

**BLAIRSTOWN TOWNSHIP  
PLANNING BOARD  
July 20, 2009 – 7:30 PM**

**MINUTES**

The Blairstown Township Planning Board met in regular session on Monday, July 15, 2009, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Steven Becker, Dirk Herrmann, Jane Santini, Rosalie Murray, Bill Seal, Mayor Richard Mach and Herman Shoemaker. Also present were Board Attorney, Roger Thomas, and Board Secretary, Marion Spriggs. Debra Waldron, Jim Sikkes, and Raymond Snyder were absent.

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

**ROLL CALL:** was taken.

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

Ted Rodman, Board Engineer, arrived at 7:33 pm.

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

Minutes of June 15, 2009 Regular Meeting were approved, as written.

**Action:** A motion was duly made by Mrs. Murray, seconded by Mr. Herrmann, to accept the June 15, 2009 Regular Meeting minutes, as written. Roll call vote: Herrmann, Santini, Murray, Mayor Mach, and Shoemaker –yes. Becker and Seal – abstained.

**PRESENTATION:**

**PB#02-09 Catherine Dickson Hofman Library, Blk. 1501, Lot 20.03, - Lambert Rd. – Gazebo addition.**

Roger Thomas pointed out that any action taken on this application would be advisory in nature. and not an approval or denial process. This is an informational Hearing for improvements by Warren County.

Richard Keiling, Esq., attorney for the library, was accompanied by Carol Konya, VP for the library Board of Trustees. They are on the steering committee for the gazebo.

Mr. Keiling indicated that he provided the Board with the 3/27/09 letter of approval from the Warren Cty. Board of Chosen Freeholders, for this project.

The proposal is to have a purchased-24 ft. diameter, 12 sided, wood gazebo with plastic framing, installed on a gravel base in the rear of the parking lot. There will be electricity for lights, paddle fans and wiring for possible sound. It will have a cupola and have a handicap access ramp.

It will be used for puppet shows, readings, and concerts. It will be available to scouts, etc. as well as the community itself. There will be no charge to the scouts and the community. A planting committee will arrange the landscaping. Mr. Keiling indicated that the security camera mounted on the library would scan the area, precluding the need of security on the gazebo itself.

Mayor Mach thanked Carol Konya, Dick Keiling and the Freeholders for working on this, and complimented them for the marvelous addition to the library. He requested a photo to show the Township Committee members.

This section was opened to the public for comment. There were no questions or comments.

Carol Konya indicated that she could order the gazebo tomorrow and delivery would be in 5 to 6 weeks. The prep work has been arranged. It will be installed in 1 day. She anticipates mid to end August for installation.

Ted Rodman, Township Engineer, pointed out that a building permit is required. Carol Konya replied that she already has it.

**PB#02-09 Catherine Dickson Hofman Library, Blk. 1501, Lot 20.03, - Lambert Rd. – Gazebo addition.**

**Action:** A motion was duly made by Mayor Mach, seconded by Mrs. Murray to recommend to Warren County, the proposed gazebo addition to the Catherine Dickson Hofman Library, in its entirety, without any additions or modifications. Roll call vote: Becker, Herrmann, Santini, Murray, Seal, Mayor Mach and Shoemaker –yes.

**RESOLUTIONS:**

**PB#02-08 Grater. LLC, Block 904, Lots 7 & 8, Minor Subdiv. & Bulk Vars. – Lot 8, Lot Line Adjustment-Lot 7, 110 Rt. 94 & 6 Jacksonburg Rd.**

Bill Seal and Mayor Mach stepped down for this application.

Roger Thomas indicated the original request for an extension to file deeds, had been for 30 days. He had suggested in the resolution that it be for 90 days. This is different from what the Board had approved. He recommended the approval be extended to October 20, 2009.

Ted Rodman agrees, since there are still some minor issues that need to be resolved.

**Action:** A motion was duly made by Mr. Herrmann, seconded by Mrs. Murray to amend the past action, extending it to October 20, 2009, to approve the resolution for extension to record deeds for **PB#02-08 Grater. LLC, Block 904, Lots 7 & 8, Minor Subdiv.& Bulk Vars. – Lot 8, Lot Line Adjustment-Lot 7**, 110 Rt. 94 & 6 Jacksonburg Rd., as written. Roll call vote: Herrmann, Murray, and Shoemaker –yes. Becker and Santini and abstained.

**COMPLETENESS:**

**PB#03-09 Grater. LLC, Block 904, Lots 7 & 8, Preliminary Major Site Plan**, 110 Rt. 94 & 6 Jacksonburg Rd.

Bill Seal and Mayor Mach stepped down for this application.

Richard Keiling, attorney for the applicant, revealed that Mr. Ackerson is the only unit shareholder of the LLC

He referred to Ted Rodman's report of 7/17/09, in which comments regarding acreage and zoning districts were indicated. Mr. Keiling stated this information was provided when the subdivision was done. Any information needed for this site plan application, can be provided by the applicant at the time of the Hearing.

Mr. Keiling explained a new septic system and parking lot are planned on Lot 8 where the white house is now. The old home, on the side road, will be destroyed. A 2,500 sq. ft. building is proposed on Lot 7. Ray O'Brien, who created a drawing, is prepared to attend the Hearing to give testimony.

Sign location will be out front. The applicant doesn't know what the sign will look like. They are asking the Board to approve the location, and the sign will conform to the requirements, reflecting the taste of the developer. More specifics will be provided, if necessary.

Ted Rodman stated it is very critical that the Phasing Plan be followed. The Phasing Plan indicates when the infra-structure must be done initially. When that is done, and the first lot is built, the others can follow thereafter.

Ted Rodman explained when Grater has a specific tenant, they will return to address their needs, i.e. garbage disposal, parking etc. The applicant has given 1 plan now to show that it works. They will return when they get individual owners for each lot.

Ted Rodman agreed to proceed with the Hearing. He recommended getting the specifics when it is found complete.

A Board member commented it is great that the project is in keeping with the style of Municipal Building located next door, and he recommended getting information regarding the sign as soon as possible. Richard Keiling commented now that the Municipal Building sign is in place, perhaps the applicant can follow its style. He will get more information.

**Action:** A motion was duly made by Mr. Herrmann, seconded by Mr. Becker, to deem **PB#03-09 Grater. LLC, Block 904, Lots 7 & 8, Preliminary Major Site Plan,** 110 Rt. 94 & 6 Jacksonburg Rd., complete, granting the waivers requested by the applicant, for completeness purposes only. Roll call vote: Becker, Herrmann, Murray and Shoemaker – yes. Mrs. Santini – abstained.

Richard Keiling, Esq. will provide a copy of the application to the Environmental Committee for review before the August 17, 2009 meeting.

Ted Rodman asked for feedback on the lighting. It was listed as a colonial light fixture.

**PUBLIC HEARING:**

None

**CORRESPONDENCE:**

BOA Minutes 6/9/09

Joel McGreen e-mail 7/2/09 re: Invite to Public Hearing Blairstown Farmland Preserv. Plan Update - 8/12/09

**OTHER BUSINESS:**

**Swearing in of Board Engineer/ Experts**

Roger Thomas explained that when it comes to testimony, though the Board experts may be sworn in at the start of the year; a better practice, is to swear in Board experts at the time of testimony. In the future, Ted Rodman, Board Engineer, will be sworn in when he comments about his reports.

**PB Member Packet – transmittal**

The decision was made to continue to mail PB packets. If they are too heavy, Marion Spriggs, will phone or e-mail PB members to pick them up at the Municipal Building from 8a to 4p during the week. If that is impossible, the member must phone Marion for other arrangements.

**COAH**

**Draft Proposal Amendments to Affordable Accessory Apartment Ordinance**

Chairman Shoemaker informed the Board that Blairstown Twp. has received Substantive Certification on 7/8/09 from the State. Mayor Mach was there and received a plaque to acknowledge this.

Mayor Mach thanked the Planning Board, Dirk Herrmann and the Sub-Committee, Darlene Jay, Professional Planner, Roger Thomas, Board Attorney, Ted Rodman, Board Engineer, Theresa

Tamburro, MHL, and Marion Spriggs, Board Secretary. Chairman Shoemaker wished to thank members on the prior Planning Board committee for all their hard work.

Roger Thomas revealed that there are still 4 Ordinances that have to be put in place within 45 days of the date of grant of the Substantive Certification. The Affordable Apartment section must be added to the Land Use Ordinance.

Roger Thomas explained the draft proposal of the Affordable Accessory Apartment Ordinance. Sec: 19-608. This is the original Ordinance with the deletions (with line through) and additions (in italics). Darlene Jay has made modifications to the Ordinance to meet the concerns of COAH.

He then reviewed the following modifications with the Board.

*The Accessory Apartment Ordinance has been expanded to allow them in all residential zones.*

*No longer age restricted to 55yrs.*

*No longer restricted to 3 acres.*

*No longer required to have 200 feet "Lot Frontage"*

*10 year period of rental from the date of CO.*

*The Township must provide \$20,000 for moderate income or \$25,000 for low income unit.*

According to the Affirmative Marketing Plan, Roger Thomas indicated the Township has an obligation to inform the public that low and moderate income units are now available.

He indicated that the Plan is to show costs are lowered, availability is widened in terms of age, and now the Township is affirmatively marketing.

Mayor Mach mentioned that Township Committee has introduced this Ordinance by title only at the 7/8/09 Township Committee Meeting. Second reading and approval is scheduled for 8/12/09.

Roger Thomas stated pursuant to the MLUL, that Planning Board has an obligation for comment, since this Ordinance impacts zoning and planning in the Township. If the Board is in accord with what this Ordinance states, it should recommend it to the Governing Body. Roger will create a format to be put into the Ordinance for the Governing Board to adopt and send it to COAH.

A Board member questioned the number of apartments per lot. He understood that the "spirit" was to have 1 apartment added to a single-family residential lot, which supersedes Blairstown's zoning laws. His concern is not to go for more than that. Roger Thomas thinks that language can be changed. In Roger Thomas' opinion this is a clarification, not a substantive change and he would inform the Township Attorney. Therefore there would not have to be any modification or re-introduction of the Ordinance.

Theresa Tamburro, MHL, indicated that the Affirmative Marketing Plan was sent to COAH.

Their response was there is a need for reaching all possible tenants, in the Region including Essex, Morris and Union counties. There is a need for advertising in Asian and Hispanic. The website will be updated to include an application form.

Darlene Jay agreed that the following newspapers should be included in the Resolution: Newark Star Ledger, NJ Housing Resource Center, the Express Times and the Warren Reporter for the issuance of periodic press releases informing the public.

Theresa Tamburro recommended that it be put in as a legal ad, due to the cost. She said this must be done at least once. This is for Ordinance purposes. Theresa further stated that when the units become available, information must be sent to places where low and moderate income people might be working, to advise them. Letters and e-mails may be used in lieu of a newspaper ad.

Theresa Tamburro indicated that the requirement is to advertise until the Township has sufficient applicants for a 3 yr. period. Darlene Jay clarified that is a total of 10 units each for the Accessory Apartment and Market to Affordable until 2018.

Theresa Tamburro explained that the applicants are retained as active. Every 6 months, certification of their eligibility is required, in order to keep their applications active. They must indicate that their needs have not changed as to bedroom size, or that they have not found someplace else to live.

Theresa Tamburro noted, builders or landlords can advertise, but it still must come under the umbrella of the Township. Theresa Tamburro monitors the advertising and if no one responds, advertising must be done again to keeping the program rolling along.

A Board member clarified that for this particular program, advertisement is to inform that the Program exists, not to fill the apartments.

Theresa Tamburro revealed that COAH mandates that the units be advertised 4 months before the units become available.

Darlene Jay stated that even though the Plan is certified, it is necessary to stay ahead of the curve with the Accessory Apartment and Market to Affordables, to get them running.

Theresa Tamburro noted that in COAH's approval letter, the Township has 4 years to spend the money in the account as of 2008. Thereafter in 2009 and years forward, it becomes 3 years. Darlene Jay commented that COAH will take the money if it is not utilized and it will be sent to municipalities that will use it properly. The purpose of the Development Fee Fund is to build units.

Theresa Tamburro will provide an insert to go out with the tax bills shortly, which explains the programs, number of units available and instruction to phone the Township to discuss.

Theresa Tamburro indicated that a manual must be put together for each of the programs that the Township is participating in. These will be reviewed by the Governing Body and then are sent to COAH.

**Action:** A motion was duly made by Dirk Herrmann, seconded by Mrs. Murray, to recommend to the Governing Body that the proposed amendments to the Affordable Accessory Apartment Ordinance be approved. Roll call vote: Becker, Herrmann, Santini, Murray, Seal, Mayor Mach and Shoemaker –yes.

### **Build Out Analysis**

The revised Draft of the Build-Out Analysis, from Dan Bloch, Sr. Planner, Maser Consulting, was distributed to the Planning Board members at this meeting. It reflects recommended deletions from Board members to the List of Properties Suitable for Further Development.

Dirk Herrmann, Board member, pointed out the Build – Out potential of available developable land on pg. 1, 2.0 Findings, is now 486 additional residential lots and 86 acres of commercial. It was originally approximately 850. This is more in line with the COAH obligation of 1 to 4.

### **NEW BUSINESS:**

#### **NJLM A-3443, Authorization Set-Asides, Fees In-Lieu for Open Space and Recreation Purposes.** – (7/15/09 League Alert Memo to Mayor, Gov. Body and Municipal Clerk)

Roger Thomas revealed that many municipalities have an Open Space Ordinance, which addresses development needs. Open Space and Recreation are amongst them. The theory is to establish a base amount that a developer would be required to provide for Open Space, or the money could be put into a fund predicated upon a reasonable cost. He revealed that the Supreme Court indicated that the MLUL only authorizes this type of collection if there is a planned development.

A NJ Impact Fee Statute which deals with the impact of development was proposed by Sen. Schruder a few years ago. The concept is that development generates cost, i.e. schools, fire, police, recreation, etc. Development districts are established. Within these districts, the municipality has the right to charge tax to the developers. The municipality can state, since this is what the developer will create, the municipality will charge the developer a certain amount per unit, to allow that infrastructure to exist. Currently this can only be done in NJ for roads, drainage, water and sewage, not for other things impacted. It has been in the legislature for 20 years and still has not been passed in NJ. Florida has it for a long time.

Ted Rodman referred to pg. 2, re: A-3443 NJLM League Alert which is asking the Board to support a change in the MLUL.

Roger Thomas encourages the Board to support this legislature. He suggests that the Governing Body do likewise.

Roger Thomas indicated that he understands that this is for development on a larger scale.

A Board member recommended that more about the legislation be learned before action can be taken.

Roger Thomas volunteered to provide a copy of the bill or a summary to Marion Spriggs, to accommodate this need.

**PUBLIC PORTION:**

There were no comments from the public.

**VOUCHERS:**

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

**ADJOURNMENT:**

There being no further business, a motion was duly made by Mrs. Murray, seconded by Mr. Becker, to adjourn at 9:01 pm. Motion was unanimously carried.

Respectfully submitted,

Marion C. Spriggs, Secretary