

**TOWNSHIP OF FRELINGHUYSEN  
PLANNING BOARD  
MINUTES  
JANUARY 7, 2008 REORGANIZATION MEETING**

**The motion to approve the Amended Minutes of the January 7, 2008 Reorganization Meeting was made by Mr. Desiderio, with the second being Mr. DeCarolis. The vote is recorded as follows:**

Boynton - Yes	DeCarolis - Yes	Desiderio - Yes
Eitner - Yes	Kleber - Yes	Marie - Yes
Smith - Yes	Ponczek - Yes	Young - Yes

**A motion to approve the January 7, 2008 Reorganization Meeting Minutes, with minor changes, was made by Mr. DeCarolis, seconded by Ms. Marie, at the January 31, 2008 Work Session Meeting. The vote is recorded as follows:**

Boynton - Yes	DeCarolis - Yes	Desiderio - Yes
Eitner - Yes	Kleber - Yes	Marie - Yes
Smith - Yes	Ponczek - Yes	

**CALL TO ORDER**

The January 7, 2008 Reorganization Meeting of the Township of Frelinghuysen Planning Board was called to order at 8:00 by Attorney, Michael Lavery.

**SALUTE TO THE FLAG**

**ROLL CALL**

Board Members Present:

Boynton	DeCarolis	Desiderio	Eitner
Kleber	Marie	Randolph	Smith (8:04 p.m.)
Young	Pachnos-Alt #1	Ponczek-Alt #2	

Professionals Present:

Golden	Lavery	Madden
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**ANNOUNCEMENT OF PROPER NOTICE**

Notice of this meeting was provided by advertising in the New Jersey Herald and Star Gazette, official newspapers of the Township of Frelinghuysen Planning Board, as well as posting notice in the Township Municipal Building in Johnsonburg. As advertised, action may be taken at this meeting.

**REORGANIZATION**

Township of Frelinghuysen  
<http://www.frelinghuysen-nj.us>

**Appointment of Attorney:** A motion to reappoint Michael Lavery as Planning Board Attorney was made. The vote is recorded as follows:

Boynton - yes	DeCarolis - yes	Desiderio - yes	Eitner - yes
Kleber - yes	Marie - yes	Randolph - yes	Smith - Yes
Young - yes			

**Appointment of Engineer:** A motion to reappoint Joseph Golden as Planning Board Engineer was made. The vote is recorded as:

Boynton - yes	DeCarolis - yes	Desiderio - yes	Eitner - yes
Kleber - yes	Marie - yes	Randolph - yes	Smith - yes
Young - yes			

**Appointment of Planner:** A motion to reappoint John Madden, Maser Consulting, as Planning Board Planner was made. The vote is recorded as follows:

Boynton - yes	DeCarolis - yes	Desiderio - yes	Eitner - yes
Kleber - yes	Marie - yes	Randolph - yes	Smith - yes
Young - yes			

**Election of Chair:** A motion to nominate Robin Randolph as Chair was made by Lisa Pachnos, seconded by Robert Young. A motion was made by Emily Smith, seconded by Mr. Desiderio, to nominate David Boynton as Chair. As there were no further nominations, Mr. DeCarolis made a motion to close nominations, seconded by Mr. Boynton. After a ballot vote, Mr. Boynton was named Chair by Mr. Lavery. Mr. Lavery turned over the Meeting to Mr. Boynton.

**Election of Vice Chair:** Mr. Boynton called for nominations for Vice Chair. Mr. Young made the motion to nominate Robin Randolph as Vice Chair, with the second being Ms. Eitner. Ms. Marie made the motion to nominate Mr. Young as Vice Chair, with the second being Mr. DeCarolis. As there were no further nominations, a motion to close nominations was made by Mr. Desiderio, with the second being Mr. DeCarolis. After a ballot vote, Mr. Young was named Vice Chair.

**Appointment of Secretary:** A motion to reappoint Rosalie Murray as Planning Board Secretary was made by Ms. Randolph, seconded by Ms Marie. A motion to appoint Sharon Drylie as Planning Board Secretary, was made by Mr. Desiderio, seconded by Mr. DeCarolis. After a ballot vote, Ms. Drylie was appointed as Secretary. Mr. Lavery recorded the votes on this matter.

**Appointment of Liaison to other Agencies:**

Done by Mayoral appointment.

**Approval of Annual Notice Setting Meeting Schedule:**

**Approval of Meeting Time:**

A motion was made to move the meeting time to 7:30 p.m. from 8:00 p.m., by Mr. Boynton, seconded by Mr. Desiderio. After discussion, a vote was taken, and recorded

as follows:

Boynton - yes	DeCarolis - no	Desiderio - yes	Eitner - yes
Kleber - yes	Marie - no	Randolph - no	Smith - yes
Young - no			

Motion passes. New Meeting time 7:30 p.m., for Work Sessions and Regularly Scheduled Meetings.

**Approval of Meeting Place:**

The official meeting place is the Township Municipal Building, 210 Route 661, Johnsonburg, Warren County, New Jersey.

**Approval of Official Newspapers:**

New Jersey Herald and Star Gazette

**MINUTES**

December 3, 2007 Regularly Scheduled Meeting. Motion to approve the December 3, 2007 Regularly Scheduled Meeting Minutes by Mr. Desiderio, seconded by Mr. DeCarolis. The vote is recorded as follows:

Boynton - yes	DeCarolis - yes	Desiderio - yes	Eitner - abstain
Kleber - abstain	Marie - yes	Randolph - yes	Smith - abstain
Young - yes			

**DEEDS**

**Application #07-02 - Rogers/Peaceful Valley Farms, Block 1501, Lot 13 - Minor Subdivision** Applicant requested an extension on filing of the Deeds. Motion by Mr. DeCarolis, seconded by Mr. Desiderio, to grant a sixty (60) day extension on filing of deeds.

**Application #07-03 - Rogers, Block 301, Lot 17 - Minor Subdivision** - Deeds are ready for signature by Chair and Secretary per Mr. Golden. Mr. Golden reminded the Board the correct number of Deeds, as well as 5 sets of plats must be submitted for signature.

**Application #07-03 - Rogers, Block 301, Lot 14 - Minor Subdivision** - Applicant requested an extension on filing of the Deeds. Motion by DeCarolis, seconded by Mr. Desiderio, to grant a sixty (60) day extension on filing of deeds.

**RESOLUTIONS**

There were no Resolutions for signature.

**FINAL HEARING**

There were no Applications on the Agenda for Final Hearing.

**COMPLETENESS**

**Application #07-08 Darling, Block 602, Lot 4 - Minor Subdivision/Variance**

**Mr. Desiderio stepped down due to a conflict and left the dais.**

**Ms. Smith stepped down due to a conflict and left the dais.**

**Ms. Pachnos (Alt. #1) and Mr. Ponczek (Alt. #2) are now voting members.**

**Richard Keiling, Attorney for applicant, present.**

**Robert Berry, Surveyor for applicant, present.**

**Mr. Ronald Darling, Applicant, present.**

Mr. Keiling gave a brief description of the property, and the application. Mr. Berry stated the application is creating two new lots - Lot 4.05 with 6.28 acres, and lot 4.06 with 6.00 acres. Remainder lot is a flag lot.

The applicant is proposing a common driveway, which will utilize the existing driveway. The common driveway is to be shared equally for the purpose of a Driveway Agreement. There was discussion regarding information in the project summary. The summary states the proposed lots are not fronting on maintained Township roads. The Site Committee had not gone out to the site as of this date.

Mr. Golden discussed the following:

1. Drainage - asked for raingardens for stormwater, instead of drainage structures. Mr. Golden asked this to be put in writing in the Deeds.
2. Driveway access for emergency vehicles - Resolution to state driveway to follow today's Driveway Ordinance;

Mr. Madden referred to his memo dated January 3, 2008, stating the subdivision meets the requirements for Zoning, and is proposed the most logical way for subdividing.

Mr. Young asked what was going to happen with the remaining lot? Mr. Keiling responded Mr. Darling is looking for one more lot to be subdivided, and Mr. Darling has already spoken with the Preservation Board in Warren County. Mr. Keiling also stated "as of this date, we are not sure where they are going with the remaining property."

Ms. Eitner questioned the driveway on Lot 4.02. It was asked for Ms. Drylie to get a copy of the Deed from Mr. Berry (1957), in order to clarify some questions on the driveway.

Mr. Boynton asked for the Site Committee to set up an appointment to visit the property with the Applicant and Mr. Darling.

**Meeting opened to the public at 9:35 p.m. by a motion by Mr. DeCarolus, seconded by Ms. Marie. All members in favor of opening the meeting to the Public.**

Mr. Fred Chudley - neighbor of applicant stated he has no objection to the proposed subdivision.

**As there was no further comment, the Meeting was closed to the public by a motion by Mr. DeCarolus, seconded by Ms. Marie. Meeting closed to the public at 9:37 p.m.**

Mr. Lavery reminded the Board and the applicant that the applicant needed to come back to the

Board for the Final Hearing, and that Notice will be carried to the February Meeting.

Chairman Boynton asked if there were any further comments regarding the application. A motion was made by Mr. Young, seconded by Mr. DeCarolis to deem the application Complete. The vote is recorded as follows:

Boynton - Yes	DeCarolis - Yes	Eitner - Yes
Kleber - Yes	Marie - Yes	Randolph - Yes
Young - Yes	Pachnos - Yes	Ponczek - Yes

Mr. Keiling thanked the Board, and granted the Board an extension for thirty (30) days.

**Mr. Desiderio and Ms. Smith returned to the dais at 9:40 p.m.**

### **COMPLETENESS**

**Durling, Block 1501, Lot 6.10, Application #07-09 - Minor Subdivision/Variance**

**Mr. DeCarolis left the dais as he had a conflict.**

**Mr. Lavery asked for the record to reflect that Ms. Pachnos is now a voting member as Alternate #1.**

**Mr. Robert Berry, Professional Surveyor, present for Application.**

**Mr. Dale S. Durling, Sr., Applicant, present for Application.**

Mr. Berry stated the application is a proposed two lot subdivision. Mr. Durling stated he is proposing this subdivision due to the proposed Highlands regulations, and is seeking to subdivide for the future use of his grandchildren.

There was discussion regarding an existing sixty foot easement on Allamuchy Road, and whether this easement has a buffer. There was further discussion regarding variances. One due to the proposed lots not fronting on a public street. The second variance is due to the length of the proposed flag stem, of which the variance has not been applied for. The applicant will need to address this prior to Final Hearing, as well as notice the adjoining property owners prior to Final Hearing.

A motion was made by Mr. Desiderio, seconded by Ms. Randolph to deem the application complete. The vote is recorded as follows:

Boynton - Yes	Desiderio - Yes	Eitner - Yes
Kleber - Yes	Marie - Yes	Randolph - Yes
Smith - Yes	Young - Yes	Pachnos - Yes

**Greene, Edward (Chip)- Application #08-01, Block 701, Lot 3.02 - Amendment to Previously Approved Subdivision.**

**Ms. Smith left the dais as she had a conflict.**

**Richard Keiling, Attorney for Applicant, present for Application.**

**Mr. Desiderio, Mr. DeCarolis, Mr. Durling, Ms. Natyzak-Osadca, left the room, as they are Township Committee Members.**

Mr. Greene was sworn in by Mr. Lavery.

Mr. Greene stated he would like the Deed Restriction item, which is in the approved Resolution, stricken. He is not able to place the property in Farmland Preservation, which was his wish, due to this item in the Resolution.

Mr. Golden addressed the Board and stated he remembers the discussion regarding Farmland, and recalls the Board wanting some level of preservation and protection in the Deeds and Resolution regarding no further subdivision.

Ms. Randolph also stated she remembers some discussion, however, she would like to make sure and review what is in the Minutes, as well as the Farmland Preservation Report from Jennifer McCulloch of Morris Land Conservancy. Mr. Young added he also remembers the discussion, and realizes the language could have gotten mixed up.

Chairman Boynton stated he was on the Site Committee and also remembers discussion regarding Farmland Preservation. Chairman Boynton stated it makes no sense to Deed Restrict the property since the Applicant did state he wanted to put the property in Farmland Preservation.

Mr. Lavery stated there were no variances on the previous application.

Ms. Randolph again stated she would feel more comfortable going back and look at the Minutes, as well as the Resolution.

**Meeting opened to the public with a motion from Ms. Marie, seconded by Ms. Pachnos. All members in favor. Meeting opened to the public at 10:19 p.m.**

Tessa McDonald asked how many lots are allowed to come off the one flag stem? Mr. Boynton answered four (4) lots per Township Ordinance.

**Meeting closed to the public at 10:21 p.m.**

Chairman Boynton asked if there were any further comments. A motion was made by Ms. Marie, seconded by Mr. Young, to excise the Deed Restriction which is in the Approved Resolution. The vote is recorded as follows:

Boynton - Yes	Eitner - Yes	Kleber - Yes	Marie - Yes
Randolph - Yes	Young - Yes	Pachnos (Alt #1) - Yes	
Poncsek (alt #2) - Yes			

Ms. Randolph asked if Deed Restriction is on a property, can that restriction be removed, isn't it set in stone? Mr. Lavery answered only if it is DEP or Greene Acres restricted.

**Mr. DeCarolus and Mr. Desiderio returned to the room and the dais. Ms. Smith returned**

**to the dais. Mr. Durling and Ms. Natyzak Osadca returned to the audience.**

## **ORDINANCES**

**Solar Photovoltaic or Solar Thermals** - will be at the next Work Session Meeting.

## **DISCUSSION**

### **SUB - COMMITTEE REPORTS**

No reports for this meeting.

### **APPLICATION FORMS/ESCROW FEES**

Application forms have been approved by the Planning Board. Mr. Golden waiting for Board of Adjustment to review as well. Then they will be forwarded to the Township Committee by Mr. Lavery.

### **CORRESPONDENCE**

All correspondence was reviewed by the Board.

**Ms. Marie left the dais to address the Board. Mr. DeCarolis left the dais as he had a conflict, Mr. Desiderio left the room.**

Ms. Marie asked the Board for their help with her property on Silver Lake Road. The Board was reminded of the problems she was having with a neighbor, and a Resolution for an Interpretation of a Variance previously approved. Ms. Marie asked the Board to have Mr. Lavery send a letter to Mr. Edward Wacks, Township Attorney, with regard to her problems, as the Zoning Official has not yet responded to her requests for help on this matter. Mr. Lavery to contact Mr. Wacks.

### **DISCUSSION - Other Matters**

Ms. Randolph addressed the Board and stated she wanted to express concern regarding Mr. Finn's non-reappointment to the Planning Board. Ms. Randolph thanked Mr. Finn for the work he had done with Planning Board specifically relating to the Re-examination of the Master Plan; Six-Acre Zoning; shorter meeting times, etc. Mr. Boynton also stated Mr. Finn taught the Board and himself a lot.

There was discussion regarding new testimony, and if it would be agreeable to limit new testimony on applications after 10:30 p.m. A motion to officially end new testimony after 10:30 p.m. was made by Mr. DeCarolis, seconded by Mr. Desiderio. The vote is recorded as follows:

Boynton - Yes	DeCarolis - Yes	Desiderio - Yes	Eitner - Yes
Kleber - Yes	Marie - Yes	Randolph - Yes	Smith - Yes
Young - Yes			

Motion passes.

## **PUBLIC FORUM**

As there was no further comment, a motion to adjourn was made by Mr. DeCarolis, seconded by

Mr. Desiderio. All members in favor of adjournment.

Respectfully submitted,

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Sharon L. Drylie  
Planning Board Secretary