

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
December 18, 2017**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, December 18, 2017, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, David Keller, Nick Mohr, Rosalie Murray, Mike Repasky Joanne Van Valkenburg, Cynthia Dalton, Jim Sikkes, Debra Waldron, Dominic Daleo, Steven Sikkes, Anthony Iurato and Wickliffe Mott. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Marion Spriggs,

SALUTE TO THE FLAG: was recited.

THE SUNSHINE STATEMENT: was read.

Meeting was called to order by Chairwoman Waldron who stated:

“Adequate notice of this meeting of the Blairstown Township Land Use Board has been provided in accordance with the Open Public Meetings Act (Chapter 231.P.L. 1975)”.

ROLL CALL: was taken.

LAND USE BOARD DEADLINE DATES:

Chairwoman Waldron declared that submission of information supporting applications must arrive at Town Hall **10 calendar days prior to meetings**. She explained this is an effort to give the Board members enough time to review the documents and requested this notice be read at each meeting.

MINUTES OF PREVIOUS MEETINGS: (As distributed prior to the meeting date).

Minutes of the September 18, 2017 Regular Meeting of the Land Use Board were approved, as written.

Action: A motion was duly made by Mr. J. Sikkes, seconded by Mrs. Green, to approve the Minutes of the September 18, 2017 Regular Meeting of the Land Use Board, as written. Roll call vote: Green, Keller, Mohr, Murray, Van Valkenburg, Dalton, J. Sikkes, Waldron, Daleo, S. Sikkes, Iurato, and Mott– yes. Repasky– abstained.

1st Presbyterian Church of Blairstown

Mrs. Van Valkenburg mentioned that 9/18/17 LUB Minutes reference this application. She wishes to inform the LUB that the County and Township communication is completed.

Outdoor Burning Ordinance

Mrs. Van Valkenburg declared that the Ordinance re: Outdoor Burning was repealed and is being remanded to the State. Permits will have to be obtained from the State directly. This will be indicated on the website.

APPEAL OF ADMINISTRATIVE OFFICER

Darst #ZB04-10 / LB03-15 A (2nd Amended) – *Appeal of Administrative Officer* - (Carried)

12/6/17 U. Leo, Esq. letter requesting deferring review of this application until 2018.

Roger Thomas declared this matter will be carried to the January 15, 2018 LUB Mtg. Notice has not been given.

RESOLUTIONS:

COMPLETENESS

None

PUBLIC HEARING

CORRESPONDENCE:

NJ Planner Sept./Oct. issue

OTHER BUSINESS:

Housing Element & Fair Share Plan

11/15/17 e-m from Kevin Benbrook, Esq. Re: DRAFT Ordinance – Repeal & Replace Chap. 55 “Affordable Housing”

Mrs. Waldron explained on 11/17/17 the Draft was e-mailed from Kevin Benbrook, Esq. regarding the Ordinance to Repeal and Replace Chap. 55 on Affordable Housing.

She stated there is also an Affordable Housing Overlay Zone which the LUB took action on for Jessica Caldwell, PP.

Mrs. VanValkenburg said she noticed something on the Overlay Zone. She investigated the ordinances. She noted the Overlay stated maximum building height is 3 stories or 40 feet. In the VN and /or VR Zone, the maximum is 30 feet. In residential zones it is 35 feet.

Roger Thomas stated this is the Overlay Zone for the low and moderate housing requirements. It is assumed that it is for 3 stories. He said, what she is referring to is single-family residential height. He noted, it is a fairly modest height of 45 feet for a 3-story building. That is the reason why there is a differential for low and moderate housing. He explained it is not contradictory but supplemental.

Mr. Keller commented the reason it is not indicated in those zones in the ordinances, is because 3-story buildings were never anticipated.

Roger Thomas wanted to clarify there is not an inconsistency regarding the underlying zone, which is a single-family residential structure at 35 feet and a 3-story multi-family structure, which is 40 feet.

He summarized, stating the Overlay Zone was needed to accommodate the low and moderate income housing, applicable only to same. It does not affect existing buildings over 30 feet.

Jim Sikkes stated he thinks the ordinances were started around 1968.

Mr. Mohr interjected, it is only applicable if and when the sewer utility would be resolved.

2017 Land Use Board Annual Report

Roger Thomas suggested no recommendations, based on 2017 LUB applications, be made to the Twp. Comm. re: modifications or amendments to the Zoning Ordinance.

Action: A motion was duly made by Chairwoman Waldron, seconded by Mr. Mohr, to approve **2017 Land Use Board Annual Report**. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, J. Sikkes, and Waldron – yes.

LB#05-12 NWRHS – Solar Panels

12/5/17 Ltr. from Roger Thomas to Rod Hara, Esq., Fogarty & Hara, Esqs., Fairlawn, NJ
Re: 10 day deadline

Roger Thomas contacted NWRHS attorney, Rodney Hara, Esq., Fogarty & Hara, Fairlawn, and received no response. He then wrote a letter on 12/5/17 noting there were some deficiencies in failure to satisfy conditions for a period of time. If response is not received, the Zoning Officer will be authorized to inspect the property, and if appropriate, issue the respective violations.

He received a response from Mr. Hara, asking for detailed outline of what the outstanding requirements are, then he will be willing to discuss those with Roger Thomas.

Roger Thomas asked Ted Rodman to inform him of the outstanding items. He noted there had been a meeting with Supr. Bilotti some time ago. NWRHS Bd. of Ed. was to prepare a map for supplemental landscaping which was necessary to assure buffering of the solar panels. He suggested the map show supplemental landscaping which will be reviewed by Ted Rodman to assure adequate buffering. As of yesterday, Ted Rodman had not received that map.

Roger Thomas offered to respond to Mr. Hara, clarifying what is necessary. Mr. Hara can then respond to Ms. Bilotti.

Chairwoman Waldron reiterated this has been going on since March. During a meeting, the requirements were noted as being per LUB Resolution. She added, she communicated with Ms. Bilotti in October that there was a requirement that must be met by November 2017. This included the landscape design to be given to LUB for review and approval. She said the diagram should include what Ms. Devon Race suggested be replaced, and timeline for completion. Mrs. Waldron heard nothing back. She said they are in neglect of the Resolution for 3 years.

Mr. Mohr noted currently they are out of the planting time-frame.

Upon LUB approval to write a letter, Roger Thomas will include in it, there had been a voluntary, signed-offer to have an easement from the abutting property owner to allow for the installation, and/or maintenance, which was not included in the original.

Chairwoman Waldron summarized by stating, since she was getting nowhere, the last response is to have Roger Thomas create a letter as indicated above.

Action: A motion was duly made by Chairwoman Waldron, seconded by Vice Chairman - J. Sikkes, to authorize LUB Attorney, Roger Thomas, to send a letter to NWRHS regarding unresolved compliance with Resolution Conditions for **LB#05-12 NWRHS** – Solar Panels. Roll call vote: Green, Keller, Mohr, Repasky, Van Valkenburg, Dalton, J. Sikkes, and Waldron – yes. Murray – no.

Design Standard Committee

Distribution of Chap 19 Sections, General Code, applying to Design Standards (mailed to LUB mbrs. 11/18/17)

Chairwoman Waldron revealed she contacted a Twp. Comm. Attorney in Chester, and another in Flemington. They have similar-type landscapes as Blairstown, though larger. They will get back to her with what they do differently regarding design standards.

Mrs. Murray said the report is not available tonight.

She met with John Maxman re: signs. She said Blairstown's vulnerability is in the commercial area. She declared, what is needed is to improve the appearance of Blairstown in its Ordinances currently, especially signage. She feels the "unsightly" is there due to lack of Blairstown paying attention.

She suggested that any work done now should be done with a view to the future.

She feels a Design Standard Committee should be responsible for looking through the Ordinances and making suggestions to the LUB and applicant ahead of time.

Chairwoman Waldron pointed out as an example, that Dollar General's original plans were within the confines of Blairstown's existing ordinances however they chose to work with the Town to modify their design.

Mrs. Murray stated, different design standards can be collected from surrounding towns, but all that is needed is modifications to the Ordinances.

Roger Thomas interjected that he was requested to go through the Design Standard section and look through those sections he thought were applicable. Maybe the LUB still needs to do that but the format already exists and therefore it doesn't need to be re-invented. He suggests the LUB may choose to say these standards are not acceptable at this time and need to be changed.

He concluded by saying, LUB should start with what it already has.

Mr. Keller suggested that town character needs to be defined. Formulation of design standards should conform to that definition.

Mrs. VanValkenburg suggested that Blairstown's character should model its recent designation of Appalachian Trail Byway.

Mr. Keller recommended a mandatory pre-application meeting for anything in a commercial zone. It is needed to discuss architectural style.

Chairwoman Waldron stated concern with the "what happens ifs" – i.e. a strip mall burns down, if they have to return to LUB - it doesn't mean they need a variance. The new construction could be very modern, not in keeping with the rural character. "What happens if" – Village Neighborhood is destroyed by fire. Protection needs to be indicated in the Ordinances now.

NEW BUSINESS:

None

PUBLIC PORTION:

There were no questions or comments from the Public.

VOUCHERS: Professional services rendered.

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

Thank You to Chairwoman Waldron

Vice Chairman J. Sikkes, read a note of appreciation to Chairwoman Waldron for the many years of service to the Land Use Board, Board of Adjustment and Planning Boards. He stated in his 45 years of service on the boards, she stands out as doing an excellent job, as a Chairperson.

A plaque was then presented.

Chairwoman Waldron thanked everyone and stated she looks forward to serving as a Class III LUB Member during her new role on Township Committee.

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: Upon a motion duly made by Mr. Mohr, seconded by Mr. Repasky, and unanimously carried, the meeting was adjourned at 8:29 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary