

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
December 15, 2014**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, December 15, 2014, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Charles Anderson, Barbara Green, David Keller, Nick Mohr, Mike Repasky, Paul Avery, Herman Shoemaker, Debra Waldron, Andrew Smith, Harold Price, Dominic Daleo and Dick Mach. Jim Sikkes was absent. Also present were: Board Engineer, Ted Rodman, and Board Secretary, Marion Spriggs. Board Attorney, Roger Thomas, was absent.

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)”.

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).

None

RESOLUTIONS:

LB#01-14 Allen Gibson, Blk. 301, Lot 10.14, 8 Mountain Terr., Bulk var. – garage

Ted Rodman pointed out that Condition #10 requirement for copies of modified plans etc. is considered a condition of approval but not required prior to signing the Resolution. Ted Rodman has talked with their attorney who has no issue with the 45 day memorialization rule.

He noted the Applicant can't get a building permit or do anything permitted by the Resolution until those conditions are met. He explained this does not fall through the cracks.

Chairwoman Waldron stated if there is no problem as far as the Attorney is concerned, this matter will be held until the 1/19/15 LUB meeting, in hopes that the Applicant brings the correct paperwork.

LB#05-14 Breathing Room Center, LLC, Block 1209, Lot 4, 21 Main St. – Interpretation

Chairwoman Waldron noted this Resolution was carried from the 11/17/14 LUB meeting in order to give the members sufficient time to review.

Mrs. Green pointed out some minor changes in consistency of text in several places, also a change to the Memorialization Date. These changes will be forwarded to Roger Thomas to implement.

Mrs. Waldron suggested that action be taken on the, soon to be modified, Resolution.

The Board, after reviewing the Resolution, is granting approval of the Resolution, subject to minor modifications which will be noted by Roger Thomas.

Action: On a motion duly made by Mr. Keller, seconded by Mr. Anderson, the Resolution for **LB#05-14 Breathing Room Center, LLC, Block 1209, Lot 4, 21 Main St.**, was approved, with minor modifications. Roll call vote: Anderson, Green, Keller, Mohr, Repasky, Avery, Shoemaker, Waldron and Smith – yes.

COMPLETENESS:

LB#06-14 Myrtle Donuts, LLC, Block 903, Lot 2.01 – Minor Site Plan

Glenn Williams, Esq., Kaplan Williams & Graffeo, Morristown, NJ, attorney for the Applicant, explained this involves conversion of the former Cosmic Charlie site into a Dunkin Donuts.

He noted he's brought along the following people:

Lino Santos, National Realty, Parsippany, NJ, principal owner & multi-unit operator of Dunkin Donuts.

Michael Rezendez

Greg VanderRydt, Project Mgr., G. Gloede and Associates, Oak Ridge, NJ representing the Engineering Firm.

Cynthia Falls. AIA, GK+A Architects, Rutherford, NJ

Attorney Williams stated they are here only for Completeness. No Notice has been served for this meeting.

Chairwoman Waldron pointed out that there are 2 other Hearings scheduled on 1/19/15 that would come before this applicant.

Since there is no LUB attorney present, Chairwoman Waldron announced no one will be sworn in. Ted Rodman indicated some testimony would have to be repeated next month.

Exhibits will be labelled at the 1/19/15 meeting.

A general overview was presented and will be repeated on 1/19/15. It was explained that the left end cap, formerly Cosmic Charlie's, is this applicant's site. Conversion to a Dunkin Donuts with a one-way, drive-thru lane that would circle the building, is being proposed. Restriping in front is planned. They are willing to discuss with Ted Rodman, reversing the order

They are currently discussing with Lane Enterprises, the granting of easements to add 8 more parking spaces.

Ted Rodman reviewed his report of 12/12/14.

He noted there are 4 variances required and so Notice must be given.

Ted Rodman noted Items #1 through 6 may be waived for Completeness only.

Item #7 Warren Cty Health Dept. approval must be provided for the Hearing, or he said there would be a problem.

Item #8 Existing easements were shown on a previous subdivision. Ted Rodman reiterated these easements should be shown, and how they are to be handled, needs to be discussed in the Traffic Plan. He pointed out other lots are using this area for ingress and egress. Some examples he indicated were Gypsum, Napa, and a cleaner. He said who can do what, needs to be clarified, and worked out now, with the adjoining property owners.

Ted Rodman also noted, the parking will have to be accessed from another lot, and this will have to be worked out with Lane Enterprises.

It is his suggestion that this application be found Incomplete.

Attorney Williams sought clarification if the Applicant can provide a Title Search, and note where the easements of record are, if that would be adequate for proceeding forward. Ted Rodman responded, that if they have those easements and he can look at them, additional comments can be made as to whether or not they would work with the existing.

Mr. Keller pointed out when the easements are identified, that the Plan has to be revised to reflect where the easements are, and what the purpose is. He stated if there is to be a Plan amendment, the Title Search information should be provided. Ted Rodman agreed.

Mrs. Green noted the Lot is not indicated on the 4 pages of the Floor Plan in the info section.

Marion Spriggs pointed out additional Application Fees and Escrow Fees are needed for Variances that were not indicated at the time the original Minor Site Plan was filed. She informed, that the deadline is 10 days before the meeting.

Chairwoman Waldron requested that the Applicant phone Marion Spriggs to confirm additional fees required and inform her that adequate Notice has been given for the next meeting.

She also recommended the Application be deemed Incomplete until the information and the fees are received.

Ted Rodman noted that if the Board does find the Applicant Incomplete and agrees to do the Hearing & Completeness, it is at the Applicant's risk that they advertise. He explained, that if the Applicant is NOT found Complete at the next meeting, this matter will have to be carried until the 2/16/15 meeting.

Chairwoman Waldron stated if there is any question, Attorney Williams should call Mr. Rodman.

Attorney Williams agreed to submit the Title Search, showing all the easements and will reflect them on the Plans, describing how they work. They will then seek Completeness.

He will likely Notice for January but ask that it be carried, if necessary, so as not to incur further expense.

Mike Repasky recommended, showing the striping of the parking that is in front of Advance Auto, to reveal that there is an aisle to be able to get into it. He said this is assuming Lane is going to grant access to those 8 parking spaces from their lot.

Mr. Keller asked if it is the intention to redo the façade of the whole building.

Cynthia Falls, Architect, noted from the exterior of the Building, they intend to give the whole building a facelift. They plan to build up a canopy-type parapet that sticks out, with columns around. They are also proposing an overhang canopy at the entrance.

She said they would like to use fire cement panels, either smooth or stone finish. Ted Rodman noted she was addressing Comment #14 on his report. He doesn't want to get into the details, noting that will be a discussion at the Hearing.

Attorney Williams interjected the objective is to not only improve this unit but give a symmetrical look across the front of the building. He noted there are 3 condo owners in that building. He said there is a condo association in place, adding still another layer.

Chairwoman Waldron asked if the Applicant has their approvals to do any renovations to that building. Attorney Williams responded that is currently being discussed. Attempts have been made to contact the middle-condo owner, to no avail. Chairwoman Waldron asked if certified mail had to be sent to that owner. The response was no.

The pool condo owner has been contacted. Mr. Santos is willing to finance renovation and he said the other owners will pay him back for their portions on a 10 or 15 yr. amortization. Chairwoman Waldron reiterated anything said tonight needs to be heard publicly at the next meeting.

Ted Rodman noted he will reference the Master Plan in another report.

Mr. Santos said he is not going to "go cheap". He noted he has been in business for 30 years and likes to maintain a Mom & Pop atmosphere. He revealed, however, this is not going to be a high-volume store. He said honestly, if he is asked to do brick for the entire building, he has just been priced out.

Chairwoman Waldron says Blirstown welcomes new business. She noted we have a rural character in which we take pride. Mr. Santos complimented the appearance of the Town.

Action: On a motion duly made by Mr. Anderson seconded by Mr. Avery, **LB#06-14 Myrtle Donuts, LLC**, Block 903, Lot 2.01 – Minor Site Plan, was deemed INCOMPLETE. Roll call vote: Anderson, Green, Keller, Mohr, Repasky, Avery, Shoemaker, Waldron and Smith – yes.

PUBLIC HEARING:

(Former LB#01-12), **LB#06-13 Clark**, Block 801, Lots 1 and 2.01 No road frontage (**carried to 1/19/15**)

LB#02-14 NWRHS, Blk.1402, Lot 21.02, 10 Noe Rd., - **Rezone** request (**carried to 1/19/15**)

CORRESPONDENCE:

None

OTHER BUSINESS:

Darst #ZB04-10 – Compliance

Chairwoman Waldron stated the reason this application is on the LUB Mtg. Agenda every month is because requests have been made to David Diehl, Zoning Officer, to review documentation presented by Ted Rodman and herself to review the site because of non-compliance. Mrs. Waldron will send a letter to the Township Committee, as LUB Chairwoman, to further this agenda. Both she and Ted Rodman have spoken with Mr. Diehl about a month ago. It is her belief that nothing has been done yet.

2015 Land Use Budget

Chairwoman Waldron noted that the Board withheld \$5,000 from the previous 2013 budget. Mayor Shoemaker noted that Zoning Officer, David Diehl, remarked there has been an increase in the number of permit applications. He suggested this is a turning point. Mrs. Waldron agrees, and has seen it in building and business. She stated she doesn't think this is the time to cut the Budget.

Action: On a motion duly made by Mr. Keller, seconded by Mr. Shoemaker, the **2015 Land Use Budget** was approved, without change, and remains @ \$13,150.00. Roll call vote: Anderson, Green, Keller, Mohr, Repasky, Avery, Shoemaker, Waldron and Smith – yes.

COAH

NEW BUSINESS:

Highland Regional Master Plan

Mayor Shoemaker read a couple of comments from a letter received from David Dech, Warren County Planner. They are looking for comments on the Highlands Regional Master Plan which are due by February 27, 2015. To facilitate comments, he indicated, the Planning Dept. will be holding a special meeting with municipal officials sometime in mid-January, 2015.

The Mayor questioned if there is interest in participating in this meeting. He suggested, even though Blairstown is not in the Highlands, it would be prudent to keep abreast as to what is going on there.

He suggests that the Chairwoman, himself, and anyone else interested, could attend. He said, then he would advise the County, that Blirstown representatives would attend. Mrs. Waldron agrees. She sees changes for buildings that were previously put off.

PUBLIC PORTION:

No members were present.

VOUCHERS: Professional services rendered.

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

ADJOURNMENT:

Before Adjournment, Mayor Shoemaker, thanked Andy Smith, who served on the Board and is now stepping down. Chairwoman Waldron also thanked him, noting that he was a welcome member of both boards and wishes him to rejoin this Board, if time ever permits. She noted that he will be missed.

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Shoemaker, seconded by Mr. Avery, and unanimously carried, the meeting was adjourned at 8:36pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary