

TOWNSHIP OF FRELINGHUYSEN
PLANNING BOARD

MINUTES

APRIL 3, 2006
REGULARLY SCHEDULED MEETING AND
ADVERTISED PUBLIC HEARING FOR THE
OPEN SPACE AND RECREATION PLAN, AN ELEMENT OF THE
TOWNSHIP OF FRELINGHUYSEN MASTER PLAN

The Minutes of the April 3, 2006 Regularly Scheduled Meeting of the Township of Frelinghuysen Planning were approved with minor changes at the June 5, 2006 Regularly Scheduled Meeting, by a Motion by Mr. Desiderio, seconded by Mr. DeCarolis. All members present were in favor.

CALL TO ORDER - The April 3, 2006 Regularly Scheduled Meeting of the Frelinghuysen Township Planning Board was called to order at 8:06 p.m.

ANNOUNCEMENT OF PROPER NOTICE

FLAG SALUTE

ATTENDANCE

Board Members Present

Boynton	DeCarolis	Desiderio	Finn
Kleber - Alt #1	Kuhn	Marie	Pachnos Alt #2
Randolph	Smith	Young	

Professionals Present

Lavery	Golden	Madden
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PUBLIC HEARING - Open Space & Recreation Plan, an element of the Township's Master Plan.

Ms. Barbara Haskins-Davis, Morris Land Conservancy; Mr. Jim Banta, Chairman, Frelinghuysen Environmental Committee, present for the Open Space and Recreation Plan (hereinafter referred to as the "Plan").

Ms. Haskins-Davis was asked by Chairman Finn to give a brief description of the Plan.

Ms. Randolph thanked Ms. Haskins-Davis for all of the hard work, and time spent on developing the Plan for the Township.

Mr. Kuhn stated he agrees with ninety-five percent of the Plan, however the issue of the Trails bother him. Mr. Kuhn stated he is concerned about public use of private land. Ms. Davis answered the trails are a challenge. The Township will not put in the trails if the residents agree upon them.

Mr. Boynton asked if the trails can be expanded on, as he originally did not have a problem with them. Mr. Boynton continued “more than anything, if the trails get to a certain point, and it would come to a point on private property, I am under the impression that the Township would have the right to condemn that piece of property.” Mr. Boynton further stated “this concerns me, we are not looking at the rights of the landowner, and it doesn’t seem fair.”

Ms. Davis answered the Plan includes a part called “preservation tools.” The Township has the right of eminent domain, and Open Space is a legitimate use of eminent domain, which is included and described in the Plan. However, it is not recommended the Township uses eminent domain. In some instances this works, in other instances, it kills Open Space Plans.

Mr. Desiderio added he feels the trails are a big issue also. Mr. Finn asked Ms. Davis and Ms. Randolph to address the issue of the trails. Ms. Davis stated the trails are recreation components of the Plan, and this Plan looks at all components of Open Space, which is part of what Morris Land was hired for is to look at the landscape of the Township to see what fits. This Plan is not a regulatory document, it is a tool for the Township.

Mr. Madden commented “we should be planning a trail system that ultimately can be opened..” Mr. Madden continued that he does not know of any instances where eminent domain has been used. “The Township is not acquiring land to make the trails, however if the Township does not have a vision of where to go, they will have no where to go. Trails are a wonderful resource. The State identifies twenty favorite recreational activities, eight of which include some sort of trails.”

Mr. DeCarolis asked if this Plan was adopted, would the Township be obligated to the particular plan for these trails. Ms. Davis stated the funding the Township applies for is for use with the Open Space Plan, it does not tell the Township specifically what part of the Plan the funding must be used for. Mr. DeCarolis asked “then the trails can stay or go?” Ms. Davis answered yes.

A motion was made by Mr. DeCarolis, seconded by Mr. Desiderio, to open the Meeting to the Public (8:45 p.m.)

Richard Murphy- Lanning Road - There has been discussion regarding trails and eminent domain, as well as talk about buying of property, however, don’t the property owners have to want to sell the land? Ms. Davis answered the Plan looks at municipal property, the land which is held by the Township, as in right-of-ways.

Margaret Silversides - Wyley Road - stated she has strong objections to this Plan. The Board does not know how many beer parties have been held on her property, without permission. There will be problems with the hunters and the public, as someone could get hurt.

Peggy Hippie - Bear Creek Road - Moved to Frelinghuysen from Harding Township, and thinks the Trails would be a good idea.

Morris Anderson - Southtown Road - stated there seems to be problems with fragmented roads; it seems like the Plan is going to use existing road to connect the trails. There will be a problem with parking, etc. This should be thought out more.

Thomas Charles, Mayor - Commended Ms. Haskins-Davis and Morris Land Conservancy for the foundation of a model for other Communities to follow.

A motion to close the meeting to the Public was made by Mr. Boynton, seconded by Mr. Young.

After further discussion, a motion was made by Mr. Boynton to approve the Open Space and Recreation Plan, including the Addendum referring to Muller Road. The motion was seconded by Ms. Marie. The Vote is recorded as follows:

Boynton - Yes	DeCarolis - Yes	Desiderio - Yes
Finn- Yes	Kuhn - Yes	Marie - Yes
Randolph - Yes	Smith - Yes	Young - Yes

The Open Space and Recreation Plan adopted by the Planning Board.

RESOLUTIONS - 9:40

Boynton, App. #05-08 - Block 1804, Lot 2 - Technical Major
Mr. Boynton left the dais as he is the applicant. Mr. Boynton stated the Resolution reads that he is required to perfect Deeds, however, he is required to either record the Plat Plan or perfect the Deeds. Mr. Boynton asked for correction in the Resolution to read this way. A motion was made by Mr. DeCarolis, seconded by Mr. Kuhn. The vote is recorded as follows:

DeCarolis - Yes	Finn - Yes	Kuhn - Yes	Marie - Yes
Smith - Yes	Young - Yes		

Motion carries.

DEEDS - 9:50

Ricon Builders, App. #04-15 - Block 901, Lot 13 - Minor Subdivision.
Richard Keiling, attorney for the applicant, present. Mr. Keiling requested a 90-day extension on filing of Deeds. A motion was made by Mr. DeCarolis, seconded by Ms. Marie. All members were in favor of extending the filing of Deeds.

FINAL HEARING

Greene, Edward & Darlene - App. #05-03 - Lot Line Adjustment/Minor -

Robert Berry, Professional Planner/Surveyor present for the application

Mr. Finn asked Mr. Golden and Mr. Madden if there were any comments on the application. Mr. Golden stated all the conditions were met, and approved. The only problem seems to be the farm access easement. Mr. DeCarolis stated there is a 6 pipe there, what is the purpose of that pipe. Mr. Berry answered a 15 pipe is being put in that area. Mr. DeCarolis referred to a 24 pipe, which looks new, and it seems it is located on the County right of way. Mr. Berry stated there is no pipe located in the County right of way.

A motion was made by Mr. DeCarolis, seconded by Mr. Boynton, to open the meeting to the public at 10:13 p.m. As there was no comment from the Public, the meeting was closed to the Public at 10:15 p.m, by a motion by Mr. DeCarolis, seconded by Mr. Boynton.

A comment was made that this property is a good example of lot size averaging.

A motion was made by Mr. DeCarolis, seconded by Mr. Boynton, to approve the Application for the Sub-Division, subject to County and Planning Board Engineer approval.

The vote is recorded as follows:

Boynton - Yes	DeCarolis - Yes	Finn - Yes	Young - Yes
Kuhn - Yes	Marie - Yes	Smith - Yes	

Application is approved.

10:18

Smith, Emily & Lyle - App. #04-16 - Minor Subdivision - Block 701, Lot 15 - Extension was granted by the Applicant, which shall expire on May 30, 2006.

10:20

NEW APPLICATIONS

Pachia, Joseph - App. #06-02 - Minor Subdivision - Block 902, Lot 7.03 - Richard Keiling, Attorney for Applicant, present for the Application.

Mr. Golden stated he is awaiting determination if it is a Major Subdivision or a Minor Subdivision, and he will leave that to Counsel. Mr. Lavery responded he had a problem with this same Ordinance in the past, as the applications in question were determined to be technical Majors.

Mr. DeCarolis, Chairman of the Site Committee, stated there are a lot of deficiencies regarding topos, the driveway, perc testing holes, etc. There has also been major excavation done, without proper permits.

A motion was made by Mr. DeCarolis, seconded by Mr. Desiderio, to deem the application Incomplete.

The vote is recorded as follows:

Boynton - Abstain

DeCarolis - Yes

Desiderio - Yes

Finn - Yes

Young - Yes

Kuhn - Yes

Smith - Yes

Marie - Yes

Randolph - Yes

Application deemed Incomplete.

10:35

SUB-COMMITTEE REPORTS

Open Space - There is no further to report at this time, as the Open Space and Recreation Plan was approved at this meeting. Mrs. Kleber will be sending the Plan to Green Acres. Ms. Randolph was thanked by Chairman Finn for all of her time and dedication which was given to the Plan.

10:40

ADJOURNMENT

As there was no further discussion, the April 3, 2006 Regularly Scheduled Meeting of the Township of Frelinghuysen Planning Board was adjourned by a Motion by Mr. Boynton, seconded by Mr. DeCarolis. All members present approved.

Respectfully Submitted:

Shannon Drylie
Planning Board Clerk