

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
July 17, 2017**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, July 17, 2017, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey.

The following members were present: Nick Mohr, Rosalie Murray, Mike Repasky, Joanne Van Valkenburg, Jim Sikkes, Debra Waldron, Dominic Daleo, Anthony Iurato and Wickliffe Mott.

The following members were absent: Barbara Green, David Keller, Cynthia Dalton, Steven Sikkes, Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas and Marion Spriggs, Board Secretary.

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 June 19, 2017 Regular Meeting of the Land Use Board were approved, as written.

Action: A motion was duly made by Mr. J. Sikkes, seconded by Mr. Repasky, to approve the Minutes of the June 19, 2017 Regular Meeting of the Land Use Board, as written.

Roll call vote: Mohr, Murray, Repasky, Van Valkenburg, J. Sikkes, Waldron, Daleo, Iurato, and Mott –yes.

RESOLUTIONS:

None

COMPLETENESS:

PUBLIC HEARING:

LB#02-17 Sprint Spectrum, LP, Blk. 301, Lot 10.13, Mountain Terr., Min. Site Plan (Co-locate)**Dish**

Susan S. Stocker, Esq., Zublatt & Jones, P.C., Princeton, NJ, noted she had been previously sworn in.

Ms. Stocker stated the Application is for an amended site plan approval to co-locate one 3 ft.-microwave antenna on a 125 ft.- television-lattice tower, located on Mountain Terr. and Walnut Valley Rd., owned by Service Electric Cable TV of NJ. The installation height will be 120 ft.

She revealed it will provide the point-to-point link to Sprint’s existing wireless facility, located on a lattice tower in Hope Twp. at 70 Far View Rd., where 2 microwave dish antennae were recently approved, and will be installed.

Sprint (formerly Nextel), is requesting previous condition C., be excised from a prior resolution from August 1999, wherein approval was granted to extend the tower to 125 ft. and co-locate 12 antennae. Condition C prohibited dish antennae on that tower.

She noted Sprint did not put up microwave dishes at that time. She admitted, “now Federal Law has changed vis a vis Spectrum Act, providing they are now permitted as transmission equipment.

She indicated the law requires approval must be within 60 days. She mentioned they satisfy Federal requirements since no increase in height will occur. She said new equipment will not increase the width by more than 6 ft. No additional equipment cabinets will be provided, as Sprint has an existing shelter. There will be no soil disturbance.

She pointed out Verizon is also located on that tower.

Ted Rodman declared, “the key to the prior approval is, the existing dish should’ve been removed from the tower”. He noted his records reveal the tower was constructed in January, 1987. He has a site plan from 8/24/93 from Bell Atlantic which shows a dish antenna at 77.6 ft.

He said it is not being used by anyone now. He stated his records do not reveal anyone gave approval for that dish.

Roger Thomas declared Service Electric needs to be advised of that.

Robert C. Marsac R.A.,RM Consulting LLC, Flanders, NJ, architect representing the Applicant was sworn in.

Mr. Marsac noted pg. A-3 of the site plan reveals the nuts & bolts of the Plan. He explained it to the LUB.

He indicated this is a straight-line antenna. This direct-beam antenna's job is to communicate with the previously-mentioned dish in Hope. It takes the place of land lines.

Nick Mohr offered his interpretation as a bigger pipe between the 2 towers and the existing copper network.

Chairwoman Waldron asked, if possible additional carriers might co-locate and combine efforts. Ted Rodman responded if other co-locators comply with the state statute, statutorily-more than one can co-locate.

Roger Thomas asked if Sprint is aware of whether or not that tower is being used. He suggested Ms. Stocker contact Service Electric to see if that dish is sitting there obsolete, and seek permission to remove it. He noted if obsolete, Service Electric has no incentive to remove it.

Ms. Stocker responded she can ask that of Sprint.

Chairwoman Waldron pointed out the LUB is judging the weight load based on Sprint's current application. If the existing dish was put up without Blairstown's consent, that additional weight space is not taken into consideration.

Ted Rodman explained this issue was discussed. On 6/22/17 a Structural Analysis was submitted.

Mr. Marsac responded this Analysis indicates the Tower as it stands, including the existing dish and the newly proposed 3ft. dish, and it did pass. Wind load and surface area were considered.

Ms. Stocker noted when Sprint was approved for 12 antennae on this site, the large microwave dish was on the tower at that time.

Roger Thomas said this was built by Service Electric for its own use.

Mike Repasky noted there is an analysis of the anchor bolts but saw nothing regarding the concrete foundation under the anchor bolts. Ted Rodman responded pg. 5 notes the foundation reactions.

Mr. Marsac admitted they did not analyze the existing foundation. Mr. Repasky asked if he knows what the existing foundation is. Mr. Marsac admitted “No”.

Mr. Marsac suggested a Condition of Approval can be for the foundation to be mapped out by them.

Mr. Repasky noted they would be wasting the client’s money to try and map the existing foundation. He remarked, he leaves it up to Ted Rodman’s acceptance. Ted responded, there is a P.E. seal from an engineer indicating that it is structurally safe. Roger Thomas declared, that legally covers this Board, and that will be a Condition.

Mr. Mohr asked if the 3 ft. dish at the 120 ft. elevation is proposed within the 6 ft. envelope of the tower or within the 6 ft. envelope of the stand-off arm. He noted the actual projection to outside the 3 ft. dish will be well over 6 ft. from the centerline of the tower. Mr. Marsac responded “Yes, it would be more than 6 ft.”.

This portion of the Hearing was opened to the Public. There were no members of the Public present.

Roger Thomas summarized the following be Conditions:

Inquire of Service Electric the status of the big existing dish, and determine whether or not it is obsolete. If so, agree to remove it.

(Ms. Stocker responded she will certainly request that of her client and, if permitted, is it feasible).

Chairwoman Waldron reiterated Service Electric be notified that there is no record of the existing dish being there.

Mr. Repasky asked if an additional Condition is that the Structural Engineer give his analysis of the foundation. Roger Thomas responded there is already a P. E. seal on the Report.

Mr. Repasky acknowledged there is a seal on Pg. 1. He read the wording on Pg. 5, “therefore it is anticipated that the existing foundation will provide adequate strength under proposed loading conditions”. He remarked “anticipated” is a very “iffy” word revealing “engineers don’t like it”. He admitted the proposed 3 ft. dish, in his opinion, is not enough to overstress the foundation. He recommended removal of the word “anticipated”, simply stating, “the foundations are adequate”.

Roger Thomas suggested that Pg. 5 of the Structural Analysis be revised to “therefore the existing foundation has adequate strength under the proposed loading conditions”.

Action: A motion duly made by Mr. J. Sikkes, seconded by Mrs. Van Valkenburg, to approve **LB#02-17 Sprint Spectrum, LP**, Blk. 301, Lot 10.13, Mountain Terr., Min. Site Plan (Co-locate)**Dish**, with the aforesaid conditions. Roll call vote: Mohr, Murray, Repasky, Van Valkenburg, J. Sikkes, Waldron, Daleo, Iurato, and Mott– yes.

CORRESPONDENCE:

NJ Planner May/June Issue

OTHER BUSINESS

LUB absences – QUORUM

Chairwoman Waldron reiterated it is extremely important to this board, especially pertaining to Alternates, to notify in advance, of absences. She explained Alternates are asked to take the place of absent or recused Regular members. She pointed out an example whereby the attorney did not proceed with only 5 voting members, requesting more. (Roger Thomas reviewed that a Use Variance requires 5 affirmative LUB votes).

Roger Thomas indicated the State Statute governs the number of consecutive absences allowable before dismissal from the LUB.

Minute corrections

Marion Spriggs pointed out new members receive Welcome, Absence, Minute, and Mandatory Training Class Memos of explanation. Contact information is contained therein. She distributed these in this month’s packet as an FYI refresher.

Mandatory Training

Chairwoman Waldron asked who must still take the Mandatory Training Class. Marion responded, Mr. Iurato.

Marion noted that Roger Thomas recently taught this course locally. She asked if he would be doing another one. Roger responded, he is not certain whether he will do it in the Fall but will keep us posted. (New members have 18 months in which to take the course).

COAH

Housing Element & Fair Share Plan, Affordable Housing Overlay Zone Ord.

Roger Thomas stated the Hearing was supposed to be listed today. He explained the response from Beth McMannus, Special Master, arrived late. He said there was not sufficient time to publish Notice.

He explained this is a Noticed meeting. It is an amendment to the Master Plan.

He declared there will be a Notice for the August 21, 2017 meeting. He will notify Marion of same.

Although there is a time limit, Roger revealed he is familiar with Ms. McMannus and Judge Miller. He believes they will understand the circumstances and not have a problem extending time frames because Blainstown is working to pursue the final elements of the Settlement Agreement. Chairwoman Waldron asked what the timeframe is. Roger responded, the end of July or sometime in August.

Roger Thomas has phoned Kevin Benbrook, Esq. to inform him of what is going on. He said he's sure Mr. Benbrook will contact Judge Miller, and if necessary, he will follow-up. He said also, Ms. Caldwell will contact Ms. McMannus so there is no problem. He is confident there will not be a problem.

Mrs. Van Valkenburg asked what changes there are. She noted everything was done, commenting she understood the original deadline to be April or May. She said the numbers are the same. She explained a letter, prepared by Theresa Tamburro, MHL, is being sent out with the tax bills. Roger Thomas noted Theresa should have a copy of the Final Draft in order to prepare a letter.

Roger responded, in talking previously with Ms. McMannus, he doesn't recall that anything was of major consequence.

Jim Sikkes asked if a Special Meeting is necessary.

Roger Thomas explained if there is an objection, he will contact Debra Waldon and Marion to set up a Special Meeting. He noted 5 LUB members would have to attend.

LB#05-12 NWRHS – Solar Panels

Chairwoman Waldron explained Race Farms is creating a planting design for NWRHS Solar Panels. They are working with their own maintenance people to put a design in place which will be submitted to the LUB, for Ted Rodman's approval. After LUB approval, NWRHS will do the plantings.

She received correspondence that NWRHS is seeking to add additional plantings to camouflage the equipment. They are talking about putting those plantings on the property next door, owned by Marilyn Maring, as they don't have sufficient room on their property.

She explained if NWRHS is doing it to be in compliance with the condition of the LUB Resolution, it must be on their property.

Debra Waldron indicated she requests a legal easement be done, agreed to by both parties, which can't be changed. Roger Thomas recommended the legal binding document needs to read "until such time as the Solar facility is removed, this planting will remain".

She would like a time frame, maybe August, to receive a plan from them, approved by their Bd. of Education, submitted to Ted Rodman. She declared the final install date would be no later than November 1st. She noted this has been on the LUB Agenda for 3 years.

Nick Mohr questioned if NWRHS's (changed) administrative personnel, is aware this is the obligation of the contractor, and not NWRHS paying for it. He stated a "for-profit" organization was the applicant - in fact. He said NWRHS only signed off because they owned the property. He described it similar to a lease. He noted everything inside that fence is to be maintained by that company for 25 years.

Chairwoman Waldron admitted being puzzled, since NWRHS indicated some of "their people" planted those plants.

Roger Thomas recalled the Applicant was NWRHS. He said as part of the contractual arrangement, Hudson, a Canadian company, could have financed the panels but the remaining obligations were that of the School Board.

Chairwoman Waldron noted Roger Thomas will review the Resolution tomorrow for clarification of the conditions.

Ted Rodman declared NWRHS's Grounds Dept. is responsible to maintain it.

Jim Sikkes expressed concern about the length of time in getting a deeded easement from Marilyn Maring in sufficient time for planting.

A unanimous, voice-vote approved Chairwoman Waldron to talk with NWRHS regarding the submission of the Planting Plan in August, with the planting taking place no later than November 1st. She said she will reach out to them tomorrow.

LB#01-15 Dollar General

David Diehl, Zoning Officer, has indicated Dollar General is now in compliance with replantings as authorized by the Home Office.

Darst #ZB04-10 / LB03-15 (2nd Amended)

Roger Thomas spoke with David Diehl who will be issuing a violation letter to Mrs. Darst. A timeframe will be indicated to be in compliance. Roger Thomas spoke with Ursula Leo, Esq. to inform her of same. He said this letter will be sent by the end of the week. Ms. Leo will be cc'd.

Design Standard Committee

Rosalie Murray, Chairwoman of the DSC, is expecting feedback from the material she provided to the LUB members.

Chairwoman Waldron asked the LUB members to review and comment on the documentation in order to move this along. She reiterated, this is not to revamp the Town. This is an effort to protect the neighborhood. She said it should be very simple.

Mrs. Murray explained after LUB comment and input, the DSC will write up the Intent and Purposes of each zone to defend Blairstown's position. Chairwoman Waldron noted Roger Thomas can look at it and verify the legality.

Ted Rodman said applicants will want to know what they have to do to comply with the Ordinance. He suggested, the Applicant will not want to go through the application process, paying appropriate fees, to find out what they want to do does not meet the Intent. Mrs. Murray defended her position by explaining the Application form should state "Meet with the Design Standards".

Chairwoman Waldron explained that is too speculative and up to the interpretation of the people with whom they meet. She explained that she and Ted at pre-construction meetings, have to adhere to the Ordinances and discuss their opinion of the Applicant's plan. Chairwoman Waldron says the Ordinance needs to be decided before there is a meeting Plan.

Roger Thomas suggested taking the Master Plan which is not law, and turning it into a Design Standard Ordinance. This eliminates need for discussion. It becomes what the law is.

He said Mrs. Murray is making reference to a Master Plan Re-examination Report from 2004 that was never implemented into an ordinance. The details of the Ordinance can be worked out.

He declared the issue is a question of whether the LUB wants to work it out and whether the Twp. Comm. will go along with that and introduce that ordinance.

Chairwoman Waldron concluded, asking the LUB members to jot comments down for discussion next month. She noted this has been dragging on too long.

Mike Repasky offered his comments. He suggested anything that an applicant must adhere to, needs to be in the Ordinance, Chapter 19, and no place else. If a Purpose and Intent document is desired, maybe the Master Plan is where it should be located.

Chairwoman Waldron explained she and Ted try to mitigate the LUB's time in advance, via pre-construction meetings.

Mr. Repasky suggested a Design Review team should not be an "opinion team". He stated if there is going to be a Design Review team, they should adhere to the same type of schedule, as Ted Rodman does, providing comments in advance, to be discussed at LUB meetings.

He suggested a Design Review team should not act as an intermediary between the client's proposal and presenting it to the LUB, declaring, "it would be never ending". Chairwoman Waldron also noted, then, by the time the Applicant gets to LUB, the LUB may have a different feeling. He concluded a Design Review team needs to have a time frame with which to work.

Chairwoman Waldron stated, as an Ordinance, LUB needs something tangible with which to work.

NEW BUSINESS:

None

PUBLIC PORTION:

There were no members of the Public present.

VOUCHERS: Professional services rendered.

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

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: Upon a motion duly made by Mr. Mohr, seconded by Mr. Mott, and unanimously carried, the meeting was adjourned at 8:37 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary