

**FRANKFORD TOWNSHIP LAND USE BOARD
OCTOBER 27, 2004 – 7:30 P.M.
MINUTES OF THE REGULAR MEETING**

CALL TO ORDER:

The meeting was called to order by the board Vice Chairman, James Ayers, by announcing that notice appeared in the New Jersey Herald and the New Jersey Sunday Herald in accordance with the requirements of The Open Public Meetings Act.

Flag Salute

ATTENDANCE:

Those Present were: Mr. Ayers, Mr. Hahn, Mr. Risdon, Mr. Zappile, Mrs. Kristensen, Mr. Martin, Mr. Nadolny, Mr. Gstattenbauer, and Mrs. Caldwell. Also present was Mr. Clark, the board attorney and Mr. Pellow, the board engineer.

Those absent: Mr. Hatler (excused) and Mr. Romania (excused)

MINUTES:

The Minutes of the September 15, 2004 Regular Meeting were reviewed. A Motion was made by Mr. Nadolny and seconded by Mr. Martin to approve the minutes of the September 15, 2004 Regular Meeting. All were in favor, except Mr. Risdon who abstained and Mrs. Kristensen who abstained from application LUB 04-29 portion of the minutes. The Motion was carried.

The Minutes of the September 22, 2004 Regular Meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the minutes of the September 22, 2004 Regular Meeting. All were in favor, except Mrs. Kristensen who abstained from application LUB 04-33 portion of the minutes. The Motion was carried.

PUBLIC PARTICIPATION:

A Motion was made by Mr. Martin and seconded by Mr. Risdon to open this meeting to the public. All were in favor. The Motion was carried.

There was no public participation.

A Motion was made by Mr. Nadolny and seconded by Mr. Martin to close this matter to the public. All were in favor. The Motion was carried.

ZONING OFFICER' S REPORT:

The Zoning Officer was unable to attend this meeting. His report will be reviewed at the next regular meeting of the Land Use Board.

APPLICATIONS CARRIED FROM PREVIOUS MEETING:

Frank and Patricia Sullivan – LUB 04-10 – Block 270, Lots 12, 12.01 & 12.02 – Minor Subdivision & Planning Variance:

Appearing on behalf of the applicant was the applicant, Patricia Sullivan. Mrs. Sullivan indicated that she is still under oath from the previous meeting.

Mrs. Sullivan read into the record a letter stating the history of this application and withdrawing their application.

Mr. Clark summarized that this applicant is withdrawing this Minor Subdivision application, together with the plans submitted this evening which have not been reviewed. They are also withdrawing the decision orally given a few months ago by this board. The Resolution was not prepared a few months ago, because the applicant was to submit revised maps. The applicants are going to stay with the decision they received in the 1988 subdivision application.

A Motion was made by Mr. Martin and seconded by Mrs. Kristensen dismissing the 2004 Minor Subdivision application, together with the prior approval given on this application at the May 26, 2004 Land Use Board meeting. Roll Call:

YES: 9 Ayers, Hahn, Risdon, Zappile, Kristensen, Martin, Nadolny,
Gstattenbauer, Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

NEW APPLICATIONS:

James Huff – LUB 04-27 – Block 18, Lot 18, Augusta Hill Road – Minor Subdivision and “ C” Variance:

Appearing on behalf of the applicant was the applicant, James Huff and his wife, Nancy Huff. James and Nancy Huff were sworn in by the board attorney.

Mr. Pellow reviewed his report as to completeness:

Item “ 3” : The application can be deemed complete if Items 28, 53, 71 and 73 are resolved at the Land Use Board meeting and a waiver is granted for Item 43:

Paragraph “ 1” : The applicant is proposing to subdivide 2.990 acres from a parent tract of 13.466 acres.

Paragraph “ 2” : A “ C” Variance is required to create a lot which has an area less than the minimum required area of 5 acres in the Agricultural Residential Zone.

Paragraph “ 4” : The applicant can make the proposed lot 5 acres in order to comply with the zoning requirements. I recommend extending the proposed side line to the rear property line. The Application states this is not an option which is stated in a letter from the applicant.

Paragraph “ 5” : A variance may be needed for having an accessory structure without a primary structure. This is in reference to the frame shed on the proposed lot. Mr. Huff indicated that this shed has been removed.

Paragraph “ 6” : Lot areas need to be provided on the plan, not just in the chart. Mr. Pellow indicated that on the revised map this has been shown.

Paragraph “ 7” : A contribution of \$2,500 needs to be added to the Road Trust Fund from the applicant prior to the deeds being signed.

Paragraph “ 8” : Type of driveway surfacing should be labeled on the plan. Mr. Pellow indicated that on the revised map this has been shown.

Paragraph “ 9” : The map states that the boundary is based on a survey dated 1988. The surveyor from 1988 to certify the boundary of Michael Kolody, P.E. & L.S. to certify the survey. Mr. Pellow indicated that this has been provided.

A lengthy discussion was held with regard to different options the applicants should explore: (1) Refinancing (2) Selling development rights to Farmland Preservation (3) Reconfiguring lot sizes to make each lot approximately 6 acres, then both lots would be eligible for farmland assessment and the lots would conform to the ordinance.

Mr. Clark indicated to Mr. Huff that the board is faced with from a legal prospective: (1) The applicants would have to establish a hardship, which means this property can not be divided to make 2 five acre lots, which financing or a mortgage is not allowed by the law to look at as a reason of hardship. The second option to obtain a variance for the smaller lot is to show that the benefits outweigh the detriments of creating the smaller lot. The board must find one of these two options before they should allow the applicant to proceed.

A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to open this matter to the public. All were in favor. The Motion was carried.

There was no public participation.

A Motion was made by Mr. Martin and seconded by Mr. Risdon to close this matter

to the public. All were favor. The Motion was carried.

A Motion was made by Mr. Nadolny and seconded by Mr. Gstattenbauer to carry this matter to the January 19, 2005 Land Use Board meeting without further notice until the applicant can explore other options before proceeding with this application. Roll Call:

YES: 9 Ayers, Hahn, Risdon, Zappile, Kristensen, Martin, Nadolny, Gstattenbauer, Caldwell

NO: 0

ABSTAIN: 0 The Motion was carried.

EXTENSIONS:

High Ridge Properties – LUB 02-15 – Block 1, Lot 10 & Block 4, Lots 2 & 4 – Preliminary Major Subdivision – Extension of Conditions of Preliminary Major Subdivision:

A letter was received from the applicant’s attorney requesting a 90 day extension for the conditions of the Preliminary Major Subdivision.

A Motion was made by Mr. Risdon and seconded by Mr. Martin to approve the extension of 90 days for the conditions of the Preliminary Major Subdivision:

YES: 7 Hahn, Risdon, Zappile, Martin, Nadolny, Gstattenbauer, Caldwell

NO: 0

ABSTAIN: 2 Ayers, Kristensen

The Motion was carried.

RESOLUTIONS:

Thomas & Diane Hingston – LUB 04-30 – Block 92, Lot 3 – 107 East Shore Culver Lake Road – “C” Variance:

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mrs. Caldwell to approve the Resolution for a “C” Variance for Thomas & Diane Hingston. Roll Call:

YES: 6 Ayers, Hahn, Zappile, Martin, Gstattenbauer, Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

Carol Ann & Angelo Appice – LUB 04-32 – Block 84, Lot 1 – 9 East Third Street, Planning Variance:

The Resolution was reviewed. A Motion was made by Mr. Nadolny and seconded by Mr. Martin to approve the Resolution for a Planning Variance for Carol Ann & Angelo Appice. Roll Call:

YES: 9 Ayers, Hahn, Risdon, Zappile, Kristensen, Martin, Nadolny, Gstattenbauer, Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

Richard Hermann – LUB 04-31 – Block 217, Lots 3 & 3.02 – 159 East Shore Lake Owassa Road - Appeal:

The Resolution was reviewed. A Motion was made by Mr. Nadolny and seconded by Mrs. Caldwell to approve the Resolution for an Appeal for Richard Hermann. Roll Call:

YES: 6 Ayers, Zappile, Kristensen, Martin, Nadolny, Gstattenbauer

NO: 0

ABSTAIN: 0

The Motion was carried.

Jacqueline Helt – LUB 04-28 – Block 209, Lot 4 -193 East Shore Lake Owassa Road “C” Variance:

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Martin to approve the Resolution for a “C” Variance. Roll Call:

YES: 6 Ayers, Zappile, Kristensen, Martin, Nadolny, Gstattenbauer

NO: 0

ABSTAIN: 0

The Motion was carried.

Culvermere – LUB 04-08 – Block 181, Lot 2 – Minor Subdivision & “C” Variance – Extension of Time to File Deeds:

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Zappile to approve the Resolution for an Extension of the Minor Subdivision & “C” Variance. Roll Call:

YES: 6 Ayers, Hahn, Zappile, Martin, Nadolny, Gstattenbauer

NO: 0

ABSTAIN: 2 Risdon, Kristensen

The Motion was carried.

Tricer Management Limited – LUB 04-06 – Block 19, Lot 10 – Newton Avenue – Minor Subdivision:

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the Resolution for an Extension of the Minor Subdivision. Roll Call:

YES: 6 Ayers, Zappile, Kristensen, Martin, Nadolny, Gstattenbauer

NO: 0

ABSTAIN: 0

The Motion was carried.

Tricer Management Limited – LUB 04-07 – Block 21, Lot 6 – Morris Avenue – Minor Subdivision:

The Resolution was reviewed. A Motion was made by Mr. Nadolny and seconded by Mr. Martin to approve the Resolution for an Extension of the Minor Subdivision. Roll Call:

YES: 6 Ayers, Zappile, Kristensen, Martin, Nadolny, Gstattenbauer

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS:

Invoices:

A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the October Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 7 Ayers, Risdon, Zappile, Martin, Nadolny, Gstattenbauer, Caldwell

NO: 0

ABSTAIN: 2 Hahn, Kristensen

The Motion was carried.

Ordinance Review – Floor Area Ratio:

Mr. Clark stated that this Ordinance would apply township wide to residential zones, vacant and improved lots, and when the lot size is over approximately 1 ½ acres, there is no more need to do a floor area ratio. Floor Area Ratio is the sum of all the square footage of the building over the total square footage of the lot and it can't be exceeded without a "D" Variance which requires 5 votes. The sub committee has developed a chart to calculate the floor area ratio. Mr. Clark further stated that basements are not included in the calculations; garages, including detached garages, will be included. This matter will be discussed further at the next meeting.

Ordinance Review - Fee Schedule:

A discussion was held with regard to the Comparative Analysis of the Fee Schedule with the surrounding townships. The board also reviewed the Ordinance drafted by Mr. Clark in February, 2004. The only change the board agreed is under "Concept Application" to add that a Minor Subdivision Review of a Concept would be \$200.00; a copy of the Ordinance is attached hereto.

Ordinance Review – Zoning Ordinance Changes:

Mr. Clark reviewed the changes made to the Zoning Ordinances(Chapters 1-8), a copy of which is attached hereto.

Ordinance Review – Fee Schedule & Zoning Ordinance Changes:

A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to update the Fee schedule with the change discussed to the Concept Fee and to update the changes in Chapters 1-8 of the new Ordinance and forward same to the township committee for adoption. All were in favor, except Mrs. Kristensen and Mr. Hahn, who abstained. The Motion was carried.

2005 Budget:

This matter will be carried to the board's next regular meeting.

Return of Escrow:

A Motion was made by Mr. Martin and seconded by Mr. Zappile to return the escrow monies to the following applicants:

- 1) **Maltese Development – LUB 00-03** – Block 26, Lot 7 – Concept Plan - \$121.30
- 2) **Sprint Spectrum – LUB 00-04** – Block 68, Lot 3.02 – Preliminary & Final Site Plan
& Use Variance - \$104.41
- 3) **Clark-Pioneer Packaging – LUB 00-12** – Block 18, Lot 24.03 – Preliminary Site
Plan - \$90.00
- 4) **Lois A. Pellow – LUB 00-14** – Block 39, Lot 10.02 – Minor Subdivision - \$404.00
- 5) **Linda Hoffmann – LUB 00-16** – Block 87, Lot 4 – “ C” Variance - \$170.04
- 6) **Cellco-Verizon Wireless – LUB 00-20** – Block 11, Lot 13.11 – Site Plan - \$656.80
- 7) **Ballinakill Farm – LUB 00-23** – Block 37.01, Lot 1 – Minor Subdivision - \$380.00
- 8) **Clinton E. Mitschele – LUB 00-28** – Block 10, Lot 2 – Amended Site Plan - \$204.94
- 9) **Omnipoint – LUB 00-29** – Block 68.01, Lot 3.02 – Use Variance & Site Plan \$1,982.95
- 10) **James Ayers – LUB 00-31** – Block 42, Lots 14.05 & 14.25 – Concept For Minor Subdivision - \$250.00

Roll Call:

YES:	8	Ayers (to 1-9), Risdon, Zappile, Kristensen, Martin, Nadolny, Gstattenbauer, Caldwell
NO:	0	
ABSTAIN:	2	Ayers (to 10), Hahn

The Motion was carried.

Correspondence:

The correspondence was reviewed. No formal action was taken.

ADJOURN:

A Motion was made by Mr. Martin and seconded by Mr. Zappile to adjourn the meeting. All were in favor. The Motion was carried.

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator