

TOWNSHIP OF FRELINGHUYSEN
PLANNING BOARD MINUTES

REGULARLY SCHEDULED MEETING
NOVEMBER 6, 2006

The Minutes of the November 6, 2006 Regularly Scheduled Meeting of the Township of Frelinghuysen Planning Board were approved at the December 4, 2006 Regularly Scheduled Meeting with a motion by Mr. Desiderio, seconded by Mr. Young. All members present in favor of approval.

CALL TO ORDER - The November 6, 2006 Regularly Scheduled Meeting of the Township of Frelinghuysen Planning Board was called to order at 8:05 p.m. by Chairman Finn.

ANNOUNCEMENT OF PROPER NOTICE - Notice of this meeting was provided by posting Notice on the Township Municipal Building in Johnsonburg, and by advertising in the New Jersey Herald and Star Gazette in accordance with the Open Public Meetings Act. Action may be taken at this meeting.

FLAG SALUTE

ATTENDANCE

Board Members Present

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

Board Members Absent

Kleber

Professionals Present

Lavery Golden Owens (for Madden)

CORRESPONDENCE

John Madden, Maser Consulting re: Acquisition of Marksboro Church - Mr. Finn recommended Ms. Drylie to send a letter to the Township Committee recommending the Township consider purchasing the Marksboro Church and Parsonage.

Ms. Smith made a motion for Ms. Drylie send a letter to the Township Committee recommending they consider purchasing the Marksboro Church and Parsonage for possible COAH obligations and Township use, with Ms. Marie being the second.. All members were in approval. Ms. Drylie to send the letter to be placed on the Agenda for the next Township Committee Meeting.

RESOLUTIONS

North Warren Properties/Angeleri - Block 1201, Lot(s) 17.21 & 17.22

Mr. Palmer, who represented the Planning Board at the Final Hearing, and who will be preparing the Resolution, stated he has contacted Mr. Souders, Attorney for the Application, for items needed for the Resolution. As of this date, there has been no response to Mr. Palmer's request. Resolution to be placed on the Agenda for the December 4, 2006 Meeting.

Smith, Lyle & Emily - Block 701, Lot 15 - Minor change to be made on Resolution. Third WHEREAS, should read as follows:

“ WHEREAS, the Board finds the applicant is the record owner of the property which lies in the “AR-6” zone and located at 629 Route 519, and;”

Motion to approve the amended Smith Resolution made by Mr. DeCarolis, seconded by Mr. Young. Vote is recorded as follows:

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

Motion passes.

Hanula, Joseph - Block 103, Lot(s) 11 & 11.12 - Lot Line Adjustment

Mr. Hanula asked the Board to strike Paragraph 12 of the previously approved Resolution, per Morris Land Conservancy. After discussion, a motion was made by Mr. DeCarolis, seconded by Ms. Randolph, to strike Paragraph 12 out of the Resolution. All members present in favor of striking the paragraph.

Resolution to be revised by Mr. Lavery.

8:18 p.m.

Stanley - Block 1301, Lot 10 - Variance -

Mr. Boynton left the Meeting Room as he is on the Township Committee.

Mr. Desiderio left the Meeting Room as he is the Mayor's Designee.

Ms. Marie left the dais as she is the current owner of the Applicants leased property.

Mr. DeCarolis left the dais as he is the current mortgage holder of the Applicants leased property.

Edward Palmer, Esq., Attorney for Applicants present. John and Denise Stanley, applicants, present.

Mr. Palmer stated the Application was amended to a Use Variance to allow an auto repair shop on the property of the old creamery.

Chairman Finn asked Mr. Durling to comment on the Application, as he was a member of the Zoning Board.

Mr. Durling stated the Applicants currently has an automobile shop on Silverlake Road, and they would

like to move the business to the old creamery. Mr. Durling indicated he thought someone at one time or another rebuilt car engines at the proposed property. Mr. Durling did however state he was not familiar with the back of the proposed property, and asked if the area was paved. Mr. Palmer submitted pictures of the proposed property to Mr. Lavery, which were accepted as Exhibits A1-9.

Mr. Kleber stated the proposed area is a large room, with a large garage door. There is another gate to the property on the North side, which could be opened to allow access to the site.

Mr. Durling indicated he felt the Use would not be much different from what the property was used for in the past.

Mr. Lavery advised the Board that in order for the Applicant to be approved as a "D" Variance, the Application must satisfy one or more standard. Mr. Owens added the "D" Variance also needs to be based on negative criteria.

8:30 p.m.

Meeting opened to the Public by Chairman Finn

Charles Marra, Frelinghuysen Township Resident - Mr. Marra stated he has known the Applicants for at least 10 years. Mr. Marra stated trusting someone with your vehicles is important; Mr. Stanley has been working on his families cars since the business opened. Mr. Marra felt that the Stanleys are an asset to the community.

Jean Smolha, Frelinghuysen Township Resident - Ms. Smolha stated that there was concern last month at the Environmental Committee Meeting regarding hazardous materials being brought into the area of the proposed area.

Chairman Finn stated he was also at the Environmental Committee Meeting, and he felt it didn't seem to affect the Application before the Board.

8:35 p.m.

Chairman Finn closed the meeting to the Public

Mr. Golden asked if there was a Site Plan submitted. Mr. Palmer replied it is not necessary, as the building is being used "as is."

After no further comment, Chairman Finn asked if there was a motion from the Board to be entertained.

Ms. Randolph made a motion to grant the Use Variance based upon the Applicants testimony that they met their burden with regard to the positive and negative criteria, with Ms. Pachnos being the second.

The Vote is Recorded as follows:

Pachnos - Yes
Finn - Yes

Smith - Yes

Young - Yes

Randolph - Yes

Motion to grant the Use Variance passed.

8:43 p.m.

Burns, Michael - Block 301, Lot 1

Ms Marie stepped to the Applicant's Table as she is the owner of the property.

Mr. DeCarolis did not return to the dais as he is the mortgage holder of the property.

Mr. Boynton left the meeting room.

Mr. Desiderio left the meeting room.

Ms. Smith stepped down as Mr. Keiling represented her on another matter.

Mr. Burns and Ms. Marie were sworn in by Mr. Lavery.

Mr. Richard Keiling present for the Applicant.

Mr. Keiling stated the application is to be a tenant of Ms. Marie. The Applicant went to the Zoning Official, who felt more comfortable having the Applicant come to the Planning Board.

The Applicant is not changing the parking or the lighting, the site to be the same.

Mr. Keiling asked the Applicant what type of operation is to be run from the site. Ms. Marie answered auto repair and painting. Hours of operation to be from 7:00 a.m. thru 8:00 p.m. the latest, five days per week. There may be an occasional half day on Saturday, and closed on Sunday.

Mr. Keiling asked what type of repair work would be done to the vehicles. Mr. Burns answered basic repair of vehicles; mufflers, oil changes; painting, etc. There are two to three workers full-time. Customers would park in the front parking area, or in the rear of the building.

Mr. Keiling submitted pictures of the outside of the building. Mr. Lavery designated the pictures as Exhibit A1.

Mr. Keiling stated there would be no alterations to the building, however, the sign will be replaced.

Mr. Durling asked what was going to be painted. Mr. Burns answered shelving for supermarkets, which is brought in by truck loads, would be repainted at the facility. However, the trucks would not be tractor trailers. The trucks would be his work vehicles.

Mr. Lavery stated he reviewed a Resolution from 1991, which stated an auto repair shop on the property was a pre-existing non-conforming use. Mr. Lavery felt it seemed the use being proposed is less intense.

Mr. Owens stated auto repair was still going to be done at the site, and there is no intent of the property

owner to abandon the auto repair shop. The use will still be performed.

Mr. Lavery stated the Board must determine if the use is the same.

Mr. Owens asked if this was an establishment where the clients come in. The Applicant answered no.

9:04 p.m.

Application opened to the Public by Chairman Finn

No comment from the Public.

9:05 p.m. Application closed to the Public by Chairman Finn

Mr. Finn asked if there was a motion from the Board.

A motion was made by Ms. Randolph to approve the Interpretation of the Ordinance, that all conditions of the application represented to the Board allows the non-conforming use of the property to continue, with the Second being Mr. Young.

The vote is recorded as follows:

Finn - Yes	Pachnos - Yes	Randolph - Yes	Durling - Yes
Young - Yes			

Motion passes.

9:07 p.m.

Mr. Desiderio returned to the Meeting Room

Mr. Boynton returned to the Meeting Room

Ms. Marie returned to the dais

Ms. Smith returned to the dais

Mr. DeCarolis returned to the dais

Preliminary Approval

McEvoy, Paul & Joseph - Block 1001, Lot 2 - Major Site Plan/Minor Subdivision/Variance

Mr. Finn left the dais, as he is an adjoining property owner.

Mr. Desiderio left the dais as he completed work in the past for the Applicant.

John Mills, Attorney for the Application;. Joseph & Paul McEvoy, Applicants, sworn in by Mr. Lavery.

Mr. Mills stated the Applicants are proposing the renovation of the Johnsonburg Inn, which is a classic case of pre-existing non-conforming use.

Background of Application is as follows:

1. Applicants are proposing to remove the smaller building.
2. Use first floor of existing Inn as Tavern and Restaurant on the first floor; second floor apartments; third floor as offices;
3. Adjoining property on the north, Banta, not willing to sell property for lot line adjustment
4. Drainage not available at this time. Applicants are trying to contain drainage on-site.
5. Improvements to be made:
 - a. Driveway will require retaining walls in both the driveway and rear of building
 - b. Sewage disposal below the rear parking lot
 - c. Applicant to drill new well, and abandoning the old well
 - d. Porches proposed to be built within the same footprint as previous porches
 - e. Colonial design is planned for the outside of the building, keeping with the character

State of the Interior of the Inn:

1. Moisture damage to the interior of the building
2. Major renovation needed
3. 100% electrical upgrade
4. Plumbing upgrade
5. Fire code upgrade
6. Applicant keeping structural walls

Variations

1. Some pre-existing variations
2. Lot Line
3. Proposal improves parking conditions.

Mr. Golden was asked to review his report. Mr. Golden stated the following needs to be addressed: light fixtures need to be historic looking; pedestrian access; access from the rear of the building; plans for trash pick-up.

Mr. Owens stated two variations were needed. One for parking and one for impervious coverage (60% required/90% provided).

Mr. Young asked if the well was to be under the porch? Mr. McEvoy answered the well would be close to the porch, but not under the porch.

After further discussion regarding lighting design, septic, and the retaining walls, Mr. DeCarolis opened the meeting to the Public.

9:40 p.m.

Debra Natyzak-Osadca , Frelinghuysen Resident, Township Committee Member

Ms. Natyzak-Osadca asked where on the plan does it show where the well is? (shown on the plan).

Ms. Natyzak-Osadca asked if the Applicant knew about the problem with the gas station leak. Mr. McEvoy stated they have DEP documents showing site was cleaned up.

Mr. Banta, Frelinghuysen Resident, Chairman of Environmental Committee, added Exxon did indicate there was no further action needed on the surrounding properties.

Mr. McEvoy added DEP said a 10' x 10' area is where you cannot drill a well, and that area is in the street.

Mr. Banta asked if the stone rows located in the north and western area of the property will stay intact.

Mr. DeCarolis answered the are boundary markers, they must stay intact. Mr. Golden asked for a note to be on the map with regard to this item.

Meeting Closed to the Public

9:45 p.m.

Mr. Golden reminded the Board this is for Preliminary only. This is not for Final Hearing. The Applicants will come back to the Board with revised plans.

The Preliminary Approval would be for the following:

Variations on Block 1001, Lot 2

Lot Area Variance required

Lot frontage

Lot Width

Lot Depth

Side Yard Setback

Front Yard Setback

Rear Yard Setback

Lot Coverage

Variations on Block 1001, Lot 3

Lot Area

Lot Frontage

Lot Width

Side Yard Setback

Parking

A motion to approve all Variations on Block 1001, Lot 2, as well as Block 1001, Lot 3, was made by

Mr. Young, and the second being Ms. Marie. The vote is recorded as follows:

Boynton - Yes DeCarolis - Yes Young - Yes Marie - Yes
 Randolph - Yes Smith - Yes

Variations approved.

A motion to grant Preliminary Site Plan Approval, as well as Preliminary Subdivision Approval, was made by Mr. Young, seconded by Ms. Randolph. The vote is recorded as follows:

Boynton - Yes DeCarolis - Yes Smith - Yes Marie - Yes
 Randolph - Yes Young - Yes

Preliminary Approval granted.

10:05 p.m.

Mr. Finn and Mr. Desiderio returned to the dais.

SUBCOMMITTEE REPORTS

Conservation Subdivisions - Mr. Young, Chair - will address the Board at a later time.

COAH Subcommittee - Mr. DeCarolis, Chair - Letter being sent to Township Committee regarding purchase of Marksboro Church and Parsonage, to be used for COAH obligations.

Open Space - Ms. Randolph, Chair - No new information

Rural Character - Ms. Randolph, Chair - letter passed out to Board regarding loans from First Hope Bank. After discussion regarding the loans, and how they would benefit residents of the Johnsonburg area, as well as other areas of the Township in the future, a motion was made by Mr. Boynton, seconded by Mr. DeCarolis, to send a letter to the Township to see if they are interested in the loan program. The Vote is recorded as follows:

Boynton - Abstain DeCarolis - Yes Randolph - Yes Smith - Yes
 Young - Yes Finn - Yes

Right to Farm - Robin Randolph, Chair - Ms. Randolph handed out information to the Board for review. To be discussed at the next Work Session.

EXECUTIVE SESSION

Motion made to enter Executive Session to discuss reappointment of Professions. The vote is recorded as follows:

Desiderio - Yes
Young - Yes
Randolph - Yes

Boynton - Yes
Marie - Yes
Durling - Yes

DeCarolis - Yes
Finn - Yes

Smith - Yes
Pachnos - Yes

10:35

Ms. Drylie, Mr. Lavery, Mr. Golden and Mr. Owens left the building.

EXECUTIVE SESSION

Respectfully Submitted,

Sharon L. Drylie
Planning Board Clerk