

**BLAIRSTOWN TOWNSHIP
PLANNING BOARD
March 21, 2011 – 7:30 PM**

MINUTES

The Blairstown Township Planning Board met in regular session on Monday, March 21, 2011, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Jim Sikkes, Kevin Doell, Rosalie Murray, Mayor Richard Mach, Paul Avery, Dirk Herrmann, Herman Shoemaker, and David Keller. Debra Waldron and Bill Seal 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 February 21, 2011 regular meeting were approved, as written.

Action: A motion was duly made by Mayor Mach, seconded by Mr. Avery and unanimously carried, to approve the February 21, 2011 regular meeting minutes, as corrected. Roll call vote: Doell, Sikkes, Murray, Mayor Mach, Herrmann, Avery, Keller, and Shoemaker – yes.

RESOLUTIONS:

FARMLAND PRESERVATION PLAN

Roger Thomas declared the resolution for the Farmland Preservation Plan is available.

He explained that he was to comment on the Recycling portion but due to health reasons, is not prepared to discuss this tonight.

Roger Thomas pointed out the resolutions he drafts are intended to be the Board's resolutions. He clarified that if a Board member feels that it is not an accurate reflection, he has a right to comment on that. He explained that if a Board member disagrees with an action taken, that action is over with. The Resolution is a memorialization of the action taken.

A question arose on pg. 2 of the resolution, about the number of acres. Roger Thomas agreed to correct the acreage figures and make additional modifications to page 3.

He explained that this is part of a goal, not a mandate and that is what he is trying to establish in this resolution. He is trying to provide some balance and protect the Planning Board and community regarding tax burdens of future acquisitions.

Since Chairman Shoemaker indicated that this will be revisited next month, the motion made by Mrs. Murray and seconded by Mr. Keller were withdrawn.

COMPLETENESS:

None

PUBLIC HEARING:

PB#01-11 Jim & Sue Reiger, Block 506, Lot 8.04, 16 Polkville Rd. – Minor Subdiv. – Lot Line Adjust.

Ted Rodman noted out that the applicant pointed out on his report of 3/18/11, the 3rd paragraph indicates there were 2 subdivisions in 1993. He stated that couldn't have happened. He will recheck the dates.

Jim Reiger, of 16A Polkville Rd. was sworn in.

Richard Keiling, attorney for the applicant, explained that this could be considered a farm lot subdivision.

He explained that Mr. Reiger owns approximately 6.5 acres on Polkville Rd. where he has his home and a farm. Immediately behind his property, he has fenced in an area which is owned by an adjoining neighbor, named Mr. Nonnemacher, who owns about 22.5 acres.

Mr. Keiling said the intent is to extend the Reiger property from directly behind, without taking any road frontage. This would reduce the Nonnemacher lot to about 17 acres and increase the Reiger lot to 11.5 acres. He stated this will require a C-2 variance since there is not enough road frontage. There were prior subdivisions.

Mr. Keiling pointed out there is 173.02 ft. road frontage on one piece and another approximately 81.6 ft. on Polkville Rd. The Ordinance requires 300 ft.

He reviewed Item #2 of Ted Rodman's report and stated they are not trying to create a small lot but rather an 11 acre tract. They are not taking any road frontage.

He continued to review Ted Rodman's report.

Mr. Keiling revealed the surveyor will provide a new certified metes & bounds description for the remaining tract.

He recommends the new deeds be reviewed, as a condition of approval.

He stated the taxes have been paid and are current. The original tract is currently farmland assessed.

Mr. Keiling stated the Nonnemacher farm is in corn and hay. The proposed annexed property will be for Mr. Reiger's horses and sheep. It will advance farming.

Mr. Keller pointed out the small key map is inaccurate. Also, the list of property owners is not accurate. Lots 8.05, 8.06, and 8.07 are not listed. He pointed the Tax Assessor's list is accurate and lists them. Mr. Keiling will have the 3 names added to the list and the key map changed.

This portion of the hearing was opened to the public.

Mary Flynn, Blairstown resident, was sworn in. She questioned if the applicant was also seeking a subdivision in addition to the lot line adjustment on the Agenda.

Roger Thomas clarified that a lot line adjustment is a subdivision. It means one lot is being reconfigured and so is the other lot. In this case, there are no new lots being created. They are being adjusted in their configuration. Where there were 2 lots, 2 lots remain - looking differently.

She questioned if the applicant sought the lot line adjustment to eventually come back to receive another variance for building another home on a flag lot. Mr. Sikkes pointed out that flag lots don't exist, so that can't be created. Roger Thomas pointed out this particular town does not authorize flag lots.

Hearing no further comments from the public, this portion of the hearing was closed.

Roger Thomas summarized by saying that if the Board finds this application is acceptable by way of a minor subdivision and a variance, he suggests Ted Rodman's comments # 4 through #8, be included as conditions of approval. He suggested also that the key map and surrounding property references be corrected.

Mr. Sikkes asked Mr. Keiling if the applicant agrees to Item #1 on Ted Rodman's report of 3/18/11, which is a deed restriction, as a condition of the variance. Mr. Keiling's response was "Absolutely!". Mr. Keiling stated the applicant also agrees with Item # 5 regarding the drainage easement.

Roger Thomas pointed out that he stands corrected, it is really Item #1 and #4 through #8. He said it is his recommendation that the motion includes both the variance and minor sub-division.

Action: A motion was duly made by Mr. Sikkes, seconded by Mr. Shoemaker, to approve, **PB#01-11 Jim & Sue Reiger**, Block 506, Lot 8.04, minor subdivision and variance with the aforementioned conditions. Roll call vote: Doell, Sikkes, Murray, Mayor Mach, Shoemaker, Avery and Keller – yes. Herrmann – abstained.

CORRESPONDENCE:

BOA Minutes 2/8/11

OTHER BUSINESS:

BOA Annual Report

Copies of the report were distributed to the Planning Board for review.

Roger Thomas referred to the last page of the BOA Annual Report of 2/7/11, which he prepared and which was adopted by the BOA on 2/8/11. He commented 2010 BOA applications do not question any Zoning Ordinances, or point to a trend that needs to be addressed.

Zoning enforcement was discussed.

Interpretation Notice

Ted Rodman pointed out one of the duties of the BOA is to hear Interpretations of what the use was previously. He revealed Blirstown's Ordinance does not require a notice to the public for that type of a hearing. He stated the MLUL doesn't specifically require it. He recommends adding this to the Ordinance where public notice is given, for Interpretation for the BOA.

Roger Thomas commented either Board can do this, or even the Township Committee. He said it is not very hard to do. For full public participation, he confirmed a municipality is not required to give notice but could.

Roger Thomas offered to make some recommendations regarding this, to both the PB and BOA. Mayor Mach agreed it should be done by Roger Thomas since he is familiar with what is being suggested. Roger Thomas pointed out agendas are already on the website. Mayor Mach confirmed the burden belongs with the applicant.

COAH

Chairman Shoemaker met today with Theresa Tamburro, MHL Mayor Mach, and a representative from Community Options. He explained this is a result of Theresa Tamburro's reaching out to find out organizations interested in group homes for special needs people.

Community Options is headquartered in southern NJ. They have 3,000 homes around the country.

He revealed there is a facility in Vineland that houses 300 people that has been ordered closed. Community Options is looking for places for these people.

He indicated the Township has a couple of pieces of property on Gaisler Rd. Community Options is very interested. They are applying for a grant from the Federal Government for 9 million dollars which they could use to build a group home. They plan to reference Blirstown when applying for this grant.

They are thinking of one ranch-style home on 2 lots with up to 5 bedrooms. They would like to know that it is a buildable lot.

Chairman Shoemaker reiterated the Township has an obligation to provide 14 beds by 2016.

Mayor Mach revealed this representative has been asked to come before this Board at the next meeting so she can explain in detail and answer the Board's questions.

Change in application checklist

Mr. Sikkes suggested, in reference to applications, that a requirement be, at the time an application is submitted, that taxes must be paid at that time. He said that would be a change to the application. He commented paying taxes at the time of the subdivision, isn't appropriate.

Roger Thomas declared this can be done if the Checklist is changed to reflect that. He said it is an Ordinance change. The recommendation goes to Township Committee.

Mr. Sikkes further explained his recommendation. He said it often comes down to the application's evening of submission and in many cases, taxes are paid the last day. He further stated there almost could have been a cancellation of tonight's meeting. Over the years, Mr. Sikkes pointed out he has seen this so many times when it comes time for a major subdivision, the taxes were never paid until the application was dealt with. He stated it is an inconvenience to the Board and to the Board Secretary.

Action: A motion was duly made by Mrs. Murray, seconded by Mr. Keller to recommend changing the land use application form to reflect taxes must be paid at the time an application is submitted. Roll call vote: Doell, Sikkes, Murray, Mayor Mach, Herrmann, Shoemaker, Avery and Keller – yes.

Master Plan Re-exam Report and Land Use Plan Element Amendment – November 2004

Chairman Shoemaker stated that the Mayor wanted this booklet reviewed by the PB members to ascertain that the Board is going in the right direction of Form Based Code. Mayor Mach indicated the 2004 Report was worked on very diligently. The suggestion is to see if Blairstown has something that comes close to that.

Chairman Shoemaker suggested, since it is 7 years old, it be reviewed to make sure all bases are covered to protect Blairstown.

A board member suggested after the PB members review, if there is a question, then it can be sent to Maser Consulting. It was also suggested after the members have reviewed it, they present any questions to Marion Spriggs, PB Secretary, for consolidation before the meeting, whereupon they will be discussed.

Roger Thomas noted though this document is dated November 2004, and the final copy is December 2004, does not necessarily indicate there have been any modifications. The past minutes will reveal that information.

The books were given to ½ the Board members for review for 2 weeks. Immediately thereafter, the rest of the Board will receive them for 2 week's review before the meeting on 4/18/11.

NEW BUSINESS:

Change in Member Classifications

Chairman Shoemaker revealed the following changes in Board member's classifications: Kevin Doell is now a Class II member. Paul Avery has been moved from Alternate I to Class IV member.

Mayor Mach explained that the Planning Board was not properly constituted, as it was lacking a Class II member. This seat was vacated by Jane Santini as of 1/1/11. Kevin Doell, a crossover member from Environmental Comm., qualifies to be the Class II member according to MLUL.

Solar Ordinance

Roger Thomas revealed that he is in the process of working on having Blirstown's Solar Ordinance conform to the State Ordinance. He will provide information on this in the future.

PUBLIC PORTION:

Mary Flynn, a Blirstown resident, revealed that she reviewed the Ordinance relating to commercial development, on line, and she saw "holes". She stated there are other things in land use that need to be reviewed.

Chairman Shoemaker responded that it was suggested to the Board members to review the Land Use Ordinance and provide suggestions. He said the Mayor pointed out, Form Based Code, or what the commercial building looks like, was addressed in 2004. Chairman Shoemaker indicated this will be shared and discussed.

Mary Flynn stated she would like the Board to concentrate on one issue and move forward quickly.

Herman Shoemaker declared the Board is deciding what it wants to address, and where they would be most efficient in providing the best protection to the community by picking the right area to look at first.

Mary Flynn summed it up by saying she does not want to see Blirstown become a suburbanized area.

VOUCHERS:

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

ADJOURNMENT:

There being no further business, a motion was duly made by Mrs. Murray, seconded by Mr. Keller, and unanimously carried, to adjourn at 8:47 pm.

Respectfully submitted,

Marion C. Spriggs, Secretary