

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
December 19, 2016**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, December 19, 2016, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, Nick Mohr, Rosalie Murray, Cynthia Dalton, Joanne Van Valkenburg, Debra Waldron, Dominic Daleo and Dick Mach. Frank Anderson, David Keller, Mike Repasky, and Jim Sikkes were absent. Also present were: Board Engineer, Ted Rodman, Robert Morgenstern, Esq., substituting for Board Attorney, 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 November 21, 2016 Regular Meeting of the Land Use Board were approved, as corrected.

Action: A motion was duly made by Mr. Mohr seconded by Mrs. Green to approve the Minutes of the November 21, 2016 Regular Meeting of the Land Use Board, as corrected. Roll call vote: Green, Mohr, Murray, Dalton, Van Valkenburg, Daleo and Mach - yes. Waldron abstained.

RESOLUTIONS:

FAIR SHARE HOUSING – Approval of Settlement Agreement Docket No.WRN-L-226-15

By recommendation of Roger Thomas, Esq., this matter will be carried.

COMPLETENESS:

LB#09-16 DAHA Dato Properties, LLC, Blk.505, Lot 1.01 – 309 Rt. 94, Prel. & Fin. Major Site Pl.

Mrs. Van Valkenburg was recused from this application.

Richard Keiling, Esq. appeared on behalf of the Applicant. He noted this had been the former General Stamping building. They are asking the LUB to entertain the construction of a 4,000 sq. ft. addition to the existing building, for the purposes of warehousing and manufacturing.

He explained they manufacture tiny electronic parts that are sold to Ford and General Motors.

The need for storage is because the building is full right now, so they are looking to expand the building. It will be a pole-type building similar to what exists.

He addressed Ted Rodman, asking for waivers from Ted’s 12/13/16 report with the right of the Board to ask for additional information prior to the Hearing.

Ted Rodman indicated there are quite a few items to be waived on his report. Issues re: lighting and landscaping were addressed in the **additional comments** section. He recommended that for Completeness purposes, enough information has been provided to proceed with the Hearing next month. He recommends that this application be deemed Complete.

Action: A motion was duly made by Mrs. Murray, and seconded by Mrs. Dalton, to deem **LB#09-16 DAHA Dato Properties, LLC**, Blk.505, Lot 1.01 – 309 Rt. 94, Prel. & Fin. Major Site Pl.– Complete. Roll call vote: Green, Mohr, Murray, Dalton, Waldron, Daleo and Mach – yes.

PUBLIC HEARING:

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

This matter will be carried until the January 16, 2017 LUB Meeting, at the request of Attorney Lavery.

Chairwoman Waldron stated, let the record reflect, “One of the reasons LUB is in this position, Township Committee Members, is because of the number of vacancies we have on this board”. She noted there are only 6 eligible voting members on this application. This is the 3rd time this applicant has returned.

She said this can’t happen anymore, new LUB members are needed.

At this point in the meeting, a brief recess was taken.

Action: A motion was duly made by Mr. Mohr and seconded by Mrs. Dalton, to carry **LB#07-16 James Reiger**, Blk.1505, Lot 1 – 51 Vail Rd., Min. Site Plan & Use Var. until 1/16/17 without further notice. Roll call vote: Mohr, Murray, Dalton, Waldron, Daleo and Mach – yes. Mrs. Green – abstain.

LB#08-16 Little Hill Fdn., Inc., Blk.1202, Lot 3.02 – Stillwater Rd., Min. Site Pl. & Blk. Var.

Joanne Van Valkenburg stepped down for this application.

Richard Keiling, Esq. appeared on behalf of the Applicant.

Don Yurga, Chief Operating Officer, of Alina Lodge, Hardwick, NJ, who testified previously for a Use Var. for this applicant, was sworn in.

Candice Davis, P.E., of Yannaccone, Villa & Aldrich, LLC, Chester, NJ. was sworn in and stated her credentials.

Mr. Keiling referenced Ted Rodman’s report of 12/16/16.

Ms. Davis stated there are 15 striped spaces shown on the proposed site plan. She noted there is a gravel area in the rear of the building to facilitate additional parking.

Mr. Keiling noted this is an existing building, completely built out. It has been used as a day-care center, and currently used on weekends for a church.

Mr. Yurga explained there will be 3 staff members, 1 Receptionist and 2 Counsellors. During the day there would be one-on-one counselling. In the evening, the max would be 8 persons per single group, with one counsellor. If there would be 2 groups, each group would consist of 6 persons and 1 counsellor. Also, the Receptionist would be there. So, all existing parking would be taken.

If there was parking overflow, there would be a reciprocal agreement with the Masonic Lodge next door.

Mr. Yurga envisions the hours to be 9a – 9p. Mon. through Sat. There will be no hours on Sundays.

Only signage would be name and # on the building, in accordance with what the Ordinance allows. Signage would not be lighted.

Ted Rodman's 12/16/16 report was reviewed:

Re: Item #3 - the septic system. Ms. Davis reviewed the calculations of the previous peat moss design and installation of what was approved by Warren Cty. The system is sufficient for the proposed use. This will be submitted to the Warren Cty. Bd. of Health for confirmation. Ted Rodman requested that a letter be provided re: same. This would be a condition of approval.

Re: Item #4 - the lighting. Ms. Davis did a test on the site this evening. She said with all the lights, mounted on the building, turned on, there is sufficient lighting. There is no light in back of the building.

Ted Rodman revealed he went out with Ms. Davis last week and one or two of the lights were not functioning which is why Ms. Davis returned today.

Mr. Keiling proposed a motion-sensor light in the back. Ted Rodman prefers not having that as animals activate it.

He recommends the exterior lights be activated by one switch.

Chairwoman Waldron suggested 1 switch for the front and 1 for the back. Ted Rodman noted there is nothing behind the building. The paved area exists on the side.

Ted Rodman noted he would not want a timer on in the evening since not every evening may be booked.

Mr. Keiling will see about getting an electrician to combine into 1 light switch.

Re: Item #5 - additional landscaping. Ted Rodman pointed out there is a commercial lot on one side, and on the other side there is a pond. Mr. Keiling noted, around the pond there is a large hedgerow. He will defer to the Board. Though the Ordinance requests it, Chairwoman Waldron admitted she sees no problem with it.

Re: Item #6 – there will be no disturbance on more than 1 acre. Ted Rodman recommends the existing drainage be shown on a revised drawing. This would be a condition of approval.

Re: Item #7 - emergency response. Mr. Keiling referenced Exhibit A-1 ltr.12/1/16 from Robert Gara, Police Dir., and Exhibit A-2 ltr. 12/7/16 from Scott Durlister, Capt. Blairstown Ambulance Corps. regarding safety. He said the letters speak for themselves. He asked Mr. Yurga to explain what will be done in an uncomfortable situation.

Mr. Yurga responded there will be a “**word**” that is used to call the Receptionist to notify that there is an emergency. The first call would be to 911.

Chairwoman Waldron asked what would be done if all the police were out on call. The response was to call the State Police.

Re: Item #8 – Warren Cty. Planning Bd. and Warren Cty. Health Dept. approval. The applicant will submit to them tomorrow. This would be a condition of approval.

Mr. Keiling reminded the Board, the Use Variance they granted, would be specific to this Applicant and not run with the land. If this site plan approval was given, and later this business was not viable and closed, the already-granted Use Variance would lapse.

This portion of the Hearing was opened to the Public.

There were no questions from the public.

Mrs. Green asked if it were possible for the counsellors to wear a life alert, linked to 911. Mr. Yurga indicated he can look into that. Mr. Yurga indicated there would be panic buttons. He explained the panic buttons would go to the Receptionist in another room.

Attorney Morgenstern asked for a motion to grant the **Parking Variance** first, with 19 spaces required and 15 paved spaces provided, with gravel parking in the back.

Action: A motion was duly made by Mrs. Murray, and seconded by Mr. Mach to approve **LB#08-16 Little Hill Fdn., Inc.**, Blk.1202, Lot 3.02 – Stillwater Rd., Min. Site Pl. & Blk. Var. **Parking Variance** with aforesaid conditions. Roll call vote: Green, Mohr, Murray, Dalton, Waldron, Daleo and Mach – yes.

Next, Attorney Morgenstern asked for a motion to grant the **Minor Site Plan Approval** for **LB#08-16 Little Hill Fdn., Inc.**, Blk.1202, Lot 3.02 – Stillwater Rd., Min. Site Pl. & Blk. Var.

He outlined the Min. Site Plan conditions:

Approval of the septic system by the Warren Cty. Health Dept.
Lighting subject to further inspection by Twp. Engineer
No additional landscaping is required
Warren Cty. Planning Bd. approval
Warren Cty. Health Dept. approval of the septic system

Applicant complies with all Federal, State and local laws, rules and regulations
Applicant pays all required fees

Action: A motion was duly made by Mrs. Murray, and seconded by Mr. Daleo to approve **LB#08-16 Little Hill Fdn., Inc.**, Blk.1202, Lot 3.02 – Stillwater Rd., Min. Site Pl. & Blk. Var. **Minor Site Plan** with aforesaid conditions. Roll call vote: Green, Mohr, Murray, Dalton, Waldron, Daleo and Mach – yes.

Attorney Morgenstern asked for a motion to carry this matter until January 16, 2017 while awaiting a resolution for memorialization, so that the notice carries over.

Action: A motion was duly made by Chairwoman Waldron and seconded by Mr. Mach to carry **LB#08-16 Little Hill Fdn., Inc.**, Blk.1202, Lot 3.02 – Stillwater Rd., Min. Site Pl. & Blk. Var. until 1/16/17 without further notice. Roll call vote: Green, Mohr, Murray, Dalton, Waldron, Daleo and Mach – yes.

CORRESPONDENCE:

OTHER BUSINESS:

LB#05-12 NWRHS – Solar Panels

Chairwoman Waldron noted that Roger Thomas will be discussing this at the next LUB meeting.

COAH

Mrs. Van Valkenburg explained the Overlay was discussed and the Township Committee agreed that it would not be necessary because they do not have the votes to do the sewer system.

It was noted that Roger Thomas has been in touch with Kevin Benbrook regarding this.

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

Design Standards Committee

Chairwoman Waldron revealed that she came before Township Committee at their last meeting, citing as an example, what would happen to areas like the VN (Village Neighborhood) district, should a sewer system be put in. She said Kevin and Bob Benbrook, Esqs., agreed there would be a rise in the Township's COAH numbers. As a result, the only building spots would be in the VN district.

She stated that the historic nature and houses in that area could be in jeopardy because there would be a need to put more units in that area. She noted a builder could come in and want to tear down to build something larger, accommodating more residents – to fit the COAH obligation. This would defeat the purpose of the Historic District.

She pointed out this is a perfect example why a Design Standard is necessary. She explained the Design Standard is necessary not only for that area but for businesses coming into the area. She noted there has been a tremendous backlash by the public, regarding certain businesses that have come into Blairstown.

She said that Blairstown has been lucky that businesses have accommodated its wishes regarding changes from their original building design. They have modified them, not to liking of the Board, but have come to an agreement to make them more palatable to Blairstown residents.

She suggested if Blairstown Twp. had a Design Standard, it would protect them.

She declared this will be discussed at the next LUB meeting.

Burning Outdoor Ordinance – Committeewoman Van Valkenburg

Mrs. Van Valkenburg stated there was a Memo dated 10/12/16 re: this ordinance. She explained there seems to be a conflict between what the local Fire Warden does and Blairstown's ordinance.

The Fire Warden recommends that Ordinance Chapter 76, be removed from the Code Book and allow him to make a decision on how it is to proceed.

Ted Rodman interjected there are a couple of things happening here. He noted this is not a LUB issue.

He explained when they took the Building Code out of the Township and gave it to the State, the section on fire code never got moved out. He said, so there is still an ordinance, meaning locally, that Blairstown is to be doing Fire Code. He revealed he has worked with the State Fire Official in Blairstown, who is doing the Building Code part of it.

He is going to recommend a couple of changes. He stressed again, it is not a LUB issue.

Mrs. Van Valkenburg noted Twp. Comm. has asked to bring this to the LUB. Chairwoman Waldron questioned whether for discussion, or change. Mrs. Van Valkenburg responded, codes are supposed to be reviewed. Thus, Twp. Comm. asked that LUB take a look at this also.

Ted Rodman said he would come up with a recommendation on this.

Mrs. Murray said she feels Blairstown's Ordinance is better. She stated NJ's is not definitive at all. Chairwoman Waldron asked if there was any problem keeping Blairstown's. Ted Rodman responded "for now, no – temporarily". He feels there is no crisis to do this now.

Nick Mohr noted Eric Weber is with the NJ State Forest Fire Service. He is not the Fire Marshall.

Ted Rodman exclaimed, "That is one of the problems". Nick Mohr explained "WE" would be whomever the State Fire Marshall designates from DCA Bureau of Fire Safety, which he added is a revolving door changing about every 4 months.

Nick Mohr said it is important to distinguish that one is structural and one is wild land.

Nick Mohr explained what is important is that no one is enforcing Chapter 76 of Blaiirstown Code Book. NJ State Forest Fire Service can only enforce Title 13. Eric Weber is saying make it the same rules as all the other towns, so it can be enforced uniformly.

Chairwoman Waldron questioned why Eric Weber won't enforce Blaiirstown's. Nick Mohr responded, "because the State is paying him". He noted it is an Ordinance and not Mr. Weber's place to enforce a municipal ordinance.

Nick Mohr revealed under the Emergency Planning aspect, Blaiirstown is working to get a Wild Fire Community Grant in the next 2 to 3 years. The State will come in and do an assessment of Blaiirstown's wild fire susceptibility and offer grant money to include Blaiirstown's preparedness level for that. He noted all this will be rolled in as part of that review.

Ted Rodman added, we should get together too with changes he is suggesting because Blaiirstown's ordinance is still keeping enforcement, (not the structural portion), as a township responsibility. He concluded, "This should have been transferred to Trenton".

Nick Mohr commented, if the Township would like to have an enforcement official, he has no issue with that.

Chairwoman Waldron suggested Ted Rodman and Nick Mohr discuss and return with a recommendation at the 1/16/17 LUB meeting.

NEW BUSINESS:

Chairwoman Waldron stated the LUB is short on members which is causing a problem on the LUB.

For the record, she is disappointed that 2 members are leaving – Messrs. Mach & Anderson. She noted both of them have a good understanding of the LUB. It is with deep regret that she is saying goodbye to them and noted they are welcome to return.

To the public, she said, “volunteers are needed”. She explained the process. Volunteers must submit their names to the Twp. Comm. who will then consider, and make a recommendation to LUB.

PUBLIC PORTION:

Wickliffe Mott, Blairstown resident, knows the LUB is seeking new members. He would like to be considered. Chairwoman Waldron requested he present a letter or phone call to the Mayor before the Twp. Comm. Reorg Mtg. on 1/4/17. She said, that way, the Mayor can look into it and make some recommendations to this Board.

There were no further comments from the Public.

VOUCHERS: Professional services rendered.

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

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Mohr, seconded by Mrs. Green, and unanimously carried, the meeting was adjourned at 8:22 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary