

MINUTES OF MEETING OF DECEMBER 8, 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 December 8, 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 Sept. 18, 2008.

ROLL CALL:

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

MINUTES:

The minutes of October 20, 2008 were approved as amended on motion made by Drylie, seconded by Klein. All in favor except for Russ Walters who abstained. The minutes of November 10, 2008 were approved as amended on motion made by Soisson, seconded by Drylie. All in favor except for Russ Walters who abstained.

OLD BUSINESS:

The letter received from Courter, Kobert & Cohen with regard to Mr. & Mrs. James DiCarlo, Block 801, Lot 11 with regard to driveway easements was put on hold.

A request for an extension until January 2009 for the 995 Route 94 Project Partnership was approved on motion made by Walters, seconded by Jungkind. All in favor.

CONTINUATION OF HEARING:

The continuation of Kids Camp (application #08-02) with attorney William Munday, Executive Director of Kids Camp Michaela Murray Nolan and Planner Ronald Kennedy present.

Before the meeting was opened to the public for questions of Mr. Kennedy, Chairman Stracco advised the public that due to his being an attorney, several issues have been raised this past week for which Mr. Stracco reviewed the Supreme court of Wyzykowski vs. Rizas 132 N.J. 509 (1993) decision as well as the statutes in the 2008 edition of the New Jersey Zoning and Law Use Administration published by William Cox (statute: N.J.A. 40:55D-69) and came to the conclusion that he has no interest in this application

which could cause conflict or any interest in the outcome of this matter. He asked the Ms. Leo, who is representing Mr. & Mrs. Mickelson if she had any objections for which she applied she did not. He also asked if any members of the public had any objections, and none were made. He then asked Mr. Mundy if he had any objections and he had none.

Mr. Stracco then announced that Board members Russell Walters, who has rescued himself, along with new member Nick Soranno, who has not been to any of the meetings, have stepped down. He also announced that Howard Jungkind has listened to the tape from the November meeting and is eligible to participate.

The meeting was opened to the public to ask questions of Mr. Kennedy, who was still under oath and spoke were:

Ms. Ursula Leo, attorney representing Mr. & Mrs. Mickelson, along with Arnold Katterman, David Boynton, Andrew Tynan, Vito DiCristina, Nicholas Sorrano and Dena Barns who asked questions of Mr. Kennedy.

The meeting was closed to the public and opened to the Board members to ask questions of Mr. Kennedy and spoke were: Shannon Drylie, Christopher Stracco and Max Klein.

Mr. Munday presented documents and agreements that go back to the 1990's that he would like to enter into the record as follows:

- A1-March 1, 1993 letter addressed to Tax Assessor David Gill
- A2-March 23, 1993 letter addressed to Rev. William Dowd, Director of CYO
- A3-July 9, 1993 unsigned affidavit of Rev, Patrick Donohue
- A4-March 1, 1993 letter from Rev. William Dowd
- A5-May 3, 1993 unsigned letter
- A6-March 11, 1993 letter addressed to Mr. Dallas Sowards

The meeting was opened to the public for comments on the use of the property and spoke were the following audience members:

Ms. Ursula Leo, Mr. Dallas Sowards, Mr. David Boynton, Mr. Arnold Katterman and Mr. Vito DiCristina.

The meeting was opened to the public to testify and spoke were the following audience members:

Mr. Dallas Sowards, Mr. Arnold Katterman, Mr. Martin Connor, Mr. David Boynton, Mr. Andrew Tynan, and Mr. Frank Desiderio.

Motion was made by Jungkind, seconded by Drylie to deny the application. Roll call vote: (yes to deny) Bailey=yes, Drylie=yes, Greene=yes, Klein=yes, Jungkind=yes, Soisson=no, Stracco=no.

NEW BUSINESS:

Joe Golden has a conflict with the 2nd Monday and asked to switch the Board meetings to the 3rd Monday. It was decided to hold the decision until approval can be given by the Township Committee. (Note: Approval was given at the December 11th work meeting).

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, Secretary