

**BLAIRSTOWN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
December 13, 2011**

MINUTES

The Blairstown Township Board of Adjustment met in regular session on Tuesday, December 13, 2011 at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following Board members were present: Barbara Green, Charles Anderson, Andrew Straut, Andrew Smith, Debra Waldron, Philip Rivera, and John Sartori. Mark Ohannesian and Mike Repasky 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:

Chairwoman Waldron read the following statement:

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

BOA DEADLINE DATES:

Chairwoman Waldron declared that submission of information supporting applications must arrive at Town Hall **10 calendar days prior to meetings**. She explained this is an effort to give the Board members enough time to review the documents and requested this notice be read at each meeting.

MINUTES OF PREVIOUS MEETING: (As distributed prior to the meeting date).

Minutes of October 11, 2011 Regular Meeting.

Action: A motion was duly made by Mr. Straut seconded by Mr. Anderson, to approve the minutes of October 11, 2011 Regular Meeting, as written. Roll call vote: Green, Anderson, Straut, Smith, Waldron, Rivera and Sartori – yes.

RESOLUTIONS:

ZB#01-11 Frank Giambrone - Block 1802, Lot 5.01, 1 Hoagland Rd – Bulk Variance

Action: A motion was duly made by Mr. Anderson seconded by Mr. Straut, to approve **ZB#01-11 Frank Giambrone** - Block 1802, Lot 5.01, 1 Hoagland Rd – Bulk Variance. Roll call vote: Green, Anderson, Straut, Smith, Waldron, Rivera– yes. Sartori abstained.

Knowlton Presbyterian Church Resolution

Roger Thomas explained the reason this resolution was sent to Blairstown Twp. is because a very small portion of the property, owned by the church, is located in Blairstown. He explained there is no activity taking place in Blairstown, regarding the proposed addition to the Church. His suggestion is that no action be taken by this Board.

Roger Thomas who wrote this resolution, explained that when an application affects 2 towns, the township in which the development occurs, is generally the one to take action. In this case, Knowlton has already taken action to approve this application on 10/5/2010.

Ted Rodman had no comment and agreed with what Roger Thomas stated.

Action: A motion was duly made by Mr. Rivera seconded by Mr. Straut, to waive jurisdiction on the above matter. Roll call vote: Green, Anderson, Straut, Smith, Waldron, Rivera and Sartori – yes.

Roger Thomas declared that a resolution is not needed on this action but rather that Marion Spriggs write a letter to applicant's attorney, Ken Krause, explaining that the Board, by its action, did waive jurisdiction on this matter at the request of the Knowlton Township Board of Adjustment.

EXTENSION:

ZB#05-10 Stewart Roberts – Block 1707, Lot 14.01, 131 Mt. Hermon Rd. – Min. Sub & Use Var.

Richard Keiling, attorney for the applicant, stated he appeared before this board earlier this year for a minor subdivision. The applicant created 2 new lots and a remainder. The resolution was memorialized on 3/8/11. He stated he is required to record the deeds within 190 days.

Warren County had some concerns about the center of the roadway on the corner of Mt. Hermon and Union Brick Rds. It took Mr. Yuhas, PE, for the applicant, some time in going back and forth to the County for their approval. Their final letter of approval was dated 10/25/11 which stated the drawings were acceptable. Attorney Keiling noted the deeds could not be perfected until the County had signed off.

Attorney Keiling pointed out another concern had developed. A requirement in the Resolution was to get the consent of the owners of Lots 16.02 and Lot 15.01, since they share a common driveway. He revealed in the original subdivision from 1988, the deeds from those 2 lots state they have a right to use the driveway and share in the expense.

In compliance with Condition #4, Attorney Keiling had to go to those neighbors and prepare a more detailed Maintenance Agreement which states the driveway will now be shared by 3. One neighbor responded, the other did not, despite certified letters sent. Attorney Keiling will provide copies of those letters sent, for the applicant's file.

Attorney Keiling is asking to be relieved of Condition #4, based on the impossibility to get cooperation, which can't be forced, from the 1 owner. In the deeds for those lots, there already is a maintenance obligation. There has been no exchange of funds in the past.

Roger Thomas doesn't think at this point, it would be reasonable to hold Condition #4 in effect, as a continuing condition, considering failed attempts made.

He pointed out that the 1988 agreement listed in the deeds, is valid and still in effect.

Ted Rodman requested that the language in the deeds, which is, "Property owners will be jointly responsible for any and all maintenance work, and agree to divide any and all costs incurred", be added to Mr. Roberts' deed for the remaining 17 acre tract. Attorney Keiling agreed to do so.

Roger Thomas recommends that if the Board agrees, the following conditions be imposed:

The prior approval be modified.

Condition #4 be removed.

Language currently in the Dipple Deed be added to the Roberts Deed.

An Extension will be granted for the perfection of those deeds, until 3/1/12.

Attorney Keiling confirmed that he will amend the deed for Mr. Roberts.

Action: A motion was duly made by Mr. Anderson seconded by Mr. Straut, to grant an Extension as outlined, with the conditions above, until 3/1/12, for **ZB#05-10 Stewart Roberts** – Block 1707, Lot 14.01, 131 Mt. Hermon Rd.– Min. Sub & Use Var. Roll call vote: Green, Anderson, Straut, Smith, Waldron, Rivera and Sartori – yes.

COMPLETENESS:

None

PUBLIC HEARING:

ZB#06-11 John Clark - Block 801, Lot 1, Lot 2.01 – no road frontage – Permit (40:55 D-34&35) - carried

CORRESPONDENCE:

K. Krause, Esq. ltr 10/19/11 re: Knowlton Presbyterian Church, and Knowlton Use Var. Resolution

D. Santini, Esq. ltr 10/17/11 re: **Last Frontier ZB#02-06** approving placement of signs

Ted Rodman read the above correspondence from D. Santini. Roger Thomas and Chairwoman Waldron were pleased with it.

NJ Planner Sept. 2011

PB Minutes June 20, 2011

OTHER BUSINESS:

2011 BOA Budget

Chairwoman Waldron does not want to have to go to Township Committee for litigation or other reasons and inform them that the Board of Adjustment is out of funds, and thus are seeking emergency funds.

A member pointed out that 2 costs were incurred this year from ongoing litigation. He stated there is no way to anticipate that, nor does the Board have any control over it.

Chairwoman Waldron stated this is an area where costs can't be cut.

Both Roger Thomas and Ted Rodman agreed to keep their compensation at the same hourly rates as last year and will submit 2012 contracts reflecting same.

Action: On a motion duly made by Mr. Rivera, seconded by Mr. Straut, to reduce the \$17,000 Budget allocated in 2011, to \$12,000 for 2012. Roll call vote: Green, Anderson, Straut, Smith, Waldron, Rivera and Sartori – yes.

Joel Balbi ZB#03-11 received approval from Warren County Planning Department on 12/1/11 for inclusion into the Warren County Solid Waste Management Plan as a Class A Recycling Center.

Single Land Use Board

Chairwoman Waldron mentioned that the Township Committee is revisiting implementing a Single Land Use Board. Though she sympathizes with the Township Committee's effort to cut costs, she suggested it is not a cost saving factor, regarding Board of Adjustment. She stated this Board is full, and works to cut off time at most meetings. Taking on an additional chore of Planning Board, as a combined board, is a huge task, in her opinion. She added that too much control by one board, does not give a good representation of the multitude of the Township.

She pointed out that Frelinghuysen Twp. did this a couple of years ago, and there was a significant Board and public outcry. No money was saved. The Board was meeting 2x per month and was inundated with work that they could not do.

A Board member pointed out that the unfortunate part for the applicants is, as a combined board, if at a particular time business was stopped, the application would be postponed another 30 days. On a busy night this would be more common. He felt it would be going backwards.

Chairwoman Waldron stated that this Board has been very busy often having a full Agenda. Calls were made to the applicants and/or attorneys in such instances. They were informed, if they still wished to be heard that evening, it would only be briefly and then carried. In an effort to save money, they could defer bringing professionals until the next full Hearing meeting.

The Vice Chair asked what would be done to transition to a single Land Use Board.

Roger Thomas pointed out that there would have to be a change in the Ordinance made to reconstitute as a Land Use Board. The members would be assigned by the Mayor.

He pointed out he has considerable experience working with single Land Use Boards and added that he has given a course on this at the NJLM conference. He feels it is dependent upon each municipality.

Generally speaking, he does not feel it is a cost savings. Some municipalities he represents meet 2x per month. Another meets for 1 formal meeting, plus a workshop session, or at times, they have 2 formal meetings per month.

He admitted it does work for some communities but not always. It depends upon circumstances.

Another comment was, that if economic times improve, having 2 or more meetings a month would put a burden on those board members.

Chairwoman Waldron, who also is a Planning Board member, has made a recommendation to the Chairman of the Planning Board to meet without the professionals, in an effort to save money. She suggested reviewing the Ordinances, getting a feel of what's going on in the community, seeing what changes, if any, are desired – then call in the professionals. If it is a work session, then the professionals are not needed.

Another Board member mentioned if a meeting is held without professionals, there would be some issues to be discussed with them anyway. The issues may be too complicated to be addressed on the phone.

Roger Thomas declared fundamentally, that he would not suggest either BOA or PB having meetings where there are applicants, without having the Land Use Attorney present.

Vice Chairman, Phil Rivera, noted that the BOA 2012 Budget was cut from \$17,000. last year to \$12,000 this year. He stated he is having difficulty on seeing where the economic gain would come from. He noted he was on the Planning Board and stated he is disinclined to see the merging of the 2 boards. He said if it is only about money, he is not seeing it.

He added, he would not be comfortable without having professionals present. He pointed out that he noted many little things that Roger Thomas, has picked up on and pointed out during the course of meetings.

Another Board member suggested if there is no problem getting volunteers, and the volunteers don't get paid, so, that doesn't figure into the budget.

It was then pointed out, if there is only 1 group of volunteers, who would meet 2x per month, it would not be easy.

Roger Thomas revealed he had been to a seminar by Maser Consultants entitled "What To Do When There Is Nothing To Do". The concept particularly for a Planning Board in charge of the Master Plan and looking at Ordinances, was to assign members to gather information instead of sitting at a meeting. When the information is available, then the professionals are brought in to ask what makes sense to do. He stated the cost goes way down when the members take this approach.

To sum it up, Chairwoman Waldron suggests this Board of Adjustment could not do it. She would not want to see any applications come before the Board without a Land Use attorney present.

NEW BUSINESS:

None

PUBLIC PORTION:

This portion of the meeting was opened to the public for comment. There were no comments or questions from the public present at this time.

VOUCHERS:

Action: On a motion duly made by Mr. Straut seconded by Mr. Anderson, escrow and general vouchers, as attached to these minutes, were approved. Roll call vote: Green, Anderson, Straut, Smith, Waldron, Rivera and Sartori – yes.

ADJOURNMENT:

The Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Straut, seconded by Mr. Smith, and unanimously carried, the meeting was adjourned at 8:37 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary