

## **MINUTES OF THE MEETING OF OCTOBER 18, 2010**

The regular meeting of the Frelinghuysen Township Board of Adjustment was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Monday, October 18, 2010 and was called to order at 7:30 p.m. by Chairman Christopher 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 Express-Times.

### **ROLL CALL:**

Present: Bailey, Jungkind, Klein, Soisson, Soranno, Stracco and Walters  
Absent: Drylie and Greene

### **MINUTES:**

The minutes of the meeting of September 20, 2010 were approved as amended on motion made by Bailey, seconded by Klein. Roll call vote: Bailey-yes, Jungkind-yes, Klein-yes, Soisson-yes, Soranno-yes, Stracco-yes, Walters-yes. The minutes of the executive session of October 18, 2010 were approved as amended on motion made by Bailey, seconded by Walters. Roll call vote: Bailey-yes, Jungkind-yes, Klein-yes, Soisson-yes, Soranno-yes, Stracco-yes, Walters-yes.

### **EXECUTIVE SESSION:**

Motion was made by Bailey, seconded by Jungkind to enter into executive session with regard to litigation. All in favor. Upon returning, the Chairman stated that the purpose of the meeting was the Kids Camp and Finch litigation and the outcome would be made at a later date.

### **OLD BUSINESS:**

Analytical Science, Block 1201, Lot 5.04, Application #10-04:

At this time the Chairman, Christopher Stracco, recused himself and left the building due to being the attorney of record in a case which involves the applicant's engineer. Vice Chairman Kevin Bailey took over the meeting.

Attorney, Mr. Richard Keiling, appeared on behalf of Analytical Science and Technologies who propose an addition of approximately 2000 square feet to the existing facility which is located in the PO zone and advised that the property owners within 200' had been notified along with proper advertising. Board attorney, Mr. Palmer advised that the Board had jurisdiction to hear the matter. Mr. Keiling stated that he advertised for an interpretation and for a use variance.

Owner, Mr. Siegfried Mueller, was sworn in and testified that he along with a partner purchased the building in 2008 and are scientist who tests environmental air, and gas and stated that generally no customers come to the offices. The proposed addition will be for storage of equipment, testing area and a small office area.

Mr. Keiling stated that as per a letter from the NJDOT dated October 2010 no new driveway access permit is required.

Mr. Nicholas Wunner, engineer for the applicant testified that this site is suitable for this type of business as it is 600 feet away from another residence and 300' from the school. He went over the negative and positive criteria.

Mr. Keiling went over the Board's engineer's report as follows:

Completeness Review, Checklist #5

Item #22-applicant has no problem providing the plans.

Item #28B-will put in a rain garden on south end of building to capture rain water.

Item #44-waiver requested.

Item #45-there is an overhead light over the door along with a light on the building luminating into the parking and driveway area and 2 pole lights at the end of the driveway.

Final approval:

Items #6 & 7-the engineers will work out.

Item #9-engineer will prepare plans for rain garden. With regard to the septic-the County would not give an opinion so this will be made a condition of approval.

Items #12 & 13- will be a condition of approval.

General Comments:

#1- will provide

#2-will plant some deer resistant shrubs

#3-engineers will work out

#4-will provide

#5-7-will comply

#8- to be verified

#9-this presently exists and will be shown in plans. A waiver is requested for the curbing.

#10-waiver needed

#11-will be a condition of approval

The Board engineer went over the negative and positive criteria. He also recommended that they apply for a use variance.

The meeting was opened to the public and closed due to no comments.

The Board engineer went over the conditions of the site plan and stated that this should be a D1 variance due to special reasons.

Motion was made by Klein, seconded by Soranno to approve the D1 use variance application with conditions as set forth by the engineer. Roll call vote: Bailey-yes, Klein-yes, Jungkind-yes, Soisson-yes, Soranno-yes, Walters-yes.

Motion was made by Jungkind, seconded by Walters to approve the preliminary site plan application conditional upon the engineer accepting the changes. Roll call vote: Bailey-yes, Klein-yes, Jungkind-yes, Soisson-yes, Soranno-yes, Walters-yes.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned on motion made by Soisson, seconded by Jungkind. All in favor.

Respectfully Submitted,

Brenda J. Kleber, Secretary