

FRELINGHUYSEN TOWNSHIP LAND USE BOARD
Minutes-November 4, 2013

1. **CALL TO ORDER**-The meeting was called to order at 7:30 pm

2. **ANNOUNCEMENT OF PROPER NOTICE**-Notice of this meeting was provided by advertisement in the New Jersey Herald and The Express-Times, the official newspapers of the Township of Frelinghuysen Land Use Board. Notice has also been posted in the Township Municipal Building, 210 Main Street, Johnsonburg, New Jersey. As advertised, action may be taken at this meeting.

3. **FLAG SALUTE**

4. **BOARD MEMBERS IN ATTENDANCE:**

Martin Connor	James Simonetti
Alan DeCarolis	Russell Walters
Donna Eitner	Robert Young

Alternates: Kevin Bailey and David Boynton, II
Professionals: Joseph Golden, Darlene Green and Michael Selvaggi
Absent: Don Soisson, Christopher Stracco, Howard Jungkind and Max Klein

5. **APPROVAL OF MINUTES**-The minutes of the meeting of October 7, 2013 were approved on motion made by Mr. DeCarolis, seconded by Mr. Connor. All were in favor with Mr. Walters, Mr. Bailey and Mr. Boynton abstaining.

6. **CORRESPONDENCE**- The following correspondence was given to the members:
 1. Frelinghuysen Township Zoning Officer-zoning permit denial
 2. Freshwater wetlands application for Block 301, Lot 11

7. **NEW BUSINESS**-The Land Use Board was requested by the Township Committee to review the wood burner ordinance. A resident has a large tract of land and does not meet the setbacks for the burner even though he owns the property adjacent to where he would like to erect the burner. He feels there should be an exception. The Board decided to take no action at this time and will wait until there is a variance application before anything may be done.

The Township Committee also asked the Board to look into making standby generators an accessory structure. This was tabled until next month's meeting.

8. **OLD BUSINESS**-the public hearing on the Donna Marie use variance was held. It was noted that Committeeman Alan DeCarolis recused himself. Planner Ms. Jessica Caldwell of J. Caldwell & Associates gave her credentials and was accepted as an expert. Ms. Caldwell went over her planning report dated October 29, 2013 and gave the positive and negative criteria. In her professional opinion, she felt this application could be approved without any substantial detriment to the public good or harm to the Township's zone plan or zoning ordinance.-

Ms. Marie's tenant, Mr. Anthony Biancone testified that he has been at this location for over three years and with business growing he now needs additional storage to store his tools and equipment.

The public portion of the meeting was opened on this application on motion made by Mr. Bailey and seconded by Mr. Simonetti. All were in favor.

Ms. Paula Jensen stated that she took exception to the testimony of the tenant and presented the following objector's exhibits:

- O1-photos taken by Ms. Jensen entitled-"Condition P, Page 13
- O2-photos taken by Ms. Jensen entitled-"Condition L, Page 12
- O3-photos taken by Ms. Jensen entitled-"Condition A, Page 10
- O4-complaint resolution form dated July 23, 2007

Ms Jensen quoted key phrases from the 1991 resolution and complained of the noise coming from the building along with stating that the tenant is working past the allocated time and has ignored the prior restrictions.

Motion was made by Mr. Bailey, seconded by Mr. Boynton to close the meeting to the public. All were in favor.

Motion was made by Mr. Simonetti, seconded by Mr. Bailey to approve the application subject to the following conditions:

- Fence height must be 8 feet
- Color of the storage container must match color of fence
- There is to be no permanent electric, water or sewer in the storage container

Roll call vote: Mr. Connor-no, Mr. Young-yes, Mr. Simonetti-yes, Mr. Walters-no, Mr. Bailey-yes, Mr. Boynton-yes, Ms. Eitner-yes.

PUBLIC PARTICIPATION- Motion was made by Mr. Simonetti, seconded by Mr. Bailey to open the meeting to the public. All were in favor.

Ms. Amy Hufnagel had questions on her resolution from 2003. The first question was why the resolution documents were not to be found in the folder and the second question is with regard to a deed restriction she has with regard to the cutting and replacement of some dying trees. She was advised she will need to file an application to the Land Use Board if she wants the restrictions from the deed removed.

ADJOURNMENT-There being no further business, motion was made by Mr. Simonetti, seconded by Mr. Connor. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, Secretary