

MINUTES OF THE MEETING OF JANUARY 14, 2008

The regular meeting of the Frelinghuysen Township Zoning Board of Adjustment was held in the Municipal Building, 210 Route 661, Johnsonburg, New Jersey on Monday, January 14, 2008 and was called to order at 7:30 p.m. by the Recording Secretary.

SUNSHINE LAW STATEMENT:

Adequate notice of this meeting was provided by posting notice on the Township bulletin board and by faxing notice to the Star Gazette and New Jersey Herald on January 5, 2007

ROLL CALL:

Kevin Bailey-present, Howard Jungkind-present, Max Klein-present, John Ponczek-present, Donald Soisson-absent, Christopher Stracco-present, Russell Walters-present. Alternates: Shannon Drylie-present Chip Greene-present.

REORGANIZATION:

Election of Chairman:

Motion was made by Klein, seconded by Ponczek to nominate Russell Walters as Chairman. Motion was made by Walters, seconded by Jungkind to nominate Christopher Stracco as Chairman. Roll call vote: Bailey-Christopher Stracco, Howard Jungkind-Christopher Stracco, Max Klein-Russell Walters, John Ponczek-Russell Walters, Christopher Stracco-Christopher Stracco, Russell Walters-Christopher Stracco, Shannon Drylie-Christopher Stracco and Chip Greene-Christopher Stracco. Mr. Stracco accepted the nomination.

Election of Vice Chairman:

Motion was made by Jungkind, seconded by Stracco to nominate Kevin Bailey. All in favor.

Election of Secretary:

Motion was made Stracco, seconded by Bailey to nominate Max Klein. All in favor.

Appointment of Attorney:

Motion was made by Bailey, seconded by Walters to nominate J. Edward Palmer. All in favor.

Appointment of Engineer:

Motion was made by Bailey, seconded by Jungkind to nominate Joseph Golden of Golden and Moran with the same conditions as last year. All in favor.

Appointment of Recording Secretary:

Motion was made by Bailey, seconded by Klein to nominate Brenda J. Kleber. All in favor.

Appointment of Legal Newspapers:

Motion was made by Stracco, seconded by Jungkind to nominate the Star Gazette and New Jersey Herald. All in favor.

RESOLUTIONS:

Meeting date resolution:

Please take notice that the Frelinghuysen Township Zoning Board of Adjustment, Warren County, New Jersey has adopted the following official calendar for the 2008 calendar year at their reorganization meeting held on January 14, 2008.

February 11, 2008

August 11, 2008

March 10, 2008

September 8, 2008

April 14, 2008

October 13, 2008

May 12, 2008

November 10, 2008

June 9, 2008

December 8, 2008

July 14, 2008

January 12, 2009

The meetings are subject to be canceled if there have been no applications or hearings received by the Zoning Board of Adjustment office at least 14 days prior to the scheduled date.

All meetings are to be held at the Municipal Building, 210 Route 661, Johnsonburg, New Jersey Warren County, New Jersey at 7:30 p.m. Action may be taken at all meetings.

Motion was made by Walters, seconded by Jungkind to adopt said resolution. All in favor.

Summary resolution for variances:

WHEREAS, by statute designated N.J.S.A.40:55D-70-1 effective March 22, 1986, mandated by the Legislature of the State of New Jersey that every Board of Adjustment shall at least once a year review its decisions on applications and appeals for variances, and then prepare and adopt a resolution, a report of its findings and zoning ordinance provisions which were the subject of variance request together with its

recommendations or ordinance amendment or revision, if any; and

WHEREAS, the Board of Adjustment of the Township of Frelinghuysen has had prepared a report summarizing its findings respecting all variance applications between January 1, 2007 and December 31, 2007, inclusive, this report shall be prepared annually and a copy of the report being attached hereto.

Township of Frelinghuysen

<http://www.frelinghuysen-nj.us>

IT IS HEREBY RESOLVED, by the Zoning Board of Adjustment that recommendations for zoning ordinance amendment or revisions can be rationally based on its experience with the zoning ordinances in place at the time the variance applications incorporated in the attached report came before it for disposition.

SUMMARY OF VARINACE REQUEST HEARD BY THE
TOWNSHIP OF FRELINGHUYSEN ZONING BOARD OF ADJUSTMENT
BETWEEN JANUARY 1, 2007 AND DECEMBER 31, 2007

1. Omnipoint Communications, Inc., Block 1201, Lot 22 appeared before the Board seeking conditional use variances from the requirement that no communications facility shall be located within 500 feet of any dwelling, from the requirement regarding the minimum setback to any property boundary and from the requirement regarding the maximum height of the monopole. INCOMPLETE AND INACTIVE SINCE MARCH 2007

2. William and Jessica Pucci, Block 1401, Lot 3.05 appeared before the Board seeking a bulk variance to install an inground pool in the apparent front yard. APPROVED

3. 995 Route 94 Project Partnership, Block 301, Lot 17.01 appeared before the Board seeking an use variance to build Senior Citizen housing in an AR6 zone. ONGOING

Motion was made by Klein, seconded by Walters to adopt said resolution. Roll call vote: Bailey-yes, Jungkind-yes, Klein-yes, Ponczek-yes, Stracco-yes, Walters-yes, Drylie-abstain, Greene-abstain.

Professional Services Agreement:

WHEREAS, the Zoning Board of Adjustment of the Township of Frelinghuysen require the services of a Board Attorney and Board Engineer; and

WHEREAS, funds will be available to pay for the aforesaid services.

NOW, THEREFORE BE IT RESOLVED, that:

1. The appointment of the following for the term indicated is hereby approved:

a. Board Attorney-J. Edward Palmer of Palmer & Houston-1 year term

b. Board Engineer-Joseph Golden of Golden & Moran-1 year term

2. The services of the above mentioned appointees were engaged without competitive bidding as "professional services" as defined in the local public contracts law, because such services are performed by person authorized by law to practice a recognized profession, regulated by law, and it is not necessary to obtain competitive bids.

3. A copy of this resolution shall be published as required by law within ten (10) days of its passage.

Motion was made by Jungkind, seconded by Ponczek to adopt said resolution. All in favor.

MINUTES:

The minutes of the meeting of December 10, 2007 were approved as modified on motion made by Klein, seconded by Walters. All in favor except for Drylie and Greene who abstained.

NEW BUSINESS:

Application #2008-01 for James and Mary DiCarlo, Block 801, Lot 1:

Attorney Michael Selvaggi, appeared before the Board on behalf of Mr. & Mrs. DiCarlo for completeness only. There were five (5) waivers requested pending submission of items prior to the February meeting. These items will be provided prior to the meeting.

Motion was made by Bailey, seconded by Walters to approve the conditional application subject to the deficiencies and additional comments being provided as per Golden & Moran's memo dated January 11, 2008. Roll call vote: Bailey-yes, Jungkind-yes, Klein-yes, Ponczek-yes, Stracco-yes, Walters-yes, Drylie-yes, Greene-yes.

Application #2008-02 for Kids Corporation, Block 104, Lot 10:

Note: At this time, Russell Walters recued himself due to a conflict. It was also noted that Christopher Stracco had no conflict with his firm as there has been no issues in the past.

Attorney William Monday appeared before the Board on behalf of Kids Corp., for completeness only. Mr. Monday stated that he is seeking a use variance to expand a non conforming use and at a later date a site plan for construction.

Mr. Golden's review was reviewed and the following items were discussed:

Revise the plans to reflect the bulk requirements: *This will be revised*

Wetlands: *Applicant will comply along with the LOI being waived. A certification will be provided.*

Existing trees: *waiver granted*

Stream corridors, flood plains, etc.: *waiver granted*

Lighting, type, hour of operations: *this will be given during testimony*

Parking analysis: *this will be addressed during testimony*

Stormwater management: *will be provided and addressed*

Sanitary sewage disposal systems: *will be provided and addressed*

Soil types: *will be provided and addressed*

Environmental impact statement: *a waiver request will be sent to the Environmental Commission for their input.*

A conditional completeness motion was made by Bailey, seconded by Klein providing all information required as stated will be provided. Roll call vote: Bailey-yes, Jungkind-yes, Klein-yes, Ponczek-yes, Walters-yes, Drylie-yes, Greene-yes, Stracco-yes.

OLD BUSINESS:

A letter of extension was read into the record for 995 Route 94 application. After discussion, it was decided that a form consenting to an extension will need to be provided by the applicant along with a request that before they appear again, adjoining property owners will be notified.

With regard to the fee schedule, motion was made by Jungkind, seconded by Klein to go along with the fee schedule as proposed and presented by the engineer who will forward a draft copy to the township attorney. All in favor.

The 2008 budget in the amount of \$3,000.00 was approved on motion made by Bailey, seconded by Klein. Roll call: Bailey-yes, Jungkind-yes, Klein-yes, Ponczek-no, Walters-yes, Drylie-yes, Greene-abstain.

Map size submission was discussed. The engineer would like 11 x 17 reductions instead of the full size sets. 17 sets would be needed with 12 small sizes and 5 large sizes. This was approved by the Board.

AUDIENCE PARTICIPATION:

Frank Desiderio asked if the Committee member could sit in the audience and hear testimony especially if it may come before the Township Committee in the future. The attorney will check it out further but thought it would be no problem since the case would go to the Superior Court in Belvidere.

Alan DeCarolis congratulated the new members of the board and asked if sets of the plans could be forwarded to the Environmental Commission. He also asked if 5 full size sets of maps be enough.

ADJOURNMENT:

There being no further business, motion was made by Jungkind, seconded by Drylie to adjourn the meeting. All in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC

