

MINUTES OF MEETING OF DECEMBER 10, 2007

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.

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 10, 2007 and was called to order at 7:30 p.m. by Chairman Dale Durling.

ROLL CALL:

Kevin Bailey-absent
Dale Durling-present
Max Klein-present
Roman Osadca-present
Donald Soisson-present
Christopher Stracco-present
Russell Walters-present

Alternates:
John Ponczek-absent
Howard Jungkind-present

MINUTES:

The minutes of the meeting of November 19, 2007 were approved on motion made by Walters, seconded by Jungkind. All in favor.

CORRESPONDENCE:

The following correspondence was given to the members:

- a. New Jersey Planner-November issue
- b. J. Edward Palmer Re: Mr. Gottfried's property

OLD BUSINESS:

Mr. Dominick Santini, Esq., and Mr. Thomas Bodolsky, Engineer for 995 Route 94 Project Partnership, application #07-02 appeared before the Board. Before the discussion began, Mr. Santini was given the option of either continuing or holding the application over to the January meeting as there will be one member definitely leaving the board (Dale Durling) and a member up for re-appointment (Roman Osadca). Mr. Santini elected to continue.

Mr. Bodolsky was qualified as an Engineer and Planner and gave the location of the project which is located on Route 94 going north. The lot was created in the 1990's from a subdivision and is being purchased from a church site. There are 2 open fields and

this project is being concentrated on the lower field. The property is located in the AR6 zone and abuts the VN1 zone to the south.

The proposal is to construct 10 age restricted units with 2 buildings with 5 units in each. They are not before the board for a site plan at this time, however, if the variance is approved the site plan will follow.

Mr. Bodolsky explained that there will be a 2000 gallon septic tank with 3 fields which will meet the DEP's C2 requirement in the detention area. There will be a small recreation area with a walking path and picnic area with a gazebo. The goal of the applicant is to market units that are affordable at \$275,000., but will not fall under COAH. The age restriction was chosen as it is next to the VN zone and the property is located on the highway

Mr. Bodolsky further stated that there no detriments to the public, however, the only impact would be to the adjoining property owners but if this project is done properly there would be no impact as there would be little traffic and the noise would not be an issued.

Additionally, Mr. Bodolsky testified that the special reasons are that the 2005 census for Warren County states that the 45-55 age group is the highest percentage in the County and as people age there would be a greater demand for senior citizens. The taxes would be around \$6,000.00 annually and there would be no demand on the school system. There is no viable property left in the VN zone in the Marksboro area that would accommodate senior housing. The major benefit is that the property is adjacent to the tail end of the VN zone and is compatible with the houses in Marksboro

Joe Golden, the Board Engineer asked about the sewerage and if soil logs had been done along with asking if there had been an attempt to purchase additional property. The Board Attorney felt that the engineering part is not where we should be in terms of questioning and return to what the applicants are here for tonight. Mr. Palmer stated that the applicants are applying for a use variance in an AR6 zone which does not permit what they are proposing. One of their arguments is that they would like to suggest is that due to the property being contiguous to the VN1 zone and since senior citizen housing is permitted there this somehow should make this an easier decision for the Board. This may make it easier for the board but for the board's information, this property is located in the AR6 zone and therefore a decision has to be made for permitted uses within the AR6 zone. Mr. Palmer felt that the applicant was asking more for a zone change than an use variance which was addressed earlier in the year. Mr. Palmer continued with advising that the bulk variance portion along with the site plan will come at a later date. The Board is only being asked tonight to decide whether this use would be approved for this particular lot even though it is not a permitted use in the AR6 zone.

The floor was opened to the Board members and after discussion was concluded, Mr. Palmer suggested that the Professionals talk to each other for ideas and come return in January.

The fee schedule was discussed. Mr. Palmer will double check on the state fee schedule. Motion was made by Jungkind, seconded by Osadca to adopt the fee schedule conditional upon Mr. Palmer's findings. All in favor.

The next discussion was on the size of the submitted maps. It was suggested that only 11 x 17 maps be submitted in a booklet form. This will be further discussed in January.

The budget will be further discussed and decided in January.

Roman Osadca advised that he has followed up on the website issues, however, a letter he wrote was not in correspondence nor was it on the Township Committee correspondence.

A letter received from Mr. Palmer was read with regard to the amateur radio towers on Noah Gottfried's property. A Supplemental Information for an Amateur Radio facility pamphlet prepared by Fred Hopengarten, Esq argued that amateur radio antennas are exempt from local zoning ordinances due to the fact that the local regulations are preempted by Federal regulation conditional upon the antennae's being located within the proper setbacks. The letter felt that it would be appropriate to direct the building inspector to contact Mr. Gottfried and visit the site so that any questions can be answered and the matter put to rest. The Board felt that the Zoning Officer should handle this and the secretary was instructed to forward a copy to the Zoning Officer and no action taken.

ADJOURNMENT:

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

Respectfully Submitted,

Brenda J. Kleber, Secretary