

**MINUTES  
TOWNSHIP OF FRELINGHUYSEN PLANNING BOARD  
REGULAR MONTHLY MEETING**

**April 4, 2011**

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

**CALL TO ORDER** – The April 4, 2011, Regular Monthly Meeting of the Township of Frelinghuysen Planning Board was called to Order at 7:30 pm.

**ANNOUNCEMENT OF PROPER NOTICE** – Notice of this meeting was provided by advertising in the New Jersey Herald, and the Express Times, official newspapers of the Township of Frelinghuysen Planning Board. Notice has been posted in the Township Municipal Building in Johnsonburg. As advertised, action may be taken at this meeting.

**FLAG SALUTE**

**ATTENDANCE:**

***Board Members present:***

K Bailey	A DeCarolis	C Calcagne	D Eitner	F Desiderio
C Corvino	J Simonetti	D Zilberfarb		

R Barrow – absent  
R Randolph – absent  
R Young - absent

***Professionals present:***

D Jay, Planner      J Golden, Engineer      M Lavery, Attorney

**CORRESPONDENCE**

1. Updated PB Members Contact Information for 2011 – new list should be done by next meeting.

2. Plan Conformance Grant / Highlands Grant – presentation by Darlene Jay

As per letter received, the highlands Council at the State level sent out a letter to all Planning Area-only municipalities that started plan conformance work saying that the state treasury department wishes to recoupe monies that haven't been spent. Each town had money encumbered by the highlands so the State of NJ are trying to get some of the money back as the money will be removed if it's not being used. Ms. Jay recalled that in 2009-2010 Frelinghuysen completed modules 1 & 2, and submitted COAH housing element (Mod 3) and was reimbursed by \$14K. Whatever money is remaining can be used to fund modules 4,5,6,& 7...(4)environmental resources inventories (5) master plan element, (6) highlands ordinance and (7) plan conformance – recommended that the planning board discuss what they would like to do & send it up to the township committee for discussion. The deadline is April 29<sup>th</sup> if you plan to continue or keep working on the next modules. Ms Jay suggested that the board keep the money in place for ERIs. Ms. Jay suggests we send highlands a letter to let them know to keep our money in place and we would continue to work on module 4. The mayor was asked for his input on this as the environmental commission has put an effort to try to get a grant for matching funds. The question was asked if monies can be moved from one account to another to match. We can respond by the April 29<sup>th</sup> dead line and that we will acknowledge & proceed. The State Treasury is looking to recoup any remainder of funds so Ms Jay highly recommends we use it. The board asked if we can move monies around. The attorney will seek information and elaborate at a later date. The Board Chair asked for a motion to send up to the township committee with the provision regarding that if it's something that can be met to facilitate the Environmental Commission and meet the highlands requirements, we should work together with the Environmental Committee since the funds are already allocated. Ms. Jay did state that no letters were sent to the Highlands Council and the letter is correct that we have not submitted a decision a formal petition for plan conformance. Ms. Jay suggests that the Environmental Commission be invited to the meetings & have a good joining effort with the Planning Board. The Environmental Committee will not go for the matching grant. Use the Mod 4 & allow the state to fund it and move forward. Mr. Desiderio made a motion to continue on Module 4 and send to the township committee and was seconded by Mr. Calcagne. All in favor- **“AYE”**. **Roll Call:** Mr. DeCarolis, yes, Mr. Calcagne, yes, Mr. Desiderio, yes, Mrs. Eitner, yes, Mr. Corvino, yes, Mr. Simonetti, yes, Mr. Zilberfarb, yes, Mr. Bailey, yes.

Ms. Eitner suggested we notify the township committee as soon as possible to place on their agenda – a phone call will be made by Mr. Bailey & is aware this is time sensitive.

3. Copies of the resolution #2010-53 were given to all members of the Board.

4. Each member received the NJ Planner, Feb/March Edition, Vol. 72, No. 1.
5. A registration brochure was given to each member for the Rutgers Rain Garden Training Program Registration.
6. COAH Monitoring was placed on “hold” at this time. Mr. DeCarolis asked about the 3<sup>rd</sup> round. Ms Jay suggested that we ask COAH for an extension.
7. Every member received the Land Development Booklet, Supplement No. 15 for their books.

## **MINUTES**

A motion to approve the *March 3, 2011* Work Session Meeting minutes was made by Mr. DeCarolis and seconded by Mrs. Eitner. All in favor “**AYE**”. Mr. Zilberfarb – abstained.

A motion to table the *March 7, 2011*, the Regular Monthly Meeting minutes was made by Mr. Desiderio and seconded by Mr. DeCarolis. All in favor “**AYE**”.

## **DEEDS**

### **NW Properties, LLC – Block 1201, Lots 17.26 & 17.27 and the remainder of Lot 17.06 (Dark Moon)**

Pending advisement from the Board Attorney, a decision was made to carry this over to the next meeting. Board attorney had sent the applicant’s attorney notification to make the revisions to the deeds. The escrow remains an issue. Mr. Lavery advised that assuming they make the changes, and the bills are paid, and they have sufficient funds in escrow, to sign and release the deeds. The Board feels we should stick to the rules of escrow and to have the applicant replenish as it was under a certain amount. Upon a request in writing from the applicant, and all the professionals are paid, the remaining balance of escrow will be refunded. Mr. DeCarolis agreed to continue the policy. Mr. Lavery just wanted to advise the board. Mr. Lavery indicated no motion is required.

## **RESOLUTIONS**

There were no resolutions at this time.

## **PROPOSED AMMENDED SITE PLAN**

### ***Ridge & Valley Charter School***

Testimony was given. Mr. Bill Gold is the attorney who is representing the applicant. Mr. Gold stated the school wishes to add two (2) new modular’s without increasing the attendance of 134 students. Mr. Joe Modzelewski, PE, has also given a presentation & opinion as an expert witness. Mr. McNulty, board member and a board trustee of the school also stated that the school will cooperate with the Township’s requirements. There will be (2) sets of 28’ X 72’ modular pre-fabricated units totaling 2,000 square feet as added extra classroom space. Mr. Lavery stated that our function here at the board level is to prove they meet the use criteria for that particular zone because this is regulated by the state of NJ, and they are a school and are governed by the commissioner of education. Mr. Lavery stated they met that use criteria back in 2004. It is up to this board to determine on this amended application whether they meet the criteria now as they have provided sufficient evidence that proves they are still in compliance. Site plan issues go to the state and they decide. Mr. Lavery made a motion to conclude this application and the state will approve or deny this application. Mr. Gold wishes to address certain issues of the storm water management at the local level and to put that to rest. Questions on lighting were asked. Mr. Desiderio questioned about who pays for the temporary modular’s and or student enrollment. Due to the pressures and economical constraints being faced with their school, they are limited at this time as to not erecting permanent structures as indicated in the past. Observation of the parking area for which was gravel is now paved. A concern for the solar panels needing to be buffered and this issue should be addressed. The board’s safety concerns at the parking & dropping off of students have been discussed. Mr. McNulty wishes to have suggestions to address the parking & drop off and possibly need to amend the ordinance. Mr. McNulty will make an effort to reach out to their parents and to inform them of the township concern with the parking on state route 94. Mr. McNulty said he will also let them know about parking at the Lakeland Bank. A letter of permission needs to be updated and place a sign to state the overflow parking and direct them to the bank. A reasonable foot path should be from the bank to the school for safety purposes. Mr. Golden had some concerns and in need of updating his file. Comments from the Public: Fran had concerns with the water runoff and is pleased it is resolved. Mr. Gold has stated he has publicly announced the notices to the proper channels. Public session is closed.

Mr. Desiderio made a motion that the board finds they are in compliance with the section 601 conditional uses of the ordinance and to approve the amended site plan and was seconded by Mr. Calcagne. **Roll call:** Mr. DeCarolis, yes, Mr. Desiderio, yes, Mr. Calcagne, yes, Mr. Corvino, yes, Mrs. Eitner, abstained, Mr. Simonetti, yes, Mr. Zilberfarb, yes, Mr. Bailey, yes.

## **NEW BUSINESS**

### ***Genesis Farm***

Mr. Lavery suggested to the board to go into executive session if you wish to proceed further. There are other issues on the property. A decision was made by the board to form a site committee and visit the property in the near future. The subcommittee will bring back the information to the next meeting. Mr. DeCarolis will call and set up a meeting.

### ***James Alexander Corporation***-(A letter was received by the Board Attorney)

The applicant is requesting an extension to 2016. Mr. Lavery stated and wrote a letter to the applicant that if you ask for 5 years or more extension, you would need to publicly give notice (there current extension expires April 30, 2011). A motion was made by Mr. Desiderio to grant the James Alexander a 2 year extension and was seconded by Mr. DeCarolis. Mrs. Eitner requested that the extension years and dates be expressed in the minutes. This is their 2<sup>nd</sup> extension. Mr. Lavery stated a resolution will be done. The new extension expiration date will be **April 29, 2013**. **Roll Call:** Mr. DeCarolis, yes, Mr. Calcagne, yes, Mr. Corvino, yes, Mr. Desiderio, yes, Mrs. Eitner, yes, Mr. Simonetti, yes, Mr. Zilberfarb, yes, Mr. Bailey, yes. All in favor “**AYE**” none opposed.

## **SUBCOMMITTEE / LIAISON REPORTS**

- a. Open Space – nothing to report
- b. Wind Turbine/Solar Panel – nothing to report
- c. Environmental- Mr. Simonetti will be the official Sustainable member representing the Planning Board.
- d. Site Committee – Mr. DeCarolis formed a site committee. Members are: Mr. DeCarolis, Mr. Desiderio, Mr. Bailey, and Mr. Zilberfarb. Mrs. Eitner will be the Alternate.
- e. Rural Character – nothing to report
- f. Farmland – nothing to report
- g. Outdoor Boilers- nothing to report
- h. Route 94 Zoning – Pending

## **PUBLIC COMMENT**

No public comment at this time.

## **ADJOURNMENT**

A motion to adjourn at 9:45pm was made by Mr. Calcagne and seconded by Mr. DeCarolis. All in favor “**AYE**” none opposed.

Respectfully submitted,

Rita Bernstein  
Planning Board Secretary