

BLAIRSTOWN TOWNSHIP
LAND USE BOARD
November 19, 2018

MINUTES

The Blirstown Township Land Use Board met in a regular session on Monday, November 19, 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, Rosalie Murray, Michael Repasky, Steven Sikkes, Joanne VanValkenburg, Debra Waldron, Jim Sikkes, Wickliffe Mott, Marianna Stires, and Norman Talley. Nick Mohr was 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 September 17, 2018 Regular Meeting of the Land Use Board were approved with changes by Mr. Repasky incorporated.

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. S. Sikkes, to approve the Minutes of the September 17, 2018 Regular Meeting of the Land Use Board, as written.

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

Minutes of the October 15, 2018 Regular Meeting of the Land Use Board were approved as written.

Action: A motion was duly made by Mr. Stephen Sikkes, seconded by Mr. Repasky, to approve the Minutes of the October 15, 2018 Regular Meeting of the Land Use Board, as written.

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

APPEAL OF ADMINISTRATIVE OFFICER:

None.

RESOLUTIONS:

LB#03-18 Mazzone, Block 201, Lot 4.22, Application and Position Statement for C Bulk Variance

Mr. Thomas stated that there has been a suggestion, and he concurs, that the Applicant agreed and it was voted on by the Board, that the grant of this variance will be personal to the Applicant and not run with the land. Mr. Thomas stated that since there is consent with the Applicant and Mr. Thomas has done this in several different municipalities, he will amend the Resolution to include this additional condition.

Mr. Mott noted that in the Minutes photographs A16-18 of the animals are referred to as being generic rather than as specific photographs of the donkey and other animals.

Action: A motion was duly made by Mrs. Murray, seconded by Chairman Sikkes, to memorialize the resolution. Roll call vote **Affirmative** Votes Only: Murray, S. Sikkes, Mott, Stires, Talley, J. Sikkes – yes. Keller – abstained. Mohr – absent.

Block 506, Lot 8.04, 17.63 acres, 10A Polkville Road owned by Lothar J. Nonnenmacher Trustee

Mr. Thomas has not received any comments from Board Consultants or the Board, but he did consult with Special Counsel, Katrina Campbell. She had consulted with the State of New Jersey Representatives, Deputy Attorney General, and there have been a couple of minor suggested modifications.

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 - o Next to last line in third paragraph, Mr. Thomas will revise “Blairstown Open Space” to “Blairstown Agriculture Advisory and Open Space Committee” (actually two separate committees).
 - o Last line on the first page, he will also change “for sale of the development rights on the property” to “for sale of the appraised development rights on the property”.
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 - o Next to last line in first paragraph, they want “condition number seven” to be changed to just “condition 7”, which is fine and Mr. Thomas will change.
 - o Third paragraph, they want to add at the end: “The property is to be preserved subject to the deed of easement pursuant to Agriculture Retention and Development Act NJSA 4:1C-11 et seq.”

These are clarifications and not substantive modifications and the actions taken on September 17, 2018, and Mr. Thomas submits to the Board for your consideration.

Mrs. Van Valkenburg asked if this will satisfy, and Mr. Thomas stated that he spoke with Mr. Joel McGreen prior to tonight’s meeting. Mr. Thomas has interacted with Katrina Campbell, our County representative, and she has contacted the State of New Jersey Deputy Attorney General’s Office. Mr. Thomas continued that they have seen this resolution and seem to be perfectly agreeable to the resolution that you have passed, with the technical modifications. Mr. Thomas will send the resolution to Katrina Campbell who will send to the State and this will be resolved. Mrs. Van Valkenburg stated that many of them were not there when the original resolution was completed, so how does that affect the vote. Mr. Thomas stated that the action that was taken was on September 17, 2018, and all the information that was necessary was a part of that meeting. It was not a formal hearing but it was a hearing nonetheless and anyone who was in favor of that action is eligible to vote in favor of the resolution being presented tonight.

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

COMPLETENESS:

LB#05-18 Farley, Block 1206, Lot 4, 7 Main Street, D Use Variance

Mrs. Van Valkenburg and Mrs. Waldron were recused from this application.

Mr. Heymann of the law firm, Heymann and Fletcher, introduced himself, representing Mr. Farley. Mr. Farley and his Planner are in attendance and all are ready to go for Completeness.

Mr. Thomas asked Mr. Ted Rodman for any recommendations on his report of November 16, 2018. Mr. Rodman stated that there were numerous items for incompleteness unless they are waived by the Board or subject to Conditions. Chairman Sikkes confirmed that this is for Completeness and proceeded to go through the waiver items as below:

- 1, 2, 3: Key map, title block, survey was not signed or sealed. Mr. Heymann will handle these items.
4. Scale was written on the survey but no graphic scale was provided. Mr. Heymann answered that they are asking for relief on that.
5. No approval signature lines – waiver requested. Mr. Heymann stated that is correct.
6. Location of existing structures, driveways, culverts, drain pipes or any natural features not included – waiver requested. Mr. Heymann stated that is correct.
7. Zoning district information not provided – waiver requested. Mr. Heymann stated that is correct.
8. Delineation of flood plains and floodway areas – waiver requested. Mr. Heymann stated that is correct.
9. Wetlands, marshes, and ponds not shown – waiver requested. Mr. Heymann stated that is correct.
10. Names of adjacent property owners has not been provided – waiver requested. Mr. Heymann stated that is correct.

Chairman Sikkes asked if the Board Members have any questions as to the waivers the Applicant is asking for. There were no objections. Mr. Thomas suggested that the motion to deem the application complete granting the waivers would be appropriate.

Action: A motion was duly made by Mrs. Murray, seconded by Mrs. Green, to deem LB#05-18, Farley, Block 1206, Lot 4, 7 Main Street, D Variance complete. Roll call vote: Green, Keller, Murray, Repasky, S. Sikkes, Mott, Stires, Talley, and J. Sikkes – yes. Abstain – Van Valkenburg, Waldron. Absent – Mohr.

PUBLIC HEARING:

LB03-15B, Darst, Block 2003, Lot 28, Amended Preliminary and Final Site Plan Approval and C Bulk Variance

Mrs. Green was recused from this Application.

Mr. Thomas asked Applicant's attorney to identify herself. Ursula Leo from the firm Laddey, Clark, and Ryan on behalf of the Applicant, Della Darst.

At the request of Chairman Sikkes, Ms. Leo confirmed that she had a copy of Mr. Rodman's report, dated November 16, 2018. She provided the Affidavit of Service to the Board Secretary stated they are here to seek amended preliminary and final site plan approval as well as variance relief for a front yard setback of 69.7 feet for 75 feet. This has been a long-standing issue and they met with the Board regarding a Zoning Officer determination. They had an onsite meeting and have made a few minor revisions. Mr. Thomas suggested that Ms. Leo make a record of the modifications as she is seeking them and then go through Mr. Rodman's report.

Ms. Leo had no additional exhibits as all were submitted with the application on July 30, 2018. There is a copy of the preliminary and final site plans prepared by Suburban Consulting Engineers. After the site meeting, a few revisions were made. The main revisions are:

- **Setback Variance (5.3 feet):** When moving the Miller/sea-land buildings (Lot 28 only – the self-storage lot), they were moved 69.7 feet instead of 75 feet. That is the reason for the variance tonight. It took cranes to move the properties. The existing house on the neighboring property has a 52 foot setback, and the adjacent house is also 65.6 feet (similar in nature). This was an error and the setback is 69.7 feet instead of 75 feet, a difference of 5.3 feet for the front yard setback.
- **Berm/Trees replanted/Fence:** There is a berm in the resolution of approval dating back to 2004. The berm is behind the fence. Mr. Thomas interjected that the berm was proposed to be between Lot 28 and 27. Ms. Leo agreed and she refers mainly to Sheet 3 of 8 on the Suburban plans. Between Lot 27 and 28 there is an existing fence and on the original approval there is a berm as well as trees. Those trees were planted and some have died over the years and as a condition of approval, they will replant the trees. The berm doesn't seem to make a lot of sense given the fence already exists there. They are requesting this change to the previous site plan approval – the removal of the berm.

Mr. Thomas asked Ms. Leo to relate quickly the condition of the fence. Ms. Leo explained the existing fence has been there four (4) years and is behind the existing residence on Lot 27. Between the border of Lot 27 and 28 there exists a fence and behind the fence on our property is the area where the trees will be located. The berm was just raising the trees, all were planted, and some have died. We are willing to replant the trees and they will provide more than a sufficient buffer. Mr. Thomas asked if there would be additional trees planted if the Board finds an additional buffer will be appropriate and Ms. Leo said that was correct.

- **Driveway Approval:** The frontage of the property is on Hope Road (Route 521) and they have been playing a game of chicken/egg, as far as getting County approval to construct the driveway, for many years. This is because the County says not until the Township approves. For that reason, the driveway has not been built as they cannot get approval from the County. There is a Condition of gated access and additional trees which will be completed when they get Township approval which will lead to County approval.
- **Driveway Location Change:** At onsite meeting, it appeared that there was an opportunity to move the driveway further east and as a condition of any approvals this Applicant receives tonight, they will have to submit revised plans on everything discussed tonight. As requested by Mr. Rodman, they would identify the proposed change to the driveway – gating the same, fencing the same, trees the same, but if the location changes, that will be a condition that shows on the plan.

Mr. Thomas asked if the reason for the driveway location change was topography and improving the western site distance. Ms. Leo stated that this was the observation of everyone at the onsite meeting. If it makes sense, they will agree to do that and submit a final plan of the new front yard setback and detailing the new driveway. Mr. Rodman said it will have to be approved by the County, and Ms. Leo stated that as soon as the Township approves, then the County hopefully will.

- **Hours of Operation:** They also changed the hours of operation as it made sense to limit the hours to one-half hour prior to sunrise and one-half hour after sunset or by appointment. As a condition of approval, the gate to be constructed once they get County permit along this new access, the gate will be locked except for the hours which will be posted as one-half hour prior to sunrise and one-half hour after sunset which is a reduced amount of hours of operation.
- **Storage Agreement – Hazardous Materials:** There has been a discussion about boats and motor vehicles and storage agreement. Mr. Thomas has a copy of the storage agreement and maintenance agreement. The storage agreement says that no hazardous materials will be stored onsite and there will be no boats or motor vehicles. This relieves any concerns as far as environmental issues – e.g. fuel oil. There is one boat and another boat with no engine which they are in the process of removing. There were boats stored there in the winter and all have been removed except the one and one-half boats.

Mrs. Waldron asked if there are still mobile homes on the site and if they will be removed. Ms. Leo said as a condition of approval there will be no motor vehicles. Mr. Thomas swore in Mrs. Della Darst, and asked her if she agreed that all motor vehicles and all mobile homes will be removed as a condition of approval. This will be done prior to a time limit. Mrs. Darst said there are no motor homes. Mrs. Van Valkenburg asked if there are tractor trailers there for storage. Mrs. Darst replied that it is a trailer there, but no tractor front. The trailer is just for storage; it is like a trucker on the highway but all enclosed with no engine, no fuel. Mrs. Van Valkenburg asked if they are the back of an 18-wheeler so they have fuel lines and other lines in them. Mrs. Darst said they have no lines in them. Mrs. Van Valkenburg asked about brake lines, and Mr. Steven Sikkes stated that they are air brakes. Mrs. Waldron said there has to be a stipulation as this is supposed to be limited to storage and storage of non-hazardous materials. This is the reason we are here now as boats and engines have to be removed and there will be no storing any hazardous chemicals or materials. Mr. Thomas agreed and said that Mrs. Darst has said there are one and one-half boats onsite which will be removed. There should be an inspection to verify that what is left onsite is for storage purposes only and accurately represented as being storage trailers rather than any type of mobile home. Ms. Leo agreed. Mr. Rodman asked if trailer meant the trailer from a tractor-trailer that has been disconnected and could possibly have brake lines. Chairman Sikkes asked about tires and original brake lines to the wheels. Mr. Steven Sikkes reiterated that they are air brakes and this was concurred by Mr. Repasky. Mr. Rodman said there is a transmission on them. Mrs. Waldron stated that we are discussing these possibilities but without a site inspection, we don't know. Mr. Thomas said the condition should be that there are no boats or vehicles of any sort and be subject to a site inspection by the Zoning Officer, accompanied by the Township Engineer.

Ms. Leo then moved on to Mr. Rodman's report.

1. **Letter of Interpretation (LOI):** An LOI was obtained back in 2010. Wade Wander (ecological consultant) reviewed again and based upon the meeting Mr. Wander represented that there were no changes. Mr. Thomas asked for the date of the Wade Wander letter and Ms. Leo stated it was July 13, 2018. Mr. Rodman stated that the LOI was expired and cannot be automatically extended by Mr. Wander. Ms. Leo explained that the Board can accept Mr. Wander's current letter indicating no changes or they can get another LOI but there have been no changes. Mr. Thomas stated that will be a discussion for the Board on how to handle.
2. **Blairstown Fire Department Approval:** A letter was submitted three years ago and if a letter needs to be submitted indicating that they have access to the site, Applicant agrees to submit another letter as a condition of approval. Ms. Leo explained that they submitted an entire package to the Fire Department and have heard nothing back. Mrs. Waldron asked for the date and Ms. Leo stated that it was July 30, 2018 the same date as the application. Mrs. Waldron stated that she is the liaison for the Fire Department and will make sure that they follow up.

Note: 3. and 4. not discussed at this point.

5. **Fifteen (15) Foot Height Restriction:** Ms. Leo understands that this is something they must comply with and agree to comply as a Condition of Approval.

Mr. Rodman stated that this application is only for Lot 28 for clarification. The conditions noted on the report are for the other two lots. Mr. Thomas stated that there will be no storage activity on the other lots and Ms. Leo confirmed that there will be no storage except on Lot 28. Mr. Rodman stated that there are other conditions on the other two lots that are included in his report, which are still applicable as they are outstanding.

6. **Lot 28 Conditions:** Ms. Leo reconfirmed no expanded use of Lot 28 until site plans are submitted, which is the reason for this application.
7. **Lot 29 Conditions:** Ms. Leo said nothing on Lot 29 is being changed and it is not used for storage purposes.
8. **Lot 29.01 Conditions:** Ms. Leo stated this lot has been sold so the helicopter issue is gone and there is no storage on Lot 29.01.
9. **Lot 31.01 Conditions:** Ms. Leo stated that this is residential with no change and confirmed no proposal to use for any other purpose. Mr. Thomas asked for confirmation that Ms. Leo understood the appropriate variances would be required if so, and Ms. Leo confirmed.

Chairman Sikkes asked if there were any trailers on this site, and Mrs. Darst confirmed no trailers as all have been removed. Mrs. Waldron asked about the business trailer/office. Ms. Leo stated that there is a box where you can place a check but that is the extent of the business operations on Lot 31.01. There used to be a trailer home in the back that has been removed.

Mrs. Van Valkenburg asked when the motor vehicles and boats were removed and if any study was conducted to see if there was any problem. Ms. Leo said no and that there was always a gravel area for storage. Ms. Leo asked Mrs. Darst if there was ever any spill or environmental concern related to any storage of vehicles or boats on the site, and Mrs. Darst said no.

10. **Darst Storage Agreement Review:** Ms. Leo will provide Mr. Thomas with the letter he previously approved for the storage agreement.
11. **Miller and Sea/Land Buildings:** On July 2, 2013, construction permits were submitted related to the buildings. Ms. Leo will resubmit the package with any approvals received tonight. They were not considered at the time.
12. **Access Drive Paving:** Ms. Leo understands that it needs to be in accordance with the recommendations of the Township Engineer. County approval is needed in order to construct the driveway.
13. **Hours of Operation/Gate Installation:** The gates will be installed, along with the driveway, once they get County approval and they have changed the hours of operation and will so post.

Mrs. Waldron asked if the property would be accessible in case of a fire, and Ms. Leo stated they would work with the Fire Department on whatever they need.
14. **Pre-Construction Meeting/Inspection Escrow:** Ms. Leo understands and agrees.
15. **Reviews by Warren County, NJDEP, and any others:** Ms. Leo's client agrees to any approvals needed.
16. **Payment of all fees and taxes:** Taxes are current and up to date.
17. **Drawing reflecting changes provided:** Ms. Leo will submit a revised drawing, specifically the revised front yard setback agreement they are seeking tonight as well as any changes to the driveway.

Mrs. Waldron asked if the fence and berm on Lot 28 is owned by Mrs. Darst; Mrs. Darst said yes. Mrs. Waldron asked the height of the fence; Mrs. Darst stated that she believes it is 6 feet. Chairman Sikkes agreed that was correct from the site meeting.

Ms. Leo provided Mr. Thomas with a copy of the storage agreement and his letter. Ms. Leo will be happy to file deeds as soon as they are able to do so.

Mrs. Waldron asked if there are any plans to develop the property any further, whether sea/land trucks, sea/land vehicles for storage. Ms. Leo said the only remaining possibility was to the west where there is one further row. Ms. Leo confirmed it would be a Miller building when asked by Mrs. Waldron.

Ms. Leo summarized that given the exceptional circumstances of this property, the Applicant has made a real effort to move all the storage to Lot 28 and to come into compliance with the plans. Ms. Leo feels under the C-1 Variance that this is a unique circumstance and there is no detrimental effect to the zone plan, the zoning ordinance or the Master Plan. They are asking for the front yard setback variance as well as amended and preliminary site plan approval.

Mrs. Van Valkenburg asked if the trees would be a condition of this approval. Mr. Thomas replied yes and that the Board could have Mr. Rodman inspect or to supplement them between the boundary on Lot 27 and 28 and make that a condition. Mr. Rodman stated the trees are on the plan, and Ms. Leo stated the only trees planted to date are the ones between Lot 27 and 28. Once the driveway is completed, they

will plant the trees and any additional required by Mr. Rodman. Mrs. Waldron stated there needs to be a date for compliance. Ms. Leo stated that they have to go to small claims court to get the boat removed as far as creating a time limit. Mr. Thomas asked Ms. Leo if they have filed yet, and she replied that there has been correspondence but no filing yet. Chairman Sikkes suggested a six month time limit and Ms. Leo, as well as the Board, felt that was fair. Mrs. VanValkenburg asked what happens if this timeline is not met, and Chairman Sikkes stated that they would have to return to the Board, and Mr. Rodman responded that there would be violations issued. Chairman Sikkes summarized that there would be violations issued by the Zoning Officer if not completed on time.

Mr. Thomas asked for the Applicant's concurrence about additional trees on Lot 27 and 28 as well as along the front of the property. The planting period is over for this year, and there should be a deadline established for that as well, and proposed June 1, 2019. Mrs. Waldron suggested one clock – a six month clock. Ms. Leo asked for Mr. Rodman's opinion for the time required by the county for the driveway. Mr. Rodman stated it would take about three – four months for the County to do so as it is not weather dependent. Mr. Rodman was concerned about the "chicken or the egg" scenario with approval by County dependent on Board approval. Mr. Thomas felt that if the Board approves tonight, it can be a conditional approval which the County should be able to accept. Mr. Rodman stated he would do his best to make it happen, but the County makes its own decision. Mr. Rodman felt that nine months, including the trees and the driveway, was a reasonable timeframe. Mrs. Waldron expressed concern about a nine-month timeframe due to missing the planting season in the spring. If trees are planted in the summer, they will die and this has occurred on many other applications. Mr. Thomas confirmed that the trees must be maintained in perpetuity and run with the land, so these conditions apply. Chairman Sikkes suggested one year so that the trees could be planted in the fall and the driveway completed prior. Mrs. Waldron stated that November 1, 2019 is more than fair. Mrs. Van Valkenburg asked for confirmation that the type of trees will be approved by Mr. Rodman and he confirmed they are on the plan. Mrs. Waldon asked for confirmation that nothing will be built for any future use on this property unless it comes back to the Land Use Board. Any expansion of this that is not part of previous approval and this approval now, there will be no expansion and no storage of anything other than that which is given in this conditional usage. Ms. Leo interjected that there is one additional Miller building that was part of approved plan on Lot 4. Ms. Leo asked Mrs. Darst to confirm Mrs. Waldron's statement and she did so.

Mr. Mott raised a question on the tractor trailers that are on the lot. He asked for confirmation that the trailers that are there now are permanent storage and that there will not be trailers coming in and out. Ms. Leo stated that there is a proposed gravel area where the trailer exists. Mr. Mott said the question is that they will not be renting out a piece of land and the renters will be pulling the trailers in and out. Mr. Thomas summarized that what is onsite now, assuming it passes the inspection that it is not a motor vehicle with fluids, etc., that there will be no additional storage facilities put onsite, except for the Miller buildings that are adjacent to Lot 29. This is what the Board is approving and Mr. Thomas asked for Mrs. Darst's confirmation. Mrs. Darst asked if she is permitted to have renters pull in a camper without a motor onto the gravel and detach/leave it on the gravel lot. Mr. Thomas replied no as they have fluids in the camper which are of concern like brake fluid, etc. The trailer onsite does not have any fluids or has been drained and has been there for a long period of time. Any additional storage would mean returning to the Board for approval. To reiterate, Mrs. Darst can have the Miller buildings, existing and proposed, the existing sea/land trailers, and the trailer which are onsite. Mrs. Van Valkenburg asked for confirmation that all of these items are on the inspection list for the Zoning Officer, and Mr. Thomas confirmed. Mrs. Waldron stated that there is no pulling out one trailer for another trailer. Ms. Leo asked about "pop-up" trailers that have no gas to be allowed to park in the gravel area. Mrs. Waldron said no as these have brake fluid and motor homes have other things like heating facilities and other mechanicals in them that is what they are trying to avoid. Ms. Leo asked about flatbed trailers and boat trailers that are open being

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allowed in the gravel area. Mrs. Van Valkenburg believes that the approval is about the storage units and not for additional things that are stored. Ms. Leo disagreed and stated that they have always had the gravel area for this purpose. People go to storage facilities all the time when they do not want to store on their home lots. Mrs. Waldron reminded Ms. Leo about the upswing of the number of boats when they were given a conditional use of boats with no fluids that were stored there in a restricted area. Mrs. Darst came to the Board for an expansion of that property they were planning a specific type of base to contain any and all fluids, and the Applicant said no they did not want to do that and they would contain to a certain area. The Board said nothing with any kind of fluids unless it was on a pad, and we are back to the same issue because the gravel is still permeable. There are many aquifers in Blairstown and as the town is solely reliant on well water, this cannot be allowed. Mr. Thomas referred back to discussions on this application with Mr. Clark from Laddey, Clark, and Ryan, where there was an impervious area that was supposed to be utilized for trailers and/or other items that would have fluid. There was a determination made at that time to eliminate the area as a component of the plan as there could not be an adequate stormwater management plan. This has been going on since that time. Mr. Thomas asked Mrs. Darst if she understood that any additional storage beyond what she has now will require getting additional approval from this Board to do so, and Mrs. Darst said she understands.

Mrs. Darst asked if the people who have trailers there now can stay. These are little trailers, like campers. Mr. Thomas stated that they were not there when the inspection took place. Mrs. Darst said they are there and have been there for a long time. Mrs. Waldron stated they are on the far left side by Skow's property, near the area of the berm and the fence. Ms. Leo explained to Mrs. Darst that she is only allowed to have what was existing/approved. Mrs. Darst asked if this means she has to call those people with campers and ask them to leave, and the Board replied yes. Mrs. Waldon reminded Mrs. Darst that there had to be a safe place for those vehicles to be stored, and Mrs. Darst did not want to do that at the time as it is costly. Mrs. Waldron stated that this is an environmental hazard. Ms. Leo asked for approval for flatbeds with just electric brakes as people bring in what they are storing on them. Mrs. Darst stated that some bring in their tools or carpenters bring in wood to store. Mrs. Waldron brought up items like varnish and other items like gas for blow torches, and how do you control this without inspecting. Ms. Leo reiterated that they want to bring in flatbeds with electric brakes as they are not enclosed. Mrs. Waldron asked how many would fit in the area. Ms. Leo stated that the area is about 90 ft. x 5 ft, and they would agree to no more than five. Mrs. Darst said it would take her quite a while to get the people with the trailers to move them as they would have to get a tractor to move them out. Mrs. Waldron said there would have to be a time limit. Mr. Thomas said that none of the storage onsite will have hazardous materials. Ms. Leo stated that is in the storage agreement. Chairman Sikkes said violators will be prosecuted. Mr. Stephen Sikkes told the Board that most of the landscaper or small trailers are always electric brakes and never have hydraulic fluid so this would never environmentally impact the property. If the size was kept at under 16 foot, the open landscape carrier would never have hydraulic fluid. Mrs. Waldron asked for confirmation that it would be a flatbed trailer with no storage on top. Mrs. Waldron stated a maximum of five (5), with no stacking, a 16 foot maximum, with electric brakes would be adequate. Mrs. Van Valkenburg said landscape trailers could have something on top of it like a tractor. Mr. Thomas clarified that a lawnmower is not permitted, but a 16 foot flatbed trailer with tools or lumber is fine. Ms. Leo confirmed no motorized vehicles.

Chairman Sikkes opened the meeting to the Public.

Mr. Thomas swore in Mr. Edgar Wright, 45 Hope Road, Blairstown. Mr. Wright's question relates to the storage rental units. Does the rental document prohibit anything explosive, liquid, oil or otherwise hazardous, and the Board confirmed. Mr. Wright is concerned about policing this regulation and the enclosed trailers that may be empty when they arrive but may not be later. Mr. Thomas stated that the

Zoning Officer has the right to inspect, and if the Zoning Officer feels that after a year or two there is a need to do a site inspection, the Zoning Officer has the right to do so. The Zoning Officer can ask Mrs. Darst to open up the trailers to ensure there are no violations. Mrs. Van Valkenburg said some of the trailers are personal. Mr. Thomas says the condition applies to anything onsite, and none of them are owned by Mrs. Darst. Mrs. Van Valkenburg asked how the Zoning Officer would get into a personal trailer, and Mr. Thomas posed the question to Mrs. Darst. Mrs. Darst does not have any keys; the only person with a key is the person who owns the unit. Mrs. Waldron asked if anyone monitors what people are putting in the sea/land buildings. Mrs. Darst said she has on the application that they do not store any hazardous material. There is also a sign right outside the office stating the same. Most of her renters, about 98%, are from Blairstown, and she trusts them. Mrs. Waldron stated that some people put their gas grill in a storage facility, and one tank is equal to four sticks of dynamite. Mrs. Darst said it is very hard to monitor people, but it is mostly household goods for people who are moving. Chairman Sikkes asked if Mr. Wright was satisfied and he affirmed. Chairman Sikkes closed this part of the meeting to the Public.

Chairman Sikkes opened the meeting to the Board, and they had no further comments. Mr. Thomas then summarized agreement as follows:

This is only involving Lot 28.

- The Miller building currently onsite will be granted a variance for 69.7 feet.
- The berm between Lots 27 and 28 will be removed.
- Mr. Rodman will inspect the trees and they will be replanted and supplemented as reasonably necessary.
- Regarding frontage, there will be a gate for access, and gate access and drive will be moved to the east with a new plan to be submitted and planting as shown on plans will be implemented.
- Hours of operation will be changed to one-half hour after sunset and one-half hour before sunrise.
- No boats or vehicles will be authorized onsite. What exists onsite will be inspected by Mr. Rodman and the Zoning Officer.
- Wander letter is deferred to the end.
- Application has been submitted to the Fire Department and subject to their comments.
- There is a height restriction of 15 feet which has been in existence.
- There will be no storage on any lots other than Lot 28. Any further activity on those lots will require appropriate variances.
- Lot 31.01 is currently zoned for residential purposes and will be used for that purpose unless subject of approval.
- There will be building permits submitted for the additional Miller building.
- The access drive will be subject to the County and subject to revised plans.
- The boats, etc. will be removed within six (6) months.
- The frontage involving permits from the County to get access, the actual installation of the driveway, and the trees to be planted along the road frontage will be completed by November 1, 2019.
- There will be an allowance to have flatbed trailers, not to exceed 16 feet, with electric brakes, with a maximum of five (5) to be stored on the gravel area.
- The documents that have been submitted by Ms. Leo will be reviewed by Mr. Thomas and Mr. Rodman to assure that there will be no oils, fuels, or hazardous materials that will be allowed to be stored onsite.

Chairman Sikkes asked Ms. Leo/Mrs. Darst if this is acceptable and they agreed.

Prior to voting, Mrs. Stires asked if the storage agreement section on “no hazardous material” was after the Tenant signs instead of before they sign. Mr. Thomas said he will review and work with Ms. Leo to ensure the agreement is completed in an acceptable manner.

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. Keller, to approve the Amended Preliminary and Final Site Plan Approval and C Bulk Variance, with conditions, to LB#03-15B, Darst, Block 2003, Lot 28. Roll call vote: Keller, Murray, Repasky, S. Sikkes, Van Valkenburg, Waldron, Mott, Stires, and J. Sikkes – yes. Absent – Mohr.

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

Mrs. Van Valkenburg and Mrs. Waldron were recused from this Application.

Mr. Heymann reintroduced himself to the Board for the subject application which the Board kindly deemed complete. He has Mr. Farley and Ms. Caldwell, his Planner, here tonight to testify. Mr. Farley recently purchased the property this summer and is seeking the use of a three-family rental ability in this two-family zone.

Mr. Thomas stated that this matter came before the Board as an Interpretation, and he asked if Mr. Farley could briefly go through for this record as opposed to the old record.

Mr. Thomas swore in Randolph Farley who resides at 55A Primrose in Hardwick, but is speaking on behalf of 7 Main Street, Blairstown. Mr. Heymann posed questions to Mr. Farley who answered as follows:

- Property purchase beginning of August 2018.
- Property was vacant.
- Property was built sometime in 1920's.
- The listing advertised the property as three (3) separate units, two on the bottom floor and one on the top floor.
- There are three (3) separate front doors and a common area for the back.
- Each apartment had its own separate full kitchen with the dining area.
- The exterior of the building has three (3) separate electric meters with a subpanel located in each of the units for that corresponding unit.
- The town currently recognizes the property as three units for water and Mr. Farley is billed for three units.

Mr. Farley took pictures which were presented at the prior meeting and tonight's meeting.

A-1: Photos of property at 7 Main Street, JCP&L bill, and photo of separate meters. Mr. Heymann asked Mr. Farley if there were three units and it was marketed that way, and he agreed that he would like it to be three separate residential units. Mr. Farley stated that this was how the building is set up, it is all divided already, and there is a demand for apartments in this area.

A-2 Photos of rear yard and parking area. Mr. Farley stated that there is ample room to park (5 spaces), an attached two-car garage, and off-street parking. There is a one bedroom apartment downstairs on the right side, there is a one bedroom on the left side, and there is a two-bedroom apartment upstairs.

Mr. Heymann said that concludes the overview and, most importantly, they need Ms. Caldwell to speak on how this ties in.

Mr. Keller asked if there is one septic system for all three units or are there three different septics. Mr. Farley said there is one septic. Mr. Keller asked if that has been approved and if there are any records of approval for the septic system. Mr. Farley stated that for the past 14 years it was being illegally used as a three-unit apartment and has not yet failed. Upon approval Mr. Farley will make the correct design needed. Mr. Heymann stated that if approval is granted, they will make it contingent on the Health Department coming out and ensuring the septic system is either upgraded or whatever has to be done in order to comply with however many gallons or how many tenants in the building. Mr. Keller stated that many systems in Blairstown are basically cesspools, not septic systems. Mr. Farley answered that the property he owns has a very large back yard and there was a septic repair completed about 14 years ago with a new leech tank installed. He has plenty of room to have a fully engineered system put in for whatever is needed. Mr. Heymann stated they will definitely make that a condition, and though not the Board's jurisdiction, he fully understands that they want the septic system to be able to handle the property. A-3 is a water bill for the three units.

Mr. Repasky asked for clarification that the listing was for a three-unit house – specifically as a three residential unit house. Mr. Farley confirmed it was listed as three different apartments. Mr. Heymann submitted the listing agreement as A-4 which shows Unit 1 as eat-in kitchen, living room, master bedroom; Unit 2 as eat-in kitchen, living room, master bedroom; and Unit 3 as two bedrooms, dining room, eat-in kitchen, and living room. Mr. Farley confirmed this listing description. Mr. Repasky stated that it was illegally listed the way it was and the listing was not in accordance with the Ordinance. Mr. Heymann says they cannot dispute that. Mr. Farley found out in the process of purchasing that it was not a legal three-family and is why he is here tonight to make things correct. Mr. Stephen Sikkes asked if Mr. Farley found out it was a three family or a two-family before purchase. Mr. Farley found out that it was illegal while purchasing and knew he would have to go through this process.

Mr. Thomas opened to the Public for questions.

Mr. Heymann introduced Ms. Caldwell and Mr. Thomas swore her in as Jessica Caldwell, 145 Spring Street, Suite E, Newton, NJ. Mr. Thomas asked if she is a professional planner in the State of New Jersey and has been qualified as a professional planner with this Board and many other Boards in the State of New Jersey; Ms. Caldwell confirmed.

Ms. Caldwell reviewed her findings, the Ordinance, and the Master Plan, and visiting the site and the area. The property is at 7 Main Street, Block 1206, Lot 4, between Water Street and Bridge Street.

- The property is in the eastern portion of Main Street which has a more residential flavor than the western portion of the downtown. There are some scatter mixed-use buildings but primarily multi-family, residential buildings on this side of Main Street with a few offices mixed in on the ground floor.
- This is the Village Residential zone so it makes sense that it is a more residential character.
- The existing property is developed with three residential units; two one-bedroom units on the ground floor and one two-bedroom unit on the second floor.
- It is a two-story structure dating back to about 1918.
- In terms of the bulk standards for the Village Residential zone, it does meet the minimum lot size for one and two-family residences which are permitted.
 - o It has 11,534 square feet where 10,000 feet are permitted.
 - o The front yard is also confirming at 40 feet where 25 feet are required.

- The side yard setbacks are preexisting undersize; the smallest one is 2.3 feet where 20 feet is required.
- The rear yard setback is compliant as it is over 80 feet and 50 feet are required.
- The lot is undersize in terms of lot width and frontage where 75 feet is required and 50 feet is existing.
- Lot depth is quite large which is 230 feet where 100 feet is required.
- Property fronts along Douglas Street and along the back is a two-car garage and an area for parking in the back.
- Historic photos show the whole back yard was a parking lot. It is now grassed in but there is plenty of room for parking. You can park at least four cars in the gravel area and there is a two-car garage, and parking in front of those two garage door spaces. There is also parking along the frontage of Main Street.

Mr. Thomas asked how many spaces onsite are anticipated being present. Ms. Caldwell said six (6) spaces are required by RSIS requirements for the number of units. They have at least that many and can create more if required. Chairman Sikkes asked if they were on top of the septic system, and Ms. Caldwell said she doesn't believe so as they are all right against the back of the garage. Mr. Farley has an old survey that shows an exceptionally large parking lot for ten+ cars in it, in which there is still some gravel spread out in the grass area. Over time they made the parking area smaller, but if they need more parking they can do so. The existing septic field is much closer to the house. The existing septic field does not encroach on the existing parking.

The building is preexisting and generally conforms to the bulk standards. There is no additional development proposed; the Applicant is proposing to reutilize the existing three apartments in the structure. Two of the apartments are preexisting nonconforming, but one was changed at some point illegally around 14 years ago. Prior to that it was an office space which was also not permitted in the zone.

This does require a D-1 Use Variance for a use not permitted in the zone. The building is surrounded by other multi-family structures. Reviewing meters on the street, many are three and four family residences within that area. The structure is the same as has been there since 1918 so it fits in well with the neighborhood. There is plenty of room for parking and it does fit the RSIS standards. There is plenty of space if additional parking is needed or additional expansion to the septic system if needed.

In terms of the positive criteria, **Purpose A** to encourage appropriate use of all land within the State that will promote the health, safety, and general welfare. Case law has determined that a site that is particularly suited to specific use meets the general welfare purpose of zoning. The evaluation of suitability revolves around the two questions: why the location is particularly suited to the use despite the zoning and what unique characteristics of the site make it particularly appropriate.

The site is particularly suited to the use for a variety of reasons:

- The site is in an area of mixed uses including other multi-family structures of similar size and use
- The site is located along Main Street in the Village Residential area where the village has more of a residential character.
- There are three units existing on the site and the structure can accommodate the use with no adaptation required.
- There are existing access points, doors, and steps to each individual unit.
- The meters for each unit are separate and each unit has a separate kitchen and bath facilities.

- The site has two street frontages - one on Main Street where pedestrian access and on-street parking is available and one on Douglas Street where a detached garage and parking is available.

For all of the above reasons, the site is particularly suited to the use.

Purpose G to provide sufficient space and appropriate locations for a variety of uses, including residential uses, is also met. The Township ordinance does contemplate townhouse style development with six units to the acre along with the one and two-family residential. There are also other existing multi-family structures within the area. We feel that this additional unit that fits within the existing framework of the existing building meets Purpose G.

Purpose I to promote a desirable visual environment through creative development techniques and good civic design and arrangement. The proposal will maintain a positive visual appeal in the neighborhood. Several of the structures surrounding this building have become dilapidated and are boarded up and are vacant. Allowing this structure to have three units helps to sustain the structure in good repair and the new property owner wishes to maintain a positive visual environment for the area.

Purpose M to encourage coordination of various public and private procedures and activities shaping land development with the view of lessening the cost of such development and to the more efficient use of land. The site has been used as a three-family for fourteen years without any incidents that we know of. The continued use provides for a variety of housing types which we understand are needed in the area without the substantial cost of developing new units.

Overall, from a positive perspective the proposal fits into the local area and provides a compatible use for surrounding uses. Additional people who live in the units are also likely to frequent the establishments in the village center versus the more commercial village center to the west.

The area is contemplated by the Master Plan to be a slightly higher density residential area than most residential areas in the Township. Single-family, two-family, accessory apartments, and townhouses at six units per acre are all permitted. The addition of one unit on the lot doesn't harm the zone plan or ordinances as this unique situation within an existing structure where three apartments were developed at some point and fit well on the lot without negatively impacting the neighborhood. The intent and purposes of the Master Plan (to provide that slightly higher density residential areas surrounding the village center) are maintained while maintaining the small town and rural character of the Blairstown village.

In terms of substantial detriment to the public good, the site is located in an area of multi-family, mixed use buildings. The existing structure and use fits well into the character of the area, and the site has existing adequate parking. It has been located in this fashion for quite some time without substantial detriment to the public good. There is no substantial traffic, noise, or glare offsite impacts from the proposed use.

Mr. Repasky asked if this building is surrounded by other three and four-family buildings, and Ms. Caldwell said that is correct. Mr. Repasky said that would be illegally, and Mr. Thomas said they were either illegal, preexisting nonconforming, or obtained variances.

Ms. Stires questioned whether there is more than one entrance or exit to each unit, and Mr. Farley replied that there is no egress from the second floor. There are two entrances to two of the apartments and there is one entrance to one of the apartments. There is a common area back door to the two bottom apartments and only one entrance to the second floor apartment.

Chairman Sikkes asked for other questions from Board members and there were none. He then opened to the Public for questions, including the Planner, and there were none.

Mr. Heymann presented a sealed survey to Mr. Rodman as A-5 as an item for Completeness. Mr. Rodman also asked for comments from Mr. Heymann's planner, which have been satisfied. A condition of approval will be that Mr. Farley will comply with the Health Department for the septic system or it will be upgraded as necessary.

Mr. Thomas summarized as follows:

- There has been testimony as to the positive and negative criteria, and if the Board agrees it is a basis to grant the D Variance for the additional apartment.
- Ms. Caldwell indicated there are several areas for the purposes of zoning in A, G, I, and M.
- In reviewing the Master Plan, Ms. Caldwell indicated that the Master Plan is not being violated. The Master Plan does contemplate higher density than is being proposed.
- Ms. Caldwell indicated that as part of the negative criteria, it is in a residential area with multi-family units, either legal or illegal which is irrelevant as they are existing.
- If the Board approves the D variance, it will include conditions for the septic by the Department of Health, payment of taxes, and if necessary, a formal inspection for the new apartment before occupancy.

Action: A motion was duly made by Mrs. Murray, seconded by Mrs. Green, to approve the D Variance with Conditions for LB#05-18, Farley, Block 1206, Lot 4. Roll call vote: Green, Keller, Murray, Repasky, S. Sikkes, Mott, Stires, Talley, and J. Sikkes – yes. Absent – Mohr.

LB#06-18 Montage Enterprises, Block 702, Lot 18.01, 140 Route 94, Blirstown, Amendment to LB#02-18 Preliminary and Final Major Site Plan and C Bulk and D Use Variances

Mrs. Van Valkenburg was recused from this Application.

Mr. Richard Keiling appeared on behalf of the Applicant, Montage. This application came before the Board back in May 2018 to request the addition of an 8900 square foot warehouse. There was a side yard bulk variance that was required and there were a couple of preexisting variances from the existing building. The Board granted the approval, and Mr. Keiling submitted the approved resolution that was just received memorialized from back in July. The applicant has to downsize the building due to economics, and they are moving from an 8900 square foot addition which was approved down to a 5300 square foot addition.

Mr. Thomas swore in Mr. Keiling's two professionals: Raymond E. O'Brien, O'Brien Architects, 19 Main Street, Blirstown, NJ and Daniel Davies of Golden Davies & Associates, 615 State Route 94, Newton, NJ. Mr. Davies responded that he is a professional engineer and testified in the last Application when questioned by Mr. Thomas.

Mr. Davies stated that this is Revision #3, 11-6-18, which is the map that was submitted with the application. Mr. Davies gave an overview of their proposal. It is a warehouse addition of 140 feet in length and parking in the rear with a truck turnaround area to the left. They are reducing the building down to 80 feet and wrapping everything on the side and pulling it forward. The impervious coverage has been reduced below the existing, the area of disturbance has been reduced from what it was previously, and the number of parking spaces has been maintained, including the extra spaces requested by the Board. The drainage has been maintained in the same location which is in the side yard which has been reduced to accommodate the different rooftop area. The basic changes are to minimize the disturbance

as opposed to what it was before. Previously it came 80 – 100 feet further into the property and that has been pulled down.

Mr. Keiling asked about the adjoining Lot #19 where they are requesting a continuation of the side yard variance. Mr. Davies explained that the building alignment, the way it was attached to the existing structure, is set back to the property line on both sides. Everything is exactly the same size in terms of width. The only variation is the actual length of the building from 140 feet to 80 feet so all conditions of setback have been maintained. Mr. Keiling said the side yard setback in zoning requirements is 38.7 feet and it is continued on the new proposed addition. This is the same as the approval for the 8900 square foot building.

Mr. Keiling asked if the Knox Box that the Fire Department had requested was in the same location and Mr. Davies confirmed.

Mr. Davies secured a letter from the Warren County Health Department approving the change of use for the previous application and had to go back for the warehouse space. The change of use for the Health Department is not necessarily on the number of employees, so they did approve. They will supply a copy if requested by the Board.

Mr. Keiling asked Mr. O'Brien to respond to the color scheme. Mr. O'Brien stated that Mr. Montanya is not present tonight but he favors the earth tones for the structure similar to the front of the existing building which will match. With respect to landscaping in item #10 on Mr. Rodman's comments, photos have been supplied of the landscaping which were sufficient. Parking should stay the way it was proposed on the original plan which was approved. There will be no outside storage, and any work completed will be done inside the existing building. There will be the same hours of operation. The building is just being shrunk down due to economics.

Mr. Repasky stated that there was a lot of material stored outside on pallets and at the last approval, all of the material will be indoor storage. Will the reduced footprint be able to accommodate bringing all that material inside? Mr. Keiling stated that it will be inside or it will be removed from the site. Mr. Keiling agreed there is some excess there. Mr. Repasky said it is not visible from the road now, but there is a lot of material there. Mr. Keiling agreed and there is some racking there but it will be removed from the site. Chairman Sikkes asked for a time frame. Mr. O'Brien is waiting for the metal building company to come back to him with revised plans, then the structural engineer has to change the footing designs, so the metal building revised plans will be the middle of December. Mr. O'Brien needs two-three weeks to get the foundation changed, and with the weather now, nothing may start until March or April 2019. Mr. Keiling suggested footings and pouring concrete will be in April 2019. Construction time will be five months at the most. Moving the items from outside (either inside or removed) will be completed before any CO will be issued. Mr. O'Brien says there will be vertical racking inside which may only be a shelf of 16-17 inches but will be up to 18 feet in the air. Mr. Repasky also said he believed that on the outside toward the middle of the lot there would be an extended roof and he could do stacking outside.

Mr. Mott asked about the lot to the west. Mr. Keiling stated it is owned by the Applicant which is a different corporation that he formed. Mr. Mott noticed that if you stand in the Doghouse Restaurant parking lot to the southwest and look across, there is a very nice post and rail fencing and trees on the adjoining lot. They are a very good visual shield of all of the buildings. If you project out 15-20 years and they want to sell that lot, that visual shield will disappear. Can the Board make it a condition of approval that if that other lot is sold, that they do some sort of landscaping? Mr. Thomas stated that they don't have any jurisdiction over the other lot. Mr. Mott said that he meant the Applicant's lot. Mr. Keiling stated that any Applicant who tried to develop the empty lot would have to come before the Board and it could

be a requirement at that point to put up a buffer that would continue to exist. Mr. Thomas stated that there would probably be a requirement to do landscaping on that lot.

Chairman Sikkes asked if anything else from the Board and there was nobody here from the Public.

Mr. Thomas asked the Board to look at Items 3, 4, 7, 9, 11, 12, and 13 in Mr. Rodman's report and these would be conditions of approval.

Action: A motion was duly made by Mr. Steven Sikkes, seconded by Mr. Repasky, to approve the Amended Preliminary and Final Major Site Plan and Variances with Conditions, LB#06-18, Montage Enterprises, Block 702, Lot 18.01. Roll call vote: Green, Keller, Murray, Repasky, S. Sikkes, Waldron, Mott, Stires, and J. Sikkes – yes. Absent – Mohr.

Ordinance to amend Chapter 19, "Land Development", Article 19-1000 "Administration, Enforcement, Penalties, Variances, and Waivers" of the Code of the Township of Blirstown

Mr. Thomas summarized that this was a clarification of the powers of the Zoning Official and authorizes the enforcement by the Zoning Officer to issue notices of violations. It also reiterates what was already in the Ordinance. Mr. Thomas recommends this as an appropriate advancement of the Master Plan and is consistent with the Master Plan which is what the Board's status is in regard to Ordinances that relate to the Land Development Ordinance. The Board has the obligation to complete the record even though comments have been related back to the Township Committee already and has been approved.

Mrs. Van Valkenburg explained to the Board that the only addition to said ordinance was to give the Zoning Officer the authority to issue violations.

Action: A motion was duly made by Mr. Keller, seconded by Mr. Jim Sikkes, to approve this Ordinance. Roll call vote: Green, Keller, Murray, Repasky, S. Sikkes, Van Valkenburg, Waldron, Mott, Stires, Talley, and J. Sikkes – yes. Absent – Mohr.

Ordinance 2018-28 to amend Chapter 19, "Land Development", Section 19-203 "Definitions and Descriptions" for Household and Non-Household Animals of the Code of the Township of Blirstown

Mr. Thomas summarized that there are now objective statements in a standard that satisfies the laws of the Township. This is also consistent with the Master Plan.

Mrs. Waldron stated that we are now relying on something other than "home rule" which was from Rutgers which is not our jurisdiction.

Chairman Sikkes asked if something could be added to the Ordinance. On a one-acre lot, many municipalities have introduced Ordinances and passed them on how many chickens you can have on that lot and that you can no longer have a rooster on that lot. Mr. Thomas feels that is a substantive change. Chairman Sikkes wants to have this reviewed. Mr. Thomas suggests that they approve the ordinance as written as consistent with the Master Plan. Mr. Thomas suggested to find the first reading as consistent with the Master Plan. In addition they can suggest to the Governing Body to include the conditions on chickens but they would have to reintroduce the ordinance in January or February of 2019. Mrs. Van Valkenburg explained the reasons for getting the Ordinance in place was due to concerns about chickens and the animals/rodents that come along with them. There are regulations in place for acreage required for animals. Mr. Repasky stated that they are going down a slippery slope by going below the two acres required for a non-household animal. Mr. Mott explained that this Ordinance is only a definition and

description of household and non-household animals, and it is very good. This Ordinance is not about acreage required for non-household animals. Mr. Thomas agreed and Mrs. Van Valkenburg and Mrs. Waldron explained that it is two acres for one animal and beyond that it is one acre for each additional animal. Mr. Repasky corrected this as one acre for the next three animals, and then one-half acre for each animal after that. Mrs. Waldron stated that this is the Ordinance that needs to be changed to address Chairman Sikkes' comments. Mrs. Van Valkenburg said that this should be introduced as part of the Master Plan next year.

Mr. Repasky had one comment under Non-Household Animals Section A at the end of the paragraph to add "including miniature breeds of any the above". The Board says this is unnecessary, but Mr. Repasky says this could become a legal loophole. Mr. Thomas stated that there was no definition in the past but the Town policy has chosen not to include the reference to the Rutgers stand to animal units. With this definition it is difficult to argue that because one animal is one animal, not animal units. Mr. Repasky feels strongly about this, but Mr. Keller believes that #10 would cover this as "any animal not specifically listed above but which can be reasonably defined as non-domesticated animal under this chapter".

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Green, to approve this Ordinance. Roll call vote: Green, Keller, Murray, Repasky, S. Sikkes, Van Valkenburg, Waldron, Mott, Stires, Talley, and J. Sikkes – yes. Absent – Mohr.

OTHER BUSINESS: None

NEW BUSINESS:

Rosalie Murray read the information on Stormwater Management that Ted Rodman had asked the Board to review.

PUBLIC PORTION:

There was nobody from the public

VOUCHERS: Professional services rendered.

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

ADJOURNMENT:

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

Action: Upon a motion duly made by Mr. Jim Sikkes, seconded by Mrs. Waldron, and unanimously carried, the meeting was adjourned at 9:54 pm.

Respectfully submitted,

Linda J. Grohs, Board Secretary