

**MINUTES  
TOWNSHIP OF FRELINGHUYSEN  
PLANNING BOARD  
REGULAR MONTHLY MEETING  
SEPTEMBER 12, 2011**

(Meeting Start Time: 7:30pm – No new testimony after 10:30pm)

- I. CALL TO ORDER** – Meeting called to Order by K Bailey, Board Chairman at 7:38 pm.
- II. ANNOUNCEMENT OF PROPER NOTICE** – Notice of this meeting was provided by advertising in the NJ Herald and the Express Times, official newspapers of the Township of Frelinghuysen Planning Board. Notice has also been posted in the Township Municipal Building in Johnsonburg. As advertised, action may be taken at this meeting.

**III. FLAG SALUTE**

**IV. ATTENDANCE:**

**Board Members**

K Bailey	R Corvino	A DeCarolis
J Simonetti	R Vollender	D Zilberfarb

F Desiderio (Late 8:56pm)    D Eitner (Late 7:44pm)    R Young (Late 7:40pm)

**Members absent:**

C Calcagne                      R Randolph

**Professionals Invited**

Michael Selvaggi, Attorney                      D Jay, Planner

**V. CORRESPONDENCE/DISCUSSION**

Kevin announced the NJLM 96<sup>th</sup> Annual Conference in Atlantic City Convention Center is being held from November 15-17, 2011.

A letter from the Nature's Conservancy – Kevin read the letter. Nature's Conservancy is holding a public hearing will be held Sept 14, 2011 @ 6:30 at Frelinghuysen Town Hall. All interested parties are invited to attend. All written comments must be received within 2 weeks from the public hearing.

**VI. MINUTES**

**July 28, 2011 Work Session Meeting**

A motion to approve was made by D Zilberfarb and was seconded by B Vollender – all in favor 'AYE' – None Opposed. R Young and A DeCarolis had abstained.

August 1, 2011, Regular Monthly Meeting – Meeting was *cancelled*. No minutes.

- VII. EXECUTIVE SESSION – (if needed)**
- VIII. DEEDS - NONE**
- IX. RESOLUTIONS - NONE**
- X. PROPOSED AMMENDED SITE PLAN - NONE**
- XI. ORDINANCES – NONE**
  
- XII. NEW BUSINESS**

**HIGHLANDS MODULE 4 – ERI Draft Report – Darlene Jay, Planner**

Ms. Jay sent out the packages for review. This is only a draft. There will be **NO** adoption tonight. Ms. Jay explains how the Highlands work along with their reviews and how it will meet the grant requirements. Tonight is just reviewing the draft and making any corrections and achieve authorization to send to the highlands for their review.

Ms. Jay mentioned about the extensive discussion about lakes. Ms Jay thought that it was important enough to talk about the lakes. Ms. Jay brought her old “ERI” and compared existing document with the proposed one. Many towns update their documents and refer back to them for historical and cultural resources. The new one will be digital and will include a reference to the 1989 plan. Ms Jay brought demonstrations along with maps. Exhibits 3 & 4 showed wetlands. Historical and scenic resources were also mentioned from the maps on display. Ms Jay mentioned some key points about forest designated acreage resource areas. She also made a point of interest about the 46 miles of streams and waterways in Frelinghuysen. That was an interesting fact which was not in the old ERI. She showed areas of wetlands on the exhibits. She was surprised that much of the lakes and ponds covers over 211 acres overall in the municipality. There are 4700 acres of riparian areas which runs along the rivers required by DEP. Mr. DeCarolis asked about the buffer requirements along the ponds. Highlands open water is 300 feet was described by Mr. Selvaggi. Mr. DeCarolis asked about the vernal ponds. Mr. Bailey asked the question what is classified as an “impaired” water quality. Mr. Selvaggi stated it is best to refrain from putting information about impaired water quality in the report especially if it’s a natural occurrence as opposed to someone dumping in the water and is not required by the highlands to report that. Another interesting fact was the many steep slopes and non-steep slope category. Mr. DeCarolis questioned the information about slopes and referenced the percentages and the impacting of the township ordinances. Mr. Selvaggi explained about his representation area and how this ERI does become the bible. If the township opts in, you will be held to follow these requirements. Ms Jay indicated that this is 100% planning only. Ms Jay said a correction would need to be made about the information about the critical wildlife that is potentially rare, protected and endangered that may live in the township since the last ERI was done. Mr. Selvaggi stated that unfortunately, those regulations are in place whether you identify it or not. Ms Jay spoke about vernal pools and how the rules differ between the highlands and DEP. There are two farms under contract and unsure if any land transactions were done in 2011. Ms Jay pulled out the 2006 Open Space and Recreation plan and there were 11,571 acres potentially for open space or farmland preservation; however, the highlands indicated only 6,500 acres of what they call priority preservation areas. Ms Jay pointed

out about the huge difference in the number of acres, which could be explained by tillable verses non-tillable land. Ms Jay recommended deletion of the water quality comments so there will be no issues. A discussion about Berkner's Pond, which is now owned by Nature's Conservancy was questioned whether it was accessible or not. Mr. DeCarolis indicated it was located on the other side of the railroad tracks and borders Mud Pond and didn't think it was accessible at all. Ms Jay pointed out that based on the highlands data, your minimum lot size would be changing to 10.5 – 31 acres depending on your watershed area is. If you have a negative water charge, it makes your land area greater. Currently, the township of Frelinghuysen's minimum lot size is now 6 acres. Mr. DeCarolis asked about how this procedure works, whether opting in or out. A board member was concerned about the impact on the taxes. Mr. Selvaggi commented on the COAH and housing units and the impact of the potential development. Mr. DeCarolis asked about Ms Jay having a presentation to the town council. Ms Jay explained that each individual town handles this differently. Mr. Selvaggi stated the Planning Board is not obligated to make any recommendations to the township committee unless you wish to opt in. Mr. Young is curious as to where the contaminating sites were located on the maps. Ms Jay pointed out two DEP contaminated sites. You can find historical resources on their website. Mr. DeCarolis wondered why "Marksboro" was not listed as an historical resource area. Ms Jay also mentioned the 4 Scenic resources. The Highlands only showed the ones they can identify and that the municipality probably has more; however, they do not have the manpower to go out and identify them. Ms Jay concluded her presentation. Mrs. Eitner thought Ms Jay's presentation was very good. Mr. Bailey would like to open the meeting to the public at this time.

#### **PUBLIC COMMENT(8:50pm)**

Mr. Chris Jaronski has no question or input.

Another person in the audience,(unable to hear his name) asked if the town did adopt this and or in conjunction with the one Environmental is doing, can you then use this as with backing the highlands if you had some un preferable development proposal - and use this to your advantage.

Mr. Selvaggi stated if there was something that was proposed and was in a gray area, the township should use this as a foundation and move forward to see if there are things you can do with ordinances in environmentally sensitive areas and put them off limits. There are regulations already in place to control to these areas.

This is like a master plan – it's instructional only. Ms Jay worked within parameters that she must follow. Mr. Selvaggi indicated that this was time sensitive. This is sent down only in a draft form. They can always come back to ask for more information so this is not the last step by any means. Do you want to send it up or does the board feel it's important to digest it? Mr. Bailey would like to entertain a motion from any member of the board to whichever way they wish to go. Mr. DeCarolis made a point that this has to be read over and make comments. Mrs. Eitner stated that there were some key planning board members that were not privy to this presentation and have not been able to review

or comment. Mrs. Eitner made a motion to defer making any recommendations until such time we meet again. Mr. Bailey wishes to postpone it until the next work session, for September 29<sup>th</sup> or the 10<sup>th</sup>, which will give other key members to review the draft. This motion was seconded by Mr. Young. All in favor “**AYE**”- none opposed.

Mr. DeCarolis mentioned to send a copy to the Environmental Committee and get their comments and questions back to us by the time we review again. Environmental Committee meets on Sept. 26<sup>th</sup> and should be ready for the PB Work Session meeting on the 29<sup>th</sup>. The Planning Board secretary is to send a letter asking the Environmental Commission to submit any questions or concerns they have in writing and if they have any specific items they want us to look closer at.

Mr. DeCarolis asked a few questions. Mr. Bailey has commented. Have Ms Jay give the planning board a written proposal to see how much additional money this will cost the board prior to any adoption. There are concerns for budgeting purposes for next year and as to which ERI gets adopted. Mr. Bailey has requested that Mr. DeCarolis put it into a form of a motion for those reasons. (Mr. Desiderio entered the meeting at 8:56pm)

A motion made by A DeCarolis for a written proposal from Maser for additional information from the Historical ERI standpoint to be added into this and was seconded by J Simonetti. All in favor “**AYE**” – none opposed. Mr. Desiderio abstained from this vote. Mr Calcagne and Ms Randolph were absent.

Mr. Bailey closed the public portion of this meeting. (9:04pm)

### **XIII. SUBCOMMITTE / LIAIASON REPORTS**

1. Open Space – Ms. Randolph (absent) Unable to report.
2. Environmental – Mr. Simonetti stated that Chris is the new chairperson and they are continuing work on their website.
3. Site Review Committee – Mr. Zilberfarb stated there is nothing to report. Has a lot of materials that need to be reviewed.
4. Rural Character – Ms. Randolph (absent) unable to report.
5. Farmland – Mr. Young. They are working on targeting farm areas.

### **XIV. PUBLIC COMMENT**

### **XV. ADJOURNMENT**

A motion to adjourn this meeting at 9:05pm was made by A DeCarolis and was seconded by R Young. All in favor “**AYE**” – none opposed.

Respectfully submitted,

Rita Bernstein, Secretary