

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
April 20, 2015**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, April 20, 2015, 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, Jim Sikkes, Harold Price, and Richard Mach. Debra Waldron, Dominic Daleo, and Mark Ohannesian, were absent. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read.

Meeting was called to order by Vice Chairman Sikkes, 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:

Vice Chairman Sikkes declared that submission of information supporting applications must arrive at Town Hall **10 calendar days prior to meetings**. He explained this is an effort to give the Board members enough time to review the documents.

PRESENTATION OF AWARD:

Vice Chairman Sikkes thanked Andy Smith, former BOA & LUB member and presented him with a commemorative plaque.

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

Minutes of the March 16, 2015 Regular Meeting of the Land Use Board were approved, as written.

Action: A motion was duly made by Mrs. Green, seconded by Mr. Keller to approve the Minutes of the March 16, 2015 Regular Meeting of the Land Use Board, as written.

Roll call vote: Anderson, Green, Keller, Mohr, Avery, Shoemaker, Sikkes, Price, and Mach – yes. Mike Repasky abstained.

Minutes of the March 16, 2015 Executive Session Meeting of the Land Use Board were approved, as written.

Roll call vote: Anderson, Green, Keller, Mohr, Avery, Shoemaker, Sikkes, Price, and Mach – yes. Mike Repasky abstained.

RESOLUTIONS:

LB#02-14 NWRHS, Blk.1402, Lot 21.02, 10 Noe Rd., - **Rezone** request (*rewritten version*)

Roger Thomas declared, in Chairwoman Waldron’s absence, that he initiated carrying this matter until the 5/18/15 LUB Mtg. Input on this resolution, needs to be provided from all the LUB members, in addition to Chairwoman Waldron participating with her comments.

Roger Thomas contacted both the Applicant and their attorney, and though he couldn’t contact Chairwoman Waldron, he noted, he knows she wants to be here. He declared that it was mutually agreed that this matter be carried.

He said there needs to be some discussion regarding what, if anything, should be done with the current resolution on this matter.

COMPLETENESS:

LB#02-15 Buck Hill Properties. LLC (Buck Hill Brewery & Rest.) Blk. 2001, Lot 1.01, 45 Rt. 94 – Prel. & Final Major Site Plan,+ Bulk Variances

Ray O’Brien, of Blairstown, Architect for the project, is filling in for Attorney Keiling.

Ted Rodman said the Applicant has requested waivers on many items listed in his report of 4/16/15. If there are no objections, he recommended waiving those items.

Roger Thomas noted for the record, if there are any issues that come up during the Hearing, impacting any of the waivers granted, the Board has the right to request the information at that time.

Mrs. Green pointed out the Site Plan needs to be changed to reflect Land Use Board, not the Planning Board.

Mr. O’Brien explained that a huge amount of the water used for the brewing process, will be recycled. The existing well will be abandoned and a new well will be drilled. He said the owners will be trying to make the process self-sustainable. The planting of their own hops has already been done and barley will be planted this year. The remnants from the grain process will

be given to the farmers to feed cows who will eventually be purchased and used for the meat in the restaurant.

Ted Rodman expressed his concern as to the effect that will have on the water table. He noted they will be drawing a lot of water. He questioned if there is a permit required from DEP. He recommended they provide testimony regarding that, during the Hearing.

Action: A motion was duly made by Mr. Keller, seconded by Mr. Shoemaker, to deem **LB#02-15 Buck Hill Properties. LLC (Buck Hill Brewery & Rest.)** Blk. 2001, Lot 1.01, 45 Rt. 94 – Prel. & Final Major Site Plan + Bulk Variances - Complete. Roll call vote: Anderson, Green, Keller, Mohr, Repasky, Avery, Shoemaker, Sikkas, and Price.

PUBLIC HEARING:

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

Chairman Sikkas declared this Hearing will be carried until the 5/18/15 meeting.

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

Roger Thomas announced that this is the continuation of a Hearing from 3/16/15.

Glen Williams, Esq. explained, the Application has been amended to remove the drive-thru.

Greg VandeRydt, Project Manager, who remains under oath, presented Exhibit A-3, which is a Map dated 4/10/15, eliminating drive-thru.

Exhibit A-4 was marked, which is a 3 pg. revision to the Plan from GK&A Architects, indicating proposed signage. (Mr. Santos removed pg. 4 listing the drive-thru specs, since there is NO drive-thru.)

Ted Rodman requested that additional copies of Exhibit A-4 be provided for distribution.

Lino Santos, Applicant, who remains under oath, explained he doesn't own the condo yet. The design is for all 3 users regardless when they tie in.

His testimony included:

He feels the well is adequate.

He noted the newly-proposed septic system will be located under the parking area.

Hours of operation would be 5:00am to 10:00pm.

One tractor-trailer delivery is planned per week at off-peak time.

No frying will occur.

There will be 14 seats.

There will be 4 employees @ peak hours and 2 @ non-peak hours.

There will be improved lighting with 2 pole lights on the westerly parking area.

There will be addition of a cooler in the rear.

There will be modification to the upper level of the front façade for uniformity.

He said the trailer between condo #1 & #2 is used for storage in the back of the building. The remaining parking is available to all businesses. He will stripe 26 parking spaces.

Ted Rodman's report of 4/16/15 was reviewed. The Applicant agreed to the comments in that report.

This portion of the Hearing was opened to the public.

There were no questions from the public.

Mr. Avery commented what is seen here, is a proposal. He questioned when will the LUB see what has been agreed to by all the parties in that building, and what has been done? Roger Thomas responded that there will have to be a Certificate of Occupancy, with that, the final architectural drawing will have to show what has been done.

Ted Rodman added, the revised drawing will be submitted. Roger Thomas explained the Plan will be in accordance with that submission in regard to the façade if there is concurrence by the 2 other occupiers.

Mr. Mohr asked how the Applicant can be granted permission to alter property that someone else owns, improving it for the community, at the owners' expense. Mr. Santos said they are working through it. Mr. Mohr pointed out that Mr. Santos' recent testimony revealed that the Pool Store owner is ignoring him.

Mr. Santos testified since he is not an owner, he can't negotiate on behalf of the by-laws. He admitted if the current tenants disapprove, then he cannot do the alterations. He added if he bought the property, he would only have the right to do his own unit.

Mr. Mohr noted if there is not concurrence, and approval is granted, then it could wind up that the entire façade is not done, so the property could be only 1/3 renovated. He said that is something to consider.

Vice Chairman Sikkes asked about the bulk variances regarding signage, listed as a. & b. on pg. 1 of Ted Rodman's 4/16/15 report. Mr. Williams responded, a signage variance is still being sought – 11 sq. ft. permitted, 21.5 sq. ft. building sign is proposed. (This is the big coffee cup sign). Testimony regarding this was given on 3/16/15 at the LUB meeting. Mr. Santos revealed the actual sq. footage is 19.18 which is the smallest internally lit sign which provides better visibility to the public.

Mr. Santos explained changing to custom size signage, would cost 4 or 5 times as much.

Roger Thomas noted Mr. Santos is not in a position to dictate what signage the other 2 condos are going to have.

Attorney Williams concluded by stating, they are left with the cooler and signage variances.

Ted Rodman explained the necessity for a curb between the Applicant's and Tractor Supply's parking lot is based on Tractor Supply not wanting traffic from this building onto their property. This physical barrier will preclude cars from taking short cuts. It was noted this would present a problem when snow plowing.

Roger Thomas commented that if the Board is inclined to grant this approval, he recommends including the following items as Conditions, from Ted Rodman's Report of 4/16/15: Item #s 4, 5, 6, 7, 9, 10, 11 & 12. He said it is also subject to the incorporation of Exhibit A-4 which includes renovation of the building façade.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mr. Anderson, to approve **LB#06-14 Myrtle Donuts, LLC, (Dunkin Donuts)** Block 903, Lot 2.01 – Minor Site Plan, with the afore-mentioned conditions. Roll call vote: Anderson, Green, Keller, Mohr, Repasky, Avery, Shoemaker, Sikkes, and Price.

LB#01-15 CGP Acquisition & Dev., LLC (Dollar General/Grater LLC), Blk. 904, Lot 8.05
110 Rt. 94 – Prel & Final Major Site Plan + Bulk Var.

Barbara Green recused herself from this application.

Jason Tuvell, Esq., of the law firm Gibbons, of Newark, NJ, is the attorney for the Applicant. He revealed the proposed building size is 9,111 sq. ft.

He noted the Application complies with nearly all requirements of the Ordinance including, setbacks, overages, buffering, building height, signage and lighting.

A parking variance is requested.

He explained this is not a \$1. store but resembles a Woolworths retail store, which carries name brands. There will be no cooking or frying or cold cuts sold. Hours typically are 8am to 9pm, sometimes to 10pm. There are 2 or 3 employees per shift. There will be 1 main tractor-trailer delivery on site per week, and 2 to 3 box-truck deliveries per week. Lights will be turned off 30-40 minutes after closing. Recycle boxes are not an issue and not much trash will be generated.

The following 2 professionals were sworn in:

Samuel Chung, PE, of Dynamic Engineering, Lake Como, NJ and James Kyle, PP of KPD Planning & Design, Hopewell, NJ.

Mr. Chung reviewed there was a Minor Subdivision in 2008 on this 2.27 acres and a Site Plan application in 2009. He said this application is a reduction from the previous Site Plan application which was for 12,000 sq. ft. on this site. He pointed out the shared access drive on the western side.

The following Exhibits were marked:

- A-1 Aerial view dated April 20, 2015
- A-2 Rendered Site Plan dated April 20, 2015
- A-3 Vehicular Circulation Plan dated April 20, 2015
- A-4 Prototypical Signage Package
- A-5 Proposed Signage Package and Architectural Plan dated 1/8/15

He noted there will be a total of 156 plantings. Various trees will buffer the parking area. Arborvitaes are proposed to buffer the storm water basin.

An underground water tank for fire prevention, will be a Condition of Approval. This is not in Ted Rodman's report due to timing but he said it should be.

He described the lighting will be non-glare, shoebox type, shielded and directed downward. He said there will be no spillage onto adjacent property.

The Storm Water Management design was explained. Ted Rodman asked who is responsible for the detention basin until all the lots are developed. Mr. Chung clarified that his Applicant's detention basin will take care of all the storm water management issues and maintenance on their lot.

Snowplowing on the access road will be maintained by Dollar General until the other 2 lots are developed.

Freestanding sign was reduced by 75% to 25 sq. ft. to comply with the Ordinance. The building sign was reduced by 66% to 49.8 sq. ft. Mr. Chung referred to the Exhibits A-4 & A-5.

Architecturally the front façade was modified to include a stepped-up roofline. The Applicant's professionals met with the Township professionals to alter the façade from the traditional prototype.

Ted Rodman pointed out that Chairwoman Waldron was involved in the decision regarding changing the façade of the building exterior.

Justin Taylor of Dynamic Traffic, PE, of Lake Como, NJ, was sworn in.

He discussed the impact on traffic. He observed traffic there during peak hours. He revealed he studied other Dollar General stores and found during the peak hours 25 vehicles per hour were reported and on Saturday, 40.

He noted the access driveway can handle tractor trailers and delivery time can be controlled.

Finally, he explained 30 spaces will be sufficient instead of 46.

He concluded by stating this will not have a significant impact on traffic.

James Kyle, PP, KPD Planning and Design, Hopewell, NJ was sworn in. He noted it is a permitted use in the zone, which is consistent with the Master Plan. He said the only issue is with the parking. He visited the site.

He indicated positive criteria for the C-2 variance:

Promotes public health, safety & welfare

Promotes more efficient use of land – instead of installing 46 parking spaces there will be only 30, and banking 6. This will afford more green space on the lot for plantings.

Negative criteria:

Fewer parking spaces are provided but comparing with other such stores in the area, 20 parking spaces in the peak hour is sufficient, as revealed by their studies. They expect traffic to be light. They are providing 30 and banking 6.

The pleasing appearance of the site and reduction of the infrastructure, and decreased impervious surface, outweigh any negative aspects, Mr. Kyle contends.

He confirmed that there is adequate turning distance for a standard tractor trailer.

Ted Rodman's report of 3/4/15 was reviewed.

Nick Mohr pointed out that the State's highway improvement project will have a dramatic effect on construction for this application. The traffic light for the temporary one-lane restriction for repair of the bridge at Jacksonburg Creek, is supposed to start within the next 6 months.

This portion of the Hearing was opened to the Public.

Charles Basile, Blairstown resident, was sworn in. He explained he lives across the street from the vacant lot and has concerns. He mentioned the last thing Blairstown needs is another empty store and is concerned about the demographics supporting same. He is concerned about the Municipal Building being next to an empty store.

He is also concerned about the lighting, glaring at his house. Mr. Tuvell explained the lights will shut off after the store closes.

Roger Thomas responded, there will be a professional comparison of what standardly is proposed vs. what is being proposed. He noted the glaring lights do not even appear on the proposed Plan.

Mr. Basile asked if there is any way the signage could be toned down and not lit from the inside.

He also questioned if there is a street sign. Mr. Tuvell stated there is 1 street sign which will comply with the Ordinance. The total signage will be a bit less than 75 ft. which is what is permitted.

He asked if it is possible to have a more - country look. Mr. Tuvell responded, it complies with the Ordinance.

No further input from the Public occurred.

If this application is granted, Roger Thomas summarized as follows:

Operating hours would be from 8am to 9pm.

Septic would be approved by Warren County Health Dept.

Subject to review for fire protection with Ted Rodman and Fire Dept.

Revise the Plan to modify the average foot candle.

Lights on site, including signage, be extinguished 30 minutes after closing.

A-5 which includes signage and architectural plans will be incorporated into the Plan.

Letter of No Interest from DOT dated 3/10/15, Warren Cty. Planning Bd. letter of 3/3/15, and DOT letter of 3/9/15 be part of it.

Tractor trailers will not deliver during peak hours of noon to 1pm and 4 to 6pm.

He stated as per Ted Rodman's report of 3/4/15, the following should be conditions:

Items 4 through 8, Item 10 to modify their Plan so no variance is needed for protrusion of the sign, and Items 12 through 19.

Roger Thomas pointed out the installation of a 10,000 gal. holding tank for fire water is covered under the condition regarding fire protection.

Action: A motion was duly made by Mr. Keller, seconded by Mr. Anderson, to approve **LB#01-15 CGP Acquisition & Dev., LLC (Dollar General/Grater LLC)**, Blk. 904, Lot 8.05 110 Rt. 94 – Prel & Final Major Site Plan + Bulk Var., subject to aforesaid conditions. Roll call vote: Anderson, Keller, Mohr, Repasky, Avery, Shoemaker, Sikkes, and Price.

CORRESPONDENCE:

OTHER BUSINESS:

2014 Land Use Board Annual Report

It was pointed out that this report was prepared by Roger Thomas a while ago but never approved. Upon approval, it is required to be submitted to the Township Committee.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mr. Mohr to approve the **2014 Land Use Board Annual Report**. Roll call vote: Anderson, Green, Keller, Mohr, Repasky, Avery, Shoemaker, Sikkes, and Price – yes.

Darst #ZB04-10 – Compliance

COAH

Roger Thomas summarized a recent meeting he attended. He said the following litigants were present: Kevin Walsh, from Fair Share Housing Ctr. with 2 attorneys for the municipal side, together with a number of reps from the Builders' Bar. He stated it was very clear that they were of the opinion, after 20 years of their constraint, this is their one moment to take advantage of, by getting involved early in discussions with municipalities. By finding out what their plans are, they can do a collaborative. He cautioned, the Township should make sure it is involved in the declaratory judgment process to have its interest protected.

NO NEW BUSINESS ADDRESSED AFTER ? PM (See enclosed Resolution Complying with Open Public Meetings Act)

Vice Chair, Sikkes, noted in the annual Resolution Complying with Open Public Meetings Act, published once a year, in the New Jersey Herald, the LUB yearly schedule and time of monthly meetings appear. He would like to change the time to “no new business be entertained after **10:00 pm.**”, (formerly 10:30pm). He informed the LUB that he has spoken with Chairwoman Waldron, who is in agreement.

Action: A motion was duly made by Mr. Mohr, seconded by Mr. Avery, and unanimously carried, to change time in **Resolution Complying with Open Public Meetings Act** to **10:00pm.**

NEW BUSINESS:

None

PUBLIC PORTION:

There were no comments or questions from the public.

VOUCHERS: Professional services rendered.

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

ADJOURNMENT:

Vice Chairman Sikkes asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Anderson, seconded by Mr. Repasky, and unanimously carried, the meeting was adjourned at 10:02pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary