disrepair. Mr. Kenny said the applicant did submit with their application a maintenance letter that states they will routinely provide maintenance and site visits and in those site visits will check on the flag. There is also a contact number if there are any problems with the flag.

Mr. Thomas stated that there is always a condition that the cell tower/flagpole will be structurally adequate to meet all appropriate wind conditions. Mr. Thomas believes that will be done according to their normal practice, and Mr. Kenny answered that the applicant is including a full structural report with the building application.

Mr. Mohr asked if there is an engineering control in place to ensure adequate proof testing is completed for the 16 foot concrete foundation before the cell tower is put in place. Mr. Rodman answered that the State Building Department is the one who reviews all the plans for the cell tower and the foundation and they are responsible for that review. Mr. Iamiceli stated they follow the state building code which has concrete testing and inspections. Mr. Mohr asked if there are any collapse analysis or collapse zones designated on the plans should there be a failure of the cell tower and what areas are in the potential fall zone. Mr. Iamiceli answered that there is nothing shown on the plan that provides that – no collapse zone. However, the cell tower is designed for safety, and the way it is designed is that at the 89 foot mark is where the transition is. Mr. Mohr said that if it was going to fail it would be the 89 – 124 foot piece. Mr. Kenny added that these cell towers are constructed to a national standard called the ANSI standard, and this Board's approval would not be for approval for construction of the facility as they still have to receive a building permit.

Mr. Mach asked if our residents / your customers would see any interruption in service in that three-month period. Ms. Brown answered that this is why the two towers are there to ensure that there is no interruption.

There were no other questions from the Board and no questions from the public.

Mr. Thomas stated the following conditions:

- Color of cell tower will be white
- There will be two cell towers during construction for a maximum of 90 days
- There will be a requirement to provide a structural engineering report analysis
- There will be flag etiquette and flag maintenance which will be the responsibility of the applicant

Action: A motion was duly made by Mrs. Murray, seconded by Mr. Repasky, to approve LB#07-18 Crown Castle, Block 1501, Lot 4, 155 Route 94 with conditions.

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

CORRESPONDENCE:

Warren County Planning Department April 3, 2019 letter to LUB Secretary advising Della Darst Application (File 19-007-SP) is **Incomplete** in reference to Block 2003, Lot 28, Preliminary/Final Site Plan Application. Applicant has 90 days (July 5, 2019) in which to submit supplemental material.

To explain the letter, Mr. Rodman stated that the Warren County Planning Department had some issues with the application that the applicant's attorney is addressing. One of the Board's conditions was that the County approve the application.

Mr. Mohr stated that there were three (3) rejected conditions and the applicant addressed less than three of the conditions. The County advised them and the applicant did nothing.

Mr. Thomas added that the approval is subject to the County approval, as always, and the Applicant will still have to deal with the County in order to get their application perfected. Mrs. Waldron asked how that affected the Land Use Board's timeline, and Mr. Mohr answered that the County gave them 90 days to rectify or the County would deny which automatically denies the Land Use Board's approval. Mr. Thomas corrected this to say that the County approval does not deny the Land Use Board's but indicates that it is not a perfected approval until they get their County approval. If they don't rectify in 90 days, they have to submit a new application to the County. The applicant would need to return to the Land Use Board to explain the timeline problems and request an extension.

Rodman Associates' letter dated March 28, 2019 to the Land Use Board in reference to the Preliminary and Final Major Site Plan and Bulk and Use Variance for Montage Enterprises, LB #06-18, Block 702 Lot 18.01 Located at 140 Route 94. All Conditions of Approval have been met and the inspection escrow of \$2000 has been received.

Mr. Rodman stated that this was for information as proceeding with their application.

OTHER BUSINESS:

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

Mr. Keller outlined the four criteria in the reexamination requirements. They are:

1. Major problems relating to land use development since the last report
2. Extent to which problems have been reduced or increased since the last report
3. Extent to which there are changes to assumptions, policies, and objectives related to the Master Plan elements
4. Recommendations for changes to the Master Plan or development of regulations, if any.
Recommendations concerning incorporation of redevelopment plans, if any.

Mrs. Waldon advised that she had been asked to get information from the Blairstown Police Department as they had recommendations they wanted to make to changes in the Ordinance that they want incorporated. There seems to be a significant complaint with our Ordinances either not being brought up

to speed or conflicting with other areas of our laws or Ordinances. The Police Department is working on their own as well as with David Diehl, Zoning Department, and David Diehl is working with the Construction Department to try to point out errors that are problems that need to be revised or changed. This was completed in time for this meeting. Mr. Thomas asked why the Police Department was interested in Zoning as that is unusual. Mrs. Waldron answered that there are some conflicting areas of town where the Ordinance is a problem for them, e.g. two conflicting ordinances for the same area of town. These are Main Street, Bridge Street, East Avenue, and the Police Department will submit a report on what the issue is.

Mrs. Murray brought up the issue of impervious pavement at the last Land Use Board meeting and it can absolutely be used in this area. She handed out copies to the Board. Mrs. Murray stated that this is the Planning Board and it is our responsibility to plan for the future. Mrs. Murray also mentioned David Diehl's memo for Master Plan submissions relating to vapor or tobacco locations. Mr. Thomas answered that you could add to your Ordinance that there is not a zone that will permit them. However, if the shop is already here, they will stay here in business until they leave. If they leave, that location would be subject to the Ordinance.

Mrs. Murray is also concerned about the appearance of businesses coming into town and placing signs over their entire window, and she doesn't think we have any protection against that. Mrs. Waldron answered that we do, and the Zoning Officer, David Diehl, can address if he gets a complaint or wants to inspect. There is a sign ordinance which is very specific on what type of sign, what type of lighting, that there can be no scrolling, and cannot have the window completely covered for safety reasons. Mrs. Murray will speak to Mr. Diehl on this item. Mrs. Murray also mentioned that there are a lot of windows completely outlined with lights, and Mrs. Waldron replied that some are doing it for community service and not for business. Mrs. Murray is addressing those shops that are not doing it for community service or public health.

Mr. Keller asked Mr. Thomas for a procedure to incorporate all the Board's comments into a report, for example. Mr. Thomas suggested distributing all input from the Board and for example, David Diehl's memo on zoning changes for adding bed and breakfasts to the VR zone as an item for discussion. A meeting, perhaps the May meeting, could then be mostly devoted to the Master Plan. Mrs. Murray also proposed that at the end of every meeting, an hour could be devoted to the Master Plan as an alternative. Mrs. Green also added that she had changes from Marion Spriggs' Township Code Book to be included in discussion and she gave Mr. Thomas that copy. Mr. Thomas asked that all Members' changes/proposals be submitted to the Board Secretary for the May meeting.

Mrs. Stires made the following suggestions:

- Get our last ten years of annual reports to compare and if there are any ordinances that need to be added
- Bring the Public in for their ideas (Mr. Thomas agreed to this after the Board determines their direction for the town)
- Compare neighboring towns' Master Plans to see if similar (Mr. Thomas was unsure how helpful this would be as each town is really unique, with some having a downtown and others do not)

Mrs. Waldron suggested that it would be helpful to look at neighboring towns, like Knowlton, to look at their Ordinances to see how we can adjust some of our Ordinances that are not working for us.

Mrs. Murray also brought up that the boundaries of neighboring towns should not be zoned to conflict.

Mrs. Waldron also cautioned about variances in other towns that could be manipulated into other uses. There are significant pieces of property in Blirstown and the government has decided to make solar farms a legal use of farmland property.

NEW BUSINESS: None

PUBLIC PORTION: None

VOUCHERS: Professional services rendered.

Action: Upon a motion duly made by Mr. Mohr, seconded by Mrs. Waldron, escrow vouchers, as attached to these minutes, were approved.

Roll call vote: Green, Mach, Mohr, Murray, Repasky, S. Sikkes, Waldron, Stires, Talley, Baker and Keller – yes. Absent – J. Sikkes, Mott

ADJOURNMENT:

Vice Chairman Keller asked the Board for a motion to adjourn.

Action: Upon a motion duly made by Mrs. Waldron, seconded by Mr. Mohr, and unanimously carried, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Linda J. Grohs, Board Secretary