

## **MINUTES OF THE MEETING OF APRIL 14, 2008**

The regular meeting of the Frelinghuysen Township Zoning Board of Adjustment was held in the Municipal Building, 210 Route 661, Johnsonburg, New Jersey on Monday, April 14, 2008 and was called to order at 7:30 p.m. by Chairman Stracco.

### **SUNSHINE LAW STATEMENT:**

Adequate notice of this meeting was provided by posting notice on the township bulletin board and by faxing notice to the Star Gazette and New Jersey Herald on January 5, 2008.

### **ROLL CALL:**

The following members were present: Kevin Bailey, Max Klein, Donald Soisson, Christopher Stracco, Russell Walters (arriving late). Alternates present were: Shannon Drylie and Chip Greene. Howard Jungkind and John Ponczek were absent.

### **MINUTES:**

The minutes of the February 11, 2008 were held as they need to be revised. The minutes of meeting of March 10, 2008 were approved on motion made by Drylie, seconded by Soisson. All in favor except Greene who abstained.

### **OLD BUSINESS:**

#### **Application of Kids Camp, Block 104, Lot 10**

The public hearing for the Kids Camp, Lincoln Laurel Road was held (before the hearing began Russell Walters recused himself). William Munday, attorney for Kids Camp gave an overview as to the construction of 3 new buildings, demolishing the pool and replacing it with a splash pool along with 2 additions to the farm house. They want to remove 5 buildings consisting of the infirmary, storage shed, cabins and hut.

Michaela Murray-Nolan, Executive Director went over what Kids Camp does on site. She explained that Kids Camp is an alternate education program on site for children from Newark. The camp is operated during the summer months of July and August with approximately 200 children a day. From September to May there is a mountain class program for the 5<sup>th</sup> graders with approximately 40 children a day. Ms. Murray-Nolan stated that they have been located on this property since 1993 and a lot of the buildings which were built in the 1920's are in disrepair. The pool was built in the 1960's and only has a deep end which isn't good for children who cannot swim. Since they are providing health care, a clinic is now needed. Presently, there are no bathroom facilities on site for which 24 port-a-john need to be rented. With the arrival of the pavilion this site would eliminate the need for the port-a-johns. The dormitory will replace 12 buildings; the

splash pool will be safer than the pool and is set back so there should be less noise. The farmhouse dates back to 1915 and is too small. Additional bedrooms and bathrooms will be added.

Ronald Kennedy, engineer was qualified as an expert in his field and went over the following exhibits:

Exhibit A1-over view of site plan dated Jan. 2008 and revised Feb. 2008

Letter A- Arrival building with bathroom area

Letter B- New dormitory with 40 beds and a common center area

Letter C- Changing pavilion which will be located further and lower from the road

Exhibit 5A- is the lodge expansion with 6 examination rooms

Exhibit 6A- Addition to the farmhouse with additional bedrooms and bathrooms

The expansion proposes the following increase building space:

Principal Structure-1616 existing square feet, 2,782 proposed square feet with an increase of 1,166 square feet.

Accessory building-existing square feet is 22,700 square feet, 27,487 proposed square feet with an increase of 4,787 square feet.

The positive criteria is there will be more efficient use of the land, the camp will be more modern and updated and will have less traffic from the port-a-john company.

Philip Kennedy-Grant, architect was qualified as an expert in his field and went over the following exhibits:

Exhibit A2-arrival building rendering

Exhibit A3- site around arrival building

Exhibit A4-

Exhibit A5- dormitory interior

Exhibit A6- dormitory exterior

Exhibit A7- front entrance rendering

Exhibit A8- rendering of foundation of infirmary

Exhibit A9- rendering of existing foundation of infirmary

Exhibit A10-farmhouse addition rendering

Township engineer Joe Golden questioned the septic and wells which are under the county jurisdiction. He asked if the demolition of the building were in the plans and if the existing pool will be removed or abandoned. He was advised that it will be removed. Mr. Golden had concerns over the final site plan approval as there are many additional plans that need to be submitted. Mr. Golden brought up the COAH situation and asked if it could be deed restricted for 4 COAH units for the staff members. Mr. Munday will investigate this issue.

Board member Kevin Bailey questioned the current and up to date standpipe near the road; asked if noise level monitoring could be provided and if the width of the road and turning radius for emergency equipment could be provided.

The meeting was opened to the public and spoke were:

John Gumann was sworn in and asked:

-if there were any restrooms at the splash pool. The answer was yes.

-have the five buildings been used recently-The answer was yes

-since there is going to be an increase from 200 to 450 children what is the time frame.

The answer was it is according to how long the construction will take which may be as long as 3 years

-his comment was that the town needs to look at the intersection of Route 94 and Lincoln Laurel Road as he feels this is a dangerous situation.

Dallas Sowards was sworn in and commented that:

-this is a major subdivision, a non-conforming use and is expanding the operation and he is against the application. He also feels that this application is for the Kids Camp and not the residents.

Arnold Katterman asked what does the camp do when horses are loose. Joseph Tighe, camp director, answered that he was not aware of this, however, when he does find out he will take care of the situation. Mr. Katterman commented that this is a residential area and what is their hardship.

Andrew Tynan was sworn in and thanked the board for the thorough review especially the fire hazards. He advised of late activities at the camp on weeknights and weekends by the staff members.

Martin Connor was sworn in and stated that Mr. Sowards is speaking for all the residents on the road.

Paula Jensen questioned the number of buses. She was advised that there will be 8 buses within an hour.

The meeting was closed to the public and the audience members were asked to come back to the next meeting for the site plan approval so that they can address their concerns.

The meeting was carried to May without notice and the applicant waived the statutory 120 deadline.

## **Paula Jensen:**

Paula Jensen appeared before the Board and asked what the board is doing about the non-conforming use across the street from her house (Donna Marie/Burns). The Chairman and the Board Attorney informed Ms. Jensen that according to statute the Board has no enforcement authority, and therefore, this situation has to be referred to the enforcing agent who is the Zoning Officer. The Board attorney indicated that under law, other than referring the matter to the Zoning Official, there was nothing the Board could affirmatively do to enforce the conditions of its prior resolutions.

## **Extensions:**

The request for an extension until June for 995 Route 94 Project Partnership was approved on motion made by Klein, seconded by Soisson. Roll call vote: Bailey-yes, Klein-yes, Soisson-yes, Walters-yes, Drylie-yes, Greene-yes, Stracco-yes.

## **Application of Floriano Santos, Block 1302, Lot 3.18**

Floriano & Eric Santos appeared before the board seeking an interpretation with regard to accessory structures on farmland assessed properties.

It was noted that Shannon Dryie stepped down as she is an adjoining property owner and Russell Walters returned to the table.

Mr. Santos would like to build a storage barn as well as an accessory apartment. Ordinance #501B states that without a principal structure an accessory building cannot be constructed. Ordinance 501 F states that an accessory buildings and apartments are now permitted on farmland assessed lots in the AR zones.

Mr. Golden's report gave his opinion that an accessory structure (barn) can be constructed on site according to the established bulk requirements for the site. Furthermore, the ordinance allows an accessory apartment on farmland assessed lots.

Motion was made by Greene, seconded by Walters to grant the interpretation in favor of the applicant to build an accessory building and/or apartment as farmland assessed. Roll call vote: Bailey-yes, Klein-yes, Soisson-yes, Walters-yes, Greene-yes, Stracco-yes.

## **AUDIENCE PARTICIPATION:**

Councilwoman Debra Natyzak appeared and asked for a clarification as to what the Kids Camp is zoned and why the Board was considering the application. She was advised by the Board attorney that the Camp use is a prior non-conforming use, and that to make any changes at the property the Camp has to, pursuant to the Municipal Land Use Law, apply to the Zoning Board for variances, and the Zoning Board, by law, had to consider the application

**ADJOURNMENT:**

Chairman Stracco thanked the Board members and professionals for their input and adjourned the meeting.

Respectfully Submitted,

Brenda J. Kleber, Secretary