

THE MOTION TO APPROVE THE MINUTES OF THE JUNE 1, 2015 REGULARLY SCHEDULED MEETING OF THE TOWNSHIP OF FRELINGHUYSEN LAND USE BOARD, WITH MINOR CHANGES, WAS MADE BY MR. DICAROLIS, SECONDED BY MR. SOISSON. ALL MEMBERS PRESENT IN FAVOR.

**MINUTES OF THE  
FRELINGHUYSEN TOWNSHIP LAND USE BOARD  
REGULARLY SCHEDULED MEETING  
JULY 6, 2015**

**CALL TO ORDER**

The July 6, 2015 Regularly Scheduled Meeting of the Frelinghuysen Township Land Use Board was called to order at 7:30 p.m. by Chairwoman Eitner.

**FLAG SALUTE**

**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 in Johnsonburg, New Jersey. As advertised, action may be taken at this meeting.

**ATTENDANCE**

**Members Present**

Donna Eitner	Alan DeCarolis	Martin Connor
Jessica Caruso	Russell Walters	Nicholas Soranno (Alt #1)
James Simonetti	Christopher Stracco	Don Soisson

**Board Members Absent**

Howard Jungkind	Robert Young	Max Klein
Lowell Forbes (Alt #2)		

**Professionals Present**

Mike Lavery	Darlene Green	Joe Golden
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**MINUTES FOR APPROVAL**

Minutes of the June 1, 2015 Land Use Board Meeting were approved with minor changes. The motion was made by Mr. Stracco, seconded by Mr. Simonetti. All members present in favor.

**CORRESPONDENCE**

**Reviewed: New Jersey Law Journal – *Wireless Approval Becomes Streamlined***

**ORDINANCE(S)**

**Wood Fired Boilers**

Mr. Stracco discussed the changes that were made to the Wood Fired Boiler Ordinance. The Ordinance was sent to the Township Committee, and they sent it back. At the June 1, 2015 Meeting of the Land Use Board there were additional changes. In Section 3, which deleted “at least 100’ from the front lot line”, and added “no boilers, stove or

furnace shall be located in the front yard”. If there are residents who have the rare case that they have no choice but to put it in the front yard, then they could come before the Board for a variance. Section 4 modified for the date of August 15, 2015 for compliance. All appropriate permits to be obtained by resident. Removal of non-conforming, non-approved boilers would be at the discretion of the Construction Official.

Mr. Connor asked why the removal would be at the discretion of Construction Official. Does that mean it is up to him to remove it or not? Mr. Stracco answered it was discussed, and maybe it should read “at the direction of the Construction Official.”

There was a question regarding pre-existing, non-conforming outdoor boilers, which complied with all the permit requirements, and if the Township directed it, could the Township Construction Official make the resident take it down, or move it. It was determined that if a boiler was erected lawfully, with proper approvals and permits, it would not have to be removed, or moved.

Mr. Golden stated the language “residential structures” should be added, this would alleviate garages, sheds, barns, etc. There was discussion whether or not to add “commercial operations in the Township”.

Mr. Stracco went over the changes agreed upon:

“Residence” to “residential structures”

Date of compliance to August 15, 2015

At the “direction” of the Township Construction Official

Motion was made by Mr. Connor to send the Outdoor Wood Boilers Ordinance with the approved changes to the Township Committee, with the Second being Mr. Simonetti. All members present in favor of approval.

### **Carbonate Area District**

Mr. Stracco reviewed the previous changes made to the ordinance by the Board.

Section II changes were made by recommendations by the Township Engineer, who recommended the Township redo the maps, but Mr. Stracco does not think we should pay that expense. Existing maps are pretty clear where rock areas and carbonate rock areas lie within the Township.

Mr. Stracco advised the purpose of the ordinance is to protect the aquifer.

Mr. Golden addressed septic requirements. He stated it was onerous for one and two lot subdivisions.

Mr. Lavery advised in the old planning board days, we would place an item in the Deed regarding rock outcroppings; limestone, etc., anything that had to do with carbonate rock.

Mr. DeCarolis questioned the waiver to be given by the Construction Official and the Zoning Official (Section 2) with regard to the 1000' boundary away from a carbonate rock area, and that you would not know unless there was boring done. After discussion, it was decided this would state:

*A waiver from the requirements of this subsection shall be given for Applicants requesting a zoning and/or building permit for new construction of an existing lot of a single-family home in which they will reside, or additions or modifications to an existing single-family home in which they reside, and/or additions or modifications to any preexisting structure within the Carbonate Drainage Area.....*

Mr. DeCarolis asked where the 1000' came from? Mr. Stracco answered it was taken from a model Ordinance (Alexandria Township, Hunterdon County).

Mrs. Eitner asked about some areas of the Ordinance listing *Township of Frelinghuysen*, and on other pages *Frelinghuysen Township*, sometimes *Township Engineer*, and sometimes *Frelinghuysen Engineer*. She feels it should be consistent. Mr. Stracco stated he would make those modifications. Mrs. Eitner directed them to page 12, where it says "Land Use Board, secretary", it should read "Land Use Board Secretary".

Ms. Green questioned the maps, asking how she is going to know where Block 80, Lot 9 is, and whether or not it is in the carbonate rock area? She thought when they adopted those maps, that there were going to be road names. Mr. Golden stated you could get the maps from the County and overlay them. Mr. Golden stated there are National Resource Conservancy Survey (NRCS) maps, or Township Maps available.

Mr. Stracco listed the changes to be made:

1. Waiver for minor subdivisions;
2. Streamline "Township of Frelinghuysen" throughout Ordinance;
3. Change Township Engineer to "Land Use Board Engineer"
4. Change "Land Use Board, secretary" to "Land Use Board Secretary"

Mr. Stracco advised the Board the revisions will be made, and will be presented to the Board for the next meeting.

#### **APPLICATIONS – No applications submitted**

#### **SUB COMMITTEE REPORTS – No subcommittee reports**

#### **PUBLIC PARTICIPATION**

The meeting was opened to the public by a motion from Mr. Stracco, seconded by Mr. Simonetti. All members in favor. As there were no public present, the meeting was closed to the public by a motion from Mr. Stracco, seconded by Mr. Simonetti. All members present in favor of closing the public portion.

#### **EXECUTIVE SESSION**

A motion was made by Mr. Stracco at 8:31 p.m., seconded by Mr. Simonetti, to enter into Executive Session to discuss pending litigation. All members present in favor of entering into Executive

A motion was made by Mr. Simonetti at 8:40 p.m., seconded by Mr. Soranno, to emerge from Executive Session. All members present in favor.  
The Board returned from Executive Session at 8:40 p.m.

Mr. Lavery advised for the record that the Executive Session was for discussion of pending litigation, and that no official action was taken by the Board during this session.

**ADJOURNMENT**

As there was no further business, the July 6, 2015 Regularly Scheduled Meeting of the Township of Frelinghuysen Land Use Board was adjourned at 8:41 p.m. by a motion from Mr. Simonetti, seconded by Mr. DeCarolis. All members present in favor of adjournment.

Respectfully Submitted,

Shannon Drylie  
Land Use Board Secretary