

MINUTES THE MEETING OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF FRANKFORD HELD ON MARCH 15, 2005.

The meeting was called to order by Mayor Hahn with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Committeeman McDowell, Committeewoman Kristensen, Attorney Laemers and Municipal Clerk, Louanne Cular.

SALUTE THE FLAG:

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CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Minutes: Regular Meeting Minutes of 3/1/05
Executive Session Minutes of 3/1/05

Licenses: Homestead Auxiliary – Tricky Tray
Homestead Auxiliary – On premise 50/50

Resolutions: 2 resolutions – Tax Collector

A motion was made by McDowell to approve the consent agenda with correction to the 3/1/05 minutes seconded by Kristensen. All in favor. Motion carried. The ordinance shown in the 3/1/05 minutes, as 2005-09 is incorrect. The correct ordinance is as follows:

ORDINANCE 2005-09

AN ORDINANCE TO AMEND CHAPTER 30 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FRANKFORD, BEING THE LAND USE PROCEDURES CHAPTER.

BE IT ORDAINED by the Township Committee of the Township of Frankford that Chapter 30 of the Revised General Ordinances of the Township of Frankford, being the Land Use Procedures Chapter, shall be and is amended as follows:

Section 1. The existing “Floor Area, Gross”, “Floor Area, Net” and “Floor Area Ratio” definitions in Section 30-201 are hereby repealed. In their place, the following definition is included:

Floor Area Ratio (FAR) is the sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors and lobbies from the exterior face of the exterior walls, or from the centerline of a common wall separating two buildings, but excluding:

- a. The first 250 square feet of garages whether attached or detached.
- b. Decks.
- c. Unenclosed porches which are structures attached to a building that have a floor, a roof, and structural supports but not permanently, seasonally, or temporarily enclosed with solid materials such as glass or lexan.
- d. Finished or unfinished attics which do not have dormers, or areas under sloping roofs, where in both cases the distance between floor and ceiling is 6 feet or less.

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- e. Floors below the first or ground floor except where these are used or intended to be used for human habitation or service to the public. Walk-out basements or those with windows or doors are presumed to be intended for human habitation.
- f. Accessory structures (other than garages above) in area up to 100 square feet, but only on lots of one acre or less. Lots over one acre will not have a floor area accessory structure limitation.

Section 2. Add a new section, being Section 30-1013, "Floor Area Ratio". (See definition for Floor Area Ratio)

30-1013 Floor Area Ratio

a. *Residential FAR* =
$$\frac{\text{Total building floor area}}{\text{Total lot area}}$$

and is the maximum buildable area on a lot as calculated on the attached residential Floor Area Chart annexed as Schedule E. For example, a lot containing 20,000 square feet may have a total building area expressed in square feet of floor space of up to 2800 square feet.

b. *Non-residential FAR* =
$$\frac{\text{Total building floor area}}{\text{Total lot area}}$$

and is the maximum building area on a lot as set forth in the revised Ordinance as Schedule B.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 6. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 7. This ordinance shall take effect after publication and passage according to law.

PUBLIC PORTION: A motion was made by Kristensen to open the meeting to the public, seconded by McDowell. All in favor. Motion carried. The public reported that there is a rock wall collapsing on Losey Road. Rich Pumphrey will look into this matter. No other public participation. A motion was made by McDowell to close the meeting to the public, seconded by Kristensen. All in favor. Motion carried.

COMMITTEE REPORTS: Committeeman McDowell reported he will be meeting with the CFO regarding financial matters with the Park Commission. He will also be meeting with the DPW staff. Rich Pumphrey requested permission to bid the oil and

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stone work this year. A motion was made by Kristensen to authorize the bid as requested, seconded by McDowell. All in favor. Motion carried.

ORDINANCES:

1st READING: None

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ORDINANCES:

2ND READING: None

OLD BUSINESS:

A. Culver View Land - A motion was made by Kristensen to table this matter and let the attorneys handle it, seconded by McDowell. All in favor. Motion carried.

B. SCMUA - A motion was made by Hahn to table this matter seconded by McDowell. All in favor. Motion carried.

NEW BUSINESS:

A. Driveway waiver request - Wingle –A motion was made by Kristensen to approve the driveway waiver subject to Harold Pellow approving the site distance analysis, seconded by McDowell. All in favor. Motion carried.

B. Introduction of the 2005 Municipal Budget – The committee requested that the auditor add two cents more to the budget for litigation, and a motion was made by Kristensen to approve the introduction with this change, seconded by McDowell. All in favor. Motion carried. The following ordinance was introduced:

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A motion was made by Kristensen to introduce Ordinance 2005-10 on first reading, seconded by McDowell. All in favor. Motion carried.

C. Professional Services Agreement - A motion was made by McDowell to approve the agreement presented with the following changes: \$55,000 only, subject to receiving an additional grant for \$40,000, seconded by Kristensen. All in favor. Motion carried.

D. Change Order Frandford Park – Phase IV - A motion was made by McDowell to approve the change order as presented, seconded by Kristensen. All in favor. Motion carried.

E. Change Order – George Hill Road – Section III - A motion was made by Kristensen to approve the change order as presented, seconded by McDowell. All in favor. Motion carried.

F. Frankford Fire Department – ABC Permits - A motion was made by Kristensen to approve the permits, seconded by McDowell. All in favor with Hahn abstaining. Motion carried.

G. Health Benefits Resolution - A motion was made by Kristensen to table this matter for more information, seconded by McDowell. All in favor. Motion carried.

H. Meetings – A motion was made by Kristensen to change the regularly scheduled Township meeting of April 19th to April 18th due to the school election, seconded by McDowell. All in favor. Motion carried.

I. Grant Application - A motion was made by Kristensen to approve the grant application, seconded by McDowell. All in favor. Motion carried. The clerk will confer with Harold Pellow in regards to Tier A vs Tier B.

J. Request for On Line Banking - A motion was made by McDowell to approve the CFO's request to be allowed to do on line banking for the Township, seconded by Kristensen. All in favor. Motion carried.

K. Drainage Problem – A letter was received from Bill Paterson regarding the drainage issue on David Drive. The committee requested that he move forward to get this matter resolved.

CORRESPONDENCE: The following items were pulled: #15 – A motion was made by McDowell to oppose NJ State Assembly Bill #3415 which state that properties on which development easements are acquired through the State's Farmland Preservation Program may have no more than three percent impervious coverage, seconded by Kristensen. All in favor. Motion carried. #19 and #30, the committee would like to see on the web site. #45 – the township attorney will review the resolution on tax reform and update the committee.

BILLS TO BE PAID - A motion was made by McDowell to approve the bills as presented, seconded by Kristensen. All in favor. Motion carried.

EXECUTIVE SESSION: A motion was made by Kristensen to go into executive session, seconded by McDowell. All in favor. Motion carried. A motion was made by Kristensen to return to regular session, seconded by McDowell. All in favor. Motion carried. A motion was made by Kristensen to hold a joint meeting with the Land Use Board and to advertise same, seconded by McDowell. All in favor. Motion carried. A motion was made by Kristensen to cancel the next Stakeholders meeting on the recommendation of the Township Attorney, seconded by McDowell. All in favor. Motion carried.

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PUBLIC PORTION: A motion was made by McDowell to open the meeting for public comment, seconded by Kristensen. All in favor. Motion carried. The public commented on the cost of litigation and the impact on the taxpayers. A motion was made by Kristensen to close the meeting for public comment, seconded by McDowell.

ADJOURNMENT: A motion was made by McDowell to adjourn, seconded by Kristensen. All in favor. Motion carried.

Attest:

**Louanne Cular RMC/CMC
Municipal Clerk**

