

MINUTES OF MEETING OF FEBRUARY 8, 2012

The regular meeting of the Frelinghuysen Township Board of Adjustment was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 8, 2012 and was called to order at 7:30 p.m. by Chairman Stracco.

SUNSHINE LAW STATEMENT:

Adequate notice of this meeting was provided by posting notice on the Township bulletin board and by e mailing notice to the New Jersey Herald and The Express-Times.

ROLL CALL:

Present: Bailey, Klein, Jungkind, Stracco, Walters and Connor
Absent: Boynton, Soisson, and Soranno.

MINUTES:

The minutes of the meeting of January 11, 2012 were approved as amended on motion made by Jungkind, seconded by Walters. Roll call vote: Bailey-yes, Klein-yes, Stracco-yes, Jungkind-abstain, Walters-abstain, Connor-abstain. The minutes of the executive session of January 11, 2012 were approved on motion made by Bailey, seconded by Klein. Roll call vote: Klein-yes, Jungkind-abstain, Stracco-yes, Walters-abstain, Connor-abstain, Bailey-yes.

CORRESPONDENCE:

The following correspondence was given to the members:

- a. Brady & Correale Re: Kids Corp-dated 1/16/12
- b. Brady & Correale Re: Kids Corp-dated 1/24/12

RESOLUTIONS:

The resolution for Pieter & Karen Woodcock, application #2012-01, Block 602, Lot 3 was memorialized as drafted on motion made by Bailey, seconded by Klein. Roll call vote: Jungkind-abstain, Stracco-yes, Walters-abstain, Connor-abstain, Bailey-yes, Klein-yes.

OLD BUSINESS:

Max Klein was appointed as Secretary to the Board on motion made by Bailey, seconded by Walters. This appointment was made in the event that if the Chairman and Vice Chairman are unable to attend a meeting or otherwise unable to preside, the secretary will run the meeting. Roll call vote: Stracco-yes, Walters-yes, Connor-yes, Bailey-yes, Klein-yes, Jungkind-yes.

The Rules and Regulations of the Board of Adjustment were adopted as modified on motion made by Bailey, seconded by Jungkind. Roll call vote: Walters-yes, Connor-abstain, Bailey-yes, Klein-yes, Jungkind-yes, Stracco-yes.

In the Rules and Regulations is a section establishing a Technical Coordinating Committee (TCC) consisting of the Board Attorney, Engineer, Planner and one member of the Board. The purpose of the TCC is to meet with applicants to identify legal, planning, engineering, technical, procedural and evidential issues so as to assist the applicant in making a more efficient and information presentation to the Board. The Board member appointed was Kevin Bailey.

The public hearing for application #2011-01 (Mr. & Mrs. Gorski) was held. Public notice had been given and the application was deemed complete in December 2011. In attendance on behalf of Mr. & Mrs. Gorski was attorney Richard Keiling who advised that the application is for a 3 acre property located on Route 94 in the village of Marksboro. On the property is a main residence, a secondary apartment and a separate garage. The applicants are seeking an interpretation in order to relocate the main residence to the rear of the property and remove the garage. Laura Brill, surveyor and planner appeared on behalf of the applicants and testified that the home is 15-18 feet off Route 94 and they would like to move the location to the rear of the property, remove the dilapidated garage and two cesspools and install a septic system. Moving of the house will take approximately 6 weeks during which time they will live in the accessory apartment. Where the main house is located will be filled in along with planting approximately 16 trees that will be 5-10 feet tall.

Ms. Anita Heins Krauth of Middlesex, Vermont was contacted via cell phone and put on speaker phone and testified that in the early 1960's there was an apartment on the property before the ordinances went into effect. She stated that she lived next door to the property in question and that there were apartments on both her parents' property and the present Gorski property.

Ms. Brill went over the overall review of the property and gave the benefits such as open space, light and air space along with public health by eliminating the cesspools. They meet the side yard setbacks and AR6 setbacks but do not meet the lot size. There is no detriment to the public, there are good landscaping plans. The issue with the well is that the present well would like to be kept for watering plants, however, if the county requires them to abandon the well they will.

The meeting was opened to the public for questions for Ms. Brill and spoke were:

Mr. Desiderio who asked about screening from the neighbors

Mr. DeCarolis who asked when the three lots were annexed together

Ms. Boland had concerns with regard to the location of the septic systems. She had no objection to the movement of the home. The applicant advised he would be willing to move the septic systems with approval from the Warren County Health Dept.

Mr. Keiling summarized the application by stating that they propose to do away with two pre-existing nonconformities one being the side yard and the other the removing of the dilapidated garage which would now be in front of the garage apartment. Furthermore doing away with two cesspools and bringing the septic system up to 2012 standards would be beneficial to the applicant and the community.

Mr. Golden summarized the application by stating that there is no problem with the split zone (Note: The home in its present location is in the VN1 zone and when moved will be in the AR6 zone), they have met the positive and negative criteria and there is no detriment to the public.

The Board attorney summarized by stating that the application stands on its own merits.

The following exhibits were entered:

- A1-colored plan prepared by Laura Bill
- A2-4 photographs of the Gorski property
- A3-Beers & Co. 1874 survey

Motion was made by Bailey, seconded by Klein to approve the D1 variance with accessory apartment in the front yard subject to the conditions. Roll call vote: Connor-yes, Bailey-yes, Klein-yes, Jungkind-yes, Stracco-yes, Walters-yes.

NEW BUSINESS:

EffiSolar New Jersey, LLC, application #2012-02, Block 601, Lot 6 appeared before the Board seeking a use variance and preliminary & final major site plan approval for a 27 acre solar energy facility at the intersection of Kerrs Corner Road and Silver Lake Road. In attendance was the company's attorney, Mr. John Giunco and engineer Matt Hockenbury.

The engineer completeness report was reviewed by the Board as follows:

- #1. #2 and #3 will be provided at the next meeting
- #4-plans 24x36 will be provided for record keeping. Plans 30x42 is for review
- #5-grading plans will be provided at the next meeting
- #6-conditional upon approval
- #7-will be provided
- #8-conditional upon approval

Motion was made by Bailey, seconded by Connor to declare the application complete subject to applicant providing the items of discussion. Roll call vote: Bailey-yes, Klein-yes, Jungkind-yes, Stracco-yes, Walters-yes, Connor-yes.

EXECUTIVE SESSION:

Motion was made by Walters, seconded by Bailey to enter into Executive Session. The Chairman stated that adjournment would take place immediately after executive session and asked if there were any audience participation. There was none and the Board entered into executive session.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, Secretary