

**BLAIRSTOWN TOWNSHIP
LAND USE BOARD MEETING
December 21, 2015**

MINUTES

The Blairstown Township Land Use Board met in a regular session on Monday December 21, 2015, at 7:30 pm at the Blairstown Municipal Building, 106 Route 94, Blairstown, New Jersey. The following members were present: Barbara Green, David Keller, Nick Mohr, Mike Repasky, Paul Avery, Herman Shoemaker, Debra Waldron, Dominic Daleo, and Mark Ohannesian. Jim Sikkes and Richard Mach were absent. Also present were: Board Engineer, Ted Rodman, Board Attorney, Roger Thomas, and Board Secretary, Marion Spriggs.

SALUTE TO THE FLAG: was recited.

ROLL CALL: was taken.

THE SUNSHINE STATEMENT: was read.

Meeting was called to order by Chairwoman Waldron, who stated:

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

LAND USE BOARD 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.

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

Minutes of the November 16, 2015 Regular Meeting of the Land Use Board were approved, as corrected.

Action: A motion was duly made by Mr. Daleo seconded by Mr. Keller, to approve the Minutes of the November 16, 2015 Regular Meeting of the Land Use Board, as corrected.

Roll call vote: Green, Keller, Mohr, Repasky, Avery, Shoemaker, Waldron, Daleo and Ohannesian - yes.

RESOLUTIONS:

LB#05-15 Turf Pro, LLC, 9 Artist View Lane, Blairstwn, Blk. 803, Lot 4.15 Use Var (carried)

Roger Thomas explained since the action was taken, there have been discussions as to whether or not they are in the process of making a decision to seek to amend the Application, or file a new one. That is the reason why this is being carried.

He stated one way or other, something will have to be done with the Application but it can be done in January 2016.

He noted if they file a new application, the LUB will adopt the Resolution to Deny, as per LUB action in November 2015.

If they seek to amend, that will require some doing, in terms of how much of an amendment it will be.

He reiterated, the Applicant has not yet decided, and that is why this matter is being carried.

LB#07-15 Anthony Furfero, 108 Mohican Rd.,Blairstwn, Blk.803, Lot 2.10– Bulk Var. Sec. 35/36 (Incomplete)

Roger Thomas noted the Resolution deeming this application INCOMPLETE can be adopted, however, as indicated in the Completeness portion, they have asked the matter be carried.

Action: A motion was duly made by Mr. Keller seconded by Mr. Repasky, to approve the Resolution deeming **LB#07-15 Anthony Furfero, 108 Mohican Rd.,Blairstwn, Blk.803, Lot 2.10– Bulk Var. Sec. 35/36 (Incomplete)**. Roll call vote: Green, Keller, Mohr, Repasky, Waldron, Daleo, and Ohannesian - yes. Avery and Shoemaker – abstained.

COMPLETENESS:

LB#08-15 Blair Acad CIC Blg, 2 Park St, Blairstwn, Blk.906, Lot 13–Prel & Fin. Maj.Site Plan, Use Var.

Ted Rodman recommended this application be found Complete with 7 waivers listed in his report of 12/18/15.

Chairwoman Waldron confirmed that taxes are paid to date.

Action: A motion was duly made by Mr. Mohr seconded by Mrs. Green, to deem **LB#08-15 Blair Acad CIC Blg, 2 Park St, Blairstwn, Blk.906, Lot 13–Prel & Fin. Maj.Site Plan, Use Var.** –Complete with the aforesaid waivers. Roll call vote: Green, Keller, Mohr, Repasky, Waldron, Daleo, and Ohannesian - yes. Avery and Shoemaker – abstained.

Mr. Frick will Notice for 1/18/16.

LB#07-15 Anthony Furfero, 108 Mohican Rd., Blairstown, Blk.803, Lot 2.10– Bulk Var. Sec. 35/36 (carried)

Chairwoman Waldron declared this matter will be carried.

PUBLIC HEARING:

LB#06-15 1st Presbyterian Church of Blairstown, Blk. 1206, Lot 1, 1 Main St., Prel & Fin Major Site Plan

Charles O’Connell, Esq., of Blairstown, is representing this Applicant.

Pastor David Harvey, 1st Presbyterian Church of Blairstown, was sworn in.

Jason Dunn, PP, Dykstra Associates, PC, of Newton, was sworn in.

Mr. Dunn summarized the project. He explained from the rear of the church, 2 separate additions, facing Douglas St., are proposed to improve access to the church. The congregation is seated ½ story above ground. The westerly addition, farthest from Bridge St. is 306.6 sq. ft. and will contain the stairwell. The easterly addition, closest to Bridge St. is 284 sq. ft. and is for an elevator. They are ADA compliant. Total height is 26ft. 2in. These are within the existing zoning building restrictions.

The existing elevator will be replaced with one of the proposed additions. There will be minor site work around the church with the reconstruction of a ramp, light post, and lighting under a new canopy.

He explained there will be an excavation depression to mitigate the building volume as per DEP requirements for a flood-hazard area. The DEP permit is dated 8/6/15.

There is a deed restriction that any mechanical or electrical utilities can’t be placed below 343.83ft. There will be no habitable spaces below that. A new deed will have to be submitted to the County.

Exhibit A-1 letter from Jason Dunn of 12/15/15 referencing the above restriction, was marked.

An old large tree will be removed as it is in the way of the depression.

Exhibit A-2 Original *modified* drawing on foam board, from Schoonover & Vanderhoff Architects 12/21/15, was marked.

Ted Rodman suggested exhibits and revised plans be submitted and retained for the file.

An application has been submitted to Warren Cty. Planning Bd.

Ted Rodman’s report of 12/17/15 was reviewed.

Ted Rodman asked if anything was submitted to Historic Committee. The response was negative as Pastor Harvey is a member of that committee and was awaiting possible approval first.

Attorney O'Connell offered to forward them a copy of the Application to see if they have any comments.

This portion of the Hearing was opened to the Public. There were no members of the Public present.

Roger Thomas summarized as follows:

Conditions should include all conditions outlined in the DEP Permit dated 8/6/15 together with Items 2, 5, 6, 8, 9, 10, 11 & 12 outlined in Ted Rodman's report of 12/17/15.

Exhibit A-2 *revised* architectural drawing will be provided.

Action: A motion was duly made by Mr. Keller seconded by Mr. Repasky, to approve **LB#06-15 1st Presbyterian Church of Blairstown**, Blk. 1206, Lot 1, 1 Main St., Prel & Fin Major Site Plan with the aforesaid conditions. Roll call vote: Green, Keller, Mohr, Repasky, Avery, Shoemaker, Waldron, Daleo, and Ohannesian - yes.

CORRESPONDENCE:

None

OTHER BUSINESS:

(Former LB#01-12) **LB#06-13 John Clark**, Blk. 801, Lot 1, 2.01 No rd. frontage

Roger Thomas suggested the following motion to enter into Executive Session to discuss possible litigation.

Action: A motion was duly made by Chairwoman Waldron, seconded by Mr. Mohr, and unanimously carried, to enter into Executive Session at 8:15 PM, to discuss litigation.

Action: A motion was duly made by Chairwoman Waldron, seconded by Mrs. Green, and unanimously carried, to adjourn Executive Session at 8:30 PM

2016 Land Use Board Budget

Chairwoman Waldron questioned if an allowance needs to be made for the mandatory training course for the anticipated-2 new LUB members, who will be appointed in January 2016.

Roger Thomas responded he will be doing a mandatory training class in 2016. He pointed out he has not charged in the last 7 years.

The Budget was discussed. Roger Thomas noted there will be litigation expenses for 2016.

He also noted Master Plan obligation is every 10 years. He explained if there is anything the Township wishes to do in 2016, it can be done sooner but the requirement is not there.

Chairwoman Waldron asked the Mayor if there is anything that the Township Committee is looking to change, that would require a change to the Master Plan. Mayor Shoemaker responded there is nothing that he knows of at this point. He added from the Committee's point-of-view, they are looking to save money and are not looking for ways to spend it.

He noted that Affordable Housing could throw some big surprises out there, so he agrees not to change the 2016 LUB Budget.

Action: A motion was duly made by Mr. Keller, seconded by Mr. Mohr, to maintain the same LUB Budget dollar figure as in 2015. Roll call vote: Green, Keller, Mohr, Repasky, Avery, Shoemaker, Waldron, Daleo, and Ohannesian - yes.

SELECTION OF A TOWNSHIP/LUB PLANNER

Chairwoman Waldron asked Mayor Shoemaker where The Township stands in terms of our Planner re: COAH.

He responded, The Committee wanted competitive bids when they were asked to have Maser Consulting do this matrix study. Jessica Caldwell, of Newton, came in @ low bid. So they decided to use her for that study.

He said, that raises the question of whom the LUB's Planner will be.

Chairwoman Waldron noted LUB must appoint a Planner in January.

Chairwoman Waldron pointed out the issue of **LB#02-14 NWRHS Rezone** still exists, as they are to come before Township Committee on 1/13/16. She plans to attend that meeting. She and Mayor Shoemaker extended an invitation to all LUB members to attend.

Mayor Shoemaker noted there has still been no response from NWRHS to the question how much money was spent in the last 5 years. He also noted Attorney Benbrook is reviewing the Resolution. He said he will talk to him about that.

Chairwoman Waldron requested that if this matter is carried again, that she receive notification.

She is concerned about what's going to happen with regard to a Planner.

Roger Thomas responded, The Township has indicated for the specific project, i.e. Affordable Housing Litigation, they have decided to use Jessica Caldwell. He explained that doesn't

interfere with the LUB's choice of Darlene Green of Maser Consulting, if they choose to retain her, for work that is done at the Land Use Board level.

He does not think having a different engineer or planner from Twp. Comm. for LUB, is a good idea. He explained this is a unique situation. It is not Darlene Green and Jessica Caldwell with competing ideas. Since it is for a specific project, it will involve the LUB down the line.

In this circumstance, he advised, should the LUB choose to maintain its relationship with Darlene Green, he doesn't think it presents a conflict, even though Twp. Comm. has decided to use Jessica Caldwell for the Affordable Housing Project. He noted it is ultimately the Land Use Board's decision.

Mayor Shoemaker pointed out it saved \$1400.

The Mayor suggested that maybe the LUB may want to bid this again. He noted this was done 5 or 6 years ago which produced 3 responses.

Chairwoman Waldron revealed that if she had known this was the intent of Twp. Comm., she would have already gone out to bid in advance of the LUB Reorg Meeting on 1/18/16. She noted this would be for an hourly-rate bid.

She desires the Professionals to show up and doesn't want underlings sent out for projects. That was a stipulation with Maser Consulting. If Darlene Green was unavailable, then John Madden would oversee without charging an additional fee.

In the past, on the Planning Board, a small sub-committee was formed to review bids. Both the Mayor and Chairwoman Waldron agreed this would be a good idea.

The Mayor advised Marion Spriggs to talk with Christine Rolef, CFO, who just sent out material recently to obtain these bids for Twp. Comm.

COAH

Roger Thomas attended a conference and sent out a memo. To review, he pointed out that 270 towns formed a coalition to be able to fund a response to the Building Association and the Fair Share Housing Center's methodology, which is viewed as outrageous.

This coalition got together to retain E Consult Solutions Inc., from Philadelphia, upon Dr. Burchell's stroke. (Dr. Burchell originally was preparing the Report.)

There has been several meetings including the one most recently, where E Consult came and outlined the Report. A final copy should be coming out any day now, Roger Thomas indicated.

He knows that Attorney Benbrook has filed for an Extension of Time for Blairstown Twp. to have the Report available. He noted the time period has expired. Mayor Shoemaker and Committeeman Avery, revealed that was granted.

Roger Thomas declared the good news is, that Blairstown Twp. is under the jurisdiction of Judge Miller who seems to be very reasonable and practical. He has an understanding what happens in municipal government.

TRAIN

Chairwoman Waldron asked for any updates for the possibility of a train coming to Blairstown. She indicated they were trying to get it into Andover. She read a recent article regarding getting interested communities seeking the train, to go for funding.

Mr. Mohr declared if there is any Federal money available, he foresees it going into another tunnel going under the River, long before any train project. He believes there will be a 5 year heads up.

Mr. Mohr pointed out that they are broke. He said \$500 million was blown and they can't possibly offer service to Andover until end of 2017. He noted the Mayors from the Allentown, Pa. area, are excited about the concept of a train to the Lehigh Valley which would take 4 hrs. to get to NYC.

Chairwoman pointed out there was a 2 hr. projection, to get from Blairstown to NYC.

CHANGE IN LUB MEETINGS HELD ON HOLIDAYS

Chairwoman Waldron pointed out at least 2 LUB meetings are held on holidays, when the Town Hall is closed. They are Martin Luther King Day and Presidents' Day. She explained for the most part, applicant's attorneys are not available. She personally, has had such experience with 2 local attorneys.

Roger Thomas pointed out that he still has the 2nd Tues. of the month available, should rescheduling be a consideration.

Chairwoman Waldron's concern is for having to open the building just for the sake of the LUB meeting, resulting in heating and/or air-conditioning costs. Also, she mentioned having Marion come to work on a holiday when all Municipal employees are off.

Since there was a conflict with availability of 2 LUB members, the end result was to continue, as scheduled, with LUB meetings on the 3rd Monday of the month, publishing as such, yearly, in the NJ Herald (official newspaper of the LUB).

In the case of holidays, the option of LUB amending the schedule can occur on a holiday-to-holiday basis. Notification of a rescheduled meeting date would be indicated on the front door of Town Hall.

NEW BUSINESS:

None

PUBLIC PORTION:

There were no members of the public present at this time.

VOUCHERS: Professional services rendered.

Action: On a motion duly made by Mr. Mohr, seconded by Mayor Shoemaker, escrow vouchers, as attached to these minutes, were approved. Roll call vote: Green, Keller, Mohr, Repasky, Avery, Shoemaker, Waldron, Daleo, and Ohannesian– yes.

NEW MEMBERS:

Chairwoman Waldron announced that Twp. Comm. has found a couple of new LUB members who should be coming aboard on January 18, 2016.

ADJOURNMENT:

Chairwoman Waldron asked the Board for a motion to adjourn.

Action: On a motion duly made by Mr. Daleo, seconded by Mr. Avery, and unanimously carried, the meeting was adjourned at 8:55pm.

Respectfully submitted,

Marion C. Spriggs, Board Secretary