

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

MINUTES

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

Board Attorney, Roger Thomas, led the meeting due to Chairman Sikkes suffering from pharyngitis.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read.

LAND USE BOARD DEADLINE DATES:

Board Attorney Roger Thomas 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 June 17, 2019 Regular Meeting of the Land Use Board were approved.

Action: A motion was duly made by Mrs. Green, seconded by Mrs. Waldron, to approve the Minutes of the June 17, 2019 Regular Meeting of the Land Use Board.

In Favor – All Present. Opposed: None. Abstained: Nick Mohr.

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 – **Complete and Approved.**

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

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 - **Denied**

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

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

Ordinance 2019-14 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 Blirstown.

Mr. Thomas explained that this Ordinance was determined to be consistent with some modifications and this Ordinance needs to be memorialized before addressing the reintroduced Ordinance 2019-18.

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. Repasky, to memorialize the Ordinance.

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

OTHER BUSINESS:

Ordinance 2019-18 (reintroduced with LUB changes) 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.

Mr. Thomas explained that this Ordinance 2019-18 took Ordinance 2019-14, incorporated with changes by the Land Use Board, into this reintroduced Ordinance. This included the change that the Soil Fill Permit would be reduced from 100 cubic yards to 50 cubic yards. Mr. Repasky stated that a change from last month did not get included which was changing “or” to “of” on page 2. Mr. Repasky also commented that if a permit is not required for less than 50 cubic yards, what is the timeframe – a calendar year, a six-month time, lifetime, or per incident. Mr. Rodman questioned what would be the definition of an incident, but agreed that a timeframe should be included. Mr. Thomas stated that it might be best to highlight this issue for the Township Committee to review with the Zoning Officer. Mr. Repasky also commented on page 8 at the bottom of section 4, minor soil fill permit from 100 to 500 cubic yards should be from 50 to 500 cubic yards.

As this review was referred to the Land Use Board for consistency review, Mr. Thomas asked the Board to deem this Ordinance consistent with the Master Plan. The Resolution for this Ordinance will be memorialized at the August 19, 2019 meeting.

Action: A motion was duly made by Chairman Sikkes, seconded by Mrs. Waldron to deem the Ordinance consistent with the Master Plan.

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

COMPLETENESS:

LB#05-19, Nicholas Fluri Sr. & Jr., Block 1601, Lot 3.01, 140 Cedar Lake Road, Minor Subdivision (conforming minor one-lot subdivision without variances)

Mr. Richard Keiling is representing Nicholas Fluri with an application for an existing 20 acre property on Cedar Lake Road (old Ludwig Kapp property) where they propose to make two new conforming lots that have frontage. There will be a Variance application requesting the two existing lots that share a common driveway will also have the two new lots share a common driveway. Mr. Thomas suggested that this would be a waiver rather than a variance.

Mr. Rodman expressed concerns on behalf of Chairman Sikkes about waiving the Soil Erosion and Sediment Control item. This could be a condition of approval. Chairman Sikkes' concern is that the property is on a hill and he is concerned about erosion. Mr. Keiling responded that an engineer from Harold Pellow will be at the next meeting. Mr. Thomas added that the requirement for Soil Erosion and Sediment Control can be waived for Completeness, the engineer can explain next month, and additional information can be provided as needed.

Mr. Thomas asked for a motion to deem the application complete granting the waiver.

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

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

PUBLIC HEARING: None

CORRESPONDENCE:

Zoning Violation Letter dated June 24, 2019, from Zoning Officer to David Berberian, 141 Hope Road, for violation of Zoning Permit. Resident must appeal or apply for D Use Variance to rectify use as dog kennel from permit for agricultural storage building/use.

Mrs. Waldron spoke with the Animal Control Officer, Scott Hendricks, about the complaint from a resident before the Township Committee. The concern is there will be an application coming to the Land Use Board for a change of use in the residential zone for a kennel. Mrs. Waldron expressed concern that our Ordinance now has nothing to prevent a large number of animals being sheltered on a piece of property. Regardless of whether this is considered a kennel or not, an applicant can have twenty-five to twenty-six dogs. Mr. Thomas' position is that if a particular use is not specifically permitted, it is prohibited. If a kennel is not a permitted use, an applicant has the right to appear before the Board and seek a D Use Variance.

Notice of Public Hearings (Information) – Warren County Public Notice dated July 3, 2019, advising two Public Hearings on August 14 and 28, on the proposed sale by public auction of vacant, County owned property (Block 32, Lot 17 in White Township).

OTHER BUSINESS:

Knox Boxes

Nick Mohr was asked to explain Knox Boxes, and he deferred to Deputy Chief Slater of the Fire Department.

Mark Slater, Deputy Chief of the Blairstown Hose Company introduced himself and explained that Knox Boxes are similar to realtor residential lockboxes when they are showing a home. They are keyed or coded alike so that a realtor can come to a house and show it to potential buyers. In Blairstown, Knox Boxes are there for the Chief of Police and two Fire Chiefs have a key for the commercial occupancy. The goal is for every commercial occupancy in Blairstown to have one. It would be difficult for the Board to impose existing commercial occupancies to purchase a box, but it would be in their best interest to do so. This would allow the Police Department or Fire Department to investigate quickly without damage to the business. The goal is to preserve property, and applications are available through the Police Department. Some businesses already have Knox Boxes on a voluntary basis. A stronger effort to encourage businesses to install them would be appreciated, and an option would be to have it become a requirement for a changed or new Certificate of Occupancy (\$100 fee for Knox Box from the Police Department). Mr. Thomas inquired why it would be necessary to purchase the Knox Box from the Police Department, and Mr. Mohr responded that you buy the box through the Police Department from the Knox Company. The official implementer of the Police Department makes sure the agency key to the master coding of the lock is appropriate and it prevents them from getting them into circulation (control mechanism). Deputy Chief Slater responded that all Knox Boxes are a standard size. Mr. Mohr explained that you file an application through the Police Department, but you are conducting a business transaction directly with the Knox Company. There is a catalog with a wide selection from standard to customized choices. The common denominator is that it is secured and the tumbler is a key that is controlled by the Knox Box Corporation and issued in limited capacity to the appropriate officials. The Knox Box can also have a tie-in to an alarm which triggers the alarm as a zone so that when a police officer or fire department official utilizes the Knox Box you have a time-stamped record of the box being opened and closed.

Mrs. Waldron asked for confirmation that the Township is being asked for an Ordinance for Knox Boxes for new construction. Mr. Mohr confirmed an Ordinance would be required and it would cover Knox Boxes for new construction, change of occupancy, or renovation (basically anything that would pull a building permit). Mr. Thomas stated that this Board could recommend an Ordinance and send to the Governing Body. Mr. Mohr advised that Knowlton Township is actively doing this already as described

earlier, and Mr. Mohr asked Linda Grohs, LUB Secretary, to reach out to Knowlton Township to obtain a copy of their ordinance. Any Ordinance will be run by the Fire Department and Police Department for their perusal.

Further concerns were expressed by Board Members on the security of the keys to Knox Boxes. Mr. Mohr explained that there is another level to this other than the Knox Box that is on the building. There is another box in the vehicle and it secures the master key and is opened by a code and has a data logger. The master key is not randomly floating around in somebody's pocket or ring that gets passed around from person to person. In some jurisdictions there is actually a code that is transmitted over the radio by the dispatcher that opens this box. Mrs. Waldron asked if the code was changed after use, and Mr. Mohr answered that this would be explored. Mr. Mohr also advised that in their case the zone tied to the alarm system automatically triggers the call to central monitoring letting them know someone has triggered access to the building.

Deputy Chief Slater reiterated that the Knox Boxes will limit the damage to enter a building in an emergency. In Blairstown the Chief and Deputy Chief only have a key which is how they limit access. Mrs. Waldron will reach out to the Fire Department, Police Department, and Mr. Mohr on this subject.

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

Mrs. Waldron is working with Ted Rodman and the Police Department on some issues that reflect on the Master Plan. These are Ordinances relating to roadways, redeveloping a roadway that is now a two-way into a one-way, changing the way people are parking on a road to angled parking in a one-way direction which will address safety and more access to parking. There are three or four roads in that area. There are also some changes to be made to two or three areas of the Ordinances that are in conflict (one refers to another that has different information).

Mrs. Murray brought up two questions:

- 1- Should there be a separate hearing for Open Space versus being part of the main Master Plan?
- 2- Should we divide up the different areas of the Master Plan so that three committee people could work on one portion of the Master Plan? This would allow members to work on areas of interest rather than working on the entire plan.

Chairman Sikkes asked how many members could meet to work on sections of the Master Plan without public notice, and Mr. Thomas answered no more than three people could meet. Chairman Sikkes reiterated that this is an update to the Master Plan and not a major overhaul of the entire plan.

Mrs. Murray found that in the new Master Plan Manual handed out to all members that there is no need for an advertised Public Hearing required for a Master Plan Reexam. Mr. Thomas believes there should be a Public Hearing rather than members of the public not being able to express their opinions. Mrs. Murray believes that the Open Space Plan may have been completed separately as it was not an original part of the Master Plan. Mrs. Murray would also like to include all the work the Historic Committee has done and is an element in the Master Plan to be included in our Reexam. Mrs. Murray also asked if items could be handled after year end came up, and Mr. Thomas answered that a reexam can be done as often as needed but must be done every ten years. Mrs. Waldon stated that the effort needs to be cost effective and completing all at one time would be preferred.

Mr. Mott believes verbiage should be included that "historic preservation goals of the Master Plan are to preserve historical buildings, to further the desire of the populace to restore historical buildings because of ecotourism, etc." The actual listing of properties is raw data and doesn't tell you what to do with the raw data. The Master Plan needs to tell you what the goal is of the Town and what to do with that raw data. He will work with Christine Beegle to write that data up.

Mr. Mott also addressed David Diehl, the Zoning Officer's submission on removing bed and breakfasts from the professional research zone and village neighborhood and add to the residential zone. His

understanding from the Chairman is the desire to increase ratables by expansion in the Highway Commercial and Professional Research Office Zones. If the goal and purpose and intent is to foster and increase businesses as more tax ratables in the town, why would we want to remove it from the professional/research zone where it is already well regulated as a conditional use. With the premise of increasing the HC and PRO zones, his opinion is to leave this alone, even though David Diehl is correct, as it has the potential for an increase in ratables in this zone. Chairman Sikkes had spoken to David Diehl and there is no more room to expand in the PRO / HC zones, and he recommends Mr. Mott speaks with Mr. Diehl to discuss.

Mrs. Murray stated that in regard to increasing the research/industrial zone, there is a location on Vail Road where there are small businesses that could have the zoning changed and give the flexibility for some ratables like bed and breakfasts. Mr. Mohr stated that much there is preserved and already zoned Village.

Mr. Mohr stated his opinion about the Master Plan topic having been discussed since last October (2018) and now it is July 2019. He feels the Board should produce the minimum viable product from a time constraint, financial constraint, and interpersonal disagreements on depth and direction. It would be in the best interest of the Township, the taxpayers and the Board to work together to find the minimum viable, statutorily required update to the Master Plan.

Mrs. Murray expressed concerns about the band-aid approach and our responsibility in the next ten years related to social and climate changes, and the need to do something. Mr. Mohr replied that our obligation is YE 2019. Mr. Mach asked for confirmation of the deadline for the Master Plan – January 1, 2020. Mr. Thomas stated that the last reexam was completed in October 2010, so the Board has until October 2020 to complete this reexam.

Mrs. Murray asked about dividing up the work on the Master Plan, and since not all members were present, Chairman Sikkes asked members to decide what sections they want to be involved with and it will be addressed at next month's meeting.

NEW BUSINESS: None

PUBLIC PORTION:

Wickliffe Mott stepped down as a Board Member and introduced himself at his address of 10 Lambert Road, Blairstown, NJ. His comments concern the Master Plan and the PRO zone. According to David Diehl, all the PRO zone properties are occupied. There is one PRO property that has a pre-existing, non-conforming residence on it. That structure would make an ideal bed and breakfast. Mr. Thomas reiterated to Mr. Mott that he needs to have a discussion with Mr. Diehl and come back with the results to the August meeting. Mrs. Waldron stated that Mr. Diehl may come back and include in two portions (both PRO and Residential). One of the properties referred to had a prior use as a boarding house which is still in the professional zone and could be redone. Mr. Mott answered that this might be more complicated and he will discuss with Mr. Diehl.

VOUCHERS: There were no vouchers to be approved at this meeting.

ADJOURNMENT:

Township Attorney Roger Thomas asked the Board for a motion to adjourn.

Action: Upon a motion duly made by Mrs. Waldron, seconded by Mrs. Green, and unanimously carried, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Linda J. Grohs, Board Secretary