

**BLAIRSTOWN TOWNSHIP
PLANNING BOARD
December 20, 2010 – 7:30 PM**

MINUTES

The Blairstown Township Planning Board met in regular session on Monday, December 20, 2010, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Debra Waldron, Kevin Doell, Jim Sikkes, Jane Santini, Rosalie Murray, Mayor Richard Mach, Herman Shoemaker and Paul Avery. Bill Seal and Dirk Herrmann were absent. Also present were Board Attorney, Roger Thomas, Board Engineer, Ted Rodman, and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read aloud.

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

Minutes of November 15, 2010 regular meeting were approved, as written.

Action: A motion was duly made by Mr. Sikkes, seconded by Mrs. Murray, and unanimously carried, to approve the November 15, 2010 regular meeting minutes, as written.

RESOLUTIONS:

None

COMPLETENESS:

None

PUBLIC HEARING:

FARMLAND PRESERVATION PLAN

Roger Thomas declared this is a Public Hearing, regarding the comprehensive Farmland Preservation Plan which will modify the Master Plan.

Joel Mc Green, Chair, of the Agricultural Advisory Committee, pointed out this is the third time he has appeared before the Board on this matter. He revealed the original Plan was written last September. The comments have been addressed and incorporated into this final draft Plan.

He commented that hopefully, with the Planning Board's approval this evening, a Resolution will be crafted to accept this as part of the Master Plan. This will enable proceeding with the Planning Incentive Grant Program.

Barbara Heskins Davis, VP of Programs, of The Land Conservancy of New Jersey, Boonton, NJ, was sworn in. She confirmed she is a Professional Planner.

She explained The Land Conservancy was hired by the Municipality in July, 2009 to update the comprehensive Farmland Preservation Plan to bring it into compliance with the recently released rules from the State Agricultural Development Committee regarding applying for funding through the Planning Incentive Grant Program.

The Land Conservancy submitted a draft plan to the Municipality, County, and the State on 9/15/2009. The State issued comments on 10/5/2010. She indicated the State Agricultural Development Committee takes a very careful interest in the comprehensive Farmland Preservation plans and issued a number of pages worth of comments. It makes the Plan stronger and more useful for the municipalities.

The Land Conservancy completed the incorporation of the comments and presented it to the Municipality on 12/2/2010. It was also sent to the County and State at the same time. The State has put it on their Agenda for their State Agricultural Development Committee meeting for final approval.

Barbara Davis gave an overview of the 8 chapter-Plan, using color-coded maps. She referred to the Agenda which she handed out at the meeting. She explained the backside of this agenda listed some numbers interesting to the Plan and its schedule.

She noted the first 3 chapters go in depth as to the business of agriculture in Blainstown Twp. The newly released Natural Resource Conservation Service Soil Survey was used. She stated chapters 6, 7, and 8 are resource-based chapters which are very helpful for the Ag Advisory Committee and Township Committee. She pointed out there are a lot of phone numbers and a very good resource based initiative. Chapter 8 includes a review of the Right to Farm Ordinance. She noted that State requires this as part of the comprehensive Plan, and the State did have specific recommendations for the Municipality. Chapter 4 is what has been done. Chapter 5 is what is desired. She pointed out there are 8,027 acres of total farm assessed property (41% of the Municipality). Of these 8,027 acres, 3,451 are actively in farmland production.

Barbara Davis revealed the State agreed that for Warren and Sussex Counties, the tillable land layer is the measure for soils capable of supporting agricultural production. This means if the land is being tilled and the land-owner wants to go through the Planning Incentive Grant Program for Farmland Preservation, that property would be potentially eligible for Farmland Preservation.

She explained that Blainstown Twp's farms that are potentially eligible, match the ones identified by Warren County. The matching funding is there. Warren County has the same exact process as Blainstown Twp., in terms of their farmland program.

Roger Thomas clarified that this Plan does not obligate the Township to meet goals within a set number of years. The State is **NOT** putting the burden on the Township to acquire this property and if their assessments are not enough, taxes must be increased. Barbara Davis agreed that is not incorporated in this Plan.

Barbara Davis explained this is a Municipal Program. The Township Committee must approve each application. Joel McGreen agreed, stating he must come before Township Committee for every project and ask their permission.

Barbara Davis invited comments and/or questions.

Joel McGreen revealed there are approximately 30 properties, 21 of which have met our municipal minimum of 20 acres. 5 responses have been received, expressing an interest.

He stated Blairstown Twp. is supposed to get \$750,000. this year which means the County would give another \$250,000. The Township would have to provide another \$250,000. In 2011, he explained that would give the Township approximately \$1.25 million to preserve farms from the State and County combined. There is a question whether this would be repeated on an annual basis. He revealed the Governor supports this as long as there is a source of funding but no borrowing.

Barbara Davis explained the Township only got the \$750,000. from the State because the Plan had been submitted on time in September 2009. This is very significant because they haven't allocated funding this year. She commended the Municipality on getting this project in on time in 2009 to qualify for this allocation.

Mayor Mach interjected that the credit belongs to Joel McGreen and those working with him. He thanked them.

This portion of the Hearing was opened to the public for comment, hearing none, this portion was closed.

Action: A motion was duly made by Mrs. Murray, seconded by Mrs. Waldron to adopt the **FARMLAND PRESERVATION PLAN**, as part of the Master Plan. Roll call vote: Waldron, Doell, Sikkes, Santini, Murray, Mayor Mach, Shoemaker and Avery – yes.

CORRESPONDENCE:

11/23/10 Ltr. Warren Cty. Plan. Dept. re: Public Hearing 12/8/10 – Warren Cty. Development Review
12/8/10 Memo Warren Cty. Plan. Dept. re: Solar & Wind Power Seminar – 1/31/11

12/3/10 Ltr. Kenneth Tanis re: Removal of commercial farm status

Roger Thomas advised the Board that he represents Kenneth Tanis' father so he will step down on this matter.

Chairman Shoemaker asked Kenneth Tanis to come forward, whereupon he was sworn in.

Mayor Mach declared that there should be legal representation on the Board since Roger Thomas' has stepped down. Jane Santini, attorney, and PB member agreed.

Mayor Mach commented there is a question as to which board should address this matter. Additionally, he pointed out this was a reversal of a decision that was made 6 years ago.

Mayor Mach stated that it is a concern regarding moving on, without legal representation:

- A.) As to whether it belongs at this Board
- B.) Having a legal representative present to hear what Mr. Tanis has to say
- C.) Offer legal advice, if it is to be given.

Debra Waldron, Board member, left the Meeting Room to ask Roger Thomas for a recommendation of an attorney to serve the Board on this matter. His recommendation was Robert Benbrook, Township Attorney.

Kenneth Tanis' father, who was in the audience, declared attorney Benbrook, would be a conflict of interest for him.

A suggestion was made that before an attorney is chosen, it should be established there should be no conflict beforehand.

Kenneth Tanis will be contacted with further information.

OTHER BUSINESS:

2011 PB Budget

Chairman Shoemaker pointed out that the charged PB expenses were way under designated PB budget for 2010.

After discussion, it was decided since this is a "bare bones" budget, it would remain the same.

Action: A motion was duly made by Mrs. Waldron seconded by Mr. Sikkes, to adopt the 2011 PB budget as presented, without change. Roll call vote: Waldron, Doell, Sikkes, Santini, Murray, Mayor Mach, Shoemaker and Avery – yes.

COAH

Roger Thomas revealed the S-1 bill, was passed by the Assembly last week. Governor Christie is not signing the bill. A Board member pointed out this was revealed on television news this evening.

Roger Thomas commented that COAH may be back with some modifications, as a result.

He stated the word that he gets, is that the process may not be immeasurably different, except instead of Growth Share provisions, it may be more akin to what was Rounds I & II, with much lower projections.

NEW BUSINESS:

None

PUBLIC PORTION:

There were no public comments or questions from the public.

VOUCHERS:

Action: A motion was duly made by Mrs. Waldron, seconded by Mrs. Murray to approve all escrow and general vouchers, as presented. Roll call vote: Waldron, Doell, Sikkes, Santini, Murray, Mayor Mach, Shoemaker and Avery – yes.

Mayor Mach thanked the Board for their efforts throughout 2010.

ADJOURNMENT:

There being no further business, a motion was duly made by Mrs. Waldron, seconded by Mr. Sikkes, and unanimously carried, to adjourn at 8:42 pm.

Respectfully submitted,

Marion C. Spriggs, Secretary