

**BLAIRSTOWN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
March 13, 2012**

MINUTES

The Blairstown Township Board of Adjustment met in regular session on Tuesday, March 13, 2012 at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following Board members were present: Barbara Green, Mark Ohannesian, Andrew Straut, Andrew Smith, Mike Repasky, John Sartori and Debra Waldron. Philip Rivera, and Charles Anderson were absent. Also present were: Board Attorney, Roger Thomas, Board Engineer, Ted Rodman, and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

OATHS OF OFFICE:

Roger Thomas administered the Oath of Office to Alternate #1 Board member, Mike Repasky.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read.

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 January 10, 2012 Regular Meeting.

Action: A motion was duly made by Mr. Straut, seconded by Mrs. Green, to approve the minutes of January 10, 2012 Regular Meeting, as written. Roll call vote: Green, Ohannesian, Straut, Waldron, and Sartori – yes. Smith and Repasky abstained.

RESOLUTIONS:

None

EXTENSION:

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

Richard Keiling, Esq. appeared on behalf of the applicant. His request is that the Board allows the applicant more time, 60 days, to get the deeds signed and recorded.

He revealed that he received a letter from Roger Thomas indicating that he had reviewed the deeds. Mr. Keiling met with Ted Rodman today. He reviewed them today. Mr. Rodman's written letter of approval is anticipated.

Mr. Keiling stated there is an additional item. He referred to Conditions #3 and #5 in the Resolution.

He stated this was an application for a minor subdivision where there is a cell tower on one of the lots which was installed in 1999. One condition is that the Board wanted a revised description of the driveway which services the cell tower.

When the Board approved the cell tower in 1999, there was a description for the cell tower access. In speaking with Ted Rodman, Mr. Keiling's said, that was the original approval of the metes and bounds description for the driveway. He would like to modify Conditions #3 and #5 to use that description that was previously recorded.

Ted Rodman responded that what triggered this was, there was an encroachment by the cell tower compound and road which went outside the leased area shown on the map. This is considered an enforcement problem, not a Board of Adjustment problem.

Roger Thomas recommended that there be a modification of Condition #3 and #5 as requested above. He believes it is immaterial to the original approval at this time.

Action: A motion was duly made by Mr. Straut seconded by Mr. Smith, to approve the Extension, for 60 days for **ZB#05-10 Stewart Roberts** – Block 1707, Lot 14.01, 131 Mt. Hermon Rd.–Min. Sub & Use Var.-, and to approve modification of Conditions #3 & #5. Roll call vote: Green, Straut, Smith, Sartori and Waldron – yes. Ohannesian and Repasky abstained.

ZB#03-10 Montage Enterprises - Block 702, Lot 18.01, 140 Rt. 94 – Prel & Fin. Major Site Plan

Richard Keiling, stated that Tom Montanya, owns Montage Tool. He noted that this application came before the Board 2 years ago and they received preliminary and final site plan approval to add on about 1100 sq. ft. to the rear of the building. The economy negatively affected the plans.

He pointed out that the Land Use Act, Sec. 40:55D (52 a.) provides that the Board has the ability to grant 1 year extensions. Therefore, he is requesting a 1 year extension.

Roger Thomas pointed out, for the record, there is the Permit Extension Act. He noted that most developers would like to get the affirmative action of the Board to allow that Extension to occur. He stated that under Section (a) this extension is automatic, under Section (c) there is an economic issue. He suggested the combination of both of these, provides a basis for the extension request.

Roger Thomas pointed all conditions of the approval are still in effect.

Action: A motion was duly made by Mr. Smith seconded by Mr. Straut, to approve a 1 yr. extension to **ZB#03-10 Montage Enterprises** - Block 702, Lot 18.01, 140 Rt. 94 – Prel & Fin. Major Site Plan. Roll call vote: Green, Ohannesian, Straut, Smith, Repasky, Sartori and Waldron – yes.

COMPLETENESS:

ZB#01-12 Dominic Zukoski - Block 902, Lot 12 – Bulk vars.

Bill Gold, attorney for the applicant, referenced Ted Rodman’s report of 3/9/12, in which he recommends this application be deemed Complete.

Roger Thomas commented, if the Board does deem this application Complete, he suggested, included in the motion, there should be a waiver for the proposed buffering of landscaping areas.

Action: A motion was duly made by Mr. Straut, seconded by Mr. Repasky, to deem **ZB#01-12 Dominic Zukoski** - Block 902, Lot 12 – Bulk vars.- Complete, with the waiver for the proposed buffering of landscaping areas. Roll call vote: Green, Ohannesian, Straut, Smith, Repasky, Sartori and Waldron – yes.

Bill Gold pointed out that a couple of issues need to be resolved in Ted Rodman’s 3/9/12 report.

Item a. Is this considered a corner or side lot? A corner lot would require a variance for the side yard. If it is not a corner lot, they meet the side yard requirements.

Roger Thomas asked if Cobblewood Rd. is a municipal road. Ted responded it is, and the other is a private road. Roger Thomas indicated it doesn’t require a 2nd variance. He does not believe that it is a corner lot. He said, it is a public street that makes it a corner lot. Bill Gold noted that it is on the private street that the proposed garage is to be located.

Item c. Permit total lot coverage to exceed 15%.

Bill Gold noted the lot coverage exceeds the municipal limitation of 15%. He said that Ted Rodman is correct to indicate that triggers the D variance, due to increased density.

Roger Thomas’s understanding is that Section 4 is not for lot coverage but rather for FAR. Roger Thomas said lot coverage still requires a variance but he believes it is a C variance.

Bill Gold explained that this applicant appeared before this Board a couple of years ago and got a use variance to locate the machine shop there.

He noted there is some discrepancy in the distances of existing accessory buildings. The first surveyor was unavailable. The second surveyor, who will be present at the Hearing, stated his measurements could differ.

Ted Rodman pointed out the applicant did get a variance the first time but now needs more.

Bill Gold stated the application noted that these accessory buildings were within the setback area. He speculated somehow this slipped through the cracks and did not make it into the Resolution.

Roger Thomas informed Bill Gold to bring the old maps that granted the variance. Then have a representation from the client as to what that map said. He said it should be noted the deviation shown on this map, is a technical deviation, and the buildings have not been moved.

He said, generally when drafting a Resolution, he wouldn't identify all the buildings but rather refer to the map or plat submitted, as the reference.

Bill Gold was informed the official newspaper is the New Jersey Herald for Notice of Hearing.

PUBLIC HEARING:

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

This application is being carried as per letter dated 3/2/12 from the applicant's attorney, Peter Hilgendorff, Jr., until the April 10, 2012 BOA meeting.

Roger Thomas responded to a resident in the audience that notice should be given by the applicant's attorney to adjacent landowners.

In a further response to this resident, Roger Thomas pointed out the applicant is looking to develop 2 lots that are not on a municipal road. They are seeking to meet certain standards to enable this.

CORRESPONDENCE:

PB Minutes 12/19/11
NJ Planner December. 2011
NJLM e-mail 1/19/12 Recently Enacted Legislation re: Land Use

Ltr. D. Santini 2/6/12 **ZB#02-06 The Last Frontier** Re: Sign placement

Ted Rodman will review and pass on the status of the conditions.

Richard Mach e-mail 3/1/12 re: Our letter to the Board of Ed

Roger Thomas stated there was a statute that came into effect that allowed for the collection of monies as part of Development applications. That is the Development Fee Ordinance. He pointed out the law now indicates that if a community doesn't expend the money within a certain period, then it is lost.

It is his understanding that the bulk of the money that Blairstown Twp. has, was collected in 2008. Unless that money is spent or committed in a manner acceptable to the DCA, the money will be lost.

Roger Thomas said what this is all about is, that the money is spent locally so it does not go into a state fund. It must be used for Affordable Housing purposes. There are a few options.

He understands it to mean that the Township Committee would like to have the (Vail School) as an option.

He commented that it is most likely that the Township Committee will have to come before “a” board since he anticipates a Site Plan will be needed.

It was pointed out that at this time, Theresa Tamburro, MHL, is currently scheduled to speak about this at the next Planning Board meeting on 3/19/12.

OTHER BUSINESS:

BOA 2011 Annual Report

Chairwoman Waldron wishes to discuss the size of accessory structures at the 4/10/12 meeting. She pointed out she wants the Board members to review this and be prepared to discuss at the next meeting.

Roger Thomas advised that this report then must be adopted, as a recommendation, and forwarded on to Township Committee.

Appointment of a BOA Planner

Chairwoman Waldron noted that the Planning Board has appointed Darlene Jay, PP, at the same rate as last year, \$110. per hour.

Though it is optional for the BOA to appoint a Planner, Roger Thomas pointed out that it is a good idea for the BOA to have a Planner since they vote on D variances, which are planning related. He also noted that professional services are taken from the applicant’s escrow.

Chairwoman Waldron pointed out, this is normally done at the Re-org meeting but BOA wanted to check with Planning Board first to find out if they approved a Planner, before BOA takes such action.

Action: A motion was duly made by Mr. Straut, seconded by Mr. Ohannesian, to appoint **Darlene Jay, Maser Consulting**, as **Planner**, at the rate of \$110. per hour on an “as needed” basis.
Roll call vote: Green, Ohannesian, Straut, Smith, Repasky, Sartori and Waldron – yes.

Balbi ZB03-11 – Compliance?

Darst ZB04-10 – Compliance?

Chairman Waldron questioned the compliance of Balbi ZB03-11 and Darst ZB04-10.

Roger Thomas advised that the Board, as part of their Board function, could ask the Zoning Officer, David Diehl, to determine whether or not they are in compliance in accordance with the resolutions and report back to them.

NEW BUSINESS:

None

PUBLIC PORTION:

Chris Thatcher, Four Corners Rd., asked for a summarization of **ZB#06-11 John Clark** - Block 801, Lot 1, Lot 2.01 – no road frontage – Permit (40:55 D-34&35).

Roger Thomas indicated that the applicant is looking for relief from Statute 40:55 D.

Ted Rodman mentioned that the information is available for public inspection at Town Hall.

VOUCHERS:

Action: On a motion duly made by Mr. Straut seconded by Mr. Ohannesian, escrow and general vouchers, as attached to these minutes, were approved. Roll call vote: Green, Ohannesian, Straut, Smith, Waldron, Repasky 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. Repasky, and unanimously carried, the meeting was adjourned at 8:08 pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary