

**BLAIRSTOWN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
September 8, 2009**

MINUTES

The Blairstown Township Board of Adjustment met in regular session on Tuesday, September 8, 2009 at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following Board members were present: Philip Rivera, Barbara Green, Charles Anderson, Andrew Straut, Mark Ohannesian and Debra Waldron. Lois Brod, Mike Repasky and Joe DiGrazia were absent. Also present were Board Attorney, Roger Thomas, Board Engineer, Ted Rodman and Board Secretary, Marion Spriggs.

Mrs. Waldron, Vice Chair, chaired this meeting.

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 August 11, 2009 Regular Meeting

Mrs. Waldron expressed her desire to include the specific items listed in the resolution for **ZB#03-09, Steven J. Poweska**, “such as lawn mowers, snow blowers, and similar items” added to the minutes.

Action: A motion was duly made by Mr. Anderson seconded by Mr. Rivera, to approve the minutes of the August 11, 2009 meeting, as corrected. Roll call vote: Rivera, Anderson, Ohannesian and Waldron – yes. Green and Straut – abstained.

RESOLUTIONS:

ZB#03-09, Steven J. Poweska, Block 401, Lot 12, 67 Walnut Valley Rd., - Bulk Variance

The Board reviewed this resolution, which was distributed by Roger Thomas, at this meeting.

A copy was given to the applicant to review at this meeting.

While applicant was reviewing the resolution, Mrs. Waldron proceeded with applications for Completeness.

COMPLETENESS:

ZB #04-09 Metro PCS of NY LLC, Block 1707, Lot 14.01, 131 Mt. Hermon Rd. – Min. Site Plan, Use Variance, Conditional Variance

Ted Rodman indicated that this is a co-location on an existing tower. He had a conversation with the applicant's attorney today and the attorney asked that the Board deal with Completeness tonight and if found Incomplete, that Completeness be carried until the next month.

Ted Rodman pointed that there are 4 other carriers on that tower. He reviewed his report dated 9/4/09. He suggested items #1, 2, 3 and 5 be met for the application to be deemed complete.

Ted recommended that Hearing and Completeness be done at the October 13, 2009 meeting.

Roger Thomas asked if anything could be waived. Ted Rodman responded that the contours could be waived.

Action: A motion was duly made by Mr. Straut, seconded by Mr. Anderson, to deem **ZB #04-09 Metro PCS of NY LLC**, Block 1707, Lot 14.01, 131 Mt. Hermon Rd. – Min. Site Plan, Use Variance, Conditional Variance – INCOMPLETE for items #1, 2, 3, and 5 on Ted Rodman's 9/4/09 report. Roll call vote: Rivera, Green, Anderson, Straut, Ohannesian and Waldron- yes.

Mrs. Waldron stated that this application will return next month for Completeness and Hearing.

ZB #05-09 Todd Bertholf, Block 102, Lot. 11.02, 58 Four Corners Rd. – Bulk Variance

Ted Rodman stated that this had been before the Board in the past. He explained David Diehl, Zoning Officer, did not issue the violation of 6/4/09. The violation for the pole barn was issued by the Building Official because the applicant had no zoning permit. David Diehl concurred with the Building Official.

Ted Rodman reviewed his report dated 9/4/09.

He stated there is a heavily wooded area. He recommends that Item 2 regarding buffered areas be waived for Completeness as he will address it at the Hearing. Ted Rodman did not do a site inspection prior to his report. This will be addressed prior to the next meeting.

Action: A motion was duly made by Mr. Straut, seconded by Mr. Anderson, to deem **ZB #05-09 Todd Bertholf**, Block 102, Lot. 11.02, 58 Four Corners Rd. – Bulk Variance – Complete with Item 2 from Ted Rodman's 9/4/09 report, waived until the Hearing. Roll call vote: Rivera, Green, Anderson, Straut, Ohannesian and Waldron- yes.

At this point of the meeting, the Board continued with application **ZB#03-09, Steven J. Poweska**, Block 401, Lot 12, 67 Walnut Valley Rd., - Bulk Variance

RESOLUTIONS:

ZB#03-09, Steven J. Poweska, Block 401, Lot 12, 67 Walnut Valley Rd., - Bulk Variance

Debra Waldron asked the applicant if he reviewed the resolution. Steven Poweska responded affirmatively. He stated that he has a few issues.

Mr. Poweska pointed out that the resolution on pg. 1 indicates the applicant is the owner of the property. He clarified that his parents own the property. He is the applicant.

On pg. 2 Mr. Poweska questioned the last paragraph, which indicated the deed restriction imposed, would state that the proposed accessory structure could not be rented. Steve Poweska has no intention of renting the accessory structure out but in the future considers the rental restriction a detriment, whenever the property is sold.

Ted Rodman referred to his report of August 7, 2009, additional comment #5, which states “Any approval should prohibit the use of the structure for human habitation or commercial use”.

Roger Thomas, Board Attorney, explained the accessory structure is for the owner’s personal use. It is not to be rented out. It is not for human habitation, nor rental use for storage. He further stated that this does not prohibit Mr. Poweska from renting out the entire lot. It prevents having one person live there and someone else rent out the structure.

A Board member questioned why the application was not in the owner’s names, who are the parents of the applicant, Steven Poweska. Roger Thomas suggests having the application name be amended from Steven Poweska to his parents, Frank and Barbara Poweska. The deeds are currently in the names of Frank and Barbara Poweska. Steven Poweska agreed with this name change. Roger Thomas will revise the resolution to indicate Frank & Barbara Poweska as owners.

These variances run with the land. When Steven Poweska inherits the land, he will have the same rights as his parents do.

Roger Thomas pointed out that these variances do run out. There is a time frame. It is in the Ordinance. If this time frame is not adhered to, it may run out regardless of who the owner is.

Mr. Anderson, Board member, recommended the Building Permit be in the parents’ names.

Action: A motion was duly made by Mr. Anderson, seconded by Mr. Rivera, to deem **ZB#03-09, Steven J. Poweska**, Block 401, Lot 12, 67 Walnut Valley Rd., - Bulk Variance – Complete with aforementioned name change. Roll call vote: Rivera, Anderson, Ohannesian and Waldron – yes. Green and Straut – abstained.

PUBLIC HEARING:

None

BOA Minutes 9/8/09

CORRESPONDENCE:

Minutes from 7/20/09 Planning Board Meeting

Ltr. 8/7/09 from Kevin Doell, Blrstwn. Environ Comm., **Re: Draft Resol.- Sustainable Land Use Pledge**

This letter will be discussed at the October 13, 2009 meeting.

OTHER BUSINESS:

Darst Status – ZB#02-05

Roger Thomas received a letter from Attorney Clark, that the Darsts have retained an engineering firm to prepare an amended site plan. Mr. Clark wanted to know if the Board would consent to adjourning the matter before the Appellate Division for 2 months. He also wanted an opportunity to have a pre-application meeting with Ted Rodman and/or other Township officials regarding the amended site plan.

An oral argument is scheduled in 2 weeks.

The consensus of the Board is that enough time has been available to develop an amended site plan. They wish to continue to keep the matter in the Court's hands.

Roger Thomas will report back that the Board does not consent.

He stated that the Darsts would be willing to post escrow for the pre-application meeting with Ted or other Township officials. He indicated perhaps drainage was the reason for this. Roger Thomas recalls about 1 year ago, an alternate plan was mentioned, that had to do with issues of drainage and perhaps that was the reason for this request.

Debra Waldron, would like to know what the purpose of this new application is. Roger Thomas will investigate and return with an answer by the next meeting.

Last Frontier – ZB#02-06

This matter will be coming up in October.

Verizon/All Walnut Valley – ZB#05-08 aka /“Cellco”

Roger Thomas indicated that this application is still pending and is in the briefing stage.

NEW BUSINESS:

None

BOA Minutes 9/8/09

PUBLIC PORTION:

There were no comments from the public, the audience was empty.

VOUCHERS: Professional services rendered.

Mr. Rivera pointed out a 1 cent discrepancy on Purchase Order for Dolan & Dolan Inv. 188704, which will be corrected.

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

ADJOURNMENT:

The Chairman asked the Board for a motion to adjourn.

Action: On motion duly made by Mr. Anderson, seconded by Mr. Straut, and unanimously carried, the meeting was adjourned at 8:08 PM.

Respectfully submitted,

Marion C. Spriggs
Board Secretary