

**BLAIRSTOWN TOWNSHIP  
PLANNING BOARD  
October 19, 2009 – 7:30 PM**

**MINUTES**

The Blairstown Township Planning Board met in regular session on Monday, October 19, 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, Ray Snyder, Jim Sikkes, and Herman Shoemaker. Debra Waldron was 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.)

The August 17, 2009 meeting minutes had to be voted on again, at this meeting, due to a technicality.

Minutes of August 17, 2009 regular meeting were approved, as written.

**Action:** A motion was duly made by Mr. Herrmann, seconded by Mr. Becker, to accept the August 17, 2009 meeting minutes, as written. Roll call vote: Becker, Herrmann, Murray – yes. Santini, Seal, Mayor Mach, Sikkes, Shoemaker, and Snyder – abstained.

Minutes of September 21, 2009 Regular Meeting were approved, as written.

**Action:** A motion was duly made by Mr. Sikkes seconded by Mrs. Murray, to accept the September 21, 2009 meeting minutes, as written. Roll call vote: Becker, Herrmann, Santini, Murray, Seal, Mayor Mach, Sikkes and Shoemaker–yes. Snyder – abstained.

**RESOLUTIONS:**

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

Roger Thomas, Board Attorney, pointed out that the dates have been corrected from the original version of the above resolution distributed to the Board.

Mr. Keiling pointed to page 6, paragraph 4, on the original version – “hours of operation for the lights shall be from 8:00 a.m. to 10:30 p.m.”. The applicant’s engineer suggested that the hours

be changed to 6 a.m. (due to the winter darkness). The lights will be turned on and off by a photo-electric cell. This is for commercial use. There are no surrounding residential homes that would be affected by the turning on and off of the lights.

**Action:** A motion was duly made by Mr. Herrmann, seconded by Mr. Shoemaker, to accept the amended resolution reflecting proper dates and the change in time to 6 a.m. Roll call vote: Becker, Herrmann, and Shoemaker – yes. Santini, Murray, Seal, Mayor Mach, Sikkes, and Snyder – abstained.

**COMPLETENESS:**

None

**PUBLIC HEARING:**

**PB#04-09 Robert & Cathy Brandt, Blk. 505, Lot 1.08, 6 West Crisman Rd.,**

Richard Keiling, attorney for the applicants, explained this matter was deemed complete at the August 17, 2009 meeting. This application is for Preliminary Major Site Plan approval. The location is 6 West Crisman Rd. The building is approximately 42,000 sq. ft. and is used for the storage of cardboard boxes. The boxes are delivered, warehoused, and distributed to customers. More space is needed to accommodate additional inventory, thus precluding 2 trips every day to a rented location in Wilkes-Barre, Pa.

The proposed 9,600 sq. ft. addition is planned for the rear of the building. This meets the rear and side yard setbacks and there are no variances needed. It is a conforming, modified site plan. Proposed drainage and landscaping are shown on the map.

Robert Brandt, Blairstown resident, was sworn in simultaneously with Frederick C. Meola, of F C Meola Engineering and Land Surveying, Whippany, NJ.

There will be no increase in personnel. No increase will be needed for septic. Hours will not change. No additional bays for trucks will be needed.

Exhibit A-1 was marked, which is a photo showing the side of the building and the lawn area where the proposed addition will be located. 2 existing lights on the exterior of the building which are not used, are depicted. A “man” door, shown on the drawing, is necessary for fire code reasons, and will be included in the proposed addition.

Items #8, 9, 12, 13 & 15 on Ted Rodman’s report dated 8/14/09 indicate completeness issues that were waived but still must still be addressed.

Item #8 – there will be no new signs or fences. Ted Rodman wants a stockade fence surrounding the dumpster. Attorney Keiling will add this.

Item #9 -- Attorney Keiling will add concealed-source lights for security purposes.

Item #12 – Environmental impact statement was addressed by Attorney Keiling. The 5 acre area is landscaped, and is a lawn area. He stated that the addition will be located where the lawn is now. He gave a copy of this application to the Environmental Committee. They have not commented.

Item #13 – Attorney Keiling’s testimony, that the level of traffic will be lessened after the proposed addition, was the reason for requesting a waiver regarding a traffic impact statement.

Item # 15 -- There are 10 employees working 1 shift. The business is opened 12 hours.

Regarding Ted Rodman’s additional comments, he stated that septic systems are based on the sq. footage, even of storage areas. This may have bearing on the Warren Cty. Health Department’s certification that existing septic is adequate. Roger Thomas stated that a condition of approval will be receipt of the approval letter from Warren County Health Department re: the septic system.

Frederick C. Meola, applicant’s engineer, stated that they needed to hold back 2,000 cubic feet of runoff water as per the State’s calculations. They are proposing 575 more cubic feet than is necessary. A stone French drain is proposed, which is designed for a 2 yr. storm reduction of 50%, etc. This will exceed the requirements. Ted Rodman pointed out that the drainage calculations would have to be checked as a condition of approval.

Mr. Meola described the landscaping. There will be a series of evergreens along the rear. Eastern white pines, 6 to 8 ft., 30 feet apart, will be placed along the property line to act as a screen between the two properties.

Any approval should be conditioned on Warren County Planning Board and Warren County Soil Conservation approval.

At this point, the Hearing was opened to the public. There were no comments from the public.

Roger Thomas suggested that if approval is to be given, additional comments #2, 3, 5, & 6 on Ted Rodman’s report of August 14, 2009 should be indicated as conditions, the outside lights which will be turned on as needed, should be of a concealed nature and a screen should be provided to conceal the dumpster.

Mr. Brandt addressed fire concerns. There are fire walls every 10,000 sq. ft. A fire inspector inspects all wiring on a yearly basis. There are smoke detectors, fire detectors and an alarm system on a call box. There is no sprinkler system. There is a no smoking policy on the premises. The Blairstown Fire Chief, and his squad, visited the building, to familiarize themselves with it. He indicated that in case of fire, water would be brought in from the Paulinskill River, which is within the required 2,000 feet. Steel fire doors are inspected annually. The State Fire Marshall comes in annually to inspect. Their insurance carrier comes in yearly to inspect.

**Action:** A motion was duly made by Mr. Seal, seconded by Mrs. Murray, to approve **PB#04-09 Robert & Cathy Brandt, Blk. 505, Lot 1.08**, 6 West Crisman Rd., with the aforementioned conditions. Roll call vote: Becker, Herrmann, Santini, Murray, Seal, Mayor Mach, Sikkes, Snyder and Shoemaker—yes.

**PB#05-09 John Kent, Block 2003, Lot 13, 13.02**, Minor Subdiv. – Lot Line Adjust. 116 & 118 Hope Rd.

Richard Keiling, attorney for the applicant, stated they are seeking a lot line adjustment. This is technically a subdivision.

John Kent, 2 Union Brick Rd., Blairstown, was sworn in.

Laura Brill, PLS, Spring Valley Rd., Blairstown, was sworn in.

Mrs. Brill explained that John Kent wishes to move the existing lot lines between Lots 13.02 and 13 so that a 28 ft. x 17 ft. shed, which is presently located on Lot 13.02, will be on Lot. 13.

Lot 13.02 contains a 1 bedroom house with a more than adequate lawn area, if septic ever needed replacement. It also has a garage and several buildings, formerly used for farming.

Lot 13 is a vacant lot containing 10.41 acres, and is currently farm assessed. The proposed use of the shed that is to become part of Lot 13, would be agricultural. She stated in the end, the area remains exactly the same.

She informed the Board that John Kent wishes to sell residential Lot 13.02.

Mr. Keiling established that there is no septic or well servicing the shed. Mr. Kent verified that there is only electricity in the shed, which houses a brush hog, wheelbarrow, and carts. Eventually, he would like to convert one of the existing doors to an overhead door to enable him to bring a big tractor into the shed. Mr. Kent stated the shed would never be used for living space. He revealed that the shed has a cement floor and is impossible to move.

Mrs. Brill revealed that a small deteriorating shed that would not meet the setback requirements, has been removed.

The applicant has an approval letter from the Warren County Planning Board, dated 9/29/09.

The following exhibits were marked:

Exhibit A-1, a rendering by L.J. Brill & Associates, dated 10/19/09, depicting the proposed lot line adjustment for John Kent.

Exhibit A-2 Copy of Certificate from Warren County Surrogate's Court, dated 9/19/08, certifying John A. Kent as the Executor of Last Will and Testament of Jean Kent, deceased.

Exhibit B-1 Photos of the existing shed taken by Ted Rodman on 9/21/09

Questions from the Board were entertained at this portion of the meeting.

Mr. Sikkes commented if a house were to be built in back of the agricultural shed in the future, there would be a violation of the Ordinance. Mr. Thomas explained that if that were to occur, the owner would have to appear before the Board in the future for a variance, before the house could be built. Mr. Keiling stated that Mr. Kent would agree to do that, as the accessory structure (shed) would be located in front of the primary structure (proposed house). Chairman Shoemaker declared, in the future, if a proposed new house were to be located in front of the lot, there would be no issue.

Mr. Kent revealed the main reason for this application is that it would cost twice as much to build a shed than it would cost to do this.

This portion of the Hearing was opened to the public. There were no comments or questions.

Roger Thomas stated if the Board was to approve this variance, it should be subject to Items # 2, 4, and 6 of Ted Rodman's report dated 10/16/09.

**Action:** A motion was duly made by Mr. Herrmann, seconded by Mr. Shoemaker, to approve **PB#05-09 John Kent, Block 2003, Lot 13, 13.02**, Minor Subdiv. – Lot Line Adjust. 116 & 118 Hope Rd. with conditions as stated above. Roll call vote: Becker, Herrmann, Santini, Murray, Seal, Snyder and Shoemaker – yes. Mayor Mach and Sikkes – no.

### **CORRESPONDENCE:**

### **OTHER BUSINESS:**

#### **COAH**

Mr. Seal questioned the NJ Planner, Vol. 70, pg. 8 re: COAH wherein it is stated "Municipalities that do not have any public sewage areas, cannot satisfy the need for affordable public housing. Therefore, request expanded sewer service from the State to allow for the increased density."

Roger Thomas explained there is a tension between the goals of the DEP and what COAH is attempting to accomplish. The State Plan and DEP are on one side and COAH is on the other.

Roger Thomas stated that Blaiirstown Twp. has a significant amount of developable land. Sewer service is not a consideration. He said a builder could eagerly provide a sewer plan with his development in order to satisfy the COAH requirement. 5 acre zoning would not mean a thing.

He declared that is why Blaiirstown Twp. has presented a Plan as to how this community wishes to provide for its obligation.

## **Build Out Analysis**

Mayor Mach suggested checking with the CFO to see whether a voucher for Maser could be carried over for another year. He stated we are in our second year. This matter will be discussed when the CFO responds.

## **Sustainable Land Use Pledge**

Chairman Shoemaker stated that the matter was carried from last month.

Mr. Becker, Mrs. Santini and Mrs. Murray, subcommittee members, drafted an alternative document to the one forwarded by Kevin Doell, Blairstown Environmental Committee, on 8/7/09. This draft has been distributed at this meeting.

Mrs. Murray read the suggested modifications. She stated that these changes keep the Master Plan in control as well as Blairstown's rural character. She explained that this pledge is needed to enable Blairstown to receive credits and obtain grants. Mr. Doell commented that the communities who take these strides, position themselves ahead, to receive credit.

Mr. Doell, revealed in May, 2009, the Township passed a resolution to join The Sustainable Jersey Program, which is being driven by Rutgers and a number of universities in the State, as well as being supported by the BPU, DEP and a large number of state organizations, in terms of funding and organization.

He stated that over 200 cities in the state have passed resolutions to participate in this program.

He explained the Program is a series of activities, towns can pursue ala carte. Activities can be chosen in terms of economic, environmental, or social sustainability. The State requests that Municipalities do 2 of 4 State recommended actions. They are Municipal Energy Audit, Municipal Carbon Footprint, Water Conservation, and Sustainable Land Use Pledge.

Mr. Doell indicated that a survey was conducted and found that land use was rated extremely high, as a priority action, by the residents in terms of protecting and managing land use.

He downloaded the Resolution from the website as a starting point for discussion. The intent is to customize it for the Town and ultimately incorporate sustainable practices into Blairstown's long term Smart Growth Plan.

Mayor Mach commented there undoubtedly will be an application process which will outline the contingencies.

Mrs. Murray pointed out that throughout, the word "pledge", is changed to "strive". COAH is also now referenced.

Mrs. Santini stated that VIII on pg. 2 in the original proposal has been eliminated as the Subcommittee did not feel the Parking Regulations applied to Blirstown.

Mrs. Murray suggested that the Board members review the original with the suggested, newly-edited version for discussion in December. Chairman Shoemaker agreed to include this on the December 21, 2009 Agenda.

Mr. Becker will e-mail Marion Spriggs the edited version to be duplicated and included, in the Board members' December meeting packets.

**NEW BUSINESS:**

None

**PUBLIC PORTION:**

There were no comments from the public.

**EXECUTIVE SESSION:**

**Action:** A motion was duly made by Mrs. Murray, seconded by Mayor Mach, and unanimously carried, to enter into Executive Session based on litigation, at 9:38pm.

**Action:** A motion was duly made by Mayor Mach, seconded by Mr. Herrmann, and unanimously carried, to resume regular session, at 9:40pm.

**VOUCHERS:**

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

**OCTOBER 19, 2009 PLANNING BOARD MEETING HAS BEEN CANCELLED** - due to NJLM Conference and conflict with rescheduling dates.

**ADJOURNMENT:**

There being no further business, a motion was duly made by Mrs. Murray, seconded by Mayor Mach, to adjourn at 9:41pm. Motion was unanimously carried.

Respectfully submitted,

Marion C. Spriggs, Secretary