

**BLAIRSTOWN TOWNSHIP
PLANNING BOARD
August 16, 2010 – 7:30 PM**

MINUTES

The Blairstown Township Planning Board met in regular session on Monday, August 16, 2010, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Debra Waldron, Kevin Doell, Jane Santini, Rosalie Murray, Bill Seal, Mayor Richard Mach, Vice-Chairman, Dirk Herrmann, and Paul Avery. Jim Sikkes and Chairman, Herman Shoemaker, were absent. Also present were Board Attorney, Roger Thomas, Board Engineer, Ted Rodman, and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read aloud.

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

Minutes of June 21, 2010 regular meeting were approved, as written.

Action: A motion was duly made by Mayor Mach, seconded by Mrs. Waldron, and unanimously carried, without abstentions, to approve the June 21, 2010 regular meeting minutes, as written.

EXECUTIVE SESSION MINUTES: (As distributed prior to the meeting date.)

Minutes of June 21, 2010 Executive Session meeting were approved, as written.

Action: A motion was duly made by Mayor Mach, seconded by Mrs. Waldron, and unanimously carried, without abstentions, to approve the June 21, 2010 Executive Session minutes, as written.

RESOLUTIONS:

PB#07-01 Peter & Marie Servos, Vane & Eleni Servos, Block 1301, Lot 1.01, Millbrook Rd., Minor Sub. & Var. – release of performance guarantee

Roger Thomas explained this application came before the Board in 2001. A part of that action required a bond because there was going to be a second house put on the lot. This bond was to insure the removal of the initial house. The applicants have decided not to do that anymore and they want the bond back. Roger Thomas modified Mr. Santini's resolution indicating the applicants may be required to repost the performance bond in the future. He wanted it clear to

the applicants, that by taking this action, they did not have the right to put up the other house without returning to the Planning Board.

Ted Rodman pointed out that there is no money in the escrow, so professional fees would be taken from the bond before it is returned. He pointed out the resolution does not reflect that.

Roger Thomas stated he assumed that would be done by the Township's Accounting Dept.

A Board member pointed out the Lot # needs to be corrected on this resolution.

Action: A motion was duly made by Mrs. Waldron, seconded by Mrs. Murray, to approve amended modification of the resolution memorialized on July 15, 2002 for **PB#07-01 Peter & Marie Servos, Vane & Eleni Servos**, Block 1301, Lot 1.01, Millbrook Rd., Minor Sub. & Var., Roll call vote: Waldron, Doell, Murray, Seal, Mayor Mach, Herrmann, and Avery – yes. Mrs. Santini abstained.

COMPLETENESS:

None

PUBLIC HEARING:

None

CORRESPONDENCE:

None

OTHER BUSINESS:

COAH

Mayor Mach commented business as usual re: COAH. He stated that a couple of units have been put into the COAH plan. He revealed that at least 1 person has come forth with a couple of apartments and the Township is moving forward with that.

He indicated that Blirstown has a COAH Trust Fund. He feels if Blirstown doesn't use it, the State will use it. Roger Thomas confirmed this and further stated that it will not necessarily be used for Blirstown Twp. Roger Thomas revealed that it can be used anywhere in the State.

Roger Thomas indicated COAH will change. He supports the Township's continuance on the assumption that it will have an obligation. He said hopefully, it will diminish.

Mayor Mach stated in addition, there has been a hiatus put on the 2 ½% development fees for non-residential new development, and additions. He said this hiatus was over on July 1, 2010

and the Construction Dept. is now collecting fees for any residential and non-residential development which goes into the COAH Trust Fund.

MASTER PLAN

Roger Thomas explained that the Township is required under the Municipal Land Use Law to review the existing Master Plan every 6 years. He pointed out a Re-examination Report does not mean things must be changed. Goals and objectives, and what has affected the Township within the last 6 years need to be reviewed regarding the effect on the current Master Plan. A decision must be made as to whether the Township still likes where it is, or if the Plan needs tinkering.

In his review, he discovered that in 2001 a Master Plan Re-examination Report was done which dealt primarily with single-family residential districts. The standard was raised from 2 or 3 acre lots to 5 acres. This allowed for grandfathering the standards on the existing 2 or 3 acre lots, prior the passage of the Ordinance.

He revealed in 2004 the Master Plan Re-examination Report focused on the non-residential, commercial, industrial and retail. Modifications to various zones were made to uphold the rural aspect of the community. Open space, parks and conservation areas were added. HC1 & HC2 zones were added. Specifics are outlined in the Master Plan.

He pointed out the Board's responsibility is not to change but to look at the major problems and objectives related to the land development in the Municipality at the time of the adoption of the last Re-examination Report in 2004. He suggests that the 2001 and 2004 reports be examined as a joint unit to review what was needed to be accomplished back then. A definition of whether the problems have been reduced or increased, needs to be determined.

He instructed the Board that they really have to look at any changes in the assumptions, in things that have occurred as a result of development in Blairstown. Are there any specific changes that have to be made as a result of the analysis?

He offered to prepare a Re-examination Report to cover the bases to allow Blairstown to be satisfied that it will not be subject to a lawsuit because of failure to re-examine the Master Plan.

Roger Thomas pointed out that all the Board's ideas can either be done right now as part of a Master Plan Re-evaluation Re-examination Report and spend \$25,000 to \$45,000 doing it. Or, they can say "We think what the Town has experienced is acceptable but we think we need to tinker, and make some adjustments".

Rosalie Murray commented that Blairstown is surrounded by communities with 10 acre zoning. She revealed that the Hydrogeologic Study recommended that to protect Blairstown's water supply quality, zoning should go to 10 acres, minimum 8 acres. She further stated that there are currently about 400 saleable acres. She feels that it is important that Blairstown's zoning be changed.

Debra Waldron, Chairwoman of the BOA, suggested that antiquated Ordinances need to be updated, not amended after the fact i. e. the Cell Tower Ordinance.

Dirk Herrmann, acting PB Chairman for this meeting, declared that the PB needs to take a very clear look at what the objectives are and make sure not to suffer unintended consequences.

Roger Thomas stated that Rosalie Murray needs to have an opportunity to explain why 10 acres is right, and others need to explain to a professional, why it is not. Putting that into the Master Plan Re-examination process, he estimates, will cost the Township between \$25,000 - \$30,000 in Planner fees.

If the Township's current status, (given all the things occurring over the last 6-10 yrs.), is going generally in an acceptable direction, then a Master Plan Re-examination Report can be done, stating the Township has examined all these things, for purposes of the Municipal Land Use Law, and is happy. He advised that the Township would be satisfied under the law, and that their Ordinance would remain valid. That doesn't stop the things being talked about.

If the Board decides to retain a Planner for Planning Board, Zoning Board and Township Committee work, they can ask that Planner to assist them as their budgetary requirements allow that to occur. He commented "not to the tune of \$25,000 - \$30,000 but to the tune of \$2,500. in 2011, for example, when they will actually be able to budget for that".

Roger Thomas explained what he is trying to accomplish for the Township is not precluding them from exploring ideas but having the luxury of a piece-meal process. If this is done as part of the Master Plan Re-examination process, there will be a requirement to go through a "bunch of things", unlike a piece-meal process. He stated this is not generally the best way to do it but pointed out, this is the most economical way.

He suggested the Township should not be thinking in terms of the Master Plan process affording the opportunity to do this now but rather after getting a Planner, doing it within a budgetary constraint that makes some sense.

Roger Thomas revealed that he will have this report available at the September 20, 2010 Planning Board meeting.

Dirk Herrmann suggested bringing the Planner in for a working session. He feels the Planner would direct the Township to establish priorities, keeping in mind cost, providing a subcommittee be formed to do the leg work.

A Board member cautioned that any future ideas for the business district, would have to have community support.

A Board member interjected perhaps a facilitator should be brought in to shape the conversation regarding Master Plan ideas. Mayor Mach responded that experience of a Planner is needed to facilitate.

Mayor Mach suggested that one or two of the Planning Board members should come to the Governing Body's Meeting to explain what the Planning Board intends to do as they move forward.

Dirk Herrmann asked for an estimate of what such a report might cost. Roger Thomas responded what he has done up to this point and what he is going to do between now and September or October, is in the area of \$1,500.- \$2,000. He revealed, then legally, the Township is done.

Roger Thomas reiterated what Mayor Mach suggested, which is the Planner is the facilitator, and to bring the Planner in as much or little as is desired, to talk about this.

He suggested that the Planning Board can have a meeting and have Roger Thomas or someone, report back to the Planner of the ideas, instead of spending \$1,500. per meeting. This money could be used more efficiently to "talk amongst themselves" and have the Planner report back to the Board.

Ongoing planning should be done but he recommends getting the legal aspect out of the way.

Kevin Doell is seeking the Planning Board's adoption of the Environmental Resource Inventory (ERI). Roger Thomas stated that can be presented to the Planning Board at some time in the future but is not part of the Re-examination report.

Roger Thomas explained that the document that he will file sometime in September, will be on file at the Municipal Building 10 days in advance of the meeting. There will be a formal meeting and notice will have to be given to all the surrounding communities, the County Planning Board, and certain state agencies. That is the process necessary to adopt a re-examination report.

He informed Kevin Doell that the Environmental Commission must ask the Planning Board to make the ERI an element of the Master Plan or incorporate it as part of the Conservation and Recreation element, if it already exists. If it does not, then it would be adopted as an element of the Master Plan with notice, hearing etc.

Rosalie Murray was informed that the Hydrogeological Study is an addendum to the Master Plan. She can't ascertain when it was included. She feels it should be included as an element. She will give it to Marion Spriggs to make a copies for Roger Thomas and Ted Rodman.

Action: A motion was duly made by Mrs. Waldron, seconded by Mrs. Murray, to accept Roger Thomas' offer to do a Master Plan Re-examination Report. Roll call vote: Waldron, Doell, Santini, Murray, Seal, Mayor Mach, Herrmann, and Avery – yes.

PLANNER INTERVIEWS

Acting Chairman Herrmann reiterated that Planning Board is seeking a Planner.

The sub-committee has the results of its recent meeting pertaining to same.

EXECUTIVE SESSION:

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. Doell, and unanimously carried, to enter into Executive Session on the basis of contract negotiations, at 9:24 pm.

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. Herrmann, and unanimously carried, to adjourn Executive Session, at 9:36 pm.

Roger Thomas pointed out that the Planning and Zoning Boards have the right to hire their own planners. He explained that usually the Governing Body will retain a Township Planner that will act as the Planning and Zoning Board Planner as well. He informed Debra Waldron, BOA Chairwoman, that she can do an informal census with a confirmation vote, at the next BOA meeting.

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. Herrmann to recommend Maser Consulting as PP, to the Governing Body. Roll call vote: Waldron, Doell, Santini, Murray, Seal, Mayor Mach, Herrmann, and Avery – yes.

CELL TOWER ORDINANCE

Roger Thomas distributed a modification to Section 19-601E, regarding cell towers, which has been suggested as a result of a Zoning Board application. The applicant **ZB#05-08 Verizon Wireless aka “Cellco”** sought to have another flagpole cell tower on Blairstown Trades property.

The BOA denied the request for the variance. It resulted in going to court. The Judge agreed with the applicant, stating there was nothing clear in the Ordinance, therefore it was not inappropriate for that site to have 2 towers on it. Recently Verizon came back had a remand and the site plan was approved for 2 flagpole cell towers on that site.

He explained that the BOA felt it was not a good idea to allow an individual lot to become a “tower farm”. There should only be one per lot.

He pointed out that on a lot that already has a particular use i.e. house, etc., and then a tower is added, the tower is considered a principal use. There is a provision in the Ordinance stating there can't be 2 principal uses on a single lot. That requires a separate use variance.

He referred to the changes he has suggested which are underlined on the draft:

Sec. (a) The First Priority site includes Township of Blairstown property, which is a fiscal position. (This may be \$70,000. per year in some cases.) The inclusion of first priority sites not being subject to provisions of Section 19-105A and B, encourages prospective cell tower applicants to seek out first priority sites which include existing structures and township property, rather than having to obtain a “D” variance.

Sec. (d) No more than 1 tower or other existing structure used for telecommunications services on 1 lot.

Sec. 2 (a) Pertains to setbacks of these facilities on Township owned properties.

Sec. 3 Deals with aesthetics. He suggested that in keeping with the rural community atmosphere, the ground equipment should be housed in structures which should be rural in character. Secondly, in the event there are multiple carriers, the building shall be expandable to accommodate each carrier not to exceed 600 sq. ft.

Roger Thomas pointed out that Subsection E is part of the Conditional Use Ordinance Section which states "it's permitted, if you meet all these conditions". He explained that this is setting a policy which is the Township doesn't want more than 1 tower per lot.

Debra Waldron , BOA Chairwoman and PB member, explained that this prevents towers from locating side by side, in an effort to obtain the strongest signal, thus encouraging them to seek other areas before seeking a variance. Regarding the 600 sq. ft. equipment sheds, she indicated, from a cost perspective, the companies tend to stay within the designated area.

Roger Thomas revealed 5 companies is the maximum number of carriers that can co-locate on 1 tower and 3 carriers on a monopole.

Mayor Mach suggested keeping equipment sheds as small as possible, for example, 400 sq. ft. If the carrier had to go bigger, they could apply for a variance.

Roger Thomas pointed out that now, all the equipment must be contained in the buildings. He indicated the hope is to have 1 building and within in it, have 5 compartments. Ted Rodman interjected that the resolution should reflect this specifically. Roger Thomas agreed with this and will make the necessary modification. He reiterated that "all electronic equipment shall be enclosed in a building that shall not be more than 1,500 sq. ft." etc.

Roger Thomas suggested that the building should look somewhat like a barn, keeping that in mind throughout the expansions. The details can be decided at the hearing.

He indicated in the Ordinance, that it is within the control of the Board as to the nature of the tower i. e. a monopole or a tree, for example. In an existing tower, he suggested that the Board could camouflage the wires within a monopole inside the tower.

Dirk Herrmann reviewed that action by this Board would be based on the following modifications:

- That the equipment cabinets shall be no more than 400 sq. ft.
- That the equipment cabinets shall be no more than 15 ft. high
- All electronic equipment shall be contained within the equipment building.

He also pointed out correct spelling of United States (4)(c), is needed on page 1.

Roger Thomas agreed to modify the Ordinance to reflect the above changes.

Action: A motion was duly made by Mrs. Waldron, seconded by Mrs. Murray, to recommend to the Township Committee, adoption of the proposed Ordinance to Amend the Land Development Ordinance Section 19-601E, regarding Cell Towers with the above-listed modifications. Roll call vote: Waldron, Doell, Santini, Murray, Seal, Mayor Mach, Herrmann, and Avery – yes.

NEW BUSINESS:

Upgrading of power lines

Mayor Mach informed the Board that PSE&G & LPP&L are planning to upgrade power lines running from Pennsylvania to Roseland, NJ. The upgrade will go from 230 kv to 500 kv. The poles will be 200 ft. high.

He stated the planned route was to be from the Pennsylvania side across the Delaware River, cutting across the Delaware National Recreation Area, to Hardwick Twp., through Fredon, and on to Roseland.

The National Park Service which runs the Delaware National Park Recreational Area, objected that it is going to disturb the natural beauty of the area.

He explained they have proposed several alternative routes, numbered #3 through #7. Instead of going to Hardwick, routes #3 through #7 will travel further down the Pennsylvania side and go to Knowlton.

He pointed out that one route by Gaisler Rd. would have existing power lines replaced by 200 ft. poles. Mayor Mach stated there is another route which would locate the poles right through the center of Blairstown, on the south side of Rt. 94, through Frelinghuysen Twp. He revealed 2 routes go along the Rt. 80 corridor and another goes to White Twp.

He declared the sum and substance is, there will be 3 public hearings by the National Park Service. One is at Fernwood Resort, Pa. Open House from 2 – 4 pm, and resume for Public Comment from 6 – 9 pm. Wednesday night the same will be offered at Stroudmoor, Pa. and Thursday night at Farmstead, Sussex County, at the same times. He plans to attend as many as possible.

PUBLIC PORTION:

This portion of the meeting was open to the public. There was no public present.

VOUCHERS:

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. Herrmann to approve all escrow and general vouchers, as presented. Roll call vote: Waldron, Doell, Santini, Murray, Seal, Mayor Mach, Herrmann, and Avery – yes.

ADJOURNMENT:

There being no further business, a motion was duly made by Mrs. Waldron, seconded by Mrs. Murray, to adjourn at 9:50 pm. Motion was unanimously carried.

Respectfully submitted,

Marion C. Spriggs, Secretary