

BLAIRSTOWN TOWNSHIP
LAND USE BOARD
July 16, 2018

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, July 16, 2018, at 7:25 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, David Keller, Rosalie Murray, Mike Repasky, Steven Sikkes, Joanne Van Valkenburg, Debra Waldron, Jim Sikkes, Wickliffe Mott, and Norman Talley. Nick Mohr and Marianna Stires were absent. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Linda Grohs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read.

Meeting was called to order by Chairman Jim Sikkes.

“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)”.

LAND USE BOARD DEADLINE DATES:

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.

MINUTES OF PREVIOUS MEETINGS:

Minutes of May 21, 2018 Regular Meeting of the Land Use Board were approved, as written. There was no June meeting.

Action: A motion was duly made by Mrs. Green, seconded by Mr. Keller, to approve the Minutes of the May 21, 2018 Regular Meeting of the Land Use Board, as written.
Roll call vote: Green, Keller, Repasky, S. Sikkes, Van Valkenburg, Waldron, J. Sikkes, Mott and Talley – yes. Murray – abstained.

APPEAL OF ADMINISTRATIVE OFFICER

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

Roger Thomas explained that there is a letter from Ursula Leo stating that they are in the process of preparing an amended site plan application. They have asked that the matter be adjourned until the August 20, 2018 meeting. This matter will be carried until August 20, 2018,

at 7:30 p.m. at this location, if they have not noticed. Joanne VanValkenburg advised that the letter states with no further notice required. Mr. Thomas will speak with Mrs. Leo and advise.

RESOLUTIONS:

LB#02-18 Montage Enterprises, Blk 702, Lot 18.01 Prel & Fin. Major Site Pl., Bulk & USE Var.

Mrs. VanValkenburg and Mrs. Waldron were recused on this application.

Roger Thomas explained that he has received a number of suggested modifications which include dates and spellings of names. He stated that he left the document as is so that if there are any other modifications that are brought to his attention at tonight's meeting, they will be incorporated. The Resolution can be memorialized tonight with the modifications as shown and submitted to Board Secretary, Linda Grohs.

Mr. Repasky made two comments on page 6. In the first paragraph, third line, it states revised to May 8, and the new drawing submitted in the package states May 21. On number 6, this needs to be more specific as to "roadside" foundation plantings.

Mrs. Green commented that comments on Resolution need to be double-checked for accuracy as some comments were questions on technical aspects. Mr. Thomas will review.

Action: A motion was duly made by Mr. Keller, seconded by Mr. Repasky, to approve the Resolution deeming **LB#02-18 Montage Enterprises**, Blk 702, Lot 18.01 Prel & Fin. Major Site Pl., Bulk & USE Var for Memorialization. Roll call vote: Green, Keller, Repasky, S. Sikkes, J. Sikkes, Mott, and Talley - yes. Murray – abstained.

COMPLETENESS:

LB#03-18 Mazzone, Blk 201, Lot 4.22 Application and Position Statement for Bulk Var.

Mrs. VanValkenburg and Mrs. Waldron were recused on this application.

Richard Keiling, Esq. represented the Applicant, Chris Mazzone. Mr. Keiling sate that they are in possession of Ted Rodman's report and understand it is incomplete at this time. They have not advertised. Mr. Keiling met with Wayne Jarvis the afternoon of July 16, and he is preparing a map to be submitted. The deadline is ten (10) calendar days before the meeting, but due to Mr. Jarvis' workload, they will not be here for the August meeting but will attend the September meeting. At that time, the application will hopefully be deemed complete and will move forward. Mr. J. Sikkes reminded that they need to notice the applicants and the adjoining property owners. Mr. Keiling said they will do so, and asked for confirmation of newspaper. Board advised that it is the New Jersey Herald. Mr. Thomas said to be complete that we do have Mr. Rodman's letter of July 13 and that we should look for a motion to deem the application incomplete in accordance with that memo. Mr. J. Sikkes asked Mr. Keiling if they want a Public Hearing. Depending on schedule, Mr. Keiling said that would be great and it will be in September.

Action: A motion was duly made by Mr. Repasky, seconded by Mr. S. Sikkes, to deem **LB#03-18 Mazzone**, Blk 201, Lot 4.22 Application and Position Statement for Bulk Var. incomplete. Roll call vote: Green, Keller, Murray, Repasky, S. Sikkes, J. Sikkes, Mott and Talley – yes.

PUBLIC HEARING:

There are no public hearings at this time.

CORRESPONDENCE:

County Engineer William G. Gleba P.E., P.P. re: Warren County Route #521 (Hope-Blairstown Road) Right of Way at Intersection with New Jersey State Highway Route 94 – Buck Hill Properties, LLC, Block 2001, Lot 1.01, Blairstown Township

Correspondence from the County Engineer refers to the tax map. Mr. Rodman stated that the letter was dated July 5, and specifically states that the County requests that the appropriate authorities change the tax map to reflect what was actually done at the meeting. A tax map change is not the Board's jurisdiction. Laura Brill, who does the tax map changes is aware of this and will request the Township Committee's authorization to make these changes.

Mr. Norman Talley was presented his letter and certification for completion of Basic Course in Land Use Law and Planning from the NJ DCA.

OTHER BUSINESS:

LB#05-12 NWRHS – Solar Panels

6/13/18 Ltr. - Attny. Roger Thomas re: **LB05-12 NWRHS Solar Panels** re: Landscaping and Escrow deficiency

Mr. Thomas referred to his letter to Mr. Hara dated June 13. He did not receive a response and called him today. They are having a meeting tonight and Mr. Hara advised that he was told that they have planted the trees. Mr. Hara believes they are in accordance with the Race map. He also stated that he has prepared an easement for Marilyn Maring. Mr. Rodman will check on the trees.

In regard to the escrow deficiency, Mr. Thomas sent a copy of the ledger and they now acknowledge having the ledger. Mr. Hara suggests that if any escrow remains, it should be applied to the outstanding fees and, if still any fees, that the Town should absorb it. Mr. Thomas will hopefully hear from Mr. Hara within the next two days on this fee issue and respond to the Chair.

Issue of perpetuity still exists per Mrs. Waldron because they believe they don't have to maintain the plants. Mr. Thomas stated that there is no question about maintenance, be it one year, two years, or ten years from now. They have the requirement to maintain according to the Municipal Land Use law. If you get an approval and part of that approval is landscaping, it is a condition of approval.

ORDINANCE NO. 2018-12 Amending Chap 19 - re: Marijuana – from Town Clerk

Roger Thomas explained the reason this is before the LUB is Section 26 of the Municipal Land Use law that says LUB has responsibility to determine its consistency with the Master Plan. There is no approval of the ordinance or making the law.

Mr. Keller states that the primary subject of the ordinance is marijuana. He also notes that in C and D it talks about junkyards and maintaining unregistered vehicles. The only new section is on marijuana; C and D were included previously.

Mr. Talley questioned that if the State approves use of wider scale growing of marijuana, does the Township's approval of the ordinance become in conflict with State law. Mr. Thomas states that there are several pieces of legislation that indicate that there will be authorization for not only medical marijuana, but also recreational marijuana. Each municipality will have the right to be able to indicate if it chooses how it will affect that community. If that legislation passes, this ordinance will not be in conflict.

Mr. Mott says the ordinance appears to be targeting businesses - the commercial selling of marijuana. However, Section H does not specifically state commercial selling of marijuana as it does in Section G. Mr. Mott believes that this should be consistent. Mr. Thomas suggested that we have a motion to deem the ordinance consistent with master plan and to suggest there could be a clarification subject to legal counsel's review to a need to include a reference concerning commercial production.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Waldron, ascertaining Ordinance No. 2018-12 amending Chap. 19 – prohibiting cultivation or sale of Marijuana in Blairstown Twp. is consistent with the Master Plan. Roll call vote: Green, Keller, Repasky, S. Sikkes, VanValkenburg, Waldron, J. Sikkes, and Mott – yes. Murray – no.

NEW BUSINESS:

Two new police officers have been hired to replace two others who have left. Joseph Beach starts on July 18, and Jetlir Rizvani starts on September 1. He is also a member of our ambulance squad.

Nick Mohr's father passed away over the weekend. Service will be at Newbaker's on Thursday from 6-8 p.m.

PUBLIC PORTION:

There were no members of the Public present at this time.

VOUCHERS: Professional services rendered.

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

ADJOURNMENT:

Chairman J. Sikkes 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 8:00 pm.

Respectfully submitted,

Linda J. Grohs, Board Secretary