

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
January 18, 2016**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, January 18, 2016, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, David Keller, Nick Mohr, Rosalie Murray, Mike Repasky, Cynthia Dalton, Joanne Van Valkenburg, Jim Sikkes, Debra Waldron, Frank Anderson, Dominic Daleo, and Mark Ohannesian, and Dick Mach. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

THE SUNSHINE STATEMENT: was read.

Meeting was called to order by Roger Thomas, 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)”.

ADMINISTRATION OF OATHS:

Roger Thomas administered the Oaths of Office to Board members, Jim Sikkes, Rosalie Murray, Nicholas Mohr, Joanne Van Valkenburg, Cynthia Dalton, Frank Anderson, Mark Ohannesian.

ROLL CALL: was taken.

REORGANIZATION:

At this time, Roger Thomas called for nominations for the 2016 Chairperson.

Debra Waldron was nominated as Chairwoman by Keller, and seconded by Sikkes.

There were no further nominations made for Chairperson.

Action: The nomination for Debra Waldron to serve as Chairwoman, was duly made by Mr. Keller, seconded by Mr. Sikkes. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes, Waldron, Anderson, Daleo, Ohannesian and Mach – yes.

Chairwoman Waldron assumed the Chair, and called for nominations for the 2016 Vice Chairperson.

Jim Sikkes was nominated as Vice Chairperson by Mrs. Waldron and seconded by Mr. Keller.

There were no further nominations made for Vice Chairperson.

Action: The nomination for Jim Sikkes to serve as Vice Chairperson, was duly made by Mrs. Waldron, seconded by Mr. Keller. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes, Waldron, Anderson, Daleo, Ohannesian and Mach – yes.

At this time Chairwoman Waldron, called for the following nominations:

Action: The nomination for Roger Thomas, Esq., Dolan & Dolan, to serve as Board Attorney, was duly made by Mrs. Waldron, seconded by Mrs. Green. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes, Waldron, Anderson, Daleo, Ohannesian and Mach – yes.

Action: The nomination for Ted Rodman, Rodman Associates, to serve as Board Engineer, was duly made by Mrs. Waldron, seconded by Mr. Keller. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes, Waldron, Anderson, Daleo, Ohannesian and Mach – yes.

Action: The nomination for Marion Spriggs to serve as Board Clerk, was duly made by Mrs. Waldron, seconded by Mrs. Green. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes, Waldron, Anderson, Daleo, Ohannesian and Mach – yes.

Action: The nomination for Barbara Green to serve as Board Secretary, was duly made by Mrs. Waldron, seconded by Mr. Sikkes. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes, Waldron, Anderson, Daleo, Ohannesian and Mach – yes.

There was no nomination for **Land Use Board Planner** since the Board is interested in obtaining requests for proposals and will make a decision and appoint a Planner at a later date.

Resolution Complying with the Open Public Meetings Act

This Resolution will include adoption of the Schedule of Meetings and designation of The New Jersey Herald and Star Ledger as official newspapers, complying with the Open Public Meetings Act.

Action: A motion was made by Mr. Keller, seconded by Mrs. Green. to adopt the Schedule of Meetings and designate The New Jersey Herald and Star Ledger as official newspapers, complying with the Open Public Meetings Act. There were no abstentions.

Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes, Waldron, Anderson, Daleo, Ohannesian and Mach – yes.

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

Minutes of the December 21, 2015 Regular Meeting of the Land Use Board were approved, as written.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Green to approve the Minutes of the December 21, 2015 Regular Meeting of the Land Use Board, as written. Roll call vote: Green, Keller, Mohr, Repasky, Waldron, Daleo, and Ohannesian– yes. Murray, Dalton, Van Valkenburg, Sikkes, and Anderson and Mach – abstained.

Executive Session Minutes of the December 21, 2015 Executive Session of the Land Use Board were approved, as written.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Green to approve the Executive Session Minutes of the December 21, 2015 Executive Session of the Land Use Board, as written. Roll call vote: Green, Keller, Mohr, Repasky, Waldron, Daleo, and Ohannesian– yes. Murray, Dalton, Van Valkenburg, Sikkes, and Anderson and Mach – abstained.

RESOLUTIONS:

LB#05-15 Turf Pro, LLC, 9 Artist View Lane, Blairstown, Blk. 803, Lot 4.15 Use Var -Denial

(Roger Thomas confirmed that only those members who voted to deny this application are eligible to vote on memorialization of this resolution).

Action: A motion was duly made by Mrs. Waldron, seconded by Mr. Repasky to approve Resolution to DENY **LB#05-15 Turf Pro, LLC**, 9 Artist View Lane, Blairstown, Blk. 803, Lot 4.15 Use Var. Roll call vote: Keller, Repasky, Waldron and Ohannesian – yes.

LB#06-15 1st Presbyterian Church of Blairstown, Blk. 1206, Lot 1, 1 Main St., Prel & Fin Major Site Plan

Roger Thomas revealed that he will have this resolution available for the 2/15/16 LUB Meeting.

COMPLETENESS:

None

PUBLIC HEARING:

LB#08-15 Blair Acad CIC Blg. 2 Park St, Blairstwn, Blk.906, Lot 13– Prelim. and Major Site Plan, Use Var.

Cynthia Dalton and Joanne Van Valkenburg were recused on this application.

Mike Selvaggi, attorney for the Applicant, stated this is a follow-up to **LB#01-13** Blair Dorm application and answers the question of what’s happening to East and Davies Halls, which will be taken down.

He explained 2 variances are sought. One, because it is a pre-existing, non-conforming use in that R-5 zone. Two, because the height exceeds, what is in that 35 foot-zone. They also need a bulk variance as 10 % impervious coverage is allowed in the R-5zone. They will be at 13%.

Roger Thomas asked if there is any objection to Ted Rodman, PE, continuing to be maintained as the LUB Engineer, as his office falls within the 200 ft. of adjacent property owners. Messrs. Selvaggi and Frick have no objections.

Jim Frick, Chief Operating Officer, Blair Academy, was sworn in. He explained they want to introduce art, and technology into this newly-proposed space to allow for interaction outside of their classroom and class time. This will also free up areas in other departments.

He said this is in the location of East and Davies Halls but a smaller footprint. It does not add students. There will be classroom, meeting space of 120 chairs, presentation space, and a conference room. There will be no residents.

Exhibit A1, Easterly elevation rendering, dated 9/25/15, and Exhibit A- 2, Northeasterly elevation dated 9/25/15, were marked.

There will be no living there. Cooking and/or laundry will not be done. Demolition will be in spring with construction following thereafter.

This portion was public.

There were no questions at this time.

Christopher Wolverton, HQW Architects, of Newton, NJ was sworn in.

He described the style with use of stone, stucco, brick banding, and chimneys, similar to the new dorm across the way. There are bathrooms on third floor and basement. There are four levels. It is 56 feet high. The sprinkler system will be fed with water from the pool.

This portion was public.

There were no questions at this time.

Peter McCabe, PE, of Van Cleef Engineering Assocs., was sworn in.

He described Exhibit A-3, Site Plan Exhibit, Center of Innovation and Collaboration, dated 1/18/16. He explained a .02% increase in hard surface is proposed, over the 10% allowed. This equates to a 13.62% covered, hard surface.

Ted Rodman's Report of December 18, 2015 was discussed.

Exhibit A-4, Topographic Survey was marked.

Warren County Soil Conservation and Planning Board approvals are necessary.

There are no wetlands. The existing building is surrounded by lawn. Jim Frick noted pavers and concrete will be used for the walkways.

This portion was public.

Bob Halberstadt, Main St., asked about sewerage. The response was, there is a sewage facility on campus.

James Kyle, PP, KPD Planning & Design, of Hopewell, NJ, was sworn in.

He noted he reviewed the Master Plan and visited the site twice. He explained they are decreasing the footprint but increasing impervious surface. He explained the variances being sought.

Mr. Kyle outlined the Sica test to substantiate Inherently Beneficial Use:

Positive criteria:

It promotes benefit to public welfare by promoting education services in the Township.

It is consistent with the height of other buildings on campus.

Negative criteria:

Largely visual in nature. However, this project is centered on campus, well-screened and over 700 feet from any residences on site.

There is no storm water management issue.

This portion of the Hearing was opened to the Public.

There were no comments or questions from the Public.

Roger Thomas summarized as follows:

If approved, the following should be conditions from Ted Rodman's Report of 12/18/15:

Items 2, 8, 11, 12 and 13.

Action: A motion was duly made by Mr. Sikkes seconded by Mr. Keller to approve **LB#08-15 Blair Acad CIC Blg.** 2 Park St, Blairstown, Blk.906, Lot 13– Prelim. and Major Site Plan, Use Var. with the aforesaid conditions. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Sikkes, and Waldron – yes.

CONCEPTUAL REVIEW:

(Former LB#01-12), **LB#06-13 Clark**, Block 801, Lots 1 and 2.01 No road frontage

Michael Selvaggi, of Lavery, Selvaggi, Abromitis & Cohen, of Hackettstown, is representing the Applicant.

He reviewed, that after the Board's denial of LB06-13, there was a Case Management Conference with the Judge in Belvidere. He said the Judge felt there was an opportunity to resolve the matter.

He noted plan revisions were done. Their engineer, James Glasson, of Budd Lake, met with the Fire Chief on recommendations made, recently reflected on the 5th Revision Plan dated 11/6/15.

Mr. Selvaggi stated that their purpose is to see if the LUB wanted to proceed along the path as per the Judge's direction. If so, they would be obligated to file an application. There would be a formal public hearing.

He noted they have received Ted Rodman's Report of 1/14/16 to which they have no objection.

Roger Thomas explained this is a Conceptual Review which is a give and take of ideas and no one is bound by it. At the end of this, he said, Mr. Selvaggi and client will decide whether they want to proceed, based upon the Board's comments.

He wants to make it clear that there were a lot of jurisdictional issues during the Hearing – whether or not the Applicant had the right to traverse the lane. The LUB has no jurisdiction of that. The Judge indicated the right of access goes to a court of law.

At the request of Chairwoman Waldron, Roger Thomas explained the history of this application to the new LUB members.

Mr. Selvaggi explained what is proposed. He explained this is a land-locked piece of property. There is an access from 4 Corners Rd. The proposal is to use that access point to enter Lots 1 and 2.01. The standard is whether that access point is sufficient to provide safe passage for emergency vehicles. The proposal is to put 2 homes on those lots. He pointed out Lot 1 is 12 acres and Lot 2.01 is 9 acres.

He revealed taxes were paid.

Mr. Keller asked what is different on this plan from the plan which was denied. He noted there appears to be a significant proposal to modify a curve on pg. 3, where the tree is.

Mr. Selvaggi responded the biggest thing was the removal of a tree which made it difficult for truck passage.

Chairwoman Waldron asked, to enable widening, is that tree on the Clark property? Roger Thomas asked if there was permission to remove that tree. Mr. Clark responded that he thought it was on Mr. Adler's property, and he has to have Mr. Glasson survey it.

Roger Thomas asked how much different is the turn, reflected on pg. 3 of the rev. plan, other than for the purpose of removal of the tree? Mr. Clark responded once the tree is removed, the radius will be opened up. He said the passing zone will be widened from being "standard", thus providing plenty of room to get a fire truck in.

Mr. Sikkes asked about #3 on Ted Rodman's report of 1/14/16 regarding access. Roger Thomas stated there still has to be some understanding that the lane will be maintained, even if an agreement can't be reached. If it can't be done by way of a Joint Maintenance Agreement, then it will have to be done by Mr. Clark in conjunction with his neighbors, or if it can't be worked out, it will have to be done by him or the future owners of those 2 lots. It would be enforceable through the Zoning Officer.

Mr. Sikkes asked if there was any formal agreement by the land owners now. Mr. Selvaggi responded "no".

Mr. Mohr asked if it was not just the establishment of a driveway that is adequate for safe passage of emergency vehicles, but its maintenance in perpetuity. Roger Thomas responded in order to establish this, that standard needs to be met, even in the future, or it will defeat any action taken by the LUB. He suggests a Maintenance Guarantee be warranted.

Mr. Mohr respectfully noted, the LUB should establish that criteria itself. Mr. Selvaggi agreed, a condition in the Resolution can include this. Mr. Selvaggi has previously experienced, proof of a Driveway Maintenance Agreement is included as a Condition of the granting of a Building Permit.

Ted Rodman said in addition, this would have to be included in the deeds for the 2 lots.

Chairwoman Waldron, noted for-the-record, that Mr. Glasson is now present.

Mr. Keller pointed out an additional DEP approval is required, due to the reconstruction of that road upon tree removal, as it is within the 150' buffer. Mr. Selvaggi noted it will be a modification to the permit.

Ted Rodman stated that it was revealed to him that the permit has expired.

It was explained they have correspondence to show that the DEP considers it is still open, since construction has started.

Roger Thomas reiterated this is a Conceptual Review. He added if Mr. Clark decides to submit this application - that will be part of the Application.

Ted Rodman pointed out that the big concern was the maintenance. He explained, that is a safety issue, which must be addressed by Sec. 35, 36.

Chairwoman Waldron noted the questions needing to be answered are, who owns the tree that is to be removed, and if access to that property to remove that tree will be granted.

Ted Rodman added, "and to do work on the road, too". He assumes there is going to be some encroachment as far as the driveway is concerned, onto that property.

Mr. Selvaggi revealed that tree and corner were formerly owned by Adler, now under the ownership of Zurine. He admitted they don't have permission from that new owner yet.

This portion of the Hearing was opened to the Public.

There were no comments or questions from the Public.

Mr. Selvaggi announced that they will continue to proceed on this path and no longer go to Court. He said they prefer this to litigation.

CORRESPONDENCE:

NJ Planner Nov./Dec. 2015

OTHER BUSINESS:

COAH

Roger Thomas indicated there has been some activity but nothing of any consequence.

Selection of LUB Planner for 2016

Chairwoman Waldron noted LUB is looking into interviewing some planners. Volunteers will be sought to review Planners' fees, schedules, past experiences etc., as part of the Application status.

Mr. Mohr questioned if Twp. Committee selected a Planner. Roger Thomas responded that Jessica Caldwell, was selected for purposes of Affordable Housing litigation only.

2015 Land Use Board Annual Report

Roger Thomas noted this report will be ready next month.

Darst #ZB04-10 – Compliance

Ted Rodman referenced his 1/8/16 e-mail to Darst attorney, Ursula Leo, updating on the status of Darst. He noted they were in the process of submitting a new application which addressed their concerns. He believes there is still an issue on what fees must be paid to Blairstown.

Chairwoman Waldron asked if someone will advise whether they will be coming before LUB for the next meeting. Roger Thomas responded he will be glad to address that and let LUB know.

Mandatory Training Course

Roger Thomas

NEW BUSINESS:

E-mails

Mike Repasky urged LUB members to read an article in the NJ Planner addressing use of social media by Board members during the Hearing process. Roger Thomas recommended overall usage of the telephone vs e-mail.

Background noise on microphones

Chairwoman Waldron noted for-the-record, the LUB Minutes are very descriptive of LUB Hearings so as to protect Blairstown, the LUB, and its members. She noted there are questions raised by the Applicant and attorney that reflect back to the LUB tapes and minutes.

She asked that members are aware of the sensitivity of the microphones, and should refrain from phone calls, private conversations, map rustling etc. that affect the quality of the cds and thus hinder transcription or listening to the tape afterward.

Mandatory Training Class for LUB Members

Roger Thomas noted that new board members, that have not taken the mandatory course, are required to do so – within 18 months, (except for Class I & III). Anyone who has taken the course in the past, and obtained a Certificate, is not required to retake it. He revealed he is teaching one in the Spring, possibly May or June. Also NJPO offers the class.

PUBLIC PORTION:

No members were present.

VOUCHERS: Professional services rendered.

There were no vouchers submitted for approval before this meeting.

ADJOURNMENT:

Chairwoman Waldron welcomed all the new Board members and thanked everyone for coming. She commented it is nice to have a full board again.

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Keller, and unanimously carried, the meeting was adjourned at 9:15pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary