

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
May 20, 2013**

MINUTES

The Blaiirstown Township Land Use Board met in a regular session on Monday, April 15, 2013, at 7:30 pm at the Blaiirstown Municipal Building, 106 Route 94, Blaiirstown, 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.

OATHS OF OFFICE:

Roger Thomas administered the Oath of Office to Board member, Nick Mohr.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read.

Meeting was called to order by Roger Thomas, who stated:

“Adequate notice of this meeting of the Blaiirstown 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:

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 January 21, 2013 Regular Meeting were approved as written.

Action: A motion was duly made by Mr. Shoemaker, Seconded by Mrs. Green to approve the 1/21/13 Regular Minutes as written. Roll call vote: Green, Keller, Shoemaker, Anderson, Repasky, Avery, Sikkes, Waldron, Price and Smith – yes.

RESOLUTIONS:

None

COMPLETENESS:

LB#02-13 Lane Enterprises LLC, 1 Indian Rd. Ste. 1, Minor Site Plan (Amended PB04-08), Bulk Var.

This application is an amendment to prior site plan to relocate an existing pylon sign in the parking area of the mall where Tractor Supply exists. The existing sign pylon sign was approved on 7/29/08, and memorialized on 8/18/08.

This application is also for a new 100 sq. ft. sign for Advanced Auto which requires a bulk variance. The Ordinance allows 50 sq. ft. The sign will be for stores #6, #7, #8, #9, #10 and #11. Individually, the tenant areas signs would have been 180 sq. ft.

Robert Lane, applicant recd. Ted Rodman’s report of 5/17/13.

Certification of Taxes Paid was received.

Ted Rodman recommended Items 1 through 4 be waived for Completeness.

Action: A motion was duly made by Mr. Sikkes, seconded by Mr. Shoemaker to deem **LB#02-13 Lane Enterprises LLC**, 1 Indian Rd. Ste. 1, Minor Site Plan (Amended PB04-08), Bulk Var. –Complete, with a waiver of Items 1 through 4. Roll call vote: Green, Keller, Shoemaker, Anderson, Repasky, Avery, Sikkes, Waldron and Price – yes.

PUBLIC HEARING:

LB#01-13 Blair Academy, Block 906, Lot 13, 2 Park Street, Preliminary and Final Major Site Plan, Bulk and Use Variances

Messrs. Shoemaker, Avery, Mohr and Mrs. Green stepped down for this application.

Michael Lavery, of Courter, Kobert & Cohen, attorney for the applicant, explained that the applicant wishes to construct 2 new dormitories on 181.05 acres.

James Frick COO, Blair Academy, was sworn in.

Mr. Frick stated that Building A is 20,475 sq. ft. and Building B is 22,441 sq. ft.

He said these will be used for housing the students currently residing in East Hall and Davies Hall. 75 students are housed there now. One dormitory will be for female residents. The new dorms will have 89 beds.

He indicated a study will be conducted to determine future usage of the former dormitories. Three options are considered: 1. Housing students temporarily while other dorms are renovated. 2. Demolition. 3. Repurposing them in a different function.

Mr. Frick does not anticipate an increase in traffic, as the number of students on campus will remain the same. There are 450 students.

For the Record, Mr. Frick, explained the difference between day and boarding students. Day students do not get a bed or dormitory room, as they are local residents.

He indicated however, there are some day students, who drive a distance over 45 minutes. Blair wants to discourage that, so those day students may possibly become boarders. There is provision for them to stay overnight if necessary. Mr. Frick stated it is possible that there may be extra rooms available.

Mr. Frick has been in contact with the Fire Department. Issues discussed:

Town Water System not being used – relying on sprinklers which use the swimming pool containing 210,000 gals. Blair has a 60hp fire pump/100 lbs. pressure with backup generator.

Chairwoman Waldron talked with the former Fire Chief, who indicated there is sufficient water if Blair continues to keep the old buildings, and while Blairstown does not have adequate equipment to reach the 3rd story, they do have provisions to reach out to other Fire Departments in surrounding areas where those provisions have been met in the past.

Mr. Frick mentioned at the meeting with the Fire Department, that Blair agrees to potentially adding a hydrant at the back of the dormitories. Mr. Frick confirmed, for a Board member, that fire hydrants would be placed in the front, and the back, of the dorms.

Mr. Frick said that the Fire Department would like to build a standpipe along Millbrook Rd. He explained they would have to go through the County since the County owns the road and bridge right-of-way. He said Blair is open to providing that, if it was approved by the County.

For the record, the Board has received a letter dated May 17, 2013 from Eric Usinowicz, Secretary of the Blairstown Hose Co., indicating no problem is foreseen in continuing coverage to the new buildings.

Stephen J. Lacker, AIA, Architect for the applicant, of Saski Assocs. Inc., Watertown, MA, was sworn in. His credentials were reviewed and accepted. He stated the principal in charge of the project is licensed in NJ, and has stamped the drawings.

He explained the design was built upon the beautiful character of the campus.

He explained the following exhibits which were marked for approval:

Exhibit A-1 Site Plan of Outdoor Common Green w/ Scenic Views (aerial view)

(For the record, a letter “N” (North) was added to A-1 at the request of a Board member.)

Exhibit A-2 Entry Road View – Boys’ and Girls’ Dorms (to open 9/14)

Exhibit A-3 Floor Plan of Dorm B – 89 beds/6 faculty residences

Exhibit A-4 L103 (of the Site Plan) dated 4/19/12, additional parking by Annie Hall

A question regarding parking was raised. Mr. Lacker revealed inside the site, there is a loss of parking, but additional parking was created at a lot to the north of Annie Hall. A concern was raised about the amount of traffic getting in and out during busy times, i.e. at the end of the season.

For the record, Blair security will provide a means of access and egress for emergency vehicles during those busy times. Mr. Frick explained that a system has already been developed for volunteers helping to unload at that location. This enables enable the driver to move away right away to parking ½ mile away. He said it has worked successfully for the last 3 or 4 years.

David K. Maski, PP, Van Cleef Engineering Assocs., Lebanon, NJ was sworn in.

He explained they are requesting: a D-1 variance for having more than 1 building on the lot, a D-2 variance for an expansion of a non-conforming use (the school), a D-6 variance for exceeding maximum height by 10 ft., or 10% and a C variance for excessive total lot coverage.

He noted the positive and negative criteria as per the MLUL.

He stated the school is an inherent beneficial use under the MLUL. So the Sica balancing test was performed for the Board.

Re: D-6 height variance - Mr. Maski noted the maximum accepted height is 35 ft. These dormitories will be 45.4 ft. high. He noted the campus is expansive enough to accommodate these buildings and is 400 ft. from the nearest property. Locke and Insley buildings currently exceed 35 ft.

Re: C variance - 10% lot coverage is allowable. The proposed lot coverage is 13.6% Mr. Maski noted the 10% lot coverage is meant to apply to a single family home on a 5 acre residential lot. He stated there are still 156 acres that are not covered by structures or buildings.

Re: C-2 variance – Mr. Maski noted this is a 180 acre parcel on an existing 423 acre campus. He noted the large size of this parcel, an increase in coverage of only 0.04% and that 156 acres will not be covered. There will be adequate light, air and open space. It will provide desirable visual environments and prevent degradation of the environment. There will be no substantial detriment to the public good. The dorms are surrounded by the campus buildings.

This portion of the Hearing was opened to the public.

Mary Flynn, 8 Conrad Ct., requested to see photos of the buildings because of her concern regarding the height.

Chairwoman Waldron confirmed the height of the building is 45.4 ft.

Roger Thomas suggested the following conditions, if the Board chooses to approve this application:

Agreement for appropriate access for emergency vehicles generally, and particularly, on move-in and move- out days.

If the vacated buildings of East and Davies Halls are to be used for any purpose in the future, they would be subject to review by this Board including Site Plan and/or Variance applications.

Comments #5, 7, 8, 9 and 10 of Ted Rodman's Report dated 5/17/13 should be included.

Fire Hydrant should also be added to the East side of the buildings.

Action: A motion was duly made by Mr. Sikkes, seconded by Mr. Repasky to approve **LB#01-13 Blair Academy**, 2 Park Street, Preliminary and Final Major Site Plan, Bulk and Use Variances, with the aforesaid conditions. Roll call vote: Keller, Anderson, Repasky, Price, Smith, Sikkes and Waldron –yes.

The exhibits will be held for 45 days in the applicant file.

CORRESPONDENCE:

Courter, Kobert ltr.of 5/10/13 re: **LB#01-13 Blair Academy**, resp. to Ted Rodman 4/12/13 cklst.
CP Engin ltr. of 5/6/13 re: **LB#01-13 Blair Academy** wastewater impacts analysis findings

OTHER BUSINESS:

Ordinance for oversized vehicles

Roger Thomas reviewed that the Board members were to review and discuss this at the appropriate meeting. He is willing to discuss this at any time.

Ted Rodman revealed that he had a conversation with Mrs. Zika today, who had done some research and has some suggestions for correcting the Ordinance. She has asked to return on 6/17/13 with her comments.

Chairwoman Waldron confirmed this item will appear on the 6/17/13 Agenda.

Amendment to MLUL re: Wireless Communications Structures

Roger Thomas stated the recent amendment to the MLUL indicates if an applicant meets certain criteria on an approved tower, it is not necessary to come before the Board with a formal Site Plan for addition of antennae or ground equipment.

He has prepared a letter dated 5/20/13 for the Board in which he recommends a \$500. Escrow fee be collected, so taxpayers will not have to pay for the review. He noted Township authorization has been granted for a place to deposit said fee.

He has also proposed new additional wording for the Land Development Ordinance, Sec. 19-601(E) accordingly, which is included in his letter. He included addition of a new subsection 10, which outlines what the new statute indicates.

He apologized for not getting this letter to the Board in time to review but recommends it be distributed for review for the 6/17/13 meeting with communication thereafter to the Township Committee.

Solar Panels – NWRHS LB#05-12

Ted Rodman has visited the site and met with the applicant's engineer.

He explained the left side will have a 6 ft. high solid fence with landscaping in front which will buffer the solar panels.

The berm will continue through the area across from the bank, with landscaping and grading, which has to be done.

He has plans of what the views are from 6 different sections through the site, for anyone to review.

He noted specific plants are not mentioned yet.

Roger Thomas inquired if the panels are up and running. Ted Rodman responded that some discussions occurred indicating that a temporary permit to turn on the switch might be granted but if an agreement can't be reached, the panels would have to be turned off.

Chairwoman Waldron asked for confirmation that the CO is contingent upon the applicant meeting all the criteria provided to the Board.

Ted Rodman responded affirmatively. He pointed out there currently is no schedule.

He mentioned the applicant's engineer, Waterbury, has been very cooperative.

Chairwoman Waldron asked that Ted Rodman stress the importance of meeting all criteria before final approval.

NWRHS SIGN – ZB#04-11

Roger Thomas noted as part of the conditions of the above application, there was a requirement for a review. He advised the Board that he had talked with the attorney for the School Board, who will send a formal letter requesting to be on the Agenda for the next meeting.

NEW BUSINESS:

Application Waivers

Mike Repasky noted the increased number of waiver requests from applicants. He pointed out examples. He said it appears there seems to be a lack of Ordinance awareness or a disregard for it. He suggested the Board take a stronger stand.

Mr. Sikkes disagreed noting the waivers are only on the Completeness. Once Completeness is achieved, everything should be in order.

Roger Thomas pointed out a solution might be a review of the Checklist. He noted some things that might be considered mundane, i.e. Tax Map Sheet.

Chairwoman Waldron encouraged Ted Rodman to review those items, and make recommendations for change, if so desired.

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. Sikkes, and unanimously carried, the meeting was adjourned at 8:54pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary