

MINUTES OF THE MEETING OF JULY 14, 2008

The regular meeting of the Frelinghuysen Township Board of Adjustment was held in the Municipal Building, 210 Route 661, Johnsonburg, New Jersey on Monday, July 14, 2008 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 faxing notice to the Star Gazette and New Jersey Herald on Jan. 5, 2008.

ROLL CALL:

The following members were present: Kevin Bailey, Howard Jungkind, Max Klein, Donald Soisson, Christopher Stracco and Russell Walters. Alternate present was: Chip Greene. John Ponczek and Shannon Drylie were absent.

MINUTES:

The minutes of the meeting of February 11, 2008 were approved on motion made by Soisson, seconded by Walters. All in favor except Klein who abstained. The minutes of the meeting of April 14, 2008 are on hold for revisions.

CORRESPONDENCE: (*denotes correspondence dated back to May)

- a. Martin Connor (two letters) Re: Kids Camp*
- b. John Gumann Re: Kids Camp*
- c. New Jersey Planner-May-June issue
- d. Frelinghuysen Township Clerk Re: Written communications

COMPLETENESS:

Attorney Michael Selvaggi and Engineer James Glasson appeared on behalf of James and Mary DiCarlo who is seeking a variance on Block 801, Lot 12 to construct a single-family dwelling and is requesting a bulk variance approval for disturbance of critical slopes. It was noted that a flood hazard permit for the stream across the street has been submitted but has not been received. The driveway location will not change.

Township Engineer Joe Golden completeness review was reviewed by the Board and the following was determined:

1. Delineation of wetlands and wetland transition zones-waived for completeness
2. Property owner's list-requirement to forward to the township engineer
3. Limits of disturbance-waived
4. Right-of-way dedication-waived for completeness
5. Environmental Impact Statement –waived

6. Storm water management plan-waived for completeness
7. Test pits-waived for completeness
8. Hardship statement-waived for completeness
9. Height requirements-waived for completeness

The meeting was opened to the Board members for their questions and comments for completeness and spoke was Kevin Bailey who asked about the 42' height.

Motion was made by Klein, seconded by Jungkind to deem the application complete based upon discussion. Roll call vote: Bailey-yes, Greene-yes, Klein-yes, Jungkind-yes, Soisson-yes, Walters-yes, Stracco-yes.

OLD BUSINESS:

Request for extensions received from 995 Route 94 project and Kids Camp until the August meeting was approved. Board member Max Klein questioned the time frame that an applicant has to notify the secretary when there is an extension requested. He was advised that there is no legal specific time limit.

Max Klein stated that he was told that the notification to the surround property owners for Kids Camp was faulty and asked if this was the case. He was advised that if this was the case the Tax Assessor's list must be adhered to.

NEW BUSINESS:

The Chairman felt that the Board was ambushed by a resident who came before the Board without an application, thereby; there was no information to follow up on. He suggested a 2 step process for which at one meeting the completeness will be heard and at the second meeting the public hearing on the merits for which will give the members and professionals time to review and consider the application.

Engineer Joe Golden went over the completeness procedures and made the following recommendations: 1) applicant submits application 21 days in advance of meeting; 2) Board Engineer to provide completeness review by Thursday prior to next meeting; 3) Board votes on completeness at that meeting; 4) For applications deemed complete, the merits of the application shall be heard approximately 1 month later during a regularly scheduled meeting. If deemed incomplete, the applicant must provide the missing information at least 10 business days prior to the next completeness hearing and 5) the merits of the application will typically be heard 1 month following completeness. The Board, at their sole discretion, may allow completeness and testimony on the same night. The Board Chairperson shall consider the anticipated meeting agenda and the ability of the professionals to provide comprehensive review letters in a timely manner. Chairman Stracco will prepare a draft policy for the next meeting which will be circulated to the members prior to the meeting.

Mr. Golden asked if there was an instruction sheet for which he was advised there was. Mr. Palmer suggested that this sheet be handed out with the application and used, if not contradictory to the town ordinances. The sheet should clearly show that the applicant should not make notice until deemed complete.

A concern Chairman Stracco had was discussion from a member of the audience about an application after the applicant had left. If the applicant obtains a copy of the transcript this could be a legal situation especially if the application is denied.

Chip Greene asked about the differentiation between public comment and general questions. Chairman Stracco stated he does not have problems about public comments if they are about procedure or when the Board is going to meet. Mr. Palmer suggested that as soon as a member of the public gets into an application or about another person, the Chairman stops that person and tell them that we cannot hear them until next month if they comply with the terms by getting the information to the Board by the time frame set.

PUBLIC COMMENT:

Marty Connor questioned notification of property owners for an applicant who does not come to the next meeting. He was advised that after missing two meetings they have to re-notify. He also advised that the list of property owners that went out in March was incomplete as it left off surrounding neighbors and asked if this is the legal document that has to be advised. The Chairman advised that as per the question from Mr. Klein, this is the legal document that the Board has to follow.

Alan DeCarolis asked if two members of the Board of Adjustment can be on the Planning Board. The attorney will look into this. He also asked if questions from the public shouldn't be heard without escrow money being deposited.

ADJOURNMENT:

The Chairman thanked the Board members and professionals and the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, Secretary

