

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
March 21, 2016**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, March 21, 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, Joanne Van Valkenburg, Cynthia Dalton, Jim Sikkes, Debra Waldron, Mark Ohannesian, and Dick Mach. Frank Anderson, and Dominic Daleo were absent. 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 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)”.

ADMINISTRATION OF OATH:

Roger Thomas administered the Oath of Office to Rosalie Murray, Class IV, term expiring 12/31/16.

ROLL CALL: was taken.

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 January 18, 2016 Regular Meeting of the Land Use Board were approved, as written.

Action: A motion was duly made by Mr.Sikkes seconded by Mrs. Green to approve the Minutes of the January 18, 2016 Regular Meeting of the Land Use Board, as written. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes, and Waldron.

RESOLUTIONS:

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

Roger Thomas noted a couple of modifications have been suggested to him regarding this resolution. He reviewed them for the Board. He stated he will make those modifications upon approval.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Green, to approve Resolution for **LB#06-15 1st Presbyterian Church of Blirstown, Blk. 1206, Lot 1, 1 Main St., Prel & Fin Major Site Plan** with the aforesaid modifications. Roll call vote: Green, Keller, Mohr, Repasky and Waldron - yes. Murray, VanValkenburg, Dalton and Sikkes – abstained.

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

Mrs. VanValkenburg and Dalton were recused from this application.

Roger Thomas reviewed modifications to be made.

Mr. Keller questioned pg. 3 “storm water management plan which would be underground”.

Roger Thomas responded this can be resolved by approving the Resolution and either he or Ted Rodman would be clarifying this.

Chairwoman Waldron requested getting the modified resolutions back next month reflecting the changes. Roger Thomas agreed.

Action: A motion was duly made by Mr. Sikkes, seconded by Mr. Keller, to approve Resolution for **Blair Acad CIC Bldg. 2 Park St, Blirstwn, Blk.906, Lot 13– Prelim. and Major Site Plan, Use Var.**, with the aforesaid modifications and storm water management verification. Roll call vote: Green, Keller, Mohr, Repasky, Sikkes and Waldron – yes. Murray – abstained.

COMPLETENESS:

LB#02-16 Thomas Voorhees, Blk. 501, Lot 1.04,- 53 Walnut Valley Rd., (2) Bulk Variances

Ted Rodman recommends this application be deemed Complete with waivers for Items #1 through #5 listed on his 2/11/16 Report.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Green, to deem **LB#02-16 Thomas Voorhees**, Blk. 501, Lot 1.04,- 53 Walnut Valley Rd., (2) Bulk Variances - Complete, with waivers for Items #1 through #5, listed in Ted Rodman's Report of 2/11/16. Roll call vote: Green, Keller, Mohr, Murray, Repasky, VanValkenburg, Dalton, Sikkes and Waldron – yes. .

LB#03-16 Little Hill Fdn., Inc. , Blk. 1202, Lot 3.2,- 13 Stillwater Rd., Use Var.

Mrs. VanValkenburg and Dalton were recused from this application.

Roger Thomas advised Mark Ohannesian not to be involved with Mr. Keiling on this matter, due to a conflict of interest.

Richard Keiling, Esq., appeared on behalf of the Applicant.

He noted he received a copy of Ted Rodman's Report of 3/17/16. They are seeking a use variance to have a mental health counseling center.

Ted Rodman clarified that the Applicant is bifurcating. They are here for the variance tonight. Later they will provide a Site Plan, with the correct names and addresses.

Ted Rodman explained the Applicant, in an effort to save \$, submitted an old survey.

He recommended, for purposes of Completeness, the 7 items listed in his 3/17/16 report be waived, and corrected, for the Hearing on 4/18/16.

Richard Keiling revealed this has been Noticed, and requested this be carried until the 4/18/16 LUB meeting. Roger Thomas declared, for the record, Notice will be carried until 4/18/16 at 7:30pm. No further Notice will be provided.

Action: A motion was duly made by Mr. Keller, seconded by Mrs. Murray, to deem **LB#03-16 Little Hill Fdn., Inc.** , Blk. 1202, Lot 3.2,- 13 Stillwater Rd., Use Var., only,- Complete, with waivers listed in Ted Rodman's Report of 3/17/16. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Sikkes and Waldron – yes. .

LB#04-16 Turf Pro, LLC, Blk 803, Lot 4.15- 9Artist View Ln.,Use Var (bifurcated Min Site Plan)

Mrs. VanValkenburg and Dalton were recused from this application.

Richard Keiling, Esq. appeared on behalf of the Applicant.

He explained the Applicant wishes to operate a landscaping business from his grandparent's property on Artist View Lane. He revealed this matter was heard before this board 3 or 4 months ago, at which time it was denied.

He stated the applicant feels there has been a substantial change in the Application. He noted it is a bifurcated application. He is here for the Use Variance alone, this evening.

There has been no public notice yet.

He noted what the Board is seeing is the previously-submitted map, with some changes about some impervious surface and the construction of an equipment barn in which all the equipment will be stored. He said these changes are what makes it a completely different application.

Richard Keiling explained that if the Use Variance is approved, then they will come back with the full Site Plan which will include a lot of the additional information that Ted is seeking.

Action: A motion was duly made by Mr. Sikkes, seconded by Mrs. Green, to deem **LB#04-16 Turf Pro, LLC**, Blk 803, Lot 4.15- 9 Artist View Ln., Use Var (bifurcated Min Site Plan) Complete – Use Var. only. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Sikkes and Waldron – yes.

Roger Thomas pointed out that even though this is not a Site Plan, there will be discussions re: certain issues relative to the Site Plan, in order to establish that this is a different application.

Richard Keiling responded that he will have his engineer and planner here on that evening.

He noted he will advertise.

COURTESY REVIEW:

LB#05-16 Cty. of Warren, Blk.1501, Lot 20.03, 20.04 – 6 Lambert Rd.- (Subdiv. to **Catherine Dickson Hofman Library**)

Roger Thomas explained whenever there is a modification involving public entities, in this case a sub-division, the Planning Board function of the Land Use Board is to authorize a discussion take place. This occurs so that non-binding comments can be made by the Board, and the Public can also make comments.

Joseph Bell and Paula Ortega, Warren Cty. Counsels, Bell, Shivas & Fasolo, Rockaway, NJ, Alex Lazorisak, Wrn. Cty. DPW Director, Michael Finelli, PE, Finelli Consulting Engineers, Washington, NJ, were identified.

Ms. Ortega, explained that this courtesy review is for minor subdivision of a piece of property owned by Blairstown Bd. of Ed. This is an adjustment of a 1 acre tract of land to Warren Cty., known as the Warren Cty. Library. She noted this 1 acre tract is going to be adjusted to the lot of the Warren Cty. Library. There will be no new development or construction on the proposed site. This will only involve adjusting the existing lot line.

Mr. Finelli, PE, stated he was contacted by the County for septic repair for the Catherine Dickson Hofman Library Branch, which was done last year. He noted this application proposes a 1 acre annexation from the property to the south owned by the Bd. of Ed. He showed an aerial photo plan and explained the annexation which would result in lot 20.03 resulting in 4.95 acres, 90 ft. frontage x 520 ft. depth. There were no variances created.

Ted Rodman questioned if there were any immediate requirements triggering this, i.e. septic system. Mr. Finelli noted the septic system was done last year.

Chairwoman Waldron questioned why that little area, since the parking is to the rear. Mr. Finelli responded this extends 80 ft. beyond existing parking.

It was noted that if the Library were to expand now, there is no room for expansion of the septic system, which is in front of the building. That is why the 1 acre parcel was created. It was revealed the key is to have additional land for expansion of the septic. That is all that was asked for and needed. Without that, the County would be in the position of abandoning that library branch. Admittedly this branch does get a lot of use.

Expansion will occur, it is a matter of when funds will be available.

Ms. Ortega pointed out that Mark Saalfield, Supr., is in attendance tonight, to represent the School Board's interest in this application.

This portion of the Review was opened to the Public. There were no questions or comments from the Public.

Roger Thomas reiterated this is not an application that requires LUB approval. It is for informational purposes only, not an expansion. Joseph Bell confirmed that it will not be necessary for Mr. Thomas to prepare a resolution re: this, since the Bd. of Ed will not have to do anything for the Dept. of Ed.

Roger Thomas stated, if the LUB is so inclined, a favorable-recommendation vote, back to the County, can be taken.

Action: A motion was duly made by Mr. Sikkes, seconded by Mr. Repasky, to favorably recommend **LB#05-16 Cty. of Warren**, Blk.1501, Lot 20.03, 20.04 – 6 Lambert Rd.- (Subdiv. to **Catherine Dickson Hofman Library**). Roll call vote: Green, Keller, Mohr, Murray, Repasky, VanValkenburg, Dalton, Sikkes and Waldron – yes.

PUBLIC HEARING:

LB#02-16 Thomas Voorhees, Blk. 501, Lot 1.04,- 53 Walnut Valley Rd., (2) Bulk Variances

Mrs. VanValkenburg, noted for the record, that she had a business relationship, about 4 years ago, with the Applicant. She admitted there is no relationship now. Roger Thomas doesn't think there is a statutory requirement so long as she can review this application objectively, based upon the evidence before the LUB. She responded affirmatively. He declared, therefore there is no objection.

Thomas and Melissa Voorhees, 53 Walnut Valley Rd., Columbia, were sworn in.

Roger Thomas marked the photocopy of the survey as Exhibit A-1.

Mrs. Voorhees presented, and described, the following exhibits, which were marked:

- A-2 Photo of front, looking down at house
- A-3 “ of back, showing slope
- A-4 “ front area – flat
- A-5 “ front area – closer view
- A-6 “ backyard slope
- A-7 “ driveway, from garage doors to road
- A-8 “ inside filled garage

Mr. Voorhees explained they are trying to put up an accessory building to store vehicles, lawn mowers and his pickup truck. They need a variance as they propose to locate it on the front, right-side of the house. He said the property behind the house is on a steep pitch. They desire to locate the proposed building on the most flat spot.

There is an existing 2 car garage with entrance under the house.

They are proposing 3 carriage-house doors - 9' x 8'.

Mr. Repasky suggested rotating the proposed building 90 degrees, so that the doors are facing the house, and pushing it back, away from the road, with only as much, or less fill as already put in, the last year. He said they may be able to get that building back with the house. He noted it will reduce the size of the backyard but remove it from the front yard. He noted there would have to be enough distance from the house to be able to have a turnaround between the house and garage. Mrs. Voorhees asked, and it seems like that is not an affordable option. Mr. Repasky commented that it is very unappealing to have a metal building which looks like a metal farm shed in front of the building in a residential area.

Mr. Sikkes noted the Applicant is asking for double of what is allowed. He noted they are allowed 630 sq. ft. and they are requesting over 1200 sq. ft. He suggested a 2, not 3, car garage to make it more realistically acceptable to the LUB. Mrs. Voorhees responded it would cost more to go smaller, and everything will fit into the 3 car garage.

Chairwoman Waldron confirmed this will be a pole barn with no foundation, having a concrete floor. It will have no electric or heat.

Chairwoman Waldron explained when the Board does approvals they generally have a specific model presented with specific size, roof pitch, what it is to be made up of, what the floor will be made up of. That is what needs to be pinpointed. Mrs. Voorhees replied, they are looking for a metal building with a concrete floor for all their “stuff”. If they could afford to do so, they will make it look “prettier”. Mrs. Voorhees said their goal is to get the approval of the metal building size.

Chairwoman Waldron explained that whatever approval is given, it would be based upon what the Applicant is offering the Board. The Board would have to know definite details of what was going to be done. She suggested the Applicant get specific information. Mr. Voorhees responded, “They will give the price but not the plans for it”.

Roger Thomas suggested an actual photo of the building that the Applicant is seeking to construct. Chairwoman Waldron suggested getting a manufacturer’s copy of the plan the Applicant has depicted.

She said the LUB is looking for the absolute size of the building, the height, what the materials are made of. She added then the LUB wants from the Applicant, what will be done with the building. She declared the LUB can’t grant a variance on not enough information.

Chairwoman Waldron noted the Board can carry this until next month. This will give them 30 days to return to the Manufacturer, or another manufacturer, and get what the Board is asking. This will also allow the Applicant to get prices enabling them to see what can be afforded.

Roger Thomas said by seeing the property, the Board members will have a better understanding of it, rather than viewing the 2-dimensional pictures they were shown. If they have questions, they can come back to this meeting in 1 month, on 4/18/16, and get answers. Finally, if there are things needing explanation, they can be addressed at that meeting, so it is all on the record.

He noted LUB members can go individually, but not lawfully, in groups of more than 3 in response to Chairwoman Waldron’s desire just to observe.

A Site Inspection Form was submitted with the Application.

Mr. Sikkes pointed out the application will have to be corrected as it shows 11 ft. high garage door.

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

Roger Thomas clarified that the Applicant will have to go to a manufacturer, before the next meeting, and get a photo, (not plans), of the building and the materials, that the Applicant is planning to construct, and that can be presented to the Board. Chairwoman Waldron requested that copies are made for each board member.

John Maxman, 61 Walnut Valley Rd., was sworn in. He revealed he is the one funding this operation. He is concerned that the Board members can't ask questions while visiting. He said it is marked where the building is going, and that is very important since the contractor says it needs to be on virgin ground when the poles go in.

Chairwoman Waldron explained to the Applicants that this Board is not making a decision tonight. That gives them an opportunity to get their information together, and gives a chance to the Board to look at the property.

Roger Thomas declared this matter will be carried until 4/18/16, without further notice.

CORRESPONDENCE:

None

OTHER BUSINESS:

COAH

Selection of LUB Planner for 2016

2015 Land Use Board Annual Report

Roger Thomas presented the 2015 Land Use Board Annual Report which he prepared.

There were no comments or modifications. The following vote was taken:

Action: A motion was duly made by Mr. Sikkes, seconded by Mrs. Waldron to approve the **2015 LUB Annual Report**. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes, and Waldron – yes.

Darst #ZB04-10 – Compliance

Roger Thomas noted he spoke with Attorney Leo. He referenced her letter of 10/1/15 with regard to the issue of fees. He revealed Mrs. Leo has not had a conversation with the Darsts for the last several months, due to Mrs. Darst's health issue.

He explained they are still interested to know whether the Board is inclined to modify the \$9,000. Escrow, as indicated in the letter to Roger Thomas. They are suggesting an alternative of \$5,000. He noted this is within the Board's jurisdiction to modify the escrow.

Chairwoman Waldron questioned if escrow is modified, what is the time frame this would come back before the Board. Roger Thomas responded, he has absolutely no idea and neither did Mrs. Leo.

Chairwoman Waldron recollects they had their engineer contact Ted Rodman with regard to returning.

Roger Thomas suggested, if the Board so chooses, they can make a decision to modify the escrow. He can then respond to them by saying "unless we hear from them within 10 days of the date of his letter, giving a timeframe when they wish to proceed with their modified application, the matter will be referred to the Zoning Officer for Compliance re: whatever violations there currently may be on the existing approvals".

To clarify the Motion, Roger Thomas asked if the Motion included that he will send a letter, looking for a response as to when they plan on coming before the LUB, otherwise this matter will be referred to the Zoning Officer for Compliance. The response was affirmative.

Action: A motion was duly made by Mrs. VanValkenburg, seconded by Mr. Keller: **Part #1** to uphold Escrow Fees \$9,000.), as required by Ordinance re: *pending* NEW Preliminary & Final Site Plan with Variance, for the Darsts. **Part #2** to authorize Roger Thomas to send the aforesaid letter. Roll call vote: Keller, Mohr, Murray, Repasky, VanValkenburg, Dalton, Sikkes, and Waldron – yes. Green – abstained.

NEW BUSINESS:

LB#02-14 NWRHS Bd. of Ed – Rezone

2/10/16 Memo from Chris Heagele, NWRHS Bus. Administrator, to *Township Committee* re: Further Background on Land Use Ordinance Change

For the record, Chairwoman Waldron stated no information has been received from NWRHS. She indicated the LUB members will be informed when NWRHS decides to return.

Mike Repasky questioned disparity in Paragraph 3 additional costs include the District's attorney, and Multi-purpose Facility reflecting "does not include" additional costs with District's attorney. Chairwoman Waldron responded, this was sent to the Township Committee. He further commented on pg. 2, E.M. Waterbury & Assocs. Multipurpose Facility expense totaled approximately \$12,000. He stated "he can't imagine, them spending \$12,000., to prepare for appearing before the LUB". He believes some of those costs was for drawing up the plans for bids. He thought this letter was for costs associated for coming before this board.

Chairwoman Waldron responded it was supposed to be any and all costs that were directly contributed to them coming before this board to prove their case.

He responded, "if that is the case then, he gives no credibility to those numbers, based on that one item".

Roger Thomas noted that this is not before the LUB at this time. He pointed out there is no application in front of the Board. This letter is for informational purposes only as it was sent to the Twp. Comm.

Mike Repasky declared if this is being put out to the Public, "they are falsely accusing this Board of spending taxpayers' money".

Roger Thomas suggested that Mr. Repasky go to the Board of Education and discuss that with them.

Chairwoman Waldron explained it was unanimously recommended by the Twp. Comm, - R5, Conditional Use, to return back to the LUB. She noted these questions may be asked at that point.

PUBLIC PORTION:

Wickliff Mott, Blairstown resident, and past Board member, said he finds it amazing, that the Darsts are still continuing before this Board.

VOUCHERS: Professional services rendered.

Action: Upon a motion duly made by Mr. Mohr, seconded by Mr. Keller, escrow vouchers, as attached to these minutes, were approved. Roll call vote: Green, Keller, Mohr, Murray, Repasky, Van Valkenburg, Dalton, Sikkes and Waldron – yes.

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Sikkes, seconded by Mrs. Dalton, and unanimously carried, the meeting was adjourned at 9:10pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary