

**FRELINGHUYSEN TOWNSHIP LAND USE BOARD**  
**Minutes-April 3, 2023**  
**7:00 PM**

**CALL TO ORDER:**

The meeting was called to order at 7:00 p.m. by the Chairman Martin Connor.

**ANNOUNCEMENT OF PROPER NOTICE:**

Notice of this meeting was provided by advertising in the New Jersey Herald and the Express Times, the official newspapers of the Frelinghuysen Township Land Use Board. Notice has also been posted on the Township bulletin board and the website.

**FLAG SALUTE**

**ROLL CALL:**

Present were: Martin Connor, Lowell Forbes, Daniel Rogers, Alan DeCarolis, Robert Stock, Justin Stanley, Don Soisson and Nicholas Soranno.

Absent were: Pamela Rogers, Edyta Martewicz, and Christopher Stracco

**CORRESPONDENCE:** none

**MINUTES:**

The minutes of the regular meeting of March 6, 2023 were approved on motion made by Mr. Forbes seconded by Mr. Rogers. All were in favor with Mr. Stock and Mr. Soisson abstaining.

**ESCROW REVIEW:**

Mr. Connor asked the Board Secretary if escrow for the ASA and Dunlop Applications were verified with the CFO. Board Secretary confirmed the escrows was verified.

Mr. Stock recused himself from the meeting at 7:02 pm.

**OLD BUSINESS:**

**ASA Associates, LLC Application No. 2022-04 – 779 Route 94 – Approval of Memorializing Resolution**

Mr. Connor made comments of revisions that needed to be made to the memorializing resolution and Mr. Brown agreed and will make those changes. Motion was made to adopt the memorializing resolution with changes by Mr. Rogers, seconded by Mr. Forbes.

## **NEW BUSINESS:**

### **Dunlop Application No. 2023-01 – 100 Greendell Road – Completeness Review and Public Hearing.**

Appearing before the Board was attorney Michael Selvaggi of Lavery, Selvaggi, Abromotis & Cohen, P.C.. He called to testify Mr. James Dunlop, who is the applicant. Mr. Dunlop was sworn in and stated that he currently lives in Long Island but bought this property because he wanted privacy and loves the area. Mr. Selvaggi wanted to clarify why there is an RV on the property and Mr. Dunlop stated that he and his wife go to the property on weekends and that is what they stay in. There will not be anyone living in the RV when the house is built. Mr. Selvaggi also wanted Mr. Dunlop to confirm what will be above the garage when the house is finished and Mr. Dunlop stated that above the garage is all attic space. Mr. Soranno asked Mr. Selvaggi that if this application was for a height variance, why he believes the town Planner is commenting in her review letters on the RV and trailers that are on the property. Mr. Selvaggi stated he could not answer for our town Planner. Mr. Selvaggi confirmed that the old trailers on the property will be destroyed and removed. Mr. Connor asked what the new trailers will be used for and Mr. Dunlop stated that they will be used for farm equipment and storage. There were no further questions for Mr. Dunlop.

Mr. Selvaggi then called Mr. Jesse Moore, Architect, and verified his license and was sworn in. He stated that he is building a simple home for the Dunlop's and would consider the home to be an Adirondack style home. It was asked why they needed to go above the allotted height that is in the town ordinance and Mr. Moore stated that the slope of the land required them to have the height of the home go over the required height in the town ordinance. Mr. Moore also stated that any lower of a height would be unbecoming on this home. The first floor is 4,200 square feet and Mr. Connor asked if this house was considered a 2 story home and Mr. Moore stated yes. The Board members took a vote as to whether or not the basement would be considered a floor of the home and the vote was unanimous that no the basement is not considered to be a floor in the home. No further questions for Mr. Moore.

Next to be sworn in and to testify was Mr. John Hansen, Planner/Engineer. Mr. Hansen spoke about the gravel driveway to the home being almost a ¼ mile away from Greendell Road and the driveway continues past the house to the shed where there is a turnaround for fire trucks. You cannot see the house from Greendell Road and the nearest house is Lot 19.02 which is 1,000 feet away and between the houses is a ridge of land that is all wooded. The distance from the turnaround to the home is 212 feet and the town ordinance requires it to be 200 feet, so they are looking for relief from that requirement. The town ordinance also requires a 10 foot wide driveway which is what the proposed driveway is until the driveway meets the front of the house, then it becomes 9 feet. They are looking for a 1 foot relief from that.

The variances that are being sought are a D-6 Variance, which as a single family home it is a permitted use and has met all the positive and negative criteria of the variance. There are (2) C Variances being sought. They have confirmed the number of stories of the home and have agreed to remove the old containers that are on the property. Mr. Hansen believes that they have met all concerns in Mr. Sterbenz's letter and have agreed to pave the apron of the driveway.

The town Planner addressed the slope distances on the property and Mr. Hansen stated all disturbances on the project is outside of anything 15% or greater.

Mr. Brown asked Mr. Hansen where he felt the bulk variances requested fall under best, C-1 or C-2 variance. Mr. Hansen believes they fall under a C-2 Variance.

No further questions from the board.

### **PUBLIC PARTICIPATION**

The meeting was opened to the public for questions. Mr. Dan Kohuth, Township resident that resides across the street from this project, voiced his concerns in regard to the 15-20% slope of the driveway not safe for fire trucks since the runoff from that property is bad. The driveway was not to be paved, but just a stone driveway. Mr. Kohuth also asked if the height ordinance was created for a visual consideration or a safety consideration and Mr. Conner stated it was created as a visual consideration. Mr. Brown stated that the town ordinance requires that if there is more than an 8% slope of a driveway within 250 feet of the right of way, the apron is required to be paved. That will be a condition of approval. Finally, Mr. Kohuth asked why the notice he had received stated there was 1 variance being sought and tonight at the meeting they are requesting 3. Mr. Brown stated that Mr. Selvaggi's notice was for 1 variance but allowed for more to be discussed during the meeting if required. There were no further questions from the public.

Mr. Selvaggi's closing statement was that he believes that they have shown that they have met all conditions required for approval of the variances being asked for.

Mr. Brown then went over the list of conditions for approval:

- The applicant's Engineer will work with the Town Engineer in regard to the proposed placement/installation of the bio retention basin
- The driveway apron will be paved
- Following construction, the old trailers on the property will be removed and replaced with new ones

Mr. Soranno made motion to vote on application and resolution with conditions. Seconded by Mr. Forbes.

Mr. Connor asked for a roll call vote to approve the application and resolution with conditions. Roll call: Mr. Rogers – yes, Mr. DeCarolis – yes, Mr. Forbes – yes, Mr. Stanley - yes Mr. Connor – yes. Mr. Soisson – yes Mr. Soranno - yes. The application was approved subject to the conditions that will be in the resolution by a unanimous vote.

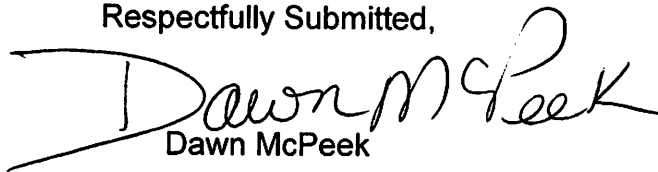
## **SUBCOMMITTEE REPORTS**

1. Open Space - None
2. Farmland Preservation - None
3. Environmental Commission - None

## **ADJOURNMENT:**

There being no further business, the meeting was adjourned on motion made by Mr. DeCarolis, seconded by Mr. Forbes. All were in favor. Meeting adjourned at 7:56 pm.

Respectfully Submitted,

  
Dawn McPeck