

**BLAIRSTOWN TOWNSHIP  
PLANNING BOARD  
February 16, 2009 – 7:30 PM**

The Blairstown Township Planning Board met in regular session on Monday, February 16, 2009, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Raymond Snyder, Mayor Richard Mach, Bill Seal, Rosalie Murray, Jane Santini, Dirk Herrmann, Steven Becker, Debra Waldron and Herman Shoemaker. Also present were Ted Rodman--Board Engineer, and Marion Spriggs--Board Secretary and Roger Thomas, Board Attorney. Jim Sikkes was absent.

**SALUTE TO THE FLAG:** was recited.

**ROLL CALL:** was taken.

**THE SUNSHINE STATEMENT:** was read aloud.

**OATHS OF OFFICE:**

The Oath of Office was administered to--new member Raymond Snyder, as Alternate II, and Jane Santini, as Class II member.

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

Minutes of January 19, 2009 were approved, as written.

**Action:** A motion was duly made by Mr. Seal, seconded by Mr. Herrmann, to accept the minutes as written. Roll call vote: Mach, Seal, Murray, Santini, Herrmann, Becker, Waldron and Shoemaker--yes. Mrs. Murray--abstained.

**RESOLUTIONS:**

None

**COMPLETENESS:**

**PB#01-09 Kevin & Debra J. Crotty**, Block 2001, Lot 8 & 8.01, 41 Edge Hill Rd. Minor Subdiv., Lot Line Adjustment

Ted Rodman explained that Blairstown has an Ordinance regarding pre-existing lots. He suggested that a variance may be required with this application. He stated that the applicant is taking one lot, which is less than 1 acre, and adding it to an adjoining lot. Both lots have existing houses on them.

If a variance is required, there will be additional application and escrow fees, Ted Rodman pointed out.

Certification from the Tax Collector, that taxes are paid, must be provided.

Ted outlined the items in his report of 2/13/09, suggesting they be listed as conditions in deeming this application complete.

**Action:** A motion was duly made by Dirk Herrmann, seconded by Mrs. Waldron to deem complete, **PB#01-09 Kevin & Debra J. Crotty**, Block 2001, Lot 8 & 8.01, 41 Edge Hill Rd. Minor Subdiv., Lot Line Adjustment and Variance, pursuant to the items listed in Ted Rodman's report of 2/13/09, including Certification of Taxes paid. Roll call vote: Mach, Santini, Herrmann, Becker, Waldron and Shoemaker – yes. Seal and Murray – abstained.

**PUBLIC HEARING:**

None

**CORRESPONDENCE:**

BOA Minutes 1/13/08

**Michael Doherty, Assmby. ltr. 1/14/09 Re: Constitutional Amendment to Abolish COAH Oblig.**

NJLM memo 1/16/09 Re: Affordable Housing/COAH Update

NJLM memo 1/20/09 Re: 2009 Housing Summit Seminar 3/31/09

**NJLM memo 1/27/09 Re: S-2485, Commercial Develop. Fee, COAH**

**Joel McGreen memo 1/21/09 re: Build Out Analysis**

COAH ltr. 1/23/09 from Gov. Corzine re: Deeming Blairstown Twp. COAH plan complete

T. Tamburro e-mail 1/26/09 advising sending ltrs. Re: COAH status to various individuals

T. Tamburro's sample ltr. 1/26/09 to Jessica Guberman, Comm.Options Re: COAH Completeness

P. Pizzaiia's e-m 1/26/09 to Exp. Times, Publishing notice for COAH plan public inspection

Darlene Jay's memo 2/9/09 – Housing Element & Fair Share Plan - replacing 2 units

**Michael Doherty, Asmby. ltr. 1/14/09 Re: Constitutional Amend to Abolish COAH Oblig.**

Chairman Shoemaker suggested that the Planning Board, in a supportive effort, submit a letter of affirmative response to Michael Doherty, Assemblyman for Warren County, regarding his letter dated 1/14/09. In his letter, Mr. Doherty recommends amending the NJ State Constitution to abolish COAH obligations.

Roger Thomas explained that Mr. Doherty's letter refers to a NJ State Constitutional Amendment. Mr. Thomas finds no fault with the Planning Board supporting Mr. Doherty's suggestion.

Jane Santini stated as a caveat, once a Constitutional Convention is opened, Mr. Doherty's item would not be the only thing on it. She continued, there is a potential risk of a lot going on. There could many issues to be addressed, to be amended, at that time.

Roger explained the problem is, that the NJ State Supreme Court has declared that the NJ State Constitution judicially mandates the COAH obligation. He continued, that the only way to change that, is to change the NJ State Constitution.

**Action:** A motion was duly made by Mr. Seal, seconded by Mr. Herrmann, to send a letter of support to Assemblyman Doherty in response to his letter of 1/14/09 recommending amending the NJ State Constitution, to abolish COAH obligations. Roll call vote: Mach, Seal, Murray, Herrmann, Becker, Waldron and Shoemaker – yes. Mrs. Santini– no.

**NJLM memo 1/27/09 Re: S-2485, Commercial Develop. Fee, COAH**

Mayor Mach reviewed, that this memo indicates there is approval of an 18-month suspension on the collection of the 2.5% fee on commercial development as a funding source for affordable housing. The First Hope Bank expansion is in the development stages and awaiting whether this applies, and the applicable date.

Roger Thomas interjected that this also puts a hiatus on the COAH obligation. The question is the timing. Mayor Mach asked, whether the date of applicability- is the date of issue of the permit, or issue of the CO.

Roger Thomas agreed to write a limited report to this Board outlining what is going on.

**Joel McGreen memo 1/21/09 re: Build Out Analysis**

Mayor Mach indicated that Joel McGreen responded to his memo of 1/21/09 including the Residential Build-Out, List of Properties Suitable for Further Residential Development. Mr. McGreen noted discrepancies on approximately 250 acres of land that was preserved.

The Board received only the unmarked list and were asked to review it, pointing out any discrepancies they notice.

Dirk Herrmann clarified that Maser Consulting indicated that their efforts were sort of a “fly-over” of data that would capture what could be statistically captured. It wasn’t going to be someone from their firm, driving through and /or walking each lot to determine its viability.

Roger Thomas recommended that both Planning Board and Board of Adjustment members review these lots and submit in writing, via FAX or e-mail, the information to Marion Spriggs, Secretary to both Boards, so that these individual lots get into some kind of a compilation. Block and Lot numbers are needed.

He recommended that the Residential Build-Out, List of Properties Suitable for Further Residential Development, be given to the Tax Assessor for his insight and comments.

Then, all the information gathered from Joel McGreen, both boards, and the Tax Assessor, could be comingled as a joint document and forwarded to John Madden, PP, from Maser Consulting,

so that the update could be much more accurate. Then, Maser Consulting could revise the Township's Plan.

Mayor Mach commented that this list was developed with the extraction of anything on steep slopes, wetlands and as many things as possible that could not be built upon, were extracted. He stated that simply looking at something, it may look developable, but it is not.

**OTHER BUSINESS:**

**PB#02-05 Levitt & Solondz**, Block1503, Lots 8.13 & 8.14 – Final Major Subdivision, application withdrawn.

Roger Thomas reiterated that this application had been previously approved. An Extension was requested. Included in that Extension, was a condition, to provide for low and moderate income housing. The developer no longer wishes to pursue that approval and in fact, has abandoned the approval.

Blairstown Township's Plan reflects that this piece of property will provide 2 units. Roger has spoken with Darlene Jay, PP, of Maser Consulting, regarding this. They both feel the simplest way to deal with this, is to increase the Municipally-Sponsored 100% Affordable option by 2, as most of the other components are maxed out.

Roger Thomas also pointed out that the Township's Plan already designates that this is something that is likely to occur in the latter part of the process, rather than in the early part of the process.

Roger Thomas will pursue the applicant's verbal intention of withdrawing this approval, by speaking with the applicant's attorney to verify their intent, within the next few days.

Roger Thomas recommends that the money not be returned, until the Board receives documentation that they are formally abandoning the approval, and therefore the property reverts back to the current zoning.

He indicated that some action needs to be taken, that it is verifiable and recordable, that this Board and he, are satisfied that this approval is null and void. So therefore, they sell the property as vacant land, and the new purchaser buys it as 5 acre zoning, not trying to resurrect the prior approvals.

Roger Thomas indicated that this will remove 8 buildable lots from the Developable Land Roll. He stated this is a change to the COAH Plan. He suggested that this may have to be done by amending the Plan. The Planning Board may have to have a formal Hearing to amend the COAH Plan. Roger Thomas will go to COAH to establish the procedure that must be abided by, to satisfy their rules.

Dirk Herrmann, asked if action should be taken by this Board now. Roger Thomas responded that a motion permitting Darlene Jay, PP, of Maser Consulting, to make the necessary modifications, would be in order.

**Action:** A motion was duly made by Dirk Herrmann, seconded by Mrs. Waldron, to instruct Darlene Jay, PP, of Maser Consulting to make modifications to the COAH Plan, upon official cancellation of **PB#02-05 Levitt & Solondz**, Block1503, Lots 8.13 & 8.14 – Final Major Subdivision, application. The modification would include adding 2 more units to the Municipally-Sponsored 100% Affordable project, and eliminate the 2 units specified on **PB#02-05 Levitt & Solondz**, currently. Roll call vote: Mach, Seal, Murray, Santini, Herrmann, Becker, Waldron and Shoemaker – yes.

## **COAH**

Mayor Mach and Dirk Herrmann met with Theresa Tamburro, COAH MHL, regarding changing the square footage of commercial property, for which we have a COAH obligation. He questioned Roger Thomas as to whether the end result would be the same as with **PB#02-05 Levitt & Solondz** (above). That is, would there be any change in Blairstown's obligation.

Dirk Herrmann reiterated that there was 25,000 sq. ft. of commercial space shown in 2004-05, that is believed to be a horse barn. This is showing up as office space with an obligation of 4 units.

Roger Thomas stated that this is considered a current obligation. So therefore the current obligation should be reduced by 4. He clarified that does not reduce the supposed, 118 unit obligation. However, the 4 units would be considered an actual obligation, and given the poor economy, this could save Blairstown.

## **Build Out Analysis**

Roger Thomas stated that this Build-Out Analysis is done for our own purposes with regard to zoning, independent of COAH.

## **NEW BUSINESS:**

Joshua Benson, Alternate I member, has resigned.

## **Holiday Scheduling of PB Meetings**

Chairman Shoemaker stated that tonight's meeting is being held on President's Day holiday. The last PB meeting on 1/19/09, was held on Martin Luther King holiday. Township offices are closed, yet the Board Secretary must attend these meetings. He suggested that Planning Board meetings be held on the 3<sup>rd</sup> Monday of the month, EXCEPT when it falls on a holiday. He suggested that those meetings be held on the Monday before or after the holiday. Ted Rodman, Township Engineer stated he would have a conflict.

Roger Thomas, Township Attorney, indicated with the amount of business off, due to the poor economy, it might be better to cancel the meeting scheduled on a holiday, if possible. This would be the Chairman's responsibility to determine.

### **Tractor Supply**

Chairman Shoemaker indicated that there have been complaints about the lighting at Tractor Supply Co. Ted Rodman sent a copy of his e-mail, of 2/13/09 to Mike Ligus, to the Building Official, Zoning Officer, and to the resident who lives on Bear Cave Rd., which addresses these discrepancies. He asked for the lights to be taken care of immediately. He corrected this e-mail to read- a temporary "CA" may be issued.

### **Traffic & Safety on Main St.**

Chairman Shoemaker indicated that a letter, from the Township, would be sent to property owners, business owners and residents on Main St. concerning traffic flow and safety. A meeting will be held on Mon., 3/23/09, 7 pm, at the Municipal Building, to discuss these topics.

### **Absences**

Chairman Shoemaker, requested that the Board members, who know ahead of time that they will be absent, please phone Marion Spriggs, to determine whether there will be a quorum.

### **Audit of COAH fees**

Mayor Mach revealed that the auditor was in last week and he is currently creating a report, soon to be provided.

### **PUBLIC PORTION:**

There were no comments from the public.

### **VOUCHERS:**

**Action:** A motion was duly made by Mrs. Waldron, seconded by Mr. Herrmann, to approve all escrow and general vouchers, as presented. Roll call vote: Mach, Seal, Murray, Santini, Herrmann, Becker, Waldron and Shoemaker – yes.

### **ADJOURNMENT:**

There being no further business, a motion was duly made by Mr. Herrmann, seconded by Mrs. Waldron, to adjourn at 8:40 pm. Motion was unanimously carried.

Respectfully submitted,

Marion C. Spriggs, Secretary