

**MINUTES
TOWNSHIP OF FRELINGHUYSEN
PLANNING BOARD
REGULAR MONTHLY MEETING
DECEMBER 5, 2011**

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

- I. CALL TO ORDER** – This meeting was called to order by Mr. Bailey at 7:42pm.
- 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(Alt)	A DeCarolis
F Desiderio	D Eitner	R Randolph
R Young	D Zilberfarb	

Members Absent: Mr. Calcagne & J Simonetti(Alt)

Professionals Invited

M Selvaggi, Attorney
D Jay, Planner

V. CORRESPONDENCE

The board discussed the disposition of the escrow accounts and for the secretary to notify those who have current open accounts.

In reference to the letter from Maser Consulting, Ms Jay explained the COAH situation and related issues. Ms. Jay stated that Frelinghuysen has about \$9,200.00 in trust fund from an online source dated 2010. Ms. Jay said that her firm was simply notifying the township that any monies that are not committed or spent by July 2012, the money will be acquired by the state from the township. The obligation is to provide low and affordable housing and must continue. Mr. Selvaggi suggested that Brenda give to the Board, some analysis of the fund money.

Ms Jay notified the township committee back in October via letter of the July 17, 2012 deadline and explained the spending plan and how the money can be used. Ms. Jay pointed out that Frelinghuysen did receive a small cities grant and received 5 credits towards their obligation. Mrs. Eitner asked if this issue will be on the next township committee agenda. A motion was made by Mrs. Eitner to have Ms Jay re-send the same

letter to the Township Committee for their agenda for discussion at their next meeting and was seconded by Ms. Randolph All in favor “**AYE**” – none opposed.

Mr. De Carolis questioned why Ordinance 2011-12, Outdoor Wood Boilers, came back to the Planning Board. The secretary placed this on the Agenda for this meeting because the Township Committee will have the final reading and adoption of this Ordinance prior to our work session meeting on Dec. 29th. Mr. DeCarolis thought the planning board was done with this. Mr. Selvaggi stated that because this is an ordinance and under the Municipal Land Use Law, and after it’s introduced, it has to come back to the PB to make sure it’s consistent with the towns’ Master Plan. Mr. Selvaggi stated that you can make a motion to find this subject matter has no impact on the towns’ Master Plan and no formal action is necessary. Mr. Desiderio had an issue with the paragraph 3.9 and was concerned with the timing of the use and burn dates of the stove between October and April timeframe. There were lengthy discussions pertaining to the setbacks. Mr. Desiderio requested to strike paragraph 3.9 from Ordinance 2011-12, and the attorney agreed. No advertisement is necessary. A motion made by Mrs. Eitner stating that the Ordinance #2011-12 is consistent with the Master Plan providing that paragraph 3.9 is struck and removed by the final adoption and was seconded by Ms. Randolph. **Roll Call Vote:** Mr. Bailey, Yes, Mr. Corvino, Yes, Mr. DeCarolis, Abstained, Mr. Desiderio, Yes, Mrs. Eitner, Yes, Ms. Randolph, Yes, Mr. Young, Yes, & Mr. Zilberfarb, Yes.

Ms. Jay explained about the power point presentation at her firm during the same time of our meeting and mentioned that they will have another one in the Spring of 2012. Ms Jay will send it to Rita via email and forward to the board members.

VI. MINUTES

Mr. DeCarolis made a motion to approve the Sept 12, 2011 minutes with corrections and was seconded by Mr. Zilberfarb. All in favor “**AYE**” - none Opposed. Ms Randolph and Mr. Desiderio abstained.

A motion was made by Ms. Randolph to carry the November 3, 2011 minutes to the next meeting and was seconded by Mr. Desiderio. All in favor “**AYE**” - None Opposed.

VII. DISCUSSION- Highlands Council, Mod 4, ERI 2nd Open Public Meeting

Mr. Bailey introduced Mr. Kuhn who is vice chairman for the Environmental Committee. Ms. Jay sent out a package back in August, to the Planning Board, of colored maps asking the board to review. This is a grant from the Highlands to complete an Environmental Resource Inventory (ERI). This ERI covers many layers of items such as steep slopes, vernal pools, water resources, etc. Back in September 2011, there was a public presentation. Ms Jay wants to be certain that any changes are approved by the board or if anyone had additional changes, concerns, comments, they may do so. Ms Jay referenced page 11, which is the water quality issues and agreed that those references should be removed. Ms Jay referenced page 37 which a correction of the amount of acres

to reflect the accurate amount for preserved farms. The other additional item was known contaminated sources on page 39. Two sites were listed. Ms Jay reviewed the DEP website and they state there are 4 (four) contaminated sites in Frelinghuysen. Ms Jay recommended that their mapping needs to be updated to reflect DEP & it can be added into the text as well. The board attorney stated that the township would not be liable for any sites needing clean-up as it is the DEP's jurisdiction. Ms Jay reiterated that this is a draft document only and does not have to be adopted. She suggested to the board if you feel at ease, we can list the 4 sites and reference them to www.NJDEP. Ms Jay clarified about enhancing the ERI with additional scenic vistas as this is a master plan document. Mr. Bailey stated that the board would like to incorporate information from the old ERI mainly the historical section. The Planning Board had requested that Ms. Jay propose to scan that data which could be appended to anything. Ms Jay sent the proposal to township committee along with the fee after the September meeting. Ms Jay stressed there are very few copies of that document and a town historian would have to create that information should any of it get lost. Due to budget constraints, the township committee thought to hold onto the proposal at this time. Mrs. Eitner asked to consider this project for 2012 budget planning. Mr. Desiderio's concern is that he wants the township committee to know the importance of that historical data. Ms. Randolph explained the comprehensive data and wonders why this data can't be combined to have one super ERI since you can only adopt one ERI. Mr. Bailey expressed that neither one is being adopted and this is only a draft document for the township to recoup their money and in the future, this can be compared and updated. Mr. Desiderio made a motion to submit the draft and was seconded by Mr. Young. Motion retracted. Mr. Bailey excused himself and opened up this meeting for public comment. Mr. Kuhn has concerns with the two ERIs and is concerned with the farmland preserved maps being consistent. There was no other comment from the public. Public session was closed by Mr. Bailey.

A motion to approve and to submit a draft up to the Highlands Council with the additional comment to page 39 with referencing the contaminated data to the NJDEP website was made by Mr. Desiderio and seconded by Mr. Young. **Roll Call Vote:** Mr. Corvino, Yes, Mr. DeCarolis, Yes, Mr. Desiderio, Yes, Mrs. Eitner, Yes, Ms. Randolph, Yes, Mr. Young, Yes, Mr. Zilberfarb, Yes, Mr. Bailey, Yes.

VIII. SUBCOMMITTEE / LIAISON REPORTS

1. **Open Space** – Ms. Randolph gave a detail on the resolution about the two properties that the township should be closing by the year's end. The ERI and the Open Space draft plan will be coming forward for the second public hearing in February and appreciate all the input.
2. **Environmental** – Mr. Simonetti – absent. Mr. Kuhn spoke on behalf of the committee. He thanked Donna for assisting him in the "clean up" event which took place from the Municipal Building down to Ramseyburg Road, to Kerrs Corner, Mill Rd, Main Street, Johnsonburg and filled the dumpsters with debris twice! The committee considered it was a successful event. In addition, they will also be doing the Christmas tree recycling again this year.

3. *Site Review Committee* – Mr. Zilberfarb – Nothing to report. Mr. Zilberfarb asked if there was any response from the Genesis Farms in reference to their request. The secretary gave Mr. Zilberfarb the complete packet of all correspondence and spread sheet along with permit data information and certificates that were printed from the building dept.

4. *Rural Character* – Ms. Randolph – nothing to report.

5. *Farmland* – Mr. Young stated there was a joint session last month. There were items discussed in Executive Session. The Land Conservancy representative was unable to attend due to weather.

XIV. PUBLIC COMMENT

Mr. Desiderio stated that on the Township level, he and Mr. DeCarolis are in the process of trying to get a Soil Disturbance Permit Ordinance designed so that in the near future, the Township will be able to govern and inspect construction.

Mr. DeCarolis expressed his concern about communicating within the board as there was confusion due to the power outages. Mr. DeCarolis was concerned about the bike route and was wondering if this is safe or if this was a planning board issue. Mrs. Eitner asked any funding can be allocated for this route.

XV. ADJOURNMENT – A motion to adjourn was made by Mr. Desiderio and was seconded by Mr. Young. All in favor “**AYE**” – none opposed. This meeting adjourned at 9:28pm.

Respectfully submitted,

Rita Bernstein, Secretary