

**MINUTES**

**TOWNSHIP OF FRELINGHUYSEN  
PLANNING BOARD  
REGULARLY SCHEDULED MEETING  
June 2, 2008**

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

**The Minutes of the June 2, 2008 Regularly Scheduled Meeting of the Township of Frelinghuysen Planning Board were approved with minor changes, with a motion by Mr. Young, and the second being Mr. Desiderio, at the July 7, 2008 Regularly Scheduled Meeting. The official vote is recorded as follows:**

**Boynton – Yes                      DeCarolis - Yes                      Desiderio – Yes                      Eitner – Yes  
Kleber – Yes                      Randolph – Yes                      Young – Yes                      Bailey -Alt. #1 - Yes**

**CALL TO ORDER**

The June 2, 2008 Regularly Scheduled Meeting of the Township of Frelinghuysen Planning Board was called to order by Chairman Boynton at 7:35 p.m.

**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                      Marie                      Randolph                      Smith  
Young                      Ponczek (Alt #1)                      Bailey (Alt #2)

**Professionals Present**

Golden                      Lavery                      Jay

**FLAG SALUTE**

**CORRESPONDENCE – The following Correspondence was reviewed:**

- a. State of New Jersey D.C.A. – Residential Site Improvement Standards latest edition. (Copy in Planning Board Office.)
- b. Brenda J. Kleber, R.M.C. – Letter regarding mailings sent to residents.
- c. Planning Board Office – Letter sent to Mrs. Adriana Shonk re: Home Occupation Application
- d. Joseph Golden e-mail regarding proposed Senate Bills.
- e. Michael Lavery re: Ridge & Valley School wetlands application
- f. Planning Board Office re: Letter sent to John Angeleri
- g. New Jersey Planner

**MINUTES**

**May 5, 2008 Regularly Scheduled Meeting** – sent to Board Members and Professionals via e-mail May 19, 2008. The Minutes of the May 5, 2008 Regularly Scheduled Meeting were accepted by a motion by Mr. DeCarolis, with

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Ms. Randolph being the second, with minor changes. The vote is recorded as follows:

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

#### **DEEDS**

**Durling – Minor Subdivision/Variance – Block 1501, Lot 6.10** – No deeds submitted to Planning Board Office as of May 16, 2008.

#### **RESOLUTIONS**

There were no Resolutions for signature.

#### **PUBLIC COMMENT**

**7:40 p.m.**

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

Chairman Boynton asked if there was any comment from the Public. Robert Stiles, Esq., and Alan Midkiff, 120 Wasigan Road, Frelinghuysen Township addressed the Board. Mr. Stiles stated Mr. Midkiff will be attending the July 7, 2008 Regularly Scheduled Meeting for a lot line adjustment application. Mr. Stiles stated the property is in the process of being preserved, and gave a brief review of the application being presented at the Meeting. Chairman Boynton asked if this would cause a problem hearing what is proposed and Mr. Lavery answered no. Escrow has been submitted to the Planning Board Office, as well as an application.

Mr. Stiles explained that Morris Land Conservancy and Warren County Farmland Preservation, indicates this has to be completed in order for the application to proceed. The Applicant is proposing a fifty foot wide right of way, which is now 40 feet, which would lead to the flag lot. This would allow for the staff to conform to Township Ordinance.

Chairman Boynton advised the Applicant there would not be a Work Session Meeting on July 3, 2008, and asked the Applicant to attend the July 7, 2008 Regularly Scheduled Meeting.

As there was no further comment from the Public, the meeting was closed with a motion by Mr. DeCarolis, seconded by Mr. Young. Meeting closed at 7:58 p.m.

#### **FINAL MAJOR SITE PLAN - COMPLETENESS**

**7:41 p.m.**

**McEvoy/Johnsonburg Inn – Site Plan – App. #06-08 - Block 1001, Lot 2**

**Mr. Desiderio stepped down from the dais, and left the meeting room.**

Mr. Golden was asked to review his report of May 27, 2008. Mr. Golden stated all items seem to be in order as far as the application is concerned. Other items not included on the Checklist, but still needed as per Township Ordinance are as follows:

- Performance Bond
- Access permits for the driveway
- Maintenance guarantee for the access
- Developers Agreement

These items need to be in handed prior to final approval. Mr. Golden stated he is referring to section 805 – Details

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for Final Major Site Plan. Mr. Golden indicated the plan details are there, however, these items still need to be submitted. Mr. DeCarolis asked why a developers agreement, as it is an existing building, and the driveways are pre-existing also. Mr. Golden stated the Board can waive these items if they feel it is what they want. With regard to the driveway, Mr. Golden stated it is Township Ordinance.

Mr. Lavery was asked for his comments. Mr. Lavery stated the Developers Agreement is a document, which will create a legal contract between the Township and the Developer. As far as the Bonding is concerned, once Preliminary Major Site Plan approval is granted, technically the site work can commence. Paving, and other site work such as lighting, parking lot, etc., can be constructed. The only construction that cannot take place is the actual rehabilitation of the building.

The Applicants were asked to get the architectural drawings; plans on cd; access permit for the driveway through the Township; and any other items in Mr. Golden's report for the July 7, 2008 Regularly Scheduled Meeting. Mr. Lavery indicated the Application can be heard for both Completeness and Final at that Meeting, if they are ready.

## **COMPLETENESS**

**8:04 p.m.**

**Angeleri - Block 1201, Lot 17.06 - Minor Subdivision** – *Application deemed incomplete at the March 3, 2008 Regularly Scheduled Meeting. Revised Plans submitted May 19, 2008. Will be heard at July 7, 2008 Regularly Scheduled Meeting as plans not submitted in time for June Meeting.*

**8:05 p.m.**

**Shonk – Block 1201, Lot 17.12 – Site Plan/Home Occupation** –  
Adriana Shonk, Applicant, was sworn in by Mr. Lavery.

Chairman Boynton advised the Applicant that the Board had a few questions for her. Mr. Golden was asked to review his report. Mr. Golden stated there are requirements for the Conditional Use being proposed, and the questions being raised are:

Number of staff – Ms. Shonk answered she is the only staff member  
Retail – nothing is to be sold, only being used for instructional use.

Mr. Lavery asked if teaching would be the primary use of the residence, and Mrs. Shonk answered no. Mr. Lavery asked if more than forty percent (40%) of the residence would be used for the business? Mrs. Shonk answered no.

Mr. Golden asked if the classes would be one child and one adult for each class. Mrs. Shonk answered she was hoping to have more than one child and adult per class. She thought two classes with five students in each, on separate days; no more than 10 students total. Each class, Monday thru Friday, 10:00 a.m. – 2:00 p.m. Mr. Lavery advised Mrs. Shonk her application was different, which said 9:00 a.m. – 1:00 p.m. Mr. Lavery further advised what Mrs. Shonk testifies to, is what is in the Resolution of Approval, and she would be bound by what is in the Resolution. It was decided the hours would be 9:00 a.m. – 3:00 p.m.

A question was raised as to the parking. Mrs. Shonk stated if there are ten students at the same time, she could fit five cars in her driveway. Mr. Golden stated the Ordinance allows for only two cars in her driveway at the same time. Mr. Golden further added the main concern is if the neighbors had a problem with more cars in the driveway. Mrs. Shonk stated she is planning on extending the driveway.

Mr. Golden advised the applicant there is still the option of applying to the Zoning Board of Adjustment for variance(s) if she so feels.

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Ms. Jay indicated she had Mr. Madden's notes on the application, and Mr. Madden does not have a problem with additional parking in the driveway, however, additional buffering should be in place.

Mr. Golden stated all proposed improvements must be shown on the survey, including buffering. Mrs. Shonk added there is additional trees on the property already, especially where she is considering to expand the driveway. Mr. Golden answered this would need to be shown on the survey.

Mrs. Shonk was advised the following is needed for the July 7, 2008 Meeting:

- Signature lines on the survey (Chairman, Engineer, Secretary)
- Show proposed gravel parking spaces
- Drawings of existing trees, etc.
- Survey must be sealed

Mr. Lavery again advised Mrs. Shonk if she needed additional parking she could in fact apply to the Zoning Board for variance relief. This does not mean the application would be approved by the Zoning Board; Mr. Lavery is just letting her know this would be another option.

Mrs. Shonk was further advised all items must be submitted to the Planning Board Office ten (10) business days prior to the July 7, 2008 Regularly Scheduled Meeting.

## **INTERPRETATION**

**8:25 p.m.**

**Forest Manor/Congress Building Corporation – Block 1803, Lot 11 – Sign Ordinance Interpretation- App. #08-04.**

**Mr. Peter Nicholson**

Ms. Drylie advised the Board that Mr. Nicholson was directed to the Planning Board by the Zoning Official, as Mr. Boesze thought since this was a Major Site Plan, the Planning Board heard the application, when in fact the Zoning Board of Adjustment heard the application originally.

Mr. Nicholson stated Forest Manor has revised landscape plans submitted to Paul Sterbenz, Township Engineer, at this time, and there is verbal approval on the revisions at this time. Mr. Nicholson further stated that Mr. Boesze said once the stamp of approval is granted, the drawing shows location of sign; setbacks; design cut for the proposed sign. Mr. Nicholson also stated that according to his discussion with Mr. Boesze, once the plans are approved, the sign is approved. Mr. Nicholson advised the Board he just wants to make sure everything is in order.

Mr. Lavery advised Mr. Nicholson that Mr. Boesze reports to the Zoning Board, not the Planning Board, and he should be in front of them, and since this originally was approved by the Zoning Board, that is where he should be.

Mr. Nicholson was asked if he was appearing before the Zoning Board the following Monday night. Mr. Nicholson answered only if he has to go before them. It was decided Mr. Nicholson would wait for Mr. Sterbenz to comment on the revised plans.

## **PUBLIC COMMENT**

**8:35 p.m.**

Chairman Boynton asked if there was a motion to open the meeting to the Public. A motion was made by Mr. Desiderio, seconded by Ms. Smith, to open the meeting to the Public. All members in favor.

Mrs. Fran Muller, Muller Road – Mrs. Muller stated she just found out the meetings were changed to 7:30 p.m., and no longer 8:00 p.m., and she isn't sure how Mr. Boynton did that.

As there was no further comments, Mr. Boynton asked if there was a motion to close the meeting to the public. A motion was made by Mr. Desiderio, seconded by Mr. DeCarolis, to close the meeting to the public. Meeting closed at 8:37p.m.

#### **ORDINANCES**

- a. Well Testing Ordinance** – approved at May 5, 2008 Regularly Scheduled Meeting. Professionals to send to Township Attorney for Committee approval. Mr. Golden is making spelling changes to the Ordinance, and will forward it to Mr. Lavery, who will then forward it to Mr. Wacks.
- b. COAH – Proposal from Maser Consulting included in Board Member’s packets for Housing Element and Fair Share Plan.** Ms. Jay gave a brief description of the proposal. After discussion, Ms. Drylie is to compile a list of all new houses built in the Township since 2004, as well as demolitions. This list shall include square footage.
- c. Section 406 - Flag Lots** – Mr. Lavery is sending an *Editor’s Footnote* to Mrs. Kleber for the Ordinance Book as per the codifying company.

#### **SUBCOMMITTEES**

- a. Town Wide Survey** - Robin Randolph, Chair
- b. COAH** – Alan DeCarolis, Chair
- c. Site Committee** – Alan DeCarolis, Chair
- d. Rural Character** –Robin Randolph, Chair
- e. Sign Ordinance – New Sub-Committee Needed** – Ms. Drylie to get copies of surrounding Town’s Ordinances for the July Meeting.
- f. Solar Panels** – (*Added during Meeting*) – Ms. Drylie asked to get copies of Hardwick and Blirstown Ordinances.

#### **LIAISON REPORTS**

- a. Open Space** – Robin Randolph
- b. Farmland** – Bob Young
- c. Environmental** – Robin Randolph
- d. Zoning** – Kevin Bailey/John Ponczek
- e. Township Committee**

#### **ADJOURNMENT**

As there was no further business, the June 2, 2008 Township of Frelinghuysen Planning Board Regularly Scheduled Meeting was adjourned at 9:32 p.m., with a motion by Mr. Young, and the second being Ms. Smith. All members in favor of adjournment.

Meeting adjourned.

Respectfully submitted,

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Sharon L. Drylie