

MINUTES

**TOWNSHIP OF FRELINGHUYSEN
PLANNING BOARD**

REGULARLY SCHEDULED MEETING

March 3, 2008

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

The motion to approve the March 3, 2008 Regularly Scheduled Meeting Minutes was made by Mr. Desiderio, seconded by Mr. Ponczek, at the April 7, 2008 Regularly Scheduled Meeting. The vote is recorded as follows:

Boynton – Yes	DeCarolis – Yes	Desiderio – Yes
Eitner – Yes	Kleber – Yes	Randolph – Yes
Ponczek – Yes	Bailey – Yes	
Marie – Abstained	Smith - Abstained	

Minutes approved.

CALL TO ORDER – The March 3, 2008 Regularly Scheduled Meeting of the Township of Frelinghuysen Planning Board was called to order by Chairman Boynton at 7:32 p.m.

FLAG SALUTE

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,

ATTENDANCE:

Board Members Present

Boynton	DeCarolis	Desiderio	Eitner
Kleber	Randolph		
Young	Ponczek (Alt #1)	Bailey (Alt #2)	

Board Members Absent

Marie	Smith
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Professionals Present

Lavery (7:45 p.m.) Golden

Darlene Jay (for Mr. Madden)

CORRESPONDENCE – All Correspondence was reviewed.

- a. **Golden & Moran Engineering** - re: Rogers - Block 301, Lot 14 - Deed approval
- b. **Golden & Moran Engineering** - re: Johnsonburg Inn Major Site Plan
- c. **Golden & Moran Engineering** - re: Johnsonburg Inn Minor Subdivision
- d. **Warren County Clerk** - Deed recording for Peaceful Valley Farms, Block 1501, Lot 13
- e. **Warren County Clerk** - Deed recording for Richard Rogers, Jr., Block 301, Lot 17
- f. **Warren County Soil Conservation** re: Brucker, Block 301, Lot 12
- g. **Warren County Soil Conservation** re: Forest Manor, Block 1803, Lot 11
- h. **Hope Township Agriculture Development Board** re: Seminar March 15, 2008
- i. **Golden & Moran Engineering** - re: Greene Subdivision, Block 701, Lot 3.02
- j. **Golden & Moran Engineering** - copy of e-mail regarding COAH Regulations
- k. **Richard R. Keiling** - copy of letter sent to Mr. Lavery regarding Greene application.

MINUTES

February 4, 2008 Regularly Scheduled Meeting – The motion to approve the February 4, 2008 Regularly Scheduled Meeting Minutes was made by Ms. Randolph, with the second being Mr. Desiderio. The vote is recorded as follows:

Boynton – Yes	Desiderio – Yes	DeCarolis – Yes
Eitner – Yes	Kleber – Yes	Randolph - Yes
Smith – Yes	Young – Yes	Ponczek (Alt #1) – Yes
Bailey (Alt. #2) – Abstain		

DEEDS

- a. **Rogers, Block 301, Lot 14** – Deeds approved for signature. To be signed by Chair and Secretary.
- b. **Greene - Block 701, Lot 3.02** - Sent to Mr. Lavery under separate cover.

RESOLUTIONS

Greene - Amendment to previously approved Resolution/Subdivision- **Block 701, Lot 3.02** (*comment letter from Mr. Golden under correspondence.*) Mr. DeCarolis stepped down from the dais, as he had stepped down in the past.

Mr. Golden was asked to review his report. Mr. Golden stated according to Ordinance, a portion of the remaining land, approximately 1.88 acres, is to be classified as Open Space, which would satisfy the Ordinance. Mr. Keiling stated the Applicant agreed to voluntarily set aside the 1.88 acres, as a sign of good faith to the Board.

There was discussion regarding Mr. Greene approaching the County to place the property in Farmland Preservation, prior to the application before the Board. There was also discussion regarding the Township Farmland Preservation Committee. Chairman Boynton reminded the

liaisons of the other Township Boards or Committees, that information should be presented to the Planning Board regarding applications before them, specifically in regard to any information which affects applications before the Planning Board.

Mr. Lavery stated Mr. Keiling requested some language be changed in the Resolution. It was agreed that Mr. Lavery would change item #2 in the Resolution.

Motion to open the Application to the Public made by Mr. Desiderio, seconded by Mr. Young. All members present in favor.

As there was no comment from the Public, a motion to close the Meeting to the public was made by Mr. Desiderio, seconded by Ms. Randolph, all members present in favor of closing the Meeting to the Public.

A motion to approve the Amended Resolution for Greene, Block 701, Lot 3.02, with the changes requested by Mr. Keiling of Mr. Lavery, specifically relating to page 2, item #2

Ms. Randolph asked Mr. Kleber if he listed the property which Mr. Greene eventually bought, and Mr. Kleber replied yes. After discussion, Mr. Kleber abstained from the vote. The vote is recorded as follows:

Kleber – Abstained	Bailey – Abstained	Ponczek – Yes	Eitner – Yes
Young – Yes	Desiderio – Yes	Randolph – Yes	Boynton – Yes

Motion to approve the Amended Resolution passes.

Deeds submitted are to be reviewed by the Professionals.

Darling - Minor Subdivision/Variance - Block 602, Lot 4 –Ron Darling, Applicant, present.
 Richard Keiling, Esq., present for Application
 Robert Berry, Professional Surveyor, present for Application.
 Mr. Desiderio stepped down from the dais.
 Mr. DeCarolis stepped down from the dais.

Motion to approve the Darling Amended Resolution for a Minor Subdivision/Variance Resolution, Block 602, Lot 4, with the following changes, was made by Ms. Randolph, with the second being Mr. Young.

1. Existing Lot 4.02 to use existing common driveway.
2. Page 3, first paragraph, if a fifth lot is to be created within the remainder lot, it shall use the existing common driveway.

3. Page 2, Lot 4.06, shall read 6.00 acres.
4. Page 2, Section B, shall read *“Township Ordinance requires all lots to front upon an approved street. Proposed lot 4.06 would not front upon any approved street and would be accessible by the common driveway easement through Lot 4.02 and Remainder Lot 4.00.”*

The vote is recorded as follows:

Randolph – Yes	DeCarolis – Yes	Ponczek – Yes	Eitner – Yes
Young – Yes	Kleber – Yes	Boynton - Yes	

Motion passes.

FINAL

Durling -Block 1501, Lot 6.10 - Minor Subdivision/Variance – Dale Durling, Sr., Applicant, present for application. Robert Berry, Professional Surveyor, present for application. Mr. Desiderio left the meeting room. Mr. DeCarolis left the dais.

Mr. Durling submitted proof of notice to Mr. Lavery, which was accepted. Mr. Durling stated he is applying for a minor subdivision of his property, in order to assure his grandchildren have the opportunity to stay in the Township when they are older. Mr. Durling added he is applying for a variance for lot 6.06, as the lot shall not front on a public road, as well as a variance for lot 6.10 as the driveway length exceeds Township Ordinance. Mr. Durling and Mr. Berry were sworn in by Mr. Lavery.

Mr. Golden was asked to review his report of January 23, 2008. Mr. Golden stated the majority of his items in his previous report have been addressed. Mr. Golden recommended the Board make a condition of approval a letter be presented to the Board depicting the wetlands; the joint maintenance agreement is to be submitted. Otherwise, Mr. Golden stated the application is ready for final.

Mr. Madden’s report of January 3, 2008 was reviewed by the Board.

A motion to open the meeting to the Public was made by Mr. Desiderio, seconded by Mr. Ponczek. All members in favor of opening the meeting to the public.

As there was no comment from the Public, a motion to close the meeting to the public was made by Mr. Desiderio, seconded by Mr. Young. All members in favor of closing the meeting to the Public.

Mr. Young asked if all items for approval by the Warren County Planning Department have been satisfied. Mr. Durling presented a letter of approval from the Warren County Planning

Department stating all conditions have been met.

Motion to approve the variances on section 4.06(l) for flag lot access strip, and a variance for lot 6.17 for lot frontage, was made by Mr. Young, seconded by Mr. Desiderio.

The vote is recorded as follows:

Young - Yes	Desiderio – Yes	Eitner – Yes	Randolph – Yes
Bailey – Yes	Ponczek – Yes	Kleber – Yes	Boynton - Yes

Mr. Boynton asked if Mr. Bailey could vote on this Application. Mr. Lavery responded yes, as Mr. Bailey was present for the public hearing.

Motion to approve the application subject to the following items of Mr. Golden’s report:

1. Wetlands delineation from Laura Brill, wetlands specialist (item #3)
2. Joint Maintenance Agreement (item #4)
3. Common driveway metes and bounds;
4. Storm water management plan.

Motion made by Ms. Randolph, seconded by Mr. Desiderio. The vote is recorded as follows:

Randolph – Yes	Desiderio - Yes	Bailey – Yes	Ponczek – Yes
Eitner – Yes	Young - Yes	Kleber - Yes	Boynton – Yes

Application approved.

Mr. DeCarolis returned to the dais.

COMPLETENESS

Angeleri - Block 1201, Lot 17.06 - Minor Subdivision - *(Completeness Report from Mr. Golden included in Board Member packets.)*

Mr. Golden was asked to review his report. Mr. Golden stated the property lies in the VN-1 zone. Mr. Golden also stated based upon information he has, this property cannot be further subdivided, as per a previous resolution of approval granted on property 901, Lot 1.01 and Block 1001, lot 15, due to a density transfer.

Mr. Golden also referred to a drainage easement on the property. The drainage easement must also be addressed prior to the application moving forward, as well as stormwater management. The small triangular property, Johnsonburg property, is not depicted properly; existing wells on surrounding properties are not shown on plans; swale shown on plan has existing water, and Mr. Golden would like more information from D.E.P. on this item. Again, Mr. Golden recommended the Application be deemed Incomplete.

Chairman Boynton indicated there is a lot of information that is still needed for the purpose of completeness, and asked if there was a motion from the Board.

Mr. Desiderio made a motion to deem the application incomplete, with Mr. Bailey being the second. All members present in favor.

Application deemed Incomplete.

SUBCOMMITTEE

- a. Town Wide Survey** – on hold until Township Budget is adopted.
- b. COAH** – no new information to be presented
- c. Site Committee** – no new information to be presented.
- d. Rural Character** – no new information to be presented.

XII. LIAISON REPORTS

- a. Open Space Commission**– Robin Randolph, Chair – Ms. Randolph stated negotiations are ongoing with Mr. Reisburg, and Open Space is currently working on a forestry management plan grant, in conjunction with the Environmental Commission to hire professionals to help us develop a Forestry Management plan for the Township. Once the Forestry Management Plan is in effect, grants of up to \$20,000 can be applied for from the State to be able to make the Plan come to life. This plan would be for Township owned property, not private property.
- b. Farmland Preservation Committee**- Robert Young, Liaison – ongoing projects, nothing new.
- c. Environmental Commission**- Robin Randolph, Alan DeCarolis – grants available from A.N.J.E.C. However, a mission statement must be in place for the Township. Environmental Commission working on this now.
- d. Zoning Board of Adjustment** – Mr. Bailey, Mr. Desiderio – Kids Camp is applying for variances from the Township, as well as knocking down buildings, and doing massive renovations. Mr. Boynton added this may help our COAH obligations, and this should be asked of the Applicant by the liaisons at the next Board of Adjustment Meeting.
Mr. Desiderio asked what the Zoning Board’s stance is on the Township’s Steep Slope Ordinance, specifically relating to a recently approved application. Chairman Boynton stated the Zoning Board is the Board which can look outside the Township Ordinances. Mr. Bailey indicated he was not present at the last meeting. After further discussion, a member from the Board is to question the Zoning Board at their next meeting.
- e. Township Committee** – no new information.

OLD BUSINESS

SECTION 900 Discussion – Mr. Boynton asked if the wording of Section 900 is agreeable for the Board, specifically relating to changing the wording of Township Engineer to read *Planning Board Engineer*. This to be carried to the April 3, 2008 Work Session. Copies of the new Section 900 to be made available to the Planning Board Members for the April 3, 2008 Meeting.

Well Testing Ordinance Discussion – Chairman Boynton asked if it would be appropriate for Mr. Robert Canace to come to the next Meeting to discuss the proposed Ordinance. Mr. Golden added other Township's have much more restricted Ordinances that is being proposed, as this Ordinance is only for major developments. There is State Regulations that all wells must be tested prior to selling a property, as well as County Regulations. This to be carried to the Work Session Meeting on April 3, 2008.

COAH – Darlene Jay, Maser Consulting, presenting. Ms. Jay stated an e-mail was sent out the previous week to all members, which established the proposed obligation of the Township, based on new development, as well as the ratio of square footage for commercial. The proposed obligation is 24 affordable housing units. There are a number of potential strategies to meet this obligation. Accessory apartments, family rentals, etc., will help to meet the Township's obligation. There was discussion of NORWESCAP to come in to construct affordable housing, which is definitely something the Township should look into, as it would not impact the residents in so far as taxes.

The Township has until March 22, 2008 to get their comments into the State for consideration. This would be done in conjunction with both the Planning Board and Township Committee.

The income guidelines have not been posted as of yet.

There was discussion regarding developers and their affordable housing obligations. Even if the Township imposes restrictions, the developer can come back and fight those restrictions.

Mr. Lavery stated the Development Fee Ordinance for Round 2 is to be sent to him by Mr. Madden's Office, and he in turn will forward the Ordinance to Edward Wacks, Township Attorney. Once the fee schedule is approved by the Township, it still has to go to COAH for approval.

PUBLIC FORUM

Mr. Desiderio made a motion to open the meeting to the public, seconded by Mr. DeCarolis. All members present in favor.

As there was no public comment, Mr. DeCarolis made a motion to close the meeting to the public, with the second being Mr. Desiderio. All members in favor.

ADJOURNMENT – As there was no further business, a motion was made to adjourn the March 3, 2008 Township of Frelinghuysen Planning Board Regularly Scheduled Planning at 9:51 p.m. with a motion by Mr. Desiderio, seconded by Mr. DeCarolis. All members present in favor of adjournment.

Respectfully submitted,

7

Sharon L. Drylie
Planning Board Secretary