

FRANKFORD TOWNSHIP LAND USE BOARD
APRIL 21, 2004 – 7:30 P.M.
MINUTES OF REGULAR MEETING

CALL TO ORDER:

The meeting was called to order by Jay Romania, 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. Risdon, Mr. Zappile, Mrs. Kristensen, Mr. Martin, Mr. Nadolny, Mr. Romania, and Mrs. Caldwell. Also present was Mr. Clark and Mr. Pellow.

Those absent: Mr. Hahn, Mr. Hatler (excused) and Mr. Gstattenbauer (excused).

PUBLIC:

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.

NEW APPLICATIONS:

Tri-Co Federal Credit Union – LUB 04-04 – Preliminary & Final Site Plan and “ C” Variance – Block 18, Lot 24.03 – 47 U.S. Route 206:

Kevin Kelly, Esq. appeared on behalf of Tri Co Federal Credit Union which is listed under New Applications this evening. He stated that there will be some changes to their plan based on a review by the DOT and he requested that an adjournment be granted without further notice to the May 19, 2004 meeting.

A Motion was made by Mr. Martin and seconded by Mrs. Kristensen to carry this application to the May 19, 2004 Land Use Board Meeting without further notice. All were in favor. The Motion was carried.

Paul Sutphen appearing on behalf of newly formed group Citizens for Responsible Development at Ross’ s Corner. The group has some concerns with the Town Center Area. Mr. Sutphen indicated that he forwarded a letter to the board dated April 12, 2004 to Adam Zellner, Executive Director of State Planning with the concerns of the group. The board acknowledged receiving the letter. He stated that the letter outlines a number of areas of concerns for the process as to what has been taking place with regard to the town center.

He indicated his main concern is that the township has a Master Plan that was

developed which defined what we want to do in terms of this township. He feels that this plan is not represented at all in the current petition for Town Center Designation. Mr. Sutphen is also concerned that the board is considering zoning changes and is presenting them to the State on May 26th without any public notification. He feels the changes should be reviewed first by the public before presenting them to the State. Mr. Sutphen was also concerned with the traffic this new town center will generate.

Mr. Zappile indicated to Mr. Sutphen that his concerns are good points; however, they are premature and will be dealt with when an actual application by the developer for the town center has been filed.

Mr. Clark indicated that what Mr. Zappile noted is true. He further stated that if there is an amendment to the Master Plan or Ordinances, there will be a public hearing.

Manya Albertson appeared before the board and indicated that she is interested in opening an English Tack shop in the old Lakeland Bank Computer Center. However, that lot is zoned C3 which does not allow retail. Mr. Clark stated that she would have to apply for a variance and she would have to prove that the site is suitable for what she proposes to do.

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

APPLICATIONS CARRIED FROM PREVIOUS MEETING:

James L. and Betty S. Rust – LUB 04-11 - Minor Subdivision – Block 7, Lot 4 – 12 Perry Road:

Mrs. Kristensen stepped down from this application.

Appearing on behalf of the applicant was their attorney, William Haggerty, Esq., and their engineer, Daniel Kent and the applicant, James L. Rust. Mr. Kent and Mr. Rust were sworn in by the board attorney.

Mr. Haggerty indicated that the applicant was in on a prior meeting for a completeness review. He further stated that this property was subject to a subdivision within three (3) years. This would ordinarily be a minor subdivision, but because of the provisions that require that a subdivision be treated as a minor subdivision if there were a subdivision within three years of the same tract, they have to come in as a major subdivision. This would be characterized as a Technical Major. The lot that they propose to cut out would create one new lot and they would have a remainder lot. Both lots would comply to then, in effect, AR Zone. They filed within the time frame for the 2 acre zoning. There are no variances needed for either lot. The application was deemed complete at the last meeting. In view of the fact, this would be a minor, but for that three year provision, they would like the board, if they favorably view the application, to treat it as a minor in terms of perfecting the subdivision through Deed recording

rather than through map filing.

The board reviewed Mr. Pellow' s report dated March 1, 2004:

Item “ 1” County review will be required.

Item “ 2” The map reviewed consists of two (2) sheets dated February 20, 2004, as prepared by Delaware Valley Associates, Inc.

Item “ 3” Mr. Pellow indicated that this paragraph deals with completeness review. This application was previously deemed complete.

Item “ 4” The applicant is proposing to subdivide these two lots based on the former 2-acre zoning in the AR Zone.

Item “ 5” I do not believe the 3-year time limit has expired since the prior 2-lot plus remainder minor subdivision was approved. LUB Application 01-09 was decided on March 28, 2001 and memorialized April 25, 2001. This was discussed by Mr. Haggerty.

Item “ 6” Both lots meet area and dimensional requirements for the former 2-acre zone and conforms to constraint adjustments, and both lots have the one-half acre of contiguous, non-constrained land within the building envelope. Proposed Lot 1.07 has 0.973 acres of non-constrained land, and the remainder Lot 1 has 2.085 acres of non-constrained land.

Item “ 7” The Applicant has requested a waiver for sight distance on proposed Lot 1.07 looking to the northwest: 475 feet is required for 50 mph, and 400 ft. is available. By statute, this is a 50 mph road since it is not posted, but in reality, I do not think cars travel this rate of speed on this area of the roadway. I recommend the waiver be granted. If this road has a speed survey, there would probably be a 35 mph speed limit, and a sight distance of 250 feet would be needed.

Item “ 8” The Multiflora Rose and brush to be removed for proper sight distance, both northwest and southeast from this proposed driveway prior to a Certificate of Occupancy being issued.

Item “ 9” Driveway application to be submitted to the Building Department at time of building permit application.

Item “ 10” There is an overhead power line running through proposed Lot 1.07, which was a right-of-way granted to the New Jersey Power & Light Company in 1934.

Item “ 11” A contribution of \$2,500 to be deposited in the Frankford Township Road Trust Fund for one lot prior to the deeds being signed.

Item “ 12” Soil logs indicate a septic system could be built on proposed Lot 1.07.

Mr. Pellow indicated that a COAH fee will have to be made.

Mr. Haggerty submitted to the board a copy of a letter from Peter Vaughan of the County of Sussex Planning Board. The letter indicates that the application was reviewed by the County Planning Board’ s Development Review Committee on March 15, 2004 in accordance with the attached Sussex County Engineer and Planning Report. The report indicates that the development as proposed with this application does not significantly impact any County Highway, Bridge, Storm water collection system or property. They have no comments as it regards the county. The board secretary indicated that the board received this letter.

Mr. Pellow questioned Mr. Clark if this is a major. Mr. Clark indicated that the board could permit the applicant to file by deeds which would mean the applicant does not have to file a map and set monuments.

A Motion was made by Mr. Risdon and seconded by Mr. Martin 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 in favor. The Motion was carried.

Mr. Clark summarized that this application which is technically a major subdivision because of the three year period, however, in reality it is a two lot minor subdivision subject to the waivers as described, which are a Waiver for the site distance and a Waiver for Deed filing. No variances are needed and subject to the conditions as set forth in Harold’ s Report dated March 1, 2004.

A Motion was made by Mrs. Caldwell and seconded by Mr. Risdon to approve the application with the conditions in Mr. Pellow’ s report and a waiver for Deed filing and a waiver for site distance. Roll Call:

YES:	7	Ayers, Risdon, Zappile, Martin, Nadolny, Romania and Caldwell
NO:	0	
ABSTAIN:	0	

The Motion was carried.

Hillside View (Susan Lee) – LUB 04-01 - Preliminary Major Subdivision – Block 7, Lot 4 – Fenwick Road and Skyline Drive:

Mrs. Kristensen returned to the meeting.

Appearing on behalf of the applicant was their attorney, William Haggerty, Esq., and their engineer, Author J. Alias. Mr. Alias was sworn in by the board attorney. Mr. Alias gave his qualifications to the board. The board accepted Mr. Alias as a qualified witness.

Mr. Haggerty stated that this is an application for a 14 lot major subdivision. This application was filed under the 2 acre zoning standards. This application was deemed complete at a prior meeting.

Mr. Alias reviewed Sheet “ 2” of the plans submitted to the board for review. He noted there was an on-site inspection by the Land Use Board on April 12, 2004. This project consists of a tract of land of approximately 115 acres, a small portion of which is in Lafayette Township. The property fronts on Fenwick Road as well Skyline Drive Cul-de-sac from the Meadow Ridge Subdivision. The general property slopes towards the North, towards Fenwick Road. There are wetlands on the property which are delineated on the map. The land is farmed for a portion of the year.

Mr. Alias submitted a Layout Plan he prepared for this meeting. The Plan was marked as Exhibit “ A-1” . They are proposing to extend the existing Cul-de-sac on Skyline Drive and create two cul-de-sac roads. He indicated that this originally planned as 14 lots. One of Mr. Pellow’ s comments concerned the Sussex County Soil survey shows certain soils in a portion of the property that contend to have shallow ground water and he requested that the applicant go back and do some soil borings to check those lots. They did this testing. The results were fine for all the lots except for proposed Lot 7 at the end of the cul-de-sac. Therefore, Lot 7 will be eliminated. There will now be 13 building lots instead of 14 lots.

Mr. Romania questioned if the access to these lots would be from Lafayette. Mr. Alias indicated that it would be, just like it is from the Meadow Ridge Subdivision. Mr. Haggerty questioned Mr. Alias as to why they chose to access off of this road rather than Fenwick Road. Mr. Alias indicated that the majority of the land off of Fenwick Road are wetlands and wetland buffers. He feels that the DEP would very unlikely allow them to enter this way. He further stated that Fenwick Road is an undersized, narrow road, which would require improvement. It would also require extensive improvement between the farm and the highway. It is approximately 12 to 15 feet wide and steep slopes going down one side and the other side a right-of-way would need to be required to do this. This would change the whole character of Fenwick Road. In addition when you get out to the highway, the site distance is poor. For these reasons, it made more sense to tie into the existing Cul-de-sac.

Mr. Haggerty questioned Mr. Alias with the elimination of Lot 7, what would be become of that section. Mr. Alias indicated that a portion of the lot would go towards the remainder of the property and a portion would go towards Lot 6 to make that lot larger. On Lot 7 there is a detention basin on that lot and they would want to incorporate and keep it with the subdivision. They would reduce the length of proposed Road A to pull the cul-de-sac out completely out of the wetland buffer. What they have

now is permissible, but he feels that the DEP would be more favorable to reducing any work within the wetland buffer.

Mr. Haggerty questioned Mr. Alias if there are any variances required for this application. Mr. Alias indicated that no variances would be required for the proposed now 13 lots. The one variance that is required is due to existing building on existing Lot 4. A side yard variance. The side yards under this zone are 60 feet. The existing setback

is 22 feet. This is a pre-existing condition which would not be affected by this application.

Mrs. Kristensen questioned Mr. Alias if there has been any effort to try to bring the road off of Route 565. Mr. Alias indicated that the property does not front on Route 565. Mrs. Kristensen questioned if any one contacted Mr. Castimore to purchase property to enter onto Route 565 from this subdivision. Mr. Alias indicated that not at this time.

Mr. Alias reviewed the detention basins on the property. There are two, one on proposed Lot 7 and one on proposed Lot 3. He stated that they have designed this project in accordance with DEP's new regulations and standards. They have not submitted the applications to the DEP at this time. The applicant wanted to appear before this board first before filing those applications. Mr. Haggerty indicated the applicants have discussed the mechanisms to deal with the detention basins. The proposal as presented, there are no common areas. They could consider a homeowner's association which then would be responsible for the detentions basins, but a homeowner's association on such a limited basis with such limited costs, may be difficult to operate with. Another way to deal with this is to obligate the owners of the property where the detention basins are located to maintain them. The third option would be if Frankford Township might consider a provision whereby they would have some funding mechanism for Frankford Township so there would not be an additional cost to the taxpayers, but Frankford Township would take care of these basins with an easement or right of access to get in there.

Mr. Alias described the size of the basins for the board. The first basin is off of proposed Lot 3 and described on Page 7 of the plans submitted to the board. The top of the berm to the basin is approximately 130' x 150' feet. The second basin is off of proposed Lot 6 and is approximately 80' x 90'. Mr. Alias indicated that another subdivision he prepared the subdivider placed money with the town and the interest off of that money was used to maintain the basin, to mow a couple of times a year and repair some cement, etc. Mr. Clark feels this would add value to the lots by taking the obligation of maintenance off the homeowner.

The board indicated that this would have to be approved by the Township committee first if they would accept the maintenance of these detention basins.

Mr. Alias indicated that soil test were conducted on the properties and witnessed through the Sussex County Health Department. All the lots are suitable for septic. He further stated that he is aware that the applicant must have testing done in terms of wells on the site. He indicated that this has not yet been done. Mr. Pellow indicated that the applicant would have to hire a hydrologist to come up with a plan for well testing that would be reviewed by his office.

Mr. Alias indicated that the remaining tract is 66.6 acres. A discussion was held with regard to the remaining lot and how many more lots could be subdivided off of it. Mr. Alias showed the board the wetlands and wetland buffers on the remainder lot. He indicated that he has not worked up a calculation as to how much of the remainder is wetlands, but the majority of the site is wetlands or wetland buffers. At this time there are no plans to subdivide this lot any further. The remainder of the land potentially could have two lots.

A discussion was held with regard to the cul-de-sac and roads. Mr. Alias indicated that the roads have been designed according to RSIS. They are 28 foot wide road and curbed.

Mr. Ayers indicated that he would like to see a denial letter from Mr. Castimore on record that he will not sell his property to the applicant to have access to Route 565 from this development.

Mr. Pellow reviewed his report:

Paragraph " 4" Zoning:

" a" This subdivision is submitted under the former two-acre ordinance requirements and 11 lots are encumbered with wetlands and/or wetland buffers. There will have to be conservations easements.

" b" The map depicts all lots have 20,000 sq. ft. of contiguous, non-constrained land. This is satisfactory for slopes, wetlands and wetland buffers, but the revised map, Sheet 4, depicts the soil types and these have constraints as follows:

- i. Albia Perched water at ½ to 1 ½ ft. below the surface
- ii. Nassau Bedrock 1 1 ½ ft. below the surface
- iii. Chippewa Seasonal high water table 0-1/2 ft. below the surface

The applicant will have to disprove the soil survey maps by excavating shallow test holes to a depth of 3 ft. in Nassau soils and 2 ft. in the Albia and Chippewa soils. Lots 1, 2 and 3 are OK. All of the other lots will require test pits of a least 4 to 6 per lot and witnessed by our office. These shallow test pits will be used to determine not only the non-constrained land but the constraints for the entire lot. Mr. Pellow stated that this was done and that is why they lost proposed Lot 7.

“ c” All lots meet dimensional requirements for the 2-acre zoning, but the constraints to be verified as per Item 4.b above.

“ d” This subdivision will have 14 lots and will access Skyline Drive, which runs through Sky Ridge Estates. All of the traffic flow into Lafayette Township by way of Skyline Drive, Thomas Drive, or Meadow Ridge Lane. Also, the school bus from Frankford School will have to traverse Route 15 and Statesville Quarry Road to pick up the children from this subdivision. I recommend the Applicant determine if it is feasible to access Fenwick Road. This was discussed previously

“ e” During the Sky Ridge Estates hearings, Skyline Drive was going to be improved out to County Route 565, but the agreement never materialized due to property owner disputes. In fact, there was a lawsuit involved; therefore, it may not be in everyone’s interest to revise the Skyline Drive access to County Route 565 again.

“ f” Fourteen (14) lots will bring approximately 25 or 26 school-aged children to Frankford, and 25 or more students to be bused quite a distance through Lafayette Township. Mr. Pellow indicated that someone should call the school to find out how many children come out of the Sky Ridge Estates to Frankford School.

Item “ 5” Roads and Traffic Circulation:

“ a” How will Skyline Drive be extended from the existing cul-de-sac? Details are needed.

“ b” ” The roadway will be 28’ wide which is RSIS standards, and granite block curb will be used. Curb to be jumbo blocks as per the Ordinance.

“ c” Cul-de-sac are difficult to be maintained. Did the applicant study any other ideas to try and eliminate one cul-de-sac. The applicant indicated that they will look at this.

“ d” On Sheet “ 3” there is a cross hatched area in the cul-de-sac, which is a wetland buffer area, and a permit will be needed from NJDEP to construct this cul-de-sac. Mr. Pellow indicated that since the applicant is eliminating Lot 7 and the cul-de-sac will be moved back, so a permit will not be needed.

“ e” The road sub base to be dense graded aggregate base. Flush curbs to be discussed at the meeting. Mr. Pellow questioned Mr. Alias as to what a Flush curb is. Mr. Alias indicated they proposed a flush curb at the easement running to the catch basin so the curb would be flush so you can drive over it.

“ f” Additional return grades are needed around all cul-de-sacs and returns at the intersections at 15 ft. intervals.

Item “ 6” Vertical Curves – Vertical curve lengths are satisfactory and meeting RSIS standards for 25 mph.

Item “ 7” Water – Individual wells are proposed, and well testing should be done on this subdivision same as High Ridge had to do last year on Pelletown Road. The Applicant states this will be done after subdivision approval. High Ridge did it before approval, and I recommend this approach. The applicant agreed to have the wells tested now.

Item “ 8” – Septic Systems – Two soil logs were excavated on each lot, and septic systems for Lots 4, 5, 6 and 7 will require special design due to the perched high water table. The type of design will be explained to the Land Use Board by the Applicant’ s engineer. Mr. Alias indicated to create the septic systems, the applicant would remove the unsuitable material and refill with suitable material and in some cases they will have to slightly mound the system.

Item “ 9” Drainage

“ a” Inlets to be precast

“ b” The vehicle and maintenance equipment access to the detention basins will be over a 20 ft. wide easement. The proposed grades to be shown on the drainage profiles. The access to be 10 ft. wide and constructed of dense graded aggregate base, 6” thick. Mr. Pellow indicated that the grade will have to be checked to make sure it will not wash away.

“ c” Who will maintain the detention basins? This was discussed previously.

“ d” Drainage calculations will be reviewed at a later date. The drainage design will be governed by the new storm water regulations.

Item “ 10” Lot and Driveway Grading

“ a” Proposed driveway grades are relatively steep on some lots as follows and may require a drainage consideration:

- Lot 14 is 15% which is the township’ s standard
- Lots 1, 3, 4 and 13 are 14% which is also the township’ s standards

“ b” All back-out areas from garages to be 20’ x 20’ and 30’ x 30’ have been proposed. Mr. Pellow indicated this acceptable.

Item “ 11” Miscellaneous

“ a” Why do Lots 1, 2 and 3 stop short of the outside tract line? As designed, there is a narrow strip of land that remains with the barn lot.

“ b” The applicant to be submitted to Lafayette Township, as a 9.060 acre tract is

situated in said Lafayette Township. Mr. Haggerty indicated that the whole development is in Frankford Township. Lafayette Township was noticed for this application, but an application was not submitted.

“ c” The balance of the tract is wetlands and wetland buffers except for an area near the easterly property line and the area where the barn is located. The owner to explain what will happen to the balance of this tract. How many more lots can be subdivided. This was discussed previously.

“ d” The Board should walk this subdivision prior to the public hearing. Mr. Pellow indicated this was done.

“ e” A contribution to the Road Trust Fund in the amount of \$2,500 per lot or \$35,000 is required.

“ f” Comments on lot grading will be made after the shallow test pits are completed.

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

Tracey McBride a resident of Lafayette Township. She expressed her concern about connecting Skyline Drive to Route 565. She is not in favor of this option.

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

A Motion was made by Mrs. Caldwell and seconded by Mr. Ayers to carry this matter to the May 19, 2004 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

BOARD BUSINESS:

Checklist Items:

Mr. Clark indicated that Proof of Ownership should be a checklist item. He would like to see a deed during the application process to see who really owns the property and also if there are any conditions rather than make it a condition of approval.

Mr. Pellow indicated that he has some changes to the checklist that need to be made. There are some items on the checklist that are marked off for final subdivision approval that are not needed.

It was agreed that the checklist be reviewed and carried to the next meeting.

Bagel/Deli – Block 63, Lot 21.01

A request was received from Mr. Hesse to have the Land Use Board do an on-site inspection of this property to discuss the proposed plan on moving forward with this ongoing project. Mr. Romania indicated that this board approved this site plan and that it was up to Mr. Fette and Mr. Pellow to do any further site inspections. Mr. Hesse could come in the next meeting during open public session to speak with regard to this issue.

Correspondence:

The correspondence was reviewed. No formal action was taken.

ADJOURN:

A Motion was made by Mr. Nadolny 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