

**BLAIRSTOWN TOWNSHIP  
LAND USE BOARD  
March 18, 2019**

**MINUTES**

The Blairstown Township Land Use Board met in a regular session on Monday, March 18, 2019, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, David Keller, Richard Mach, Nicholas Mohr, Rosalie Murray, Steven Sikkes, Debra Waldron, James Sikkes, Wickliffe Mott, Marianna Stires, Norman Talley, and Adam Baker. The following member was absent: Michael Repasky. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Linda Grohs.

**SALUTE TO THE FLAG:** was recited.

**THE SUNSHINE STATEMENT:** was read.

**ADMINISTRATION OF OATHS:**

Roger Thomas administered the Oaths of Office to Board members who were absent at the last meeting: Barbara Green, Richard Mach, Debra Waldon, and Adam Baker (new alternate member).

**ROLL CALL:** was taken.

**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:** (As distributed prior to the meeting date).

Minutes of the December 17, 2018 Regular Meeting of the Land Use Board were approved with changes by Mr. Repasky incorporated.

**Action:** A motion was duly made by Mr. Keller, seconded by Mrs. Green, to approve the Minutes of the December 17, 2018 Regular Meeting of the Land Use Board, as revised.

Roll call vote: Green, Keller, S. Sikkes, Mott, Stires, Talley, and J. Sikkes – yes. Mach, Mohr, Murray, and Baker – abstained. Repasky and Waldron – absent.

Minutes of the February 18, 2019 Regular Meeting of the Land Use Board were approved with changes by Mrs. Stires incorporated.

**Action:** A motion was duly made by Mr. Keller, seconded by Mr. S. Sikkes, to approve the Minutes of the February 18, 2019 Regular Meeting of the Land Use Board, as revised.

Roll call vote: Keller, Mohr, Murray, S. Sikkes, Mott, Stires, Talley, and J. Sikkes – yes. Green, Mach, and Baker – abstained. Repasky and Waldron – absent.

Mrs. Waldron arrived after the Minutes approval due to a prior meeting.

**APPEAL OF ADMINISTRATIVE OFFICER:** None

### **THIRD (3<sup>RD</sup>) EXTENSION:**

**LB#06-15, First Presbyterian Church**, Block 1206, Lot 1, 1 Main Street, Preliminary & Final Major Site Plan. Pastor David Harvey's March 6, 2019, letter requesting 3<sup>rd</sup> Extension to their two outstanding conditions.

Roger Thomas stated the First Presbyterian Church submitted a letter dated March 6, 2019, requesting this extension. They indicate the ground-breaking date of May or early June 2019, but do not ask for a specific date. Mr. Thomas suggests granting an extension to the June 17, 2019 Land Use Board meeting.

Pastor David Harvey then introduced himself and explained the church hopes to begin very soon. The exterior plans are coming together and they are trying to make the exterior plans accommodate the interior plans. They hope to break ground by May or June. They are trying to line up the elevator door to where it enters the sanctuary and hope to have a result in the near future.

Mr. Thomas asked Pastor Harvey for a reasonable date for the ground breaking, and Pastor Harvey responded with August. Mr. Keller replied that August was reasonable.

Chairman Sikkes asked for a motion to grant the third (3<sup>rd</sup>) extension until August 19, 2019.

**Action:** A motion was duly made by Mr. Mach, seconded by Mrs. Murray, to grant a third (3<sup>rd</sup>) extension to the First Presbyterian Church, LB #06-15 until August 19, 2019.

Roll call vote: Green, Keller, Mach, Mohr, Murray, S. Sikkes, Waldron, Mott, and J. Sikkes – yes. Absent – Repasky.

### **RESOLUTIONS:**

**LB #01-19, Tangent Energy Solutions/Blair Academy Solar Facility**, Block 1402, Lot 11 - Preliminary and Final Major Site Plan and ***D Use Variance***

Mr. Thomas submitted the resolution to be memorialized and after incorporating some typographical changes, he submits the Resolution for the Board's consideration.

Chairman Sikkes asked for a motion to approve. Mr. Keller asked for clarification on Item 5 on page 7 where it states that the Applicant should be required to use non-reflective material on the site. Mr. Thomas answered that the Applicant must use a non-reflective material on the solar panels like a galvanized metal which would not be shiny or create any glare.

**Action:** A motion was duly made by Mr. Mohr, seconded by Mr. Keller, to memorialize the resolution.

Roll call vote: Keller, Mohr, Murray, Mott, Stires, and J. Sikkes – yes. Abstain – Green, Mach, S. Sikkes, Waldron. Absent – Repasky.

### **COMPLETENESS:**

**LB#07-18 Crown Castle**, Block 1501, Lot 4, 155 Route 94 – Amended Minor Site Plan, Conditional Use and ***D Use Variance*** Application for Replacement of Wireless Telecommunications Facility

Mr. David Kenny of Snyder & Snyder introduced himself as the attorney for Crown Castle, the Applicant coming before the Board for a replacement project. This is a wireless telecommunications facility at 155 Route 94, the Blair Trades strip mall. There are two (2) wireless telecommunications facilities there designed as flagpoles. The one to the right when facing towards the strip mall from the road belongs to

Verizon. Crown Castle owns the one to the left and contains antennas for T-Mobile, Sprint, and AT&T. The application is to complete a replacement project to replace the existing facility which is 120 feet with a 125 foot facility. The compound will remain the same and continue to be a flagpole facility. There is a structural need to rebuild the facility to accommodate the carriers' upgrades to the antennas inside the facility. Mr. Kenny introduced the application informally in December 2018, and they have now filed a formal application with the Board. Their plan is to seek a Public Hearing in April.

Mr. Thomas asked Mr. Rodman to go through the first three (3) items in his report of March 14, 2019. Mr. Rodman stated that they are ministerial and they should be waived or updated on the map.

Mr. Thomas then asked Mr. Kenny to discuss Item 4 on Mr. Rodman's report re taxes. Mr. Kenny explained that many municipalities use the checklist item of proof of taxes paid to ensure the property owners pay their taxes. The actual condo association is made up of several owners and there are ten (10) tax lots. Lot 4 was broken up into several sub-lots for taxing purposes. As of last check-in with the Blirstown Tax Collector, there are three (3) property owners that are outstanding for the first quarter of 2019. All taxes have been paid for 2018 by all property owners. Mr. Kenny is working with the property owners but they work with them collectively as they formed their agreement with the entire condo board association. Mr. Kenny hopes to continue with the review on this application as that is a ministerial act; either they don't pay their taxes or they do. While working with and hoping that property owners will pay their taxes during the review, Mr. Kenny stated that a condition of approval could be used to warrant them to pay their taxes.

Mr. Thomas stated that with an applicant who is the owner, he has encouraged the Board to deem an application incomplete when the taxes are not paid so there is some assurance that the taxes will be paid. When you have an applicant who is a contract purchaser, it is the same thing. This is a unique circumstance as the Applicant is dealing with individuals as part of a condominium association. It is up to the Board to decide as the Applicant is somewhat in the middle. The Board has the right to deem the application complete, waiving that requirement, recognizing every application that you have approved that he has been involved in, has always required as a condition the payment of appropriate fees and taxes. If the Board opts to go this route and the application is approvable and that condition applies, then unless and until the taxes are paid, there would be no issuance of a building permit until the taxes are paid.

Chairman Sikkes asked Mr. Kenny if this was acceptable to him before he asks the Board, and Mr. Kenny agreed and was what they were proposing.

Mrs. Murray felt it would be unfair to punish this applicant because three (3) property owners haven't paid their taxes. The applicant is not the obstacle.

Mr. Thomas stated that the motion would be to waive Items 1-4 of Mr. Rodman's March 14, 2019 report to deem the application complete.

**Action:** A motion was duly made by Mrs. Murray, seconded by Mr. Keller, to deem LB#07-18 Crown Castle, Block 1501, Lot 4, 155 Route 94 complete with waivers.

Roll call vote: Green, Keller, Mohr, Murray, Stires, and J. Sikkes – yes. Mach – no. Abstain – S. Sikkes, Waldron. Absent – Repasky.

Mr. Thomas reiterated that there will be a condition if this is approved as to the payment of taxes, and no permits will be issued until all taxes are paid at the appropriate time. Mr. Kenny agreed and will continue to encourage the property owners to pay the taxes.

Chairman Sikkes noted that there are comments on the back of Mr. Rodman's March 14, 2019 report. Mr. Kenny said they can answer now or at the Public Hearing. Mr. Thomas said they can do either, and Mr. Kenny answered that they will present at the Public Hearing for which they have prepared answers.

### **PUBLIC HEARING:**

#### **Blairstown Township Open Space Plan**

Mr. Walter Orcutt was sworn in by Mr. Roger Thomas, stating that he lives at 8 Glider View Way in Blairstown. Mr. Orcutt stated that he is a member of the Open Space Committee and is representing Joel McGreen tonight for the 2<sup>nd</sup> Public Hearing. Mr. Thomas asked Mr. Orcutt for a brief explanation for the record as to the nature of the Open Space Plan. Mr. Orcutt explained that they are still accumulating properties and preserving certain farms, small pieces along the Paulinskill, and other areas that make sense. Ridge and Valley is a good partner for the stewardship of the properties.

There were no questions from the Board or the Public.

Mr. Thomas stated that it would be appropriate to solicit a motion to approve the Open Space Plan as has been presented to this Board.

**Action:** A motion was duly made by Mrs. Murray, seconded by Mrs. Waldron, to approve the Blairstown Open Space Plan.

Roll call vote: Green, Keller, Mach, Mohr, Murray, S. Sikkes, Waldron, Mott, Stires, Talley, and J. Sikkes – yes. Absent – Repasky.

### **CORRESPONDENCE:**

**Warren County Planning Department** letter dated February 20, 2019, returning Tangent Energy Solutions (Blair Solar) their check for \$750 as there is no fee associated with this non-residential, non-county road site plan.

**Warren County Planning Department** letter dated February 20, 2019, advising Tangent Energy Solutions (Blair Solar) that they have reviewed and determined that the proposed site plan is exempt from formal review by the WCPB. They have returned one signed copy of the map for LUB files.

**Dolan and Dolan** letter from Roger Thomas dated February 22, 2019, outlining the Land Use Board's determination that Ordinance 2019-02 to amend Chapter 19 "Land Development", Section 19-901 "Fees" of the Code of the Township of Blairstown is consistent with the Master Plan. This letter will advise the Governing Body rather than the preparation of a Resolution.

**Rodman Associates** letter from Ted Rodman dated March 5, 2019, providing his comments on Tangent Energy Solutions (Blair Solar) Stormwater Management.

**Warren County Planning Department** letter dated February 28, 2019 re Montage Enterprises advising that conditions have now been complied with and one signed copy returned for LUB files.

Mr. Keller stated the Warren County Planning Department reviewed the above Montage application with conditions and the Board is unaware of the conditions, which might be in conflict with the Board's conditions. Mr. Rodman answered that the Warren County Planning Department approval is a condition of the Land Use Board's approval. Mr. Rodman also stated that they review the County's approval to be sure all conditions are met, but he doesn't have the approval in hand. Mrs. Waldron asked Mr. Rodman to bring his file to review.

## **OTHER BUSINESS:**

**Master Plan for 2020** – Chairman Sikkes stated that this is the initial discussion on the Master Plan and he wanted to review some of the main points so that all Board members are aware how to proceed. Many of the items came from Planning and Zoning in New Jersey. Some items looked for in a Master Plan are the composite of one or more written proposals for development for a municipality. This is a core responsibility of the Land Use Board. The Master Plan provides a chance to look at the programs our local government may initiate and if they have any comments to bring before the Board (regarding housing, economic development, infrastructure, and services). The Board needs to look at existing properties around the area that are dormant and haven't been used for years and years. There needs to be a mechanism to activate them: adoption of the goals and policies referenced for zoning, subdivision, location, improvements and redevelopment to help our town in its burden. Chairman Sikkes stated that one of his suggestions is to help the town in its tax burden by looking at the commercial, industrial, and professional zones. Increasing them or adding some new ones to the area would be ways to assist the Township, which is basically a bedroom community. If there is a way to offset a tax increase, the Board should look into it. These zones have a small impact on schools, but have a greater impact on taxes as far as revenue.

Mrs. Murray was absent at the December 2018 meeting, and she is concerned that the Township is going over their budget now. Working on the Master Plan requires funds and eventually to obtain a Planner. Chairman Sikkes replied that the 2004 and 2010 Master Plans had very little changes, and he doesn't feel there is a need for a Planner. To try to keep costs down, interjecting small changes will accomplish this. Mrs. Murray expressed concern that all Board Members should have a copy of Chapter 19, Land Development. This would be the intelligent way to address the Master Plan. Members could put their suggestions on printed pages and distribute in advance of the meeting. Mrs. Waldron asked how many Board Members have copies of Chapter 19, and most did not. Mrs. Waldron stated that she would bring this back to the Township Committee to discuss if there is the budget to copy sections of Chapter 19. Mr. Mohr reminded the Board that all of Chapter 19 is online, and he would be happy to assist anyone that needs assistance accessing the online copy. Members could then print out pages as needed and make comments on the pages. Mr. Thomas stated that in last year's discussions, it was suggested to not look in its entirety at the code in Chapter 19, but to look at the design standards. The entirety of the code is several hundred pages, and the alternative is to go online or focus in on the Design Section which is Section 500. Mrs. Waldron stated that there are some areas in Chapter 19 that have been brought to the Township Committee by the Police Department, the Road Department, and so on. There are certain small fixes to make, and they don't want to print this again for everyone.

Chairman Sikkes asked that a copy of Mr. Diehl's comments be provided to all Board Members for the April meeting. He went on to explain some of the items from zoning that are important to the Zoning Department to make the job more efficient.

Mr. Mohr asked for the same basic request on behalf of Emergency Management - that we make some basic changes that have been discussed in the past. Anything that is renovated or comes for permits or variances, raising utilities, and making provisions for eliminating repetitive losses, things that seem to consistently happen. Chairman Sikkes asked Mr. Mohr to provide in writing.

Chairman Sikkes reiterated that everyone should be working on the Master Plan. Mrs. Green stated that the Open Space Plan has also been updated, and Chairman Sikkes stated that this is part of the Master Plan.

Mrs. Stires suggested that if there is another Applicant for a solar application, the Board could recommend the type that you park under. They are less visible, they are higher, they look better, and they are more useful. There would be no concern for screening and plantings. Mrs. Waldron clarified that Mrs. Stires is referring to the type at colleges where they use them as a roof feature for parking. Chairman Sikkes asked Mrs. Stires to put in writing for the Master Plan discussion.

There were no other comments from the Board. Chairman Sikkes stated that next month the Board will discuss these items and especially the Zoning without being too major.

Mr. Thomas asked if the comments Mrs. Waldron mentioned from the Police and Road Departments would be available prior to the next meeting, and she confirmed.

Mrs. Waldron expressed concern about an applicant before you who has been habitually non-compliant in the past, and the Board gives them special consideration again and again. Regarding an antenna, for lack of a better application, they have been non-complaint for so long and she is concerned about waiving things like taxes. The applicant needs to be on the same page as that association in order for them to vote on anything moving forward in the future. They have to understand they are in non-compliance and cannot proceed any further. This property has been a problem in the past on at least three (3) occasions.

Mr. Mott asked in reference to the Master Plan about expanding commercial or industrial zones. Early Master Plans were developed intentionally to have highway commercial, residential, highway commercial down the Route 94 corridor. Mr. Mott believes many people come here due to the rural character, and he feels it would not be appropriate to make the entire Route 94 corridor highway commercial. He understands increasing tax ratables, but is concerned from an aesthetic and historical point of view as well as preserving the quality of our community. The Open Space Committee has been very diligent in acquiring pieces along the Route 94 corridor. Mr. Mott also asked about the rundown locations, and if this is part of the scope of the Master Plan. Chairman Sikkes answered yes, and Mrs. Waldron stated it is a partnership as the Zoning Department is handling the Vacant and Abandoned Properties. The Township has brought in over \$46,000 this year to date and this alerts the banks and the public that they are being held accountable. Mr. Mott stated that in the past 15-20 years many of these vacant buildings were actually historic structures. At one point, we were losing at least one pre-1900 structure / year by being bulldozed / torn down. Chairman Sikkes stated that there are eyesores in the town. To bring ratables back into the town, reviewing the zones would bring business back to Blairstown. Mrs. Waldron stated it is shocking how many vacant businesses there are, and she wishes there was a way to force the owners to bring down the rents. Mrs. Murray stated she questioned at one of the Township Committee meetings that the Township institute a vacant store tax on the owners of malls as people are being forced out by the rents. Chairman Sikkes answered this may be a legal issue. Mrs. Waldron stated that the public wants to preserve the rural character of the town. She also asked that the suggestions from the Police and Road Departments be implemented first to ensure those changes don't affect what the Land Use Board is suggesting.

Chairman Sikkes asked about the parking from Blair, and Mr. Rodman answered it is moving well ahead. They are working on the drainage now, and Blair is moving forward. Chairman Sikkes stated this has been a year, and Mrs. Waldron stated that this was because the County owned the road. There was a match between who owned which roads. Mrs. Murray suggested that we use pervious roads in future applications. Mrs. Waldron answered that this wasn't possible as the road was already paved and the Road Department has to plow and maintain the road. Mr. Steven Sikkes stated that pervious surfaces are more suited to a southern climate. The problem here is the freezing cycle and frost and there is a lot of damage to pervious surfaces.

Chairman Sikkes asked if there were any more comments from the Board and to be prepared to discuss at the April meeting. All comments will be distributed in the next packet.

**NEW BUSINESS:** None

**PUBLIC PORTION:** None

**VOUCHERS:** Professional services rendered.

**Action:** Upon a motion duly made by Mr. Keller, seconded by Mr. Steven Sikkes, escrow vouchers, as attached to these minutes, were approved. Roll call vote: Green, Keller, Mach, Mohr, Murray, S. Sikkes, Waldron, Mott, Stires, Talley, Baker and J. Sikkes – yes. Absent – Repasky

**ADJOURNMENT:**

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

**Action:** Upon a motion duly made by Mrs. Waldron, and unanimously carried, the meeting was adjourned at 8:27 pm.

Respectfully submitted,

Linda J. Grohs, Board Secretary