

# MINUTES

## TOWNSHIP OF FRELINGHUYSEN PLANNING BOARD REORGANIZATION MEETING & REGULARLY SCHEDULED MEETING January 5, 2009

(Meeting Start Time: 7:30 p.m. No New Testimony After 10:30 p.m.)

The motion to approve the January 5, 2009 Reorganization and Regularly Scheduled Meeting Minutes, as written, of the Township of Frelinghuysen Planning Board was made by Mr. Desiderio, with the second being Mr. DeCarolis. The official vote is recorded as follows:

Bailey – Yes	DeCarolis – Yes	Desiderio – Yes	Eitner – Yes
Randolph – Yes	Young – Yes	Zilberfarb – Yes	Calcagne (Alt #1) - Yes

**I. CALL TO ORDER** – The January 5, 2009 Reorganization Meeting of the Township of Frelinghuysen Planning Board was called to order by Ms. Drylie at 7:31 p.m.

**II. ANNOUNCEMENT OF PROPER NOTICE:** Notice of this meeting was provided by posting notice in the Township Municipal building in Johnsonburg, and by advertising in the New Jersey Herald and Star Gazette, official newspapers of the Township of Frelinghuysen Planning Board. As advertised, action may be taken at this meeting,

**III. FLAG SALUTE**

**IV. ATTENDANCE:**

**Board Members Present**

Bailey	DeCarolis	Desiderio	Eitner
Kleber	Randolph	Smith	Young
Zilberfarb	Calcagne (Alt #1)		

**Professionals Present**

Golden Lavery

**Professionals Absent**

Madden/Jay

*Ms. Drylie asked the Board if the Board would entertain deviating from the Agenda at this time, as Mr. David C. Boynton, past Chairman, asked to address the Board. Mr. Boynton stated at the Reorganization Meeting of the Township Committee, he voluntarily resigned from the Planning Board effective immediately, due to a quorum of Township Committee Persons being on the Planning Board. Mr. Boynton thanked the Board Members for their service, and hoped the Board would continue working for the Township. Mr. Boynton gave Ms. Drylie a letter of resignation addressed to Mayor Durling, which was read to the Board.*

**V. ELECTION OF CHAIR** – Ms. Drylie asked if there were any nominations for Chair. Ms. Randolph made a motion for Robert Young, with Mr. DeCarolis being the second. Ms. Drylie asked if there were any other nominations for Chair. Ms. Smith nominated Kevin Bailey, with Mr. Desiderio being the second. After a ballot vote, tallied by Mr. Lavery, Mr. Bailey was named Chair. Ms. Drylie turned the meeting over to Chairman Bailey.

**VI. ELECTION OF VICE CHAIR** – Chairman Bailey asked if there were any nominations for Vice-Chair. Mr. Desiderio nominated Mr. Young, with Mr. DeCarolis being the second. Chairman Bailey asked if there were any other

nominations for Vice-Chair. Mr. Young nominated Ms. Randolph, who declined. As there were no other nominations, all members were in favor of Mr. Young being Vice-Chair.

**VII. APPOINTMENT OF SECRETARY** – Mr. Desiderio made the motion for Ms. Drylie to be reappointed as Secretary, with Ms. Smith being the second. All members present in favor of reappointment.

**VIII. APPOINTMENT OF ATTORNEY** – Mr. DeCarolis made a motion to reappoint Mr. Lavery of Courter, Kobert & Cohen, with Ms. Randolph being the second. All members present in favor or reappointment.

**IX. APPOINTMENT OF ENGINEER** – Ms. Randolph made a motion to reappoint Joseph Golden of Golden & Moran Engineering, with Mr. Desiderio being the second. All members present in favor, with Mr. Kleber abstaining.

**X. APPOINTMENT OF PLANNER** – Mr. DeCarolis made a motion to reappoint Maser Consulting, John Madden- Senior Planner, Darlene Jay-Junior Planner, with Mr. Desiderio being the second. All members present in favor of reappointment.

**XI. APPROVAL OF 2009 CALENDAR** – Mr. Desiderio made a motion to approve the Official 2009 Calendar for the Frelinghuysen Township Planning Board, with Ms. Randolph being the second. All members present in favor.

**XII. APPROVAL OF MEETING TIME** – Mr. DeCarolis made the motion to approve 7:30 p.m. as the official start time for the Township of Frelinghuysen Planning Board, with no new testimony after 10:30 p.m., with Mr. Desiderio being the second. All members present in favor.

**XIII. APPROVAL OF MEETING PLACE** – Township of Frelinghuysen Municipal Building, 210 Main Street, Johnsonburg, New Jersey. Mr. Desiderio made the motion to approve the meeting place of the Township of Frelinghuysen Planning Board, with Ms. Eitner being the second. All members present in favor.

**XIV. APPROVAL OF OFFICIAL NEWSPAPERS** – New Jersey Herald and Express Times. Mr. Desiderio made the motion to designate the New Jersey Herald and Express Times, as the official newspapers of the Township of Frelinghuysen Planning Board, with Ms. Smith being the second. All members present in favor.

**XV. CORRESPONDENCE**

**New Jersey Planner** – December 2008/January 2009 issue.

**XVI. MINUTES**

**December 29, 2008 Work Session Meeting** – Mr. Desiderio made a motion to approve the December 29, 2008 Work Session Meeting Minutes as written, with Mr. Young being the second. The official vote is recorded as follows:

DeCarolis – Yes	Desiderio – Yes	Randolph – Yes
Young – Yes	Zilberfarb - Yes	

**XVII. DEEDS**

No deeds for signature.

**XVIII. RESOLUTIONS**

No resolutions for signature.

**XIX. FINAL MAJOR SITE PLAN** – Ms. Drylie asked Chairman Bailey if the Board could deviate from the Agenda, as Mr. Robert Guerin, Guerin & Vreeland was representing the Board for the Cramer application, which appears later on the Agenda, due to Mr. Golden having a conflict. Approval given from the Board to deviate from the Agenda.

**Cramer, Brian– Block 801, Lot 13 – Variance** - Application deemed Complete at the December 1, 2008 Regularly

Scheduled Meeting. Mr. Brian Cramer sworn in by Mr. Lavery.

Mr. Cramer entered Exhibits A-1 – Grading – indicating access was a problem; Exhibit A-2 Steep slopes depiction of the property (green indicating 25% slopes; red indicating more than 25%.)

Mr. Cramer indicated the original subdivision plan, approved December 1, 2005, indicates the proposed dwelling site. The new proposed dwelling site is approximately 600' from the original approved site, and encroaches on the steep slopes, which requires the variance.

Mr. Young stated at the Work Session the Board had issues with turnarounds and areas to be disturbed. Mr. Cramer answered a driveway permit would still be needed, and the driveway would meet any other Township requirements.

Mr. Lavery advised the Board and Mr. Cramer that the applicant would have to go to the Township Committee for any easement changes, due to the easement being granted to the Township. Mr. Lavery did ask Mr. Cramer if he was only looking for the Variance on the steep slopes at this time, and Mr. Cramer answered yes.

Mr. DeCarolis stated he visited the property as the Site Committee, and said with relation to the property, it makes sense for the dwelling to be placed where proposed.

As there was no further questions from the Board, Chairman Bailey opened the Meeting to the public at 7:55 p.m. There being no questions, Chairman Bailey closed the Meeting to the Public at 7:55 p.m.

A motion was made by Ms. Eitner to approve the Variance for Block 801, Lot 13 with the following provisions:

- a. Limit of 2.5 acres of disturbance; 14, 200 sq. feet in 15% - 25% slopes and 7,500 sq. feet in excess of 25% slopes. This will be the total disturbance for both the driveway and the home

with Ms. Randolph being the second. The official vote is recorded as follows:

DeCarolis – Abstained	Desiderio – Abstained	Eitner – Yes
Kleber – Abstained	Randolph – Yes	Smith – Abstained
Young – Yes	Zilberfarb – Yes	Bailey – Yes

Motion passes. Application approved.

**McEvoy/Johnsonburg Inn – Site Plan – App. #06-08 - Block 1001, Lot 2** – No new information submitted as of January 5, 2009.

#### **7:59 p.m**

**James Alexander Corp. – Block 1101, Lot 12.02 – Pre Major/Final Major Site Plan** –Application deemed complete at the September 4, 2008 Regularly Scheduled Meeting. Consent for extension of time received by Planning Board Office. Extension expires March 2009. Mr. Lavery validated the Notice given to property owners within 200'.

The following were present for the application: Alexander Rinaldi, Esq., Attorney for application; Richard May, James Alexander Corporation, David Robertson, James Alexander Corporation; and Jason Dunn, Dykstra Associates. All were sworn in by Mr. Lavery.

Mr. Rinaldi asked Mr. Robertson to give a description of what the application is asking for. Mr. Robertson stated the proposed warehouse is Phase II of the project. The primary business being done is packaging, there are no offices in the proposed warehouse.

Mr. Rinaldi introduced Mr. Dunn, and asked for his credentials. Mr. Dunn stated he is a licensed Landscape Architect. Mr. Dunn entered into exhibit items A-1 Architectural plans; A-2 Second sheet of the submitted plans (in Board Member packets); A-3 Color rendering of the site plan. Mr. Dunn further testified the septic were previously built in expectation of the proposed addition/warehouse; a new well is proposed which shall be approximately 32' of

the new addition; the existing parking lot, loading dock, and lighting is not being changed; the existing tree line is being moved to the front of the new addition; drainage improvements will include keeping the existing pond, and a new infiltration pond in front, which shall be s-shaped to save the trees. Mr. Dunn also stated the current swale, which would have gone thru the new addition, is now being relocated.

Mr. Rinaldi asked Mr. Dunne what Exhibit A-1 shows. Mr. Dunn answered one drawing is the front elevation of the proposed addition/warehouse, with a brick veneer on the bottom, and metal siding on the top; there will be no windows on this portion of the building. The right and rear elevations are also depicted on this exhibit.

Ms. Eitner asked if there was access to the new addition/warehouse. Mr. Dunn answered there is no new loading docks; there are two new exit doors/emergency exits.

Mr. Rinaldi referred to Mr. Golden's report dated September 2008, and there were a few minor issues Mr. Golden had with the application. Mr. Rinaldi stated the applicant agrees to revise the drawings as a condition of any approval.

Mr. DeCarolis stated the Site Committee did go to the property, and the drainage was going to be travelling under the addition/warehouse. Now he is satisfied the drainage will be going around the building. Mr. Desiderio agreed.

Mr. DeCarolis asked if there were any variances being applied for. Mr. Dunn answered the rear setback is an existing condition. Mr. DeCarolis added there are no neighbors in the area of the proposed addition/warehouse, and wanted to go on record stating that fact.

Mr. Young asked about the letter from the NJDOT which was in Board member's packets. Mr. Dunn stated this was a form letter sent by the DOT. Any, and all changes needed by DOT will be addressed.

Mr. Golden was asked if he had any comments on the application. Mr. Golden stated the Board would need verification from Warren County that the existing septic will handle the flow, as the environmental impact statement indicates the applicant would be building a new septic; a copy of the DOT access permit must be provided; and a sidewalk would need to be constructed to the emergency access. All of these items were agreed to by Mr. Rinaldi.

Mr. Golden asked if there would be any additional lighting. Mr. Dunn answered the site plan does not depict new lighting. The rear loading dock area has existing lighting. Mr. Golden asked if new signs were proposed. Mr. Dunn answered the applicant is not proposing additional signs or changes to the existing signs.

Mr. DeCarolis asked Mr. Golden if the landscaping was adequate. Mr. Golden answered the applicant is transplanting the existing trees. He did not see any requirements for additional buffers, and nothing new was proposed. Mr. DeCarolis asked if Mr. Golden felt there was a need for any additional buffering. Mr. Golden answered what is proposed is not that big of a change.

Chairman Bailey asked if there were any other questions from the Board. As there were none, Chairman Bailey asked if there was a motion. A motion was made by Mr. Desiderio, with the second being Mr. Young, to approve the Final Site Plan Application for Block 1101, Lot 12.01, James Alexander Corporation, with the conditions testified to. The official vote is recorded as follows:

DeCarolis – Yes	Desiderio – Yes	Eitner – Yes	Zilberfarb – Yes
Randolph – Yes	Smith – Yes	Young – Yes	Kleber – Yes
Bailey – Yes			

Application approved.

**Carmer, Brian – Block 801, Lot 13 – Variance - HEARD EARLIER IN THE MEETING**

**XX. COMPLETENESS**

**Johanson, Nancy – Block 104, Lot 11 – Minor Subdivision** – Application deemed Incomplete at the November 3, 2008 Regularly Scheduled Meeting. New plans received December 1, 2008. Completeness Report II in Board Member’s packets. Mr. Golden recommended the application be deemed Incomplete, and is requesting a steep slopes analysis. The application proposes disturbance of 15%-25% slopes, and there are actually 50% steep slopes being disturbed. Mr. Golden added there is not enough information be presented to the Board. After discussion, a motion was made to deem the application Incomplete by Mr. Young, with the second being Mr. Desiderio. The official vote is recorded as follows:

Eitner – Yes	Kleber – Yes	Randolph – Yes	Smith – Yes
Zilberfarb – Yes	DeCarolis – Yes	Desiderio – Yes	Young - Yes
Bailey – Yes			

Application deemed Incomplete.

**Angeleri - Block 1201, Lot 17.06 - Minor Subdivision** – Application deemed Incomplete at the December 1, 2008 Regularly Scheduled Meeting. New plans received by Planning Board Office December 18, 2008. The following were present for the application: Kevin Benbrook, Esq., John Angeleri, Applicant, Dave Fantina, Engineer.

Mr. DeCarolis recused himself as he is an adjacent property owner.

Mr. Benbrook stated the application had a few minor items outstanding per Mr. Golden’s Completeness report, and these items have been submitted. Mr. Benbrook further stated the remainder lot is Zoned for a variety of things, and at this time, the applicants are not sure what they want to do with it. Mr. Benbrook at this time asked for the application to be deemed Complete.

A motion was made by Mr. Desiderio, with the second being Ms. Eitner, to deem the application Complete. The official vote is recorded as follows:

Smith – Yes	Kleber – Yes	Randolph – Yes	Eitner - Yes
Young – Yes	Bailey –Yes	Desiderio – Yes	Zilberfarb – Yes

Application deemed Complete.

Mr. Bailey asked the Board if they would hear the application for Final. There being no objections, application to be heard.

Mr. Fantina stated the application is proposing two (2) lots, one fronts County Road 519, the other County Road 661. All three of these lots conform to the VN-1 Zone. Mr. Fantina also stated at this time nothing is being done with the remainder lot, unless the Applicant comes back to the Board, however, they are looking to have building permits on the other two lots. Drywells will be located on each lot; and Mr. Golden has witnessed the soil testing.

Mr. Golden referred to his revised report:

Item #1 report referred to an old Resolution of approval which had certain conditions that have not been met. Mr. Golden stated there is *no right of way* on lots 17.11 and 17.12. Mr. Benbrook added that would have no bearing on this, as it is a different subdivision, owned by a different entity. Mr. Golden added he did not have a copy of the signed map. There was discussion as to when the original subdivision was approved, Mr. Golden stated the resolution is from 1997. Mr. Benbrook stated he and Ms. Drylie could work together to find a signed map;

- Item #2 No building permit shall be issued without further site plan approval on the remainder lot;
- Item #3 – Drainage easement needs to be addressed;

Item #4 Easements on the original subdivision plan not filed;  
Item #5 &6 – nothing needs to be done;  
Item #7 is a technical item;  
Items #8-16 have been addressed;  
Item #14 – Driveway permits must be applied for;  
Item #17 – Grading plan to be submitted and reviewed by Mr. Golden  
- With regard to water quality, if construction all three lots, this would be needed. Since only two lots are being constructed at this time, this item is okay.

Mr. Bailey asked if there were any other questions from the Board. There being none, Chairman Bailey asked if there was a motion. A motion was made by Mr. Desiderio to approve the minor subdivision application for Block 1201, Lot 17.06, with the second being Ms. Smith. The official vote is recorded as follows:

Zilberfarb – Yes	Randolph – Yes	Young – Yes	Desiderio – Yes
Eitner – Yes	Smith – Yes	Bailey – Yes	Kleber – Yes

Application approved.

#### **XXI. EXECUTIVE SESSION**

A motion was made by Mr. Desiderio, seconded by Mr. Young, to enter into Executive Session at 9:01 to discuss personnel matters. All members present in favor of entering Executive Session.

After discussion, a motion was made by Ms. Eitner, seconded by Mr. Kleber, to return to Public Session at 9:19 p.m. No action was taken in the Executive Session.

#### **XXII. PROFESSIONAL AGREEMENTS –**

Ms. Drylie advised the Board she received e-mails from Golden & Moran, and Maser Consulting, requesting increases in hourly rates. Mr. Lavery, Courter, Kobert & Cohen, has agreed to continue with their 2008 hourly rate.

Mr. Desiderio made a motion to hold the current rates for the Senior and Junior Planners, with Ms. Smith being the second. All members present in favor. Motion passes.

A motion was made by Mr. Desiderio, to increase Golden & Moran Engineering's hourly rate by \$5.00/hour, making the hourly rate \$100.00/hour., with the second being Mr. Young. All members present in favor. Motion passes.

A motion was made by Mr. Desiderio, to accept Mr. Lavery's current hourly rate, with the second being Ms. Randolph. All members present in favor. Motion passes.

#### **XXIII. SUBCOMMITTEES/LIASON REPORTS**

**Open Space/Environmental** - Robin Randolph, Chair – no new information

**COAH** – Alan DeCarolis, Chair – no new information

**Site Committee** – Alan DeCarolis, Chair – Mr. DeCarolis asked for members for this committee. The new committee will comprise of Alan DeCarolis, Chair; Robin Randolph; Frank Desiderio; Richard Kleber; and Donna Eitner (Alternate)

**Rural Character** –Robin Randolph, Chair; Chris Calcagne; Donna Eitner

**Sign Ordinance** – Donna Eitner, Chair – no new information

**Farmland** – Robert Young, Chair – no new information

**Outdoor Boilers** – Frank Desiderio, Chair; Dave Zilberfarb; Kevin Bailey; Chris Calcagne (Alternate)

**XXIII. ADJOURNMENT** – As there was no further business, the January 5, 2009 Reorganization Meeting of the Township of Frelinghuysen Planning Board was adjourned with a motion by Mr. Desiderio, and the second being Mr. DeCarolis. All members present in favor of adjournment. Meeting adjourned at 9:41 p.m.

Respectfully submitted,

Sharon L. Drylie  
Planning Board Clerk