

MINUTES OF MEETING OF SEPTEMBER 21, 2009

The regular meeting of the Frelinghuysen Township Board of Adjustment was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Monday, September 21, 2009 and was called to order at 7:30 p.m. by Chairman Stracco.

SUNSHINE LAW STATEMENT:

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

ROLL CALL:

Kevin Bailey-absent	Max Klein-present
Shannon Drylie-absent	Donald Soisson-present
Chip Greene-present	Nicholas Soranno-absent
Howard Jungkind (arriving at 7:50)	Christopher Stracco-present

Professional's present: J. Edward Palmer and Joseph Golden

MINUTES:

The minutes of July 20, 2009 were approved on motion made by Klein, seconded by Greene. Roll call vote: Greene-yes, Klein-yes, Soisson-yes, Stracco-yes. The minutes of August 17, 2009 were approved as modified on motion made by Soisson, seconded by Klein. Roll call vote: Greene-yes, Klein-yes, Soisson-yes, Stracco-yes. The minutes of the executive session of August 17, 2009 were approved as modified on motion made by Soisson, seconded by Klein. All in favor.

CORRESPONDENCE:

The following correspondence was given to the Board members:

- a. New Jersey Planning Officials Re: Mandatory Training Programs
- b. Warren County Planning Dept. Re: Warren County Population Estimates, Building Permit/Demo data, County wide Development review data

OLD BUSINESS:

The resolution (#2009-06) for Karen Leese, Block 701, Lot 24, application #2009-03 was approved as modified on page 4, paragraph 9 on motion made by Jungkind, seconded by Greene. Roll call vote: Greene-yes, Jungkind-yes, Klein-yes,

Approval was given for an extension for Ncholas Soranno to the next board meeting conditional that he waive the statutory time. All in favor

PUBLIC HEARING:

Application #2009-06-Harold Finch, Block 1201, Lot 5.02

Before the testimony began, Attorney for the applicant, Mr. Richard Keiling stated that he is representing Chip Greene and feels there will be no conflict. The Board agreed.

Mr. Keiling stated that this will be a bi-furcated application as they are applying for a use variance at this time; the site plan will be at the next meeting. The 2.5 acre lot is located on Route 94 in the PO (Professional Office) zone. The applicant proposes to build a 4,500 square foot retail sales nursery and garden center, a mechanical shop and a showroom with office space

Surveyor Robert Berry was sworn in went over the concept plan along with giving the background on the Highway Commercial (HC) that this property was in from 1966 to 1987.

Mr. Keiling gave the following negative criteria:

This type of business is not permitted in the zone

The positive criteria are:

In this zone, 100 parking spaces could be allowed for a 20,000 square foot building

A treatment plant would be needed instead of a septic system

The traffic flow would be seasonal

There would be no impact on property values

It would not impair the master plan; and

There is presently a commercial use building nearby

The meeting was opened to the public and closed due to no questions for Mr. Berry.

Mr. Harold Finch was sworn in and testified he has been in the landscaping design business for 10 years and will have 6 full time employees along with 1 or 2 part time employees. He will be open year around.

The meeting was opened to public for questions of Mr. Finch. Mr. Alicks, asked if the trucks were gas or diesel and was advised that his vehicles were both. Also, asked what the hours of the snow plowing operation would be and would the equipment be stored on site. He was advised that the equipment would be stored on site and the hours would be whenever it snowed.

After the comments from the Board members, motion was made by Klein, seconded by Soisson to approve the use variance conditional that they file a site plan application

within 90 days; conditional upon site plan approval or the use variance would be void.
Roll call vote: Greene-yes, Jungkind-yes, Klein-yes, Soisson-yes, Stracco-yes.

PUBLIC PARTICIPATION-none

EXECUTIVE SESSION:

Motion was made by Jungkind, seconded by Greene to enter into Executive Session with regard to litigation. All in favor. Upon returning to public session, the Chairman advised that the purpose of the meeting was the Kids Camp litigation and the results will be made available at a later date.

ADJOURNMENT:

There being no further business, motion was made by Greene, seconded by Soisson to adjourn the meeting.

Respectfully Submitted,

Brenda J. Kleber, Secretary