

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

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, April 17, 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, Dominic Daleo, and Wickliffe Mott. Debra Waldron, Steven Sikkes, and Anthony Iurato were absent. Marion Spriggs, Board Secretary was absent. Also present were: Board Engineer, Ted Rodman, and Board Attorney, Roger Thomas.

SALUTE TO THE FLAG: was recited.

THE SUNSHINE STATEMENT: was read.

Meeting was called to order by Vice Chairman Sikkes 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:

Vice 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 and requested this notice be read at each meeting.

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

Minutes of the March 20, 2017 Regular Meeting of the Land Use Board were approved, as corrected.

Action: A motion was duly made by Mr. Keller, seconded by Mr. Daleo, to approve the Minutes of the March 20, 2017 Regular Meeting of the Land Use Board, as corrected. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, J. Sikkes, Daleo—yes.

RESOLUTIONS:

LB#07-16 James Reiger, Blk.1505, Lot 1 – 51 Vail Rd., Min. Site Plan & Use Var. (Revote)

Roger Thomas explained that a re-memorialization is necessary on this Resolution, reflecting today’s date. The square footage on pg. 2 was questioned. It is now indicated as 14,500 sq. ft.

Mr. Repasky suggested that Condition #3 now include, “the apartment is not to be used as a habitable area”.

Ted Rodman interjected that the Ordinance specifically says for that zone, that residences are allowed for permitted uses, and lists them below. He pointed out that the use this Applicant has, is NOT one of the permitted uses. So, he said, it is not permitted, as per the Ordinance.

Mrs. Murray asked, if they came before the LUB for a variance, could it be granted? Ted responded, “NO! - because it is not permitted”.

Roger Thomas declared the language will be, “the permanent apartment that is located on this site, shall not be used for residential purposes without prior LUB approval”.

He then asked for a motion to re-memorialize this.

Barbara Green said though she is recused from this Application, she reviewed the narrative (Engineer’s report) wherein it was stated that the tenant who is there now, doesn’t report any problems with the septic. So, she questioned if it has been rented out.

Mrs. Van Valkenburg, who has the real estate listing, responded “no”.

Action: A motion was duly made by Mr. Mohr seconded by Mr. Repasky, to *re-memorialize* the Resolution of Approval for **LB#07-16 James Reiger**, Blk.1505, Lot 1 – 51 Vail Rd., Min. Site Plan & Use Var., with the above modification. Roll call vote: Keller, Mohr, Murray, Repasky, J. Sikkes, Daleo and Mott– yes. Green, VanValkenburg and Dalton – abstained.

COMPLETENESS:

None

PUBLIC HEARING:

LB#01-17 Jeffrey & Cindy Lusby, Blk. 702, Lot 7 – 24 Mt. Vernon Rd., Min. Subdiv–lot line adj & C vars., 11 Amackassin Rd.

Attorney Charles O’Connell, O’Connell & Sussman, Blairstown, represented the Applicant.

Jeff Lusby, Applicant, 11 Amackassin Rd., Blirstown, and Laura Brill, Surveyor, 216 Spring Valley Rd., Blirstown were sworn in.

Mr. O'Connell explained this application is to enlarge the Lusby's property, with 1.98 acres, known as Lot 7, Blk. 702, 27 Mt. Vernon Rd., from adjoining property owner. It is a non-conforming flag lot which is also undersized. He said they are looking to expand that flag lot by just under 2 acres which would bring it in conformity with the 5 acre zoning however it still would not have the minimum depth.

Ms. Brill explained the map. She indicated the flag stem is 50 ft. wide. She noted frontage must now be 300 ft. That is why they are seeking a variance. The annexation would increase the lot to 6.5 acres.

She revealed the lot depth was fine when it was created. With the annexation, the depth would be 328 ft. She noted it should be 500 ft.

The applicants wish to create a buffer for more privacy.

Re: Negative criteria, Ms. Brill said there is no detriment to the public.

She explained the neighboring Cooper's lot, after the annexation, will still be conforming with over 20 acres, and plenty of frontage.

Vice Chairman Sikkes stated the issue is the configuration of Amackassin Rd., because of the severe curve, making it difficult to get road frontage,

Roger Thomas noted Ted Rodman's report of 3/17/17 deals with new deeds, a drawing revision, and a Bulk Variance.

Ted Rodman said he had pictures for viewing.

Mr. O'Connell asked if Mr. Lusby had any intention of building. The response was no. The reason for the annexation was for more privacy and to give an additional buffer along the majority of the property. He noted Mr. Cooper's property runs right up, almost to Mr. Lusby's driveway.

This portion of the Hearing was opened to the Public.

Brian Doran, 28 Mt. Vernon Rd., Blirstown, was sworn in. He asked to see on the map, where his property was located and how far it was from the proposed annex. That was all he was interested in, he said.

This portion of the Hearing was closed.

Roger Thomas suggested the following conditions, (if approved), as per Ted Rodman's report of 3/17/17:

Item 2. Map reflect Land Use Board instead of Planning Board

(Mr. O'Connell noted the Map has already been changed.)

Item 3. Filing of deeds

Roger Thomas explained, if approved, improvement of this lot to be conforming, could be considered a benefit under the MLUL.

Action: A motion was duly made by Mr. Keller seconded by Mr. Repasky, to approve **LB#01-17 Jeffrey & Cindy Lusby**, Blk. 702, Lot 7 – 24 Mt. Vernon Rd., Min. Subdiv–lot line adj & 2 vars. Roll call vote: Green, Keller, Mohr, Murray, Repasky, VanValkenburg, Dalton, J. Sikkes, and Daleo– yes.

CORRESPONDENCE:

OTHER BUSINESS

LB#05-12 NWRHS – Solar Panels – Results of 3/15/17 mtg. @ NWRHS

Mrs. Dalton informed the LUB that Chairwoman Waldron is awaiting response resultant from a meeting she attended with Ted Rodman and herself. Mrs. Dalton explained NWRHS's head of maintenance, who has a landscaping background, will review to see what needs replacement.

She noted Chairwoman Waldron was going to reach out to Superintendent Belotti as to the status.

Nick Mohr revealed the aforementioned maintenance person is away until 5/1/17.

Mrs. Murray questioned why the LUB is deeply involved with NWRHS Solar Panel buffer issue, since the LUB is not charged with enforcement of ordinances. Roger Thomas said he thinks David Diehl could be involved (with enforcement).

Vice Chairman Sikkes responded, it (landscaping) was a condition of approval listed in the Resolution.

Roger Thomas clarified that the LUB's monitoring of a Condition of Approval is an ongoing obligation which never ends. In the NWRHS Solar case, if the landscaping dies, it must be replaced.

COAH

Order determining **Settlement Agreement** to be Fair – Benbrook – Superior Ct. of NJ

Roger Thomas indicated Deb Waldron had spoken with him raising concern regarding the Order entered into by Judge Miller, of 4/3/17, approving the case. On page 2, it is indicated Blairstown has a “0” obligation for rehabilitation, with a prior Round credit of 12, and a Third Round credit (currently) of 87 units. He noted Kevin Benbrook’s Settlement Agreement indicated an obligation of 99.

The Durational Adjustment was for 55 units, meaning the Twp. would not have to proceed with those 55, until sewers were implemented, if they ever were.

He stated Deb Waldron’s concern was, in the Order, there was no reference to the Durational Adjustment. Roger Thomas explained he doesn’t think the Judge has to do that.

He declared the Settlement Agreement stands “pat”, stating Blairstown does have a Durational Adjustment of 55 which will be sufficient.

He spoke with Jessica Caldwell, PP, today who will forward a copy of the Housing Element and Fair Share Plan to Marion to be e-mailed to the LUB members for immediate review since the LUB is responsible for amendments to the Master Plan.

He explained if the Plan is adopted, it will come before the LUB, presumably in May.

He will suggest to Marion that there be a time set with a Notice, to have the Public Hearing on this Amendment, so it can be dealt with. He explained there are time frames that need to be met and this will start those processes moving along.

He understands that Jessica Caldwell, PP will be available at the 5/15/17 LUB Meeting.

Mrs. Van Valkenburg noted that Jessica Caldwell, PP, is doing the Overlay Zone which will be paid out of the COAH Trust Fund.

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

Roger Thomas revealed he sent David Diehl’s Memorandum of 12/19/16, to Ursula Leo, Esq., who represents the Applicant, on 4/19/17. He has advised her, if the deficiencies have not been corrected, that Mr. Diehl has been authorized to take the necessary steps to get the property into Compliance.

Design Standard Committee

Rosalie Murray stated the first concern is the Commercial Zoning.

She thanked Mr. Keller for the brochure on Hilton Head Is.

She revealed her committee believes that each zone should have an introduction area stating the purpose and intent of the design standards.

She noted Applicants should be aware of design standards required.

She stressed the importance of **Chapter 19 Land Development Sec.** of Blairstown Twp.'s Ordinance by General Code.

She suggested agreements with owners of the shopping malls regarding signage. She said new tenants of existing businesses should abide with the signage assigned to that mall.

Mrs. VanValkenburg noted Blairstown has signage regulations in place already, noting example at the ACME mall.

Mrs. Murray said that when a certain criteria has been established, the Township should stick to it because a "price will be paid, if we don't". She has seen this done in other communities.

Mrs. Green noted, the Attorney for Dollar General, stated the Ordinance was followed, in respond to a neighbor across-the-street's request for a more rural sign. They were also concerned about the overnight lighting and a lighted sign.

Mrs. Murray explained, her intention is to recommend something that is acceptable and enhances the community.

NEW BUSINESS:

None

PUBLIC PORTION:

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

VOUCHERS: Professional services rendered.

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

ADJOURNMENT:

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

Action: On a motion duly made by Mr. Keller, seconded by Mrs. Green, and unanimously carried, the meeting was adjourned at 8:17 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary