

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD
October 21, 2013**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday, October 21, 2013, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, Herman Shoemaker, Charles Anderson, Mike Repasky, Nick Mohr, Paul Avery, Jim Sikkes, Debra Waldron, Harold Price, and Dominic Daleo. David Keller, Andrew Smith, 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.

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

Minutes of the September 16, 2013 Regular Meeting were approved, as written.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mrs. Green to approve the September 16, 2013 Regular Minutes, as written. Roll call vote: Green, Shoemaker, Anderson, Mohr, Avery, Sikkes, and Price—yes. Waldron and Repasky abstained.

RESOLUTIONS:

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

Barbara Green noted that Ted Rodman recommended, as a condition, on page 4 in the 9/16/13 Minutes, that architect’s plans should be revised to reflect sheet runoff will be absorbed in the

area going towards Rt. 80. This condition is not indicated in the current Resolution. Also, she pointed out, Condition #1 should reflect the 2nd revision date. Roger Thomas explained that he incorporated the map that had been submitted. He agrees that the Resolution should be modified, reflecting same.

Action: A motion was duly made by Mr. Shoemaker, seconded by Mr. Mohr to approve **LB#03-13 Robert Tramontin**, 107 Mt. Hermon Rd., Blk 1707, Lot 10.07, Bulk Vars. – car barn, Resolution, with the above modifications. Roll call vote: Green, Shoemaker, Anderson, Mohr, Avery, and Price – yes. Repasky, Sikkes, and Waldron abstained.

COMPLETENESS:

None

PUBLIC HEARING:

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

Richard Keiling, attorney for the applicant, noted this property is 45 acres on Rt. 94 and Frog Pond Rd. The home on this lot is across from Oraton Stamp on Rt. 94, in Knowlton Twp.

He said the proposal is to subdivide the home in Knowlton with a portion of Blirstown property, which will make the Knowlton lot, where the residence is, about 8.5 acres. The newly-created Knowlton Lot 1.03 will contain 7.19 acres.

The rear portion of the property, located in Blirstown, consists of 10.5 acres. He indicated this will be joined with a Knowlton piece, which is 25 acres. Newly-created Blirstown Lot 7.01 will contain 1.06 acres and not have road frontage. He noted there will be a road dedication for purposes of widening Frog Pond Road in Blirstown (which will be .31 acre of property), in accordance with Ted Rodman’s suggestion, as a Condition in his 9/13/13 report.

The Knowlton Twp. subdivision was granted 2 ½ weeks ago.

Mr. Keiling stated an application was filed with the Warren County Farm Preservation Board to sell the development rights to the remaining piece of property, which is 24 + Knowlton acres and 10+ Blirstown acres.

They are proposing a non-severable exception, so the 34 acre piece would have 1 building site on it with a non-severable exception located in Knowlton Twp.

Robert Berry, Hope, NJ, licensed NJ surveyor and Planner was sworn in. He is testifying as a surveyor for the applicant. Mr. Berry explained the granddaughter is Executrix and lives in Texas.

Exhibit A-1, which is an aerial photo from 2007, was submitted and marked.

Mr. Berry indicated originally, the entire 43 acres were on the market to be sold. However, now they would like to subdivide off the house. Simultaneously, there is an application with the SADC (State Agricultural Development Committee) who would like to see a severable exception subdivided out, and out of the Title, before they become involved.

He explained what the applicant is seeking to do, noting that the Plan of Survey and Minor Subdivision Plat of Lands prepared by him, was amended to include additional information on 8/31/13.

This portion of the Hearing was open to the public. There were no members of the public present.

Ted Rodman reiterated his recommendation, as Condition #2, that there be a deed for the road dedication as shown.

Mr. Keiling confirmed there is no issue with septic.

Roger Thomas reiterated the 100 ft. strip along Rt. 94 will have a restriction against a residential driveway.

Action: A motion was duly made by Mr. Sikkes, seconded by Mr. Anderson, 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, Waldron and Price – yes.

CORRESPONDENCE:

NJ Planner - July/Aug.

9/26/13 ltr. Mayor Mironov, Pres NJLM, re: NJ Sup Ct. Decision-**COAH Third Round Rules**

10/1/13 ltr. “ “ “ re: **COAH new regulations within five months**

Friends of Local Gov., Policy Paper Series re: **Expiring Affordability Controls**

OTHER BUSINESS:

11/18/13 Land Use Board Meeting

The Board decided to cancel the 11/18/13 LB mtg. due to the anticipated absence of a few board members, the Board attorney, and the Secretary, who will be attending the annual NJLM Conference in Atlantic City.

The next scheduled LB meeting will be 12/16/13.

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

Roger Thomas explained that he attempted to clarify the existing Ordinance regarding parking of large vehicles on residential properties, via his letter dated 10/8/13, by proposing the term “large vehicle” is any vehicle with gross weight of more than 14,000 pounds and which shall be longer than 25 feet. He noted school buses would continue to be allowed but subject to the restrictions outlined on pg. 1 in his letter. He attempted to capture that it was ok but certain things had to be done, i.e. screening. He suggests banning them may create a hardship.

A Board member pointed out that section C with the wording “gross weight more than 10,000 pounds, but not exceeding 14,000 pounds, **and/ or**” which is longer than 25 feet, is where the confusion with the current Ordinance developed.

Mr. Repasky suggested that the wording be changed to “or” instead of “and”, which Roger now offered. Over 25,000 lbs. or over 25 ft. is considered a large vehicle.

Debra Waldron, Chairwoman, stated the intent of revision is to clarify the misleading way the Ordinance is written. She said the number of large vehicles parked, is not the purpose for which this Ordinance was written. She does not want it to hurt residents who bring home their commercial-work trucks, which are usually small trucks, and park them overnight

A discussion ensued regarding concerns of various Board members.

Roger Thomas suggested if aesthetics are the issue, a section can be added to address this.

He still feels that clarification of the definition of large vehicle needs to be settled.

A suggestion was made that school buses should be parked on school property.

Herman Shoemaker, as liaison to the Elementary School, volunteered to talk to Mr. Sauffield. Mrs. Waldron requested that Mr. Sauffield be asked what arrangements have been made with their school bus drivers for parking in the Township, so the vehicles don’t have to be brought home. She also asked that Mr. Sauffield be asked what the arrangements are for NWRHS. She would like a report at the 12/16/13 meeting.

Mrs. Waldron, noted that the Board is charged with protecting the rights of the entire community, so a happy medium must be attained.

Mr. Sikkes, Vice Chairman, declared that a standard must established.

Debra Waldron, noted that nothing will be done with Roger Thomas' modification until a solution is in place.

Mr. Price asked for clarification re: power to RVs. Mr. Sikkes stated his comment reflected in the 9/16/13 minutes, was that the no one would have power to live in RVs. He said this has happened, and is not what Blairstown wants. He reiterated he simply made a comment.

Mr. Price stated his point, the Ordinance should read RVs can't be lived in. Violations would be a Zoning Officer issue.

Mr. Repasky read the current Ordinance which states RVs can't be lived in temporarily or permanently. He commented power to it should be irrelevant.

Solar Ordinance – review by Roger Thomas

Marion Spriggs explained the Township has its own Solar Ordinance but is awaiting the State Model Ordinance in order to comply with it. It was decided to leave this on the Agenda as an open item. Mr. Shoemaker suggested removing it from the Agenda until the State implements the same. Roger Thomas responded he will keep on monitoring it every 3 or 4 months. He also will check with the NJLM in terms of what their status is. This item will no longer appear on the Agenda.

Darst #ZB04-10 – Compliance

Ted Rodman stated there is nothing to report since his 8/16/13 report.

COAH – update

Mr. Shoemaker confirmed that Theresa Tamburro, MHL, and Darlene Green, PP, will appear before the Board at the December 16, 2013 LB meeting.

NEW BUSINESS:

Roger Thomas' old outstanding bills

Roger Thomas will discuss the matter with his billing department. Roger Thomas claims the bills have been submitted regularly for the last 2 years. Mr. Sikkes stated if we had the bills, they would've been paid.

Marion Spriggs, Bd. Secretary, stated she sent a certified letter in 2011 which resulted from a great deal of time spent on reconciling his bills. She stated the reason the certified letter was sent, was because Debbie Havens, the Billing Manager, failed to respond previously. She pointed out his contract stipulates bills must be sent out in 60 days, which he acknowledged. She noted some of the bills go back to 2003 and 2004 and commented some of the applicants have moved, some of the accounts have been closed. She explained over the years, she asked the Billing Manager, if they have the bill, furnish it to us, noting the Township does not pay from a statement. She mentioned she requested the actual vouchers and there has been no response.

Roger confirmed that he received the copy of the certified letter (above) dated 6/29/11.

Marion stated that the Township still does not have copies of those bills with corresponding vouchers. Roger responded his assumption was that they were submitted within the 60 day period.

Mr. Sikkes commented that the largest portion of the amount doesn't relate to this Land Use Board but rather back to the BOA and PB. He noted those boards are dissolved.

Another issue was raised about North Warren Regional High School's future escrow refunds from PB#02-11 Modular Classrooms, ZB#04-11 Sign and LB#05-12-Solar Panels applications.

Marion received an e-mail from Ted's secretary indicating NWRHS would like their remaining escrow money refunded.

Both Ted Rodman and Roger Thomas indicated via e-mail, there were NO more outstanding bills.

She pointed out, today, (the day of this meeting), another bill was received, from Dolan & Dolan and there now is an escrow deficiency. No mention was made on this bill as to which NWRHS application it applied. After researching the date of service, she determined it was for LB#05-12 Solar Panels.

Roger commented his impression was that it was all one continuing application for No. Warren H.S. Marion noted that each application has a separate escrow account.

Ted pointed out that the Solar panels are funded from another source, Barrier Electric. He confirmed that he did contact Roger's office and was told there were no other solar panel bills from Roger.

Roger responded that he believes his office manager is trying to collect all bills. It is his understanding that those bills have been regularly forwarded to various boards. He stated if that is not the case, then he will have to "eat" that.

Roger stated that is something he is going to have to figure it out by talking to Debbie Havens and will get back to Marion.

PUBLIC PORTION:

This portion of the meeting was opened to the public for comment. There were no comments or questions.

VOUCHERS:

Action: On a motion duly made by Mr. Shoemaker seconded by Mr. Anderson, escrow and general vouchers, as attached to these minutes, were approved. Roll call vote: Green, Shoemaker, Anderson, Repasky, Mohr, Avery, Sikkes, Waldron and Price – 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 9:18 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary