

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
June 17, 2013**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, June 17, 2013, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, David Keller, Herman Shoemaker, Charles Anderson, Mike Repasky, Nick Mohr, Paul Avery, Jim Sikkes, Debra Waldron, Andrew Smith, and Harold Price. Also present were: Board Engineer, Ted Rodman, and Board Attorney, Roger Thomas and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

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)”.

PRESENTATION OF AWARD:

Deb Waldron, Chairwoman, presented an award to Bill Seal for his numerous years of service on the Board of Adjustment, Planning Board, and recently on the newly-formed Land Use Board.

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

Minutes of the April 15, 2013 Regular Meeting were approved as written.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mr. Sikkes to approve the April 15, 2013 Regular Minutes as written. Roll call vote: Shoemaker, Anderson, Avery, Sikkes, and Waldron – yes. Green, Keller, Repasky and Mohr – abstained.

Minutes of the May 20, 2013 Regular Meeting were approved as written.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Green to approve the May 20, 2013 Regular Minutes as written. Roll call vote: Green, Keller, Shoemaker, Anderson, Repasky, Mohr, Avery, Sikkes, and Waldron – yes.

Herman Shoemaker suggested that if a meeting is cancelled, unapproved minutes be given to board members immediately to review, in advance of the next meeting. Deb Waldron responded then the board members must keep them safely until the next meeting, otherwise they would have to be recopied when the next meeting packets are sent out, causing extra work.

7:34 pm Roger Thomas, Board Attorney, arrived.

RESOLUTIONS:

LB#01-13 Blair Academy, 2 Park St., Prelim. and Final Major Site Plan, Bulk & Use Vars. (Amended)

Roger Thomas stated he would be sure the members would receive the Resolution tomorrow.

ZB#04-11 NWRHS Bd. of Ed. – Block 1402, Lot 21.01, 10 Noe Rd.,- Bulk Variance (SIGN)

Herman Shoemaker and Paul Avery recused themselves.

Jim Fox, attorney for the applicant, informed the Board that a condition of approval required NWRHS to reappear tonight. He stated that they did provide proof of adequate notice.

Dr. Brian Fogelson, 10 Noe Rd., Blairstown, was sworn in.

He informed the Board that there have been no negative comments regarding shorter message time. He desires to continue to operate the sign as approved in the Resolution memorialized on 10/15/12.

He would like to occasionally, (in the 15 second time frame), run 2 related slides for larger messages. He said beyond 4 lines per message becomes difficult to read on 1 slide.

At this time, questions or comments were welcomed from public. There were none.

Roger Thomas explained there is no need for further action. The applicant has met that condition and he recommends that this matter be closed.

Dr. Fogelson asked that he be permitted to program the sign with every graduate's name for picture taking purposes on graduation weekend. He realizes that this is longer than what the Board has agreed to. It will take 155 slides. Debra Waldron complimented him on the gesture.

COMPLETENESS:

None

PUBLIC HEARING:

LB#02-13 Lane Enterprises LLC, Block 903, Lot 3.01, 128 Rt. 94, Minor Site Plan (Amended PB04-08), Bulk Var.

Stephen P. Sinisi, Esq. of Paramus, NJ, was sworn in as attorney for the applicant.

Brad Bohler, PE of Bohler Engineering, Warren, NJ, was sworn in as Engineer for the applicant. He stated he has visited the property located at 194 Rt. 94 at Bear Cave Rd. in the Tractor Supply strip mall.

The proposal is to take 5 retail spaces and consolidate them into 1 which would be occupied by Advanced Auto Parts store. He explained the footprint would not change. There would be the addition of a loading zone and the pylon sign would be relocated.

Exhibit A-1 was marked, which is a copy of the original, existing-signage approval for the site. Ted Rodman noted that this plan was never implemented. There were contractual problems.

Exhibit A-2 was marked, which is a color rendering of an approximation of what the proposed signage will resemble.

Ted Rodman pointed out the original approval was for a 30" box sign. The applicant is asking for 4" additional, stating the letters are 30". Chairwoman Waldron stressed conformity with the other stores.

Ted Rodman suggested that as a condition of approval, the Zoning Officer review the sign to ascertain it is in compliance with the Ordinance.

Attorney Sinisi declared if approval is given, the applicant will provide a new updated sign plan.

The question was raised about exterior doors. The applicant explained they will convert unused doors into windows.

A question was posed regarding unloading and turning radius of trucks so close to the property line.

This portion of the Hearing was opened to the public. There were no questions or comments.

Bob Lane, principal of Lane Enterprises LLC, Denville, NJ, was sworn in.

Discussion occurred about the appearance of the building.

There will be no exterior lighting.

Mr. Lane indicated the pylon sign inside Tractor Supply fencing will be moved out. The septic system will be replaced. When the project is complete, he said they will re-asphalt the entire parking lot and stripe it.

Ted Rodman asked for a time frame.

Mr. Lane responded, currently there are 2 septic systems. The one for Tractor Supply is operating satisfactorily. The proposed new septic system was approved 2 weeks ago. They are looking to possibly modify the proposed septic system with new technology which would take the DEP 30 days to approve. They are hoping for mid-August when Advanced Auto could stock the store. Roger Thomas pointed out moving in is subject to the installation and approval of the septic system.

There will be no change in the elevation of the parking lot.

Patrick Huyge, Zoning Specialist, of SES Services, So. Bend, Indiana, was sworn in. He is the acting sign agent for Advanced Auto Parts. He noted prototypically, Advanced Auto Parts stores open daily at 7:30 am to approximately 9 pm, and 9 am to 6 pm on Sundays, depending on location.

For the record, Ted Rodman asked for confirmation that there will be no loud speakers. Also, for the record, that any dumpsters or anything in the back be done in accordance with the Ordinance.

This portion of the Hearing was opened to the public. There were no questions or comments.

Roger Thomas summarized the recommended conditions of approval as follows:

Sign height not exceeding 30'

Sign shall not extend higher than building top
Applicant will modify existing storefront signs to comply w/ previously approved signage
Sign package would be subject to approval of the Zoning Officer
Exhibit A-2 – color renderings of signage package are incorporated as part of approval
Hours of operation are Mon. through Sat. – 7:30 am – 9 pm and Sun. 9 am – 6 pm
No loud speaker shall be utilized onsite
Any additional dumpsters will be enclosed as per Township regulations
An amended plan revealing turning radiuses for trucks be provided to Township Engineer
DEP approval of the revised septic design is required
Parking lot be resurfaced as per Ted Rodman’s 6/11/13 report
Review of existing landscaping with possibility of enlarging existing islands, relocation
of the freestanding sign with similar landscaping to the existing islands
Approval subject to Warren Cty. Planning Bd. and Warren Cty. Soil Conservation District
approval
Subject to preconstruction meeting
Payment of fees and taxes to date

Action: A motion was duly made by Mr. Shoemaker, seconded by Mr. Repasky to approve **LB#02-13 Lane Enterprises LLC**, Block 903, Lot 3.01, 128 Rt. 94, Minor Site Plan (Amended PB04-08), Bulk Var. Roll call vote: Green, Keller, Shoemaker, Anderson, Repasky, Mohr, Avery, Sikkes and Waldron –yes.

CORRESPONDENCE:

Roger Thomas’ ltr. 5/20/13 re: Applications for Collocation of Wireless Communication **Equipment**

Roger Thomas explained that he is suggesting a simple modification of the above Ordinance. The Board agreed with his suggestion. He stated he will provide a copy of the proposed Ordinance and hopefully the Board will recommend it to the Governing Body at the next meeting.

OTHER BUSINESS:

Ordinance 19-405E.5 **Parking of Large Vehicles on Residential Properties** – commentary by S. Zika

Mrs. Zika phoned to explain she will be unable to comment on this issue currently at the Land Board Meeting. She hopes to contact the Board as her schedule allows in the future.

It was agreed, in the interest of the general public, that discussion on this matter continue since any Ordinance changes are required to have a Public Hearing at which further public comments are addressed.

A suggestion was made that weight be eliminated, and specify vehicles over 25' be considered as a large vehicle. They must be parked in a commercial designated area.

RVs can be the exception, and are excluded. They must be garaged or screened.

A question was raised about historic military vehicles or a collectible vehicle, i. e. a Mack Truck.

There is a screening provision in the Ordinance.

Mr. Sikkes noted the noise is also a factor.

A board member suggested a solution of limiting certain license plates, in addition to vehicle size, could be a solution. He suggested local contractors with commercial plates should not be eliminated. It was pointed out that large dump trucks have apportioned license plates. He stated viewing the situation from Dept. of Motor Vehicles identification, might have merit.

Roger Thomas stated he would look into it.

Site Inspection Procedure – review by Roger Thomas

Roger Thomas clarified it is ok to look at the applicant's site but board members need a better understanding of visiting.

He said if a board member wishes to visit a site, the applicant should be made aware. The board member should tell Deb Waldron, Chairwoman, who confirmed she will call Marion Spriggs, Bd. Secretary, to notify the applicant.

He explained the Site Inspection procedure. He stated it is not a dialog. The applicant should not be there telling the board member what will happen. He reminded the Board that the MLUL states board members are to rely on the record made at the Hearing. Board members are not to rely on hearsay or to be visiting the applicant's location, conversing about what he or she has to say about their application.

He pointed out that by doing so, creates a procedural problem because it becomes impossible to determine what the board member relied on for his decision; whether it was on the record, or in some other spot.

He declared there is nothing wrong in visiting the spot. He does not recommend going there to have questions answered. Questions are to be held and brought to the Board at the meeting.

Mr. Sikkes, Vice Chairman, recommended that 2 members visit the site together but no more than 2. He also suggested the Twp. Engineer accompany, as needed, for unusual circumstances. He said with 2 members, there is a witness. Ted Rodman revealed that this was done by a subcommittee a few years ago.

Roger Thomas stated his concern is that even a dialog with the Twp. Engineer would still have to be put on the record.

He noted that going out as a group is considered a “Public Meeting”.

Deb Waldron interjected that the applicant must be informed. There have been some who have complained.

Deb Waldron pointed out that the Site Inspection Form is given as part of the application.

2012 Annual Report (not discussed)

Solar Ordinance – review by Roger Thomas (not discussed)

LB#05-12 NWRHS Solar Panels

Ted Rodman stated that he is working with the applicant’s engineer. Drawings showing the berm across the front must be submitted. The landscaping plan is still due.

A question was raised if the vegetation can take root before winter.

Deb Waldron pointed out that the landscaping does not cover winter months, making the array visible. She noted the public objection is to its visual impact.

Darst #ZB04-10 – Compliance

Ted Rodman has a meeting scheduled for Friday with the applicant’s engineer.

He noted he did a report 1 year listing all the things that had not been done. He has been told that the applicant is coming back to modify the area of storage of the boats. Ted Rodman suggested returning with a clean slate before seeking any new change.

He said hopefully, at the next meeting, he will have an up-to-date schedule of the 30 or so conditions, along with deadlines.

NEW BUSINESS:

None

PUBLIC PORTION:

This portion of the meeting was opened to the public for comment. There were no questions or comments by the public.

VOUCHERS:

Action: On a motion duly made by Mr. Mohr seconded by Mr. Shoemaker, escrow and general vouchers, as attached to these minutes, were approved. Roll call vote: Green, Keller, Shoemaker, Anderson, Repasky, Mohr, Avery, Sikkes, and Waldron – yes.

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Keller seconded by Mr. Repasky, and unanimously carried, the meeting was adjourned at 9:28 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary