

08/07/06

Regularly Scheduled Meeting

August 7, 2006

## TOWNSHIP OF FRELINGHUYSEN PLANNING BOARD

### MINUTES

August 7, 2006

Regularly Scheduled Meeting

A motion to approve the August 7, 2006 Frelinghuysen Township Planning Board Regularly Scheduled Meeting Minutes, was made by Ms. Randolph at the August 31, 2006 Work Session Meeting, seconded by Ms. Marie. All Members present were in favor.

CALL TO ORDER - The August 7, 2006 Regularly Scheduled Meeting of the Township of Frelinghuysen Planning Board was called to order by Chairman Finn at 8:05 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 Star Gazette and New Jersey Herald, the official Newspapers of the Township of Frelinghuysen, in accordance with the Open Public Meetings Act. Action may be taken at this Meeting as advertised.

### FLAG SALUTE

### ATTENDANCE

Board Members

Boynton DeCarolis Desiderio Finn

Kleber - Alt #1 Marie Pachnos Randolph Smith Young

Professionals

Lavery Golden Madden

### CORRESPONDENCE

All correspondence was reviewed at the August 3, 2006 Work Session Meeting

### DEEDS

DeCarolis, Block 1702, Lots 1.03, 1.04, & 1 - Letter from Robert Severinson, attorney for applicant, requesting a ninety (90) day extension on the Deeds. A motion was made by Mr. Boynton to extend the filing of Deeds for ninety (90) days, seconded by Ms. Randolph. All members approved. Extension expires on November 7, 2006.

### FINAL HEARING

8:07 p.m.

Smith, Emily & Lyle - App. #04-16 - Block 701, Lot 15 - Minor Subdivision. Extension granted by

Applicant which will expire on September 30, 2006. The Township Committee passed an Ordinance which grandfathered the Application to four-acre zoning.

Ms. Smith stepped down as she is the Applicant.

Mr. Robert Guerin, Guerin & Vreeland Engineering, present as the Planning Board Engineer, as Mr. Golden had a conflict. Richard Keiling, Attorney, present for Application; Robert Campbell, Engineer, present for Application.

A background was given on the Application by Mr. Campbell. Mr. Campbell reviewed Mr. Guerin's report, and stated all conditions have been met.

Mr. Guerin was asked for his comments. Mr. Guerin agreed that most conditions have been met with regard to the Application. Mr. Guerin cautioned the Board that there may be 18,000 square feet of disturbance for the Driveway itself.

Mr. Young asked how far the asphalt would go on the driveway. Mr. Campbell answered the whole length of the driveway.

Ms. Randolph stated she had concerns regarding the erosion and the driveway, however, Mr. Campbell addressed these issues. Ms. Randolph did have concerns with the soil erosion blankets, and what they were made of, Mr. Campbell answered most soil blankets are biodegradable, and some also are made with soil and seed in the packaging – they are not plastic.

Mr. Boynton stated he feel comfortable with the new design, and thinks it is a good idea to use the farm lanes. He is also happier now that the driveway is coming onto the adjoining lot, where three homes would be using one driveway. Mr. Boynton added he would like the Driveway Maintenance Agreement be attached to the Deeds, as well as the Resolution, even though the driveway may not be done for years.

Mr. DeCarolis asked for the Maintenance Agreement on the fourth lot incorporate the proposed guardrail.

Mr. Madden was asked for his comments. Mr. Madden stated the Application complies with the AR4 Zone and the Ordinance. The application was delayed because of the DEP. Mr. Madden felt Mr. Campbell did a very good job addressing the Board's comments, however, there is no way to develop the property without crossing the slopes, therefore the Board needs to allow a Variance. Mr. Madden added the Applicant did everything for the Shared Driveway, which would limit the congestion on Route 519, and will also allow for the houses to be hidden away from the road.

Chairman Finn opened the Final Hearing to the Public at 9:10 p.m.

Thomas Charles thanked the Board for the time spent on the Application, and feels the conditions have

been met for the Application.

Chairman Finn closed the Final Hearing to the Public at 9:11 p.m.

Chairman Finn asked if there was a motion on the Application. Mr. Boynton made a Motion to approve the Variance(s) (C1 - Hardship; C2 Special Reasons - 25% slopes), with the Second being Ms. Marie. The Vote is recorded as follows:

Boynton - Yes DeCarolis - Yes Marie - Yes  
Young - Yes Finn - Yes

Mr. Boynton made a Motion to Approve the Application, subject to the following conditions, with the second being Ms. Marie:

1. Scale shall be larger than 1" = 50;
2. Entire driveway to be paved
3. Storm Water Management to be complied with, along with soil testing
4. Driveway Maintenance Agreement to be supplied, with minimal modifications and wood guardrail
5. Maintenance Agreement design be in the Deeds and the Resolution
6. Fourth lot be included in the Maintenance Agreement (14.01/14.02)
7. Compliance with Mr. Guerin's report
8. Aesthetic treatment for the retaining walls

The Vote is recorded as follows:

Boynton - Yes DeCarolis - Yes Marie - Yes  
Young - Yes Finn - Yes

Application Approved.

Ms. Smith and Mr. Golden returned to the dais.

9:18 p.m.

Hanula, Joseph - App. #06-04 - Block 103, Lot(s) 11.01 & 11 - Minor Subdivision - New Plans submitted on August 7, 2006 - Not submitted in the proper amount of time in accordance with the Policy and Procedures of the Planning Board. Chairman Finn spoke with Mr. Lavery regarding the timing of the submission. Chairman Finn told the Applicant they would hear the Application, however, there would be no decision made at this Meeting, it would be carried to the September 7, 2006 Regularly Scheduled Meeting, as well as a Resolution would be drafted for that Meeting as well.

Mr. Hanula present for the Application. Mr. Hanula was sworn in by Mr. Lavery.

Mr. Hanula stated the corrections have been made to the original plans submitted. Mr. Golden stated

the items in his report have been modified.

The Application was opened to the Public at 9:24 p.m. As there were no comments, the Application was closed to the Public at 9:24 p.m.

Application to be carried to the September 7, 2006 Regularly Scheduled Meeting.

#### COMPLETENESS

9:25 p.m.

Angeleri/NW Properties - App #06-07 - Block 1201, Lot(s) 17.21 & 17.22 - Minor Subdivision/Variance. John Angeleri present for the Application.

Mr. Golden was asked to review his report. Mr. Golden stated the property is off of Lackawanna Drive, and is on for Completeness only tonight.

The comments are as follows:

1. North arrow needs to be on plans - This is not an issue for Completeness
2. Variances are needed on lot size

There was a request for Edward Wacks, Township Attorney, to provide answers to the question regarding Land Credits.

Mr. Golden stated there is a question regarding the Flag Staff. The original Resolution states the lot cannot have access through a flag staff. Further description is needed at the next Meeting.

Chairman Finn asked if there were any comments. As there were none, Chairman Finn asked if there was a Motion. Ms. Randolph made the Motion to deem the Application Complete, with the second being Mr. Boynton. The Vote is recorded as follows:

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

Application Deemed Complete

9:31 p.m.

Pachia, Joseph - App #06-02 - Block 902, Lot(s) 17.01 & 17.03 - Minor Subdivision - Application Deemed Incomplete at the April 3, 2006 Regularly Scheduled Meeting. Richard Keiling, Attorney for Applicant, present.

Ms. Smith stepped down as she is an adjoining property owner.

Mr. Golden was asked for his review of the Application.

Mr. Golden stated the following is needed prior the Final Hearing. These items are to be waived for Completeness:

1. Copy of LOI Application
2. Adjoining Property Owners Certified List to be obtained from Tax Assessor
3. Planning Board needs to be on plans, not Land Use Board
4. Right of Way and property lines need to be established (33' from the center line of Route 519)
5. The maps submitted do not match the property liens
6. Driveway to be revised with regard to stormwater management,; Emergency Vehicle access (turnaround, etc.)
7. Copies of original Deeds for the property

Mr. Madden asked how big the remaining property is, Mr. Golden answered fifty acres. Mr. Madden stated he is concerned about the acreage left after this subdivision, and how that property would be accessed.

After further discussion, Chairman Finn asked if there was a Motion from the Board.

A motion was made by Mr. Young to Deem the Application Complete, seconded by Ms. Randolph. The Vote is recorded as follows:

DeCarolis - Yes Boynton - Abstained Desiderio - Yes Marie - Yes  
Randolph - Yes Young - Yes

Application Deemed Complete

It was asked that Mr. Keiling inform his client that there is a Variance issue with the steep slopes.

9:45 p.m.

McEvoy - App. #06-08 - Block 1001, Lot 2 - Major Site Plan/Minor Subdivision/Variance  
Joseph & Paul McEvoy present for Application; John Mills, Attorney for Application present. All were sworn in by Mr. Lavery.

Mr. Finn stepped down as he is an adjoining property owner.

Mr. Mills stated that one-hundred percent of the items in Mr. Golden's review list can be addressed.

Mr. Mills stated the Application was before the Board in July as a Conceptual Application. The Applicants are proposing to rehabilitate the Johnsonburg Inn, which has been vacated for 25 - 30 years. The Applicants have entered into a contract to purchase the Inn and liquor license, pending the approval from the Board.

Questions were raised by the Board regarding parking, the septic system, a new well being drilled, and the old well being sealed.

Mr. Golden was asked to review the Application from the Completeness perspective.

Mr. Golden stated there is concerns regarding the Subdivision:

1. Plans need to be signed by a licensed surveyor
2. Lot 3 needs to be shown
3. Documentation on the Right-of-Way is needed. A survey is to be presented showing the Right-of-Way on the adjacent lots also, in order to see where the dedication is needed
4. Easement for County, as well as a copy of the Plans from the County regarding rehab of Route 661.
5. Contours to be shown on plans
6. Test pits for septic shown on plan
7. Well that is being redrilled in another area to be shown on plan, as well as where the old-well that is being sealed.

With regard to the Site Plan, Mr. Golden had the following comments:

1. Proposed grades, heights of steps, porches, etc., need to be shown
2. Fencing on the rock walls? Details need to be shown
3. Proposed signage? Details to be on plans with regard to Inn Sign; exit signs; handicap parking signs
4. Details of handicap accessibility need to be shown
5. Test data for soil pits to be on plans
6. Environmental Impact Statement - letter to be sent to Environmental Committee
7. Water - more information needed.

Mr. Golden further stated Variances are being applied for pre-existing frontage, parking, size.

Mr. Madden was asked if there were any comments. Mr. Madden stated Mr. Golden hit on everything. The applicants are improving the property, and bringing the Inn back.

After further discussion, the Application was deemed Incomplete. Notice to be carried to the September Meeting, also Notice to be made for Lot the other Lot affected by the application. If the Agenda allows, the Application will be on for both Completeness and Final.

## CONCEPTUAL

10:12 p.m.

1. Fries, Daniel - App #06-06 - Block 1801, Lot(s) 10/10.01 & 10.03 - Major Site Plan - New Plans submitted on July 20, 2006. (10 minute time limit).

Mr. Dennis Keenan, French & Perillo, present for Application. Mrs. Melinda Fries, present for Application.

Mr. Keenan stated the plans have now been scaled down. The disturbance is under one acre, and the

lots are in the process of being consolidated.

After discussion regarding Agricultural Regulations and whether Equine Facilities are recognized as farming, or agricultural activities, Chairman Finn asked if there was a motion on the table as to whether the Plan submitted meets Township Ordinances, or whether it would be exempted.

A poll was taken from the Board as to whether the Application would need a formal Application for Major Site Plan. The poll is recorded as follows:

Boynton - No DeCarolis - No Desiderio - No Finn - No  
Smith - No Marie - No Randolph - No Smith - No Young - No

No further application needed.

#### SUB-COMMITTEE REPORTS

COAH - Alan DeCarolis, Chair - Draft Ordinance present to the Board by Mr. Madden.

Rural Character - Robin Randolph, Chair - Ms. Randolph reported the Township does have a Right To Farm Ordinance, drafted in 1981. There is no mention regarding barns in the Ordinance. Ms. Randolph will be talking to Farmland Preservation to have them look into this.

Conservation Easement - Bob Young, Chair - no further information as of yet.

#### PUBLIC FORUM

10:40 p.m.

Fran Muller, Muller Road, Frelinghuysen Township - Mrs. Muller asked for a breakdown on the Fries application. Mr. Lavery gave a brief summary of the Application.

10:43 p.m.

As there was no further comment, the Meeting was closed to the public.

Chairman Finn asked if there was any further business, or further motions to be made by the Board.

Mr. Desiderio made a motion to Re-Advertise the Open Space and Recreation Plan, specifically in relation to the Trails, with the Second being Ms. Marie.

After extensive discussion regarding the trails, the Vote is recorded as follows:

Desiderio - Yes Young - No Smith - No DeCarolis - Yes  
Marie - Yes Randolph - No Kleber - Yes Pachnos - No

Boynton - No Finn - No

Motion Denied.

After further discussion, a motion was made by Ms. Marie to notify the Township Committee to not use Eminent Domain as a tool for the trails in the Open Space and Recreation Plan, the Second being Mr. Desiderio. The Vote is recorded as follows:

Desiderio - Yes Young - Yes Smith - Yes DeCarolis - Yes  
Marie - Yes Randolph - Yes Kleber - Yes Pachnos - Yes  
Boynton - Yes Finn - Yes

Motion Passes.

#### ADJOURNMENT

As there was no further business, a Motion was made by Mr. Boynton, the second being Ms. Marie to adjourn the August 7, 2006 Regularly Scheduled Meeting of the Township of Frelinghuysen at 11:23 p.m. All Members in favor.

Respectfully Submitted,

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Sharon Drylie, Planning Board Clerk