

**BLAIRSTOWN TOWNSHIP  
LAND USE BOARD  
November 17, 2014**

**MINUTES**

The Blairstown Township Land Use Board met in a regular session on Monday, November 17, 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, Jim Sikkes, Debra Waldron, Harold Price, and Dominic Daleo and Dick Mach. Andrew Smith was absent. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas. Board Secretary, Marion Spriggs, was absent, due to surgery.

**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  
(CARRIED)**

Awaiting copies of modified plans, as per Resolution Condition #10.

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

This matter will be carried until December 15, 2014 in order to give the Board a chance to review the Resolution which was received, only recently.

Roger Thomas declared that delaying memorialization of this resolution will have no impact on the applicants who already have a copy.

**COMPLETENESS:**

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

This matter will be carried until the December 15, 2014 meeting.

**PUBLIC HEARING:**

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

*(See Other Business)*

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

*(See Other Business)*

**CORRESPONDENCE:**

None

**OTHER BUSINESS:**

**DRAFT of Public School Zone for Zone Change - LB#02-14 NWRHS**, Blk.1402, Lot 21.02, 10 Noe Rd., - Rezone request

Mrs. Waldron explained for-the-record, as a reminder to the Board, the way this came about is during their last application process, it was related by Attorney Fox and the Superintendent that they would not have to come before this Board, had this been a school zone. She said, that's how it was approached.

The Board asked Roger Thomas and Darlene Green, PP, to draft something cohesive for the Board and not allow the draft be made for the Board by the School with their Plan. Mrs. Waldron said she wanted something that would put the Board's stamp on it and something Blairstown would be comfortable enforcing.

Attorney, Jim Fox, stated the School has Noticed, and delivered receipt of same, to Town Hall. To review, he noted the School has over 100 acres and since the inception of the building in the late 1960s, the property is in the R-5 zone. He said they are considered a non-conforming use. They are seeking a possible zone change for NWRHS only. He claims they are not creating "spot" zoning. He stated the Board would not lose control because with future additions, NWRHS would still appear before the Board in a complementary capacity.

Jim Sikkes asked who would be doing enforcement if the School would only be coming before the Board as a complementary. Mr. Fox replied they always have to get approval from the State for the building and grounds.

Elizabeth Waterbury, PP for the Applicant, was sworn in. She explained, they have reviewed other examples of schools which are not considered non-conforming, so this draft is not specific to the needs of NWRHS only. While she visited the school site, amongst other things, she observed lighting and signage.

Mr. Fox pointed out an advantage, since the school is situated on over 100 acres, it is not visible from Rt. 94. Mrs. Waldron noted there are many examples of schools located on vast acreage but stressed they still impact community.

Chairwoman Waldron noted the relevance of collaboration between the School and community. She said there is a cohesion in the Ordinances which result in overall conformity. She insisted the Board does not have a negative attitude towards this request but is questioning how best, the suggested changes, would fit in with the existing ordinances. Also, she pointed out, a school zone could affect other schools i.e. the Elementary School, should they acquire more land.

Darlene Green noted on the Draft, signage was not tied to the Ordinance as the Ordinance doesn't reach to this level.

She noted the entire lighting section is not applicable since it talks of residential and other standards. She said there could be some provisions that could be added to enhance but she is sure that the whole section is not applicable.

Darlene Green noted the Solar Ordinance standards are not included in the draft as they are too lengthy, so they are cross-referenced to that Ordinance.

This portion of the Hearing was opened to the Public. There were no members of the Public present at this time.

Roger Thomas indicated there are 2 levels of discussion: 1) Policy and 2) Nuts & Bolts of the Rezone Draft

- 1.) **Policy** – what is the Policy position of this Board in terms of recommending an Ordinance to change the property occupied by NWRHS to a permitted use.

(Roger Thomas stated that is something he and Darleen Green can't do. They cannot set policy.)

Roger Thomas reviewed the Policy Comments:

Loss of control over the School in response to this Ordinance.

- 2.) **Nuts & Bolts of Rezone Draft**

Roger Thomas summarized suggestions, as follows:

A-4 10,000 sq. ft. – could possibly be reworked

E-2 clarification of the standard that was only applicable to offices

Adding a new G-5 would deal with security lighting

He then reviewed secondary comments he heard, made by the Board:

Was it appropriate to get the general, non-residential, Ordinance provisions for lighting and signage incorporated into the Public School Zone? Roger Thomas said based on Darlene's comments, generally no, but there could be some incorporated.

Tweaking the Ordinance to get it from 30 ft. to 25 ft. for height of the lighting poles.

Board concern for permitting the digital sign and how it gets tweaked, one way or the other.

Consideration of Ted Rodman's comment for getting a definition of a public school.

He concluded that Darlene Green, Ms. Waterbury, and he, can go back and tinker with the Ordinance and create a revised draft for the next meeting.

He said policy and/or nuts & bolts can be debated, as the Board desires.

Nick Mohr asked if there was anything that can be done tonight to put people's concerns on the table, in order to take meaningful action in the future. Mrs. Waldron responded that they've made a few suggestions, if there are more, she declared she is open to hear them. It was decided to take suggestions under consideration, along with any new additions.

Jim Sikkes questioned, if this rezone is approved, who would pay professional escrow fees in the future when the School would appear as a complementary, since this is a Regional School.

Roger Thomas responded, in his experience, he's observed that it would come from the Board budget but an arrangement could be considered to have it come from the Bd. of Ed budget.

Mr. Fox noted that is only fair, and he could present it to the NWRHS Bd. of Ed.

Thus, this matter will be carried until the 1/19/15 meeting.

Roger Thomas stated there is no further need to Notice.

**HEARING Status of Clark LB#06-13, Block 801, Lots 1 and 2.01 – No road frontage**

Mr. Thomas indicated he sent a letter to Attorney Hilgendorff on 11/5/14. He said the Applicant wishes to proceed.

The Applicant is continuing to prepare a response to the information requested by Ted Rodman's office.

Roger Thomas declared due to delays on behalf of the Applicant, and the Board, this matter will be carried until December 15, 2014, without further notice

**COAH**

Darlene Green, PP, said the State Supreme Court issued a timeframe for COAH to review and adopt new rules. She noted the Board met on 10/21/14 to review and adopt rules. They received 3,000 submissions of multiple comments each (including a submission from Blirstown). The Board wanted to table the rules and review the comments to see what the issues are. That motion however, did not get approved. Another motion was made to approve the rules. That motion was not approved either. The deadline to adopt rules, the Supreme Ct. mandated, was 11/17/14. An extension was not requested.

On 10/31/14 Fair Share Housing filed a motion, which Darlene Green states is "highly concerning". It requests that the Court strip COAH of all its power, and appoint a handful of judges across the State to handle COAH matters. Each municipality will be assigned an obligation. Hearings by a judge, on a case-by-case basis were proposed, for all of the municipalities.

Darlene Green noted it states each municipality will be removed from the umbrella of COAH protection. She said, previously if a Housing Plan was submitted in compliance with the rules, the Municipality was protected from a Builder's Remedy lawsuit. That no longer will be the case.

There will no longer be a Housing Plan.

Roger Thomas indicated that the Supreme Court in its referral back, made comment that if COAH didn't act, they would entertain motions in furtherance of litigants' rights.

Darlene Green replied, because COAH didn't respond, the Municipalities and NJLM are "in a big pickle because they've been thrown out to the wolves". She doesn't know when the Motion is going to be heard.

She advised if there is a legitimate opportunity to pursue COAH housing, Blairstown should take it but choose very carefully and review thoroughly. Some of what is being presented, does not comply.

Roger Thomas cautioned the Board to utilize the COAH allocated money judiciously, but definitely use it, because Governor Christie has declared he wants that money to cover his budget. At risk especially, is any money over 4 years old.

Darlene Green revealed if the money is taken, the associated obligation is NOT removed.

Dick Mach mentioned the Township has made an aggressive attempt to spend down everything they could. He said there shouldn't be anything left. He noted out of the 118 unit obligation, 35 units had been met.

Mayor Shoemaker revealed Darlene Green has been reviewing the Memorandum of Understanding on the purchase of the COAH unit. He stated, afterwards, that will leave us with \$23,000. which is earmarked for administrative expenses.

Darlene Green, stated she doesn't know what the Township obligation is under the proposed rules but said since they haven't got any traction under them, not to worry. She said in this area, alot of the obligations have gone up. She pointed out examples of some towns which have been allocated development on lands that can't be developable.

Chairwoman Waldron pointed out there has been no development, movement, or people coming into this area.

Darlene Green mentioned a strategy, that a lot of towns OPRA requested what number the State claims can be developed in their area. That way, in case they must appear before a judge who may be relying on that flawed data, they already know what is not feasibly developable, to better defend themselves.

Darlene Green revealed the best strategy is to find what the GIS is for Blairstown. If the practicalities don't apply, this information will serve the Township well before the Judge at a hearing.

Darlene Green revealed Blairstown has been looking for group homes since 2008. She has had numerous group home providers, which have state funding, tell her they don't want to go to Warren County because there is no transportation and they don't wish to locate their residents in the "middle of nowhere". She noted it is difficult then, to attract the regular affordable units.

**NEW BUSINESS:**

None

**PUBLIC PORTION:**

No members were present.

**VOUCHERS:** Professional services rendered.

Chairwoman Waldron pointed out that Inv. 253010, 10/24/14, \$275. from Maser, is being forwarded to Twp. Committee for payment under COAH.

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

**ADJOURNMENT:**

Chairwoman Waldron asked the Board for a motion to adjourn.

**Action:** On a motion duly made by Mr. Mohr, seconded by Mr. Anderson, and unanimously carried, the meeting was adjourned at 9:46pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary