

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
December 16, 2013**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, December 16, 2013, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, David Keller, Herman Shoemaker, Charles Anderson, Mike Repasky, Nick Mohr, Paul Avery, Jim Sikkes, Debra Waldron, and Harold Price. Andrew Smith, Dominic Daleo and Brian Walsh 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 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.

Mr. Mohr arrived at 7:32pm.

Mr. Sikkes suggested that in order for an application to be deemed Complete an application must be completed in full. He suggested this be added to the Land Use Board Application Form. Roger Thomas stated this is a ministerial matter and does not require a vote. He agreed it would be a good idea to add on top of the Application Form, “Application must be fully completed”. Marion will advise the Webmaster of this addition.

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

Minutes of the October 21, 2013 Regular Meeting were approved, as written.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mr. Anderson to approve the

October 21, 2013 Regular Minutes, as written. Roll call vote: Green, Shoemaker, Anderson, Repasky, Mohr, Avery, Sikkes, and Waldron – yes. Keller abstained.

RESOLUTIONS:

LB#04-13 Est. of Mary Kinney, 402 Rt. 94, Blk 508, Lot 7, Minor Subdiv.

Roger Thomas agreed to change the memorialization date corrected to today’s date, if approved.

Action: A motion was duly made by Mr. Sikkes, seconded by Mr. Repasky to approve **LB#04-13 Est. of Mary Kinney**, 402 Rt. 94, Blk 508, Lot 7, Minor Subdiv. Roll call vote: Green, Shoemaker, Anderson, Repasky, Mohr, Avery, Sikkes, and Waldron – yes. Keller abstained.

LB#03-13 Robert Tramontin, 107 Mt. Hermon Rd., Blk 1707, Lot 10.07, Bulk Vars. –for car barn

Roger Thomas stated that his notes did not include the condition for lighting on this application, thus it was omitted. He spoke with Richard Keiling, attorney for the applicant, who stated the lighting condition has been added to the deed. Roger will add this to the Resolution.

Ted Rodman revealed his report of 11/27/13 reflects the provision for lights and he further stated the deed reflects same.

It was noted that a revised map reflecting storm runoff was submitted for the file on 11/8/13.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mr. Mohr to amend the Resolution, approving lights in a manner that they are not facing Mt. Hermon Rd., **LB#03-13 Robert Tramontin**, 107 Mt. Hermon Rd., Blk 1707, Lot 10.07, Bulk Vars. – car barn. Roll call vote: Green, Shoemaker, Anderson, Mohr, and Avery – yes. Keller, Repasky, Sikkes, and Waldron abstained.

COMPLETENESS:

(Former LB#01- 12) **LB#06-13 John Clark**, Blk. 801, Lot 1, 2.01 No road frontage

Roger Thomas pointed out the type of relief requested was not indicated on this application. In his discussion with Ted Rodman, Ted pointed out that on Item #7 of the Application, reference was made to “minimum lot frontage”. Ted pointed out that is incorrect and, in fact in his review, they are seeking a variance, for relief from Sec. 35 & 36 in order to have a building lot on a lot that does not have public frontage. This is noted in Ted Rodman’s report of

12/14/13, paragraph 2, in which he strongly recommends Mr. Clark or his representative attend this 12/16/13 meeting, to clarify relief sought.

Peter Hilgendorff, attorney for the Applicant, sent a letter today (12/16/13), stating neither Mr. Clark nor he can attend this meeting. He verified the relief requested from Sec. 40:55D-35 and 36 of MLUL.

Roger Thomas revealed in light of the aforesaid, that the application does appear to be Complete.

Marion Spriggs pointed out that Mr. Clark will come in and exchange the checks since the application and escrow funds were incorrectly comingled. Roger Thomas confirmed that a new application # should be assigned so that there is no confusion with Application LB#01-12, which was dismissed without prejudice.

Charles Anderson was informed the agreement, in the past, between property owners, can't be addressed during Completeness.

No vote for Completeness was taken at this time.

REZONING REQUEST: (a)Fifteen-minute appearance without professional review)

LB#05-13 NORTH WARREN REGIONAL H. S. Bd. of Ed – Consideration of public schools as permitted use in R-5 zone (carried to January 20, 2014 Mtg.)

PUBLIC HEARING:

None

CORRESPONDENCE:

NJ Planner - Sept/Oct. Issue

Herman Shoemaker commented there is a great summation of COAH in this issue and he encouraged everyone to read it as preparation for Darlene Green's visit on 1/20/14.

OTHER BUSINESS:

2014 Land Use Board Budget

Discussion ensued re: 2013 LB expenditures.

LB will be sharing the cost of a new recording system for the Hearing Room, with Township Committee.

Chairwoman Waldron requested a copy of that invoice for Land Use Board files.

Action: A motion was duly made by Mr. Sikkes, seconded by Mr. Keller to approve the **2014 Land Use Board Budget** for \$13,150.00 without change. Roll call vote: Green, Keller, Shoemaker, Anderson, Repasky, Mohr, Avery, Sikkes, and Waldron – yes.

Mandatory Land Use Board Member Class – by Roger Thomas for NJPO

Roger Thomas will be offering new Land Use Board members the above class at 9:30am on 1/18/14 at the Allamuchy Municipal Bldg.

New Board members are obligated to complete this course within 18 months of their appointment. Messrs. Price and Daleo plan to attend.

Voting Policy on Modified Resolutions

Chairwoman Waldron explained that the Board now is voting on resolutions and modifications are not being finished or coming back in a timely manner. So the question is whether to vote on unseen modifications, or hold voting on resolutions until modifications are made. She pointed out attorneys and applicants are waiting for their resolutions. Roger Thomas agreed to check that.

She stated that the Board has to decide on whether to vote prior to seeing the modifications being done to the Resolution, or hold the Resolution which she noted in essence would penalize the applicant.

Ted Rodman explained after the Resolution has been adopted and signed, he and the applicant receive copies. Ted does not sign off but issues a memo before anyone can obtain a building permit, zoning permit, or do any work. His memo indicates that all the conditions have been met. He said it is enforced very well.

If an applicant does nothing, Ted does not chase after them. No permits will be issued.

Marion noted her procedure is, after the Resolution is memorialized, copies are distributed to applicant's Attorney, Construction Official, Zoning Official, Tax Assessor and Township Engineer and the application file.

She noted that Jim Miller, Construction Official, has recommended in the future when the Board suggests conditions, they should indicate in the Resolution, deadline dates by which the work is to be completed. This was not the case, in the Resolution, dealing with the landscaping of NWRHS Solar Panels LB05-12.

The general consensus was to keep voting as it is.

Ordinance 19-405E.5 **Parking of Large Vehicles on Residential Properties**

Darst #ZB04-10 – Compliance

Ted Rodman reported he sent a copy of his 8/16/13 Report to their engineer, Mr. Miller, and has been in verbal contact, asking what the status was. He said whereas there appears to have been some stirring, there is nothing official to report.

Roger Thomas pointed out, it is his recollection that this discussion occurred before. As he recalls, if there continues to be zoning violations, in terms of what has been approved, and if they're attempting to implement that, (he believes they've tried to implement a portion of that but not the other part), he thinks it is a Zoning violation and thinks the Zoning Officer, David Diehl, should be citing them for that purpose.

Mrs. Waldron has asked that a copy of these approved Minutes be given to David Diehl.

Several members agreed that it is time for action. Mrs. Waldron stated there is no point in this Board doing its work, if the terms of the Agreement are not adhered to.

COAH – update

Charles Anderson asked for an update on what happened to COAH.

Roger Thomas explained that in the past, there was not a provision for lower and middle class housing as part of the State Constitution. NJ Supreme Court found that there should be such an obligation, i. e. Mt. Laurel case in 1974. There was a second Mt. Laurel case in 1983 reaffirming that. He noted the reason for the second case was, the Legislature did nothing for about 10 years and the NJ Supreme Court responded since nothing was done, they would do it. In 1985 The Fair Housing Act came into existence. Evaluations of what the obligation was, were done throughout the State, referred to Rounds 1, 2 and 3. Round 3 was problematic since it was referred to as a Growth Share. In the past, the obligation was there whether there was growth or not. Every town was given a regional and inherent obligation. In Round 3 it was said, if there was growth – there would be an obligation. If there was no growth – there would not be an

obligation. Housing advocates went to court saying if you have a discriminate town which doesn't want to grow anymore, that does not satisfy the obligation to provide for the housing.

The Appellate Division agreed and struck it down about 1 yr. ago. The Supreme Court upheld the Appellate Division and gave COAH about 6 months from last October, to revise their regulations.

Roger commented there is "talk", (nothing more), that maybe The Fair Housing Act of 1985-6 may end up getting repealed and there may be something new. He stressed this is uncertain.

He declared towns still have an obligation under Rounds 1 & 2. It is his recollection that Blairstown does not have any of those obligations and has been certified. He cautions that the town must be aware, there is a likelihood that there is going to be an obligation under the next Round.

Roger Thomas commented that not a lot of action has occurred but when developers begin developing again, one of their targets may be towns which have not satisfied their COAH obligations.

NEW BUSINESS:

None

PUBLIC PORTION:

This portion of the meeting was opened to the public for comment. There was no public present.

VOUCHERS:

Action: On a motion duly made by Mr. Sikkes, seconded by Mr. Shoemaker, escrow and general vouchers, as attached to these minutes, were approved. Roll call vote: Green, Keller, Shoemaker, Anderson, Repasky, Mohr, Avery, 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 8:17 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary