

**BLAIRSTOWN TOWNSHIP  
PLANNING BOARD  
March 19, 2012– 7:30 PM**

**MINUTES**

The Blairstown Township Planning Board met in regular session on Monday, March 19, 2012, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Bill Seal, Jim Sikkes, Debra Waldron, Herman Shoemaker, Paul Avery, Rosalie Murray, Nick Mohr, Kevin Doell, and David Keller. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Marion Spriggs.

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

**ADMINISTRATION of OATHS:**

Roger Thomas administered the oath to Kevin Doell, as a Class IV member.

**ROLL CALL:** was taken.

Mr. Mohr arrived at 7:33pm.

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

“Adequate notice of this meeting of the Blairstown Township Planning Board has been provided in accordance with the Open Public Meetings Act (Chapter 231.P.L. 1975)”.

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

Minutes of February 20, 2012 regular meeting were approved, as written.

**Action:** A motion was duly made by Mrs. Murray seconded by Mr. Seal, to approve the February 20, 2012, regular meeting minutes, as written. Roll Call vote: Seal, Shoemaker, Avery, Murray, Mohr, Doell and Keller – yes. Sikkes and Waldron – abstained.

**RESOLUTIONS:**

None

**COMPLETENESS:**

None

**PUBLIC HEARING:**

None

## **Single Land Use Board**

Chairman Keller notified anyone who was not aware, that Township Committee, at their 3/14/12 meeting, passed an Ordinance on first reading, creating a single land use board. He stated this combines the Planning Board and Board of Adjustment.

A PB member questioned how Twp. Committee could vote on an Ordinance that was not in existence yet.

Herman Shoemaker, PB member and Twp. Committee member, offered an explanation. He said the Ordinance was not in front of them to review. He explained that it was a first reading, after that a motion was made, seconded and approved. He stated then the Municipal Attorney was asked to draft the Ordinance, which will be submitted to the Town Clerk and the Public Hearing will be on 4/11/12 during the regular Twp. Committee meeting.

Debra Waldron commented, for-the-record, that Twp. Committee “neutered” this Planning Board last year by taking away money from their budget.

She noted \$960,000. was reportedly found recently. Herman Shoemaker, explained that the money was appropriated but not used. He continued, typically at the end of 1 year, it is not unusual to discover somewhere around \$500,000.

She explained, as Chairwoman of Blairstown Twp’s. Board of Adjustment, that the BOA runs full speed ahead every meeting. She does not see that it is physically possible for 1 board to maintain the workload of 2 boards and still be effective. She currently does not foresee a time that BOA is not going to be busy. This is a busy time of year for renovation, building and expansion.

Chairman Keller pointed out that co-incidentally PB has an application currently.

Debra Waldron cited the failure of the Land Use Board in Frelinghuysen.

She pointed out that BOA has several new members. She questions the capability of joining 2 boards at once, given the number of applications currently, some of which with pre-existing legal issues.

Jim Sikkes, read an article from NJLM written by Frank Tinari, Professor Emeritus of Economics - Seton Hall University and Mayor, Florham Park & Robert C. Kirkpatrick, Mun. Engineer. This article is about establishing a Land Use Board. In this article:

Time requirements are mentioned. They indicate time does not stop with the 2 typical meetings each month. To be productive, there is homework required which includes becoming familiar with the rules and the file material for each application listed on the next meeting’s agenda. There is also continuing education element to this homework.

Perceived conflicts are mentioned. “Because Zoning Boards have power to waive or grant a deviation from many requirements, they are subject to potential political influence and perceived corrupting favoritism. The public today is very sensitive to certain issues that may arise from a given variance application that, in the past, never even raised an eyebrow. Board members are subject to accusations and innuendo that would try the patience of a saint. That is one of the reasons why the State does not allow elected officials to sit on Zoning Boards, which are filled primarily with citizen volunteers.”

Jim Sikkes suggested interested parties finish reading this article online under Land Use Boards, NJ League of Municipalities.

Debra Waldron addressed the training element. As BOA Chairwoman, prior to a meeting, if there is pre-existing information unknown to new members, she explains the info to each one, along with reviewing the procedures of the Board. She revealed this is still a learning process. She noted, the new members look to the seasoned members for advice.

Chairman Keller, stated that it seems fairly obvious that the consensus of this Board is against this Ordinance.

Mr. Sikkes advocated everyone to attend the upcoming 4/11/12 Twp. Meeting with any viewpoints, to enable Twp. Committee to better understand the ramifications of a single Land Use Board.

Chairman Keller directed Debra Waldron to draft a letter to the Twp. Committee from the Planning Board.

Herman Shoemaker asked Roger Thomas for clarification, if a single Land Use Board is adopted, and there is a desire to return to a separate Board of Adjustment, does it require a Referendum for public vote. Roger Thomas stated that is correct.

Kevin Doell said one of the reasons, at the 3/14/12 Twp. Committee Mtg., this was being acted on quickly, was for budgetary reasons.

Kevin Doell wanted to know when the Budget is open to the Public. Herman Shoemaker stated it was, last week at the 3/14/12 Twp. Committee Meeting.

Kevin Doell asked if this Planning Board is offering a management program, which states that the professionals would not be present every meeting, thereby saving the normal cost. Or, he inquired, is the Planning Board saying it should be managed like it has been in the past, historically, and should be funded accordingly to enable operation at the normal level.

Roger Thomas mentioned the Seminar presented at Maser Consulting, entitled, What To Do When There Is Nothing To Do. He stated when there are no applications, meetings can be held, tasks can be assigned, and when the information is brought together, the professionals can then be brought in for advice. Another alternative is, that guidelines can be setup by the professionals, then the Board can have its meetings and come back with suggested items with

which ultimately the professionals can come back and help. He pointed out the Planning Board tried to do this last year.

He further explained that last year the Planning Board didn't have enough left in their budget.

Paul Avery pointed out perhaps the additional money found this year, compounded with the savings on salt and DPW overtime (due to the mild winter) could produce additional money.

Chairman Keller urged every board member to attend the 4/11/12 Twp. Committee Meeting.

Mr. Sikkes suggested that Mr. Seal and Mr. Shoemaker, who are Twp. Committee Members, not vote on this matter due to a conflict of interest.

Roger Thomas suggested that a voice vote be taken.

**Action:** A motion was duly made by Mr. Mohr, seconded by Mrs. Murray to send a joint letter from both the Planning Board and Board of Adjustment to the Twp. Committee, voicing their displeasure with the formation of a single Land Use Board. The majority voted – yes. Seal and Shoemaker abstained.

### **CORRESPONDENCE:**

BOA mins. of 1/10/12  
NJ Planner Jan. & Feb. 2012

### **2007, 08, 09, & 10 BOA Annual Reports**

Chairman Keller mentioned the Board was to review and look for patterns that might encourage Ordinance changes, if necessary.

Deb Waldron, BOA Chairwoman, welcomed any comments re: same.

### **OTHER BUSINESS:**

#### **COAH**

Chairman Keller informed the Board, that due to the tenuous situation of the Board, he cancelled a presentation by Theresa Tamburro, MHL, scheduled tonight.

Mr. Shoemaker referred to pg. 3 of the approved February 20, 2012 PB minutes pertaining to Kevin Doell's questioning of Theresa Tamburro's draft letter to property owners. He clarified the provision which provides "funding to certain homeowners to avoid foreclosure on their residence", has restrictions. He stated it is applicable to people who are more than 2 months behind in payments. The cause for getting behind, (illness or loss of a job), has been remedied, and therefore the resident, facing foreclosure, is back to normal with the exception of the gap of

missed payments. He pointed out under those circumstances, there may be some relief through an application of COAH.

Roger Thomas noted the big concern is that the Township has taken steps to make sure the money collected in 2008 will be protected.

### **RECYCLING ORDINANCE**

Mr. Sikkes questioned whether Balbi who is accepting televisions, etc., came back to the BOA. Ted Rodman is researching with David Dech, Cty. Planner.

Debra Waldron stated this should come back to BOA because they approved a site plan not based on materials now being admitted to this property.

Ted Rodman suggested in that case that David Diehl, Zoning Officer, be sent there tomorrow.

### **SOLAR ORDINANCE**

Roger Thomas has been tinkering with this and the Recycling Ordinance and noted that he will probably have drafts available for the April meeting.

### **Fines**

Mr. Sikkes questioned who is collecting fines for zoning violations.

Debra Waldron pointed out that if David Diehl, Zoning Officer, responds to a resident complaint, he must go to court. Sometimes the Judge dismisses it because no complaint was signed.

Bill Seal pointed out if someone is working, and they have a complaint, they must still come to Town Hall to fill out a form. Personally he feels, the Zoning Officer should investigate it, and if he finds a violation, that's that.

Debra Waldron, remarked that Mr. Seal couldn't have said it better. She stated there has to be follow-up on the violations.

Mrs. Murray pointed out that the Zoning Officer is short on time.

Debra Waldron responded that the Zoning Officer, is only working ½ day, twice a week. She said in this economic market, people are going ahead and doing things without checking into the legality of their decisions before they do them.

### **Land Development Ordinance Review**

Chairman Keller noted the results of Chapter 19 Ordinance Review will be discussed at the 4/16/12 PB Meeting.

## **NEW BUSINESS:**

### **Mapping**

Paul Avery has contacted Lou Nisivoccia, the Blirstown Twp. Webmaster, and sent him the information about adding the maps to the Blirstown Twp. website. He is interested in finding out whether this addition is covered under the current contract. He awaits a return call.

### **NJLM List of Available Grants**

Mr. Shoemaker has been in touch with the NJLM regarding the list of available grants and how accessible it is to us. He found out they have a large number of links published on their site however, the NJLM does not keep a list of them.

He stated NJLM has contracted with TRIAD, Vineland, NJ which writes grants and they have a list of grants offered as a free service to members. He summed up by saying, the Township now knows where to go.

## **PUBLIC PORTION:**

Anita Ardia, Dry Rd., mentioned that she has 30 years of municipal participation as a member of Planning Boards, Boards of Adjustment and Governing Bodies in Bergen County – Franklin Lakes, and Saddle River as well as Blirstown.

Chairman Keller led the applause for her years of service to Blirstown.

She complimented Jim Sikkes for 40 years of being a dedicated member of this Planning Board. She stated during the 5 years that she served alongside him on this board, she was always impressed with his knowledge and common sense solutions.

Originally, she intended to ask the Board to join her in opposing the proposed Ordinance. She stated as of this moment, "There is no Ordinance". She explained what happened on Wednesday night, 3/14/12, at the Twp. Committee meeting. She said members of the Twp. Comm. voted to instruct the Attorney to draw up an Ordinance which would then abolish the Planning Board, abolish the Board of Adjustment and create a Land Use Board.

She pointed out that if the Attorney does his job on time, at the 4/11/12 Twp. Comm. Meeting, the Twp. Committee will introduce the Ordinance. She continued, the schedule is, if the Ordinance is introduced 1 month at the Twp. Committee meeting, by law it has to be advertised as a Legal Notice in the Official Newspaper. Then, at the next month's Twp. Committee meeting, it would be introduced for public comment. After the public comment, the Twp. Committee will decide if they wish to adopt it, reject it, or table it.

She said she has reasons for her opposition to a Land Use Board but feels she doesn't have to go over them based on earlier comments.

She urged members to look at the 1975 Municipal Land Use Law which states many things for a Planning Board to do.

Additionally, in response to Herman Shoemaker's comment about the Twp. considering purchasing the old school house on Vail Rd., Mrs. Ardia noted accordingly to the 1975 Municipal Land Use Law, it says anytime a Governing Body is going to purchase land, it has to be brought to the Planning Board.

### **Environmental Concerns and Building Requirements**

Rosalie Murray distributed articles relating to the above topic for future discussion at meetings.

### **VOUCHERS:**

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

### **ADJOURNMENT:**

There being no further business, a motion was duly made by Mr. Seal, seconded by Mrs. Waldron, and unanimously carried, to adjourn at 8:29 pm.

Respectfully submitted,

Marion C. Spriggs, Secretary