

FRANKFORD TOWNSHIP LAND USE BOARD
MAY 19, 2004 –7:30 P.M.
MINUTES OF REGULAR MEETING

CALL TO ORDER:

The meeting was called to order by acting Chairman, Richard Martin, 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. Hahn, Mr. Risdon, Mr. Zappile, Mrs. Kristensen, Mr. Martin, Mr. Nadolny (arrived at 8:25), Mr. Gstattenbauer and Mrs. Caldwell. Also present was Mr. Clark and Mr. Pellow.

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

PUBLIC:

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

APPLICATIONS CARRIED FROM PREVIOUS MEETING:

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

Appearing on behalf of the application was their attorney, William Haggerty, Esq., and their engineer, Art Alias of Keller & Kirkpatrick.

Mr. Haggerty indicated that the applicant was before this board last month and the board requested that the applicant approach the owner of an adjacent property, Dr. Sam Castimore, in regard to whether an access could be extended, a road created, as an alternative access to this property. Dr. Castimore indicated that he would have some interest in having this access; however, he does not have interest in paying for the cost of constructing the road. Mr. Haggerty further stated that the cost of establishing this road would be very significant. He noted that the applicants presented to the board an application that does comply with the township's Ordinance. In view of this hardship and due to the number of lots that have been lost due to the wetlands constraints and the zoning that is now in effect, the applicant would not wish to incur the cost of constructing a road solely

on their own.

Mrs. Kristensen questioned Mr. Alias about improving Fenwick Road for access to this property. Mr. Alias indicated that there are wetlands that the applicant would have to go through to get to this property from Fenwick Road. The existing conditions of Fenwick Road being a narrow road with steep slopes as you approach the highway and the sight distance at the intersection is very poor to improve Fenwick Road.

Mr. Haggerty also presented to the board a revised map at the board's request eliminating one of the cul-de-sacs. Mr. Alias indicated that the applicant would lose an additional lot if they eliminated one of the cul-de-sacs and made one long road. They would also need a variance for one of the lots for lot width at the setback. The applicant would prefer to stay with the original plan submitted to the board.

Mr. Haggerty indicated that also at the last meeting the board requested well testing. The applicant has not yet done this testing until they had some direction from the board as to what plan the board would accept.

Mr. Risdon questioned how much the road would cost to construct through Dr. Castimore's property. Mr. Pellow indicated that it would cost approximately \$300,000.

Mr. Pellow indicated that several years ago on another proposal, Dr. Castimore was very concerned about the drainage on his property if this road were to be constructed.

The board felt that they should meet with Dr. Castimore to discuss the road construction further before the next meeting.

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

A Motion was made by Mr. Risdon and seconded by Mrs. Kristensen to carry this application without further notice to the June 16, 2004 Land Use Board meeting. All were in favor. The Motion was carried.

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

A letter was received from the applicant's attorney requesting that this matter be carried one month without further notice.

A Motion was made by Mrs. Kristensen and seconded by Mr. Risdon to carry this application to

the June 16, 2004 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

Walter & Linda Wistermayer –LUB 04-17 –“C”, “D” & Planning Variance –Block 200, Lot 1 and Block 199, Lot 4 –Lakeview Avenue:

Mrs. Kristensen and Mr. Hahn stepped down from this application.

Appearing on behalf of the applicant was their attorney, William Haggerty, and their engineer, James Glasson. Mr. Glasson was sworn in by the board attorney.

Mr. Haggerty indicated that this is an application involving two properties, a Lakefront property in Lake Owassa, and a property located directly across the street. The applicant's have the opportunity to build the septic system on the property which is located across the street from the lakefront property to service the lakefront lot which will enhance the environmental quality of the lake. The property across the street from the existing home has a small garage. This actually becomes an expansion of a non-conforming use because the garage is there now. The applicant proposes to remove the garage and build a garage more centrally located on the property. The garage that exists is right on the road, there are no setbacks. By building a new garage, the applicant's would be in greater compliance. However, because this particular lot is an unimproved lot within the lake community, they need a lot a variances. The five acre standard applies to this non-lake front property. The applicant's intend to deed restrict this property so that no further construction could be undertaken. There could never be an improvement

with a single family home. It will be dedicated to the lakefront property. The lakefront property is improved with a single family home. He further noted that the applicant does have Chestnut Street running next to the property which does provide a buffer from the closest property located to the west. The house on the lakefront property favors that property line so that the applicant has a greater setback from the adjacent property on lot 2, the improved property.

Mr. Pellow reviewed his report dated April 13, 2004 for completeness:

Paragraph "1": The application can be deemed complete if the following items become a condition of completeness:

ITEM 28: Existing structures within 200 feet (200') and distance to property line. The structures have been shown, but the distances to the property line are needed.

ITEM 34: Key map showing location of tract to be considered in relation to surrounding area, within 200 feet. Scale not less than 1 inch equals 400 feet and north arrow. A 200 foot line around the key map on page 1 should be shown.

ITEM 56: Provisions for certification and approvals. The Township Engineer's approval line should be shown on Sheet #1.

ITEM 73: Four (4) soil logs and four (4) permeability tests per proposed lot. Soil log data to be shown.

A Motion was made by Mr. Risdon and seconded by Mr. Zappile to deem this application conditionally complete provided a revised map is provided to the board with regard to Items 28, Item 34, Item 56 and Item 73 of Mr. Pellow's Report in the event of a successful application. All were in favor. The Motion was carried.

Mr. Pellow continued reviewing his report of April 13, 2004:

Paragraph "2": The applicant is proposing to remove the existing dwelling on Lot 1, Block 200, consisting of a footprint of 1,308 square feet and construct a new two-story dwelling containing 1,345 square feet on the first floor plus 312 square feet of porch and 920 square feet of second floor, for a total area of 2,577 square feet.

Paragraph "3": Variances are needed for Lot 1 as follows:

"a." Building Footprint –850 square feet required; 1,785 square feet proposed as shown on Sheet #1.

"b." Lot Depth –150 feet required; 113.3 feet exists. Mr. Pellow indicated this is an existing condition.

"c." Front Yard Setback –35 feet required; 21.6 feet is proposed. This front yard setback is calculated off the paper street known as Chestnut Street. The proposed front yard setback from Lakeview Avenue is 38 feet.

"d." Rear Yard Setback –50 feet required; 30.7 feet exists, as the proposed porch will not be closer to the lake than the porch of the existing home.

Paragraph "4": The applicant is also proposing to remove the existing garage on Lot 4, Block 199 and construct a new garage and septic system. This will be a vacant lot and will be governed by the Five-Acre Zoning Traditional Development Option, and the following variances are required:

"a." A variance is requested for construction of an accessory structure on a lot not containing a principal structure. Since the garage is an accessory structure, the Township Ordinance requires that the structure not exceed 900 square feet, and the proposed garage contains 896 square feet. An accessory structure cannot exceed one story or 15 feet in height. The height of the proposed garage has not been indicated, but it scales 21 feet, and a variance would be required. An accessory building may be constructed only in the side or rear yards, or behind the actual front yard setback for the principal structure. The setback for the principal structure in the five-acre zone is 75 feet. The proposed setback for the garage is 35.8 feet; therefore, a variance is needed for the front yard setback.

"b." Lot 4 is a corner lot and fronts on Lakeview Avenue, but it also fronts on a paper street known as Chestnut Street. A 75 foot setback would be required from this paper street, and the proposed setback is for 49 feet; therefore, a variance is needed for this setback also.

"c." Minimum Lot Area –217,800 square feet is required; 24,991 square feet exists.

"d." Lot Width –300 feet required; 125 feet exists.

"e." Lot Frontage –300 feet required; 125 feet exists.

"g." Minimum Contiguous Developable Land –20,000 square feet required; 11,635 square feet exists.

"h." The applicant has also requested a variance for both lots 1 and 4, as they state the lots front on an unimproved road, which is Chestnut Street, but both lots front on Lakeview Avenue, which is an improved municipal road. Possibly, those planning variance would not be needed. Mr. Clark indicated that Lakeview Avenue is the access street and nothing is proposed on Chestnut Street. He does not feel a planning variance is required. The applicant's withdrew the request for a planning variance.

Paragraph "5": The existing driveway into Lot 1 is adjacent to the property lot, and it should be 10 feet from the property line as per Ordinance, but it is an existing condition. The plan indicates that a portion of this existing driveway will be removed in order to construct a septic tank and pump tank. The applicant to demonstrate how this parking lot can be used by vehicles so that they do not have to back out into Lakeview Avenue. Where will the turnaround area be located?

Paragraph "6": A driveway application will be required at the time of building permit application for the new garage on Lot 4.

Paragraph "7": Soil log data to be shown on Sheet 3 of 3, and a permit will be required from the Sussex county Health Department to construct the septic system on Lot 4 to service Lot 1. The Proposed septic system on Lot 4 will be a mounded system, and an interceptor drain is proposed to be constructed at the rear of Lot 4 along the side line of the Lot 4 and tie into the catch basin in Lakeview Avenue. This interceptor drain should extend out to a point within the right-of-way line of Lakeview Avenue and not cross any portion of Chestnut Street.

Paragraph "8": The Applicant has indicated that an application has been made to the Department of Environmental Protection to obtain wetlands and transition area permits to construct the addition to the house and a new well. In addition to this, a permit is also needed to construct portions of the septic system which lies within the wetlands and wetland transition areas.

Paragraph "9": The map indicates that the existing bathroom and well point will be removed along with the existing frame garage on Lot 4. All of this demolition to be completed prior to a Certificate of Occupancy being issued.

Paragraph "10": The applicant is proposing to construct the septic line across Lakeview Avenue, which is a municipal road, and the Applicant will have to apply for a road opening permit when this work and post the appropriate bonding.

Paragraph "11" Conservation easements will be needed for the wetlands and transition areas to run with the land.

Mr. Glasson reviewed the variance map. The lakefront property is Lot 1, Block 200 and contains 11,300 square feet or .261 acres. It has a frontage across East Shore Lake Owassa of 125 feet and it has a depth on the right side of 90 feet and on the left side of 100 feet. The property is boarded by Lakeview Avenue on the south side and on the west side it is boarded by Chestnut Street, which is an unimproved road. With regard to the existing conditions, there is a 1308 square foot 3 bedroom house that is located on this property presently. It is located 46 feet off of the right-of-way, which is Lakeview Avenue. It is located 24 ½ feet off of the left sideline which is actually the Chestnut Street, unimproved side. It is located 63 feet off the right side line and 30.7 feet off of the Lake. The proposal is not to increase the 30.7 setback to maintain the distance from the lake and to maintain the right side of the property with the 63 foot setback with the alteration to the house. There is a separate bath house. The bathroom facilities are located in a separate 108 foot structure that is located presently between the house and the roadway, 34 feet off of the right-of-way of Lakeview. This structure is proposed to be removed as part of this application. There is a gravel parking area that services the property presently which has an area for turnaround. There is also a point well which is located very close to the right-of-way of Lakeview. This lot is an existing residential community lot in the AR Zone and subject to its size of 7500 to 20,000 square feet; subject to a maximum footprint of 850 square feet; subject to minimum lot width of 50 feet; minimum lot depth of 150; and principal building setbacks of 35 front, 15 side and 50 rear.

Mr. Glasson reviewed Lot 4, the vacant lot across the street from Lot 1. He noted there is no principal structure on this property. This lot has 125 feet of frontage and 200 feet of depth and has a lot size of 24,991 or .573 acres. The Traditional Development Option of the Ordinance has a Lot Area Requirement of 217,800 square feet and it has a width,

frontage and depth of 300 feet and the front setback being 75 and the side being 60 feet and the rear being 75. This lot slopes from Lakeview towards Lake Owassa at about 7%, which is a gradual slope. This lot also slopes from the south to the north.

Mr. Glasson indicated that their proposal is to maintain the 1308 square footprint. The existing dwelling will be removed, but they will be constructing a new dwelling in the same footprint. There is a 474 square foot addition. The majority of the addition is between Lakeview and the existing dwelling. There is a small addition for a fireplace located on the Chestnut Street side. The setback on this side will change from the 24.5 to 21.6 on the left side for the addition of the chimney area. On the Lakeview Avenue side, the addition comes to 38 feet off of the right-of-way versus the 46 feet that is existing; 35 are required for the lakefront lots. They will be abandoning the existing septic system and well on this lot and drilling a new well on the left side of the lot in conformance with setback requirements from the house and property lines. They will be locating the septic system across the street. They did test holes, which will be shown on the plan. They have a design before the Board of Health that is approvable once they put in the curtain drain. The reason he recommended a curtain drain, was not necessarily the fact that there was ground water in that area. They dug the holes and there was water running down the hill. The curtain drain was because there is a mountain area behind this property. The test hole was dry, but there was watering running down the hill into the test hole.

Mr. Glasson referred to Mr. Pellow's report about the turnaround area for the driveway on Lot 1.

He indicated that he can turn the septic tank and locate the pump tank in front, he would not have to take out as much of the gravel area and he can reconfigure the 20 x 20 space.

Mr. Glasson referred to Lot 4; they have proposed a 896 square foot garage area. The garage 32 x 28 with a 35.8' front yard setback off of Lakeview and 49' front yard setback off of the unimproved Chestnut right-of-way; the rear yard setback is 132 feet. This structure will be a single story. This structure would only have electric. There will be no plumbing or anything dealing with the septic system. The septic system will be to service the three bedroom dwelling on Lot 1. They have maintained the tree line around the property. There will be grading associated with the garage and the septic on the property.

Mr. Clark indicated that the plan that Mr. Glasson is referring to in his testimony should be marked as Applicant's Exhibit "A-5". Mr. Haggerty submitted to the board pictures of the property. The pictures were marked as Exhibits "A-1 through A-4" taken on April 15, 2004 which are pictures of the garage/septic lot. Mr. Haggerty further submitted to the board pictures of the house lot. These exhibits were marked as Exhibits "A-6 thru A-9".

Mr. Haggerty indicated that recently one of the applicant's acquired title to the Lot 3, which is adjacent to the garage parcel. This parcel is improved with a small dwelling and the applicant would offer to remove the dwelling house and merge it with Lot 4 if this application would be improved. He submitted to the board pictures of Lot 3 which were marked as Exhibits "A-10 thru A-11". He further stated that Lot 3 would merge with Lot 4 and it would be deed restricted so it could not be used separately for residential purposes.

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

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Zappile to approve the variances required listed in Mr. Pellow's Report in Paragraph 3a thru 3d, which include variances for Building Footprint, Lot Depth, Front Yard and Rear Yard Setbacks which are "C" Variances. All were in favor. The Motion was carried.

A Motion was made by Mr. Risdon and seconded by Mr. Gstattenbauer to approve the "D" Variance required to allow the garage on Lot 4 without a primary structure. Roll Call:

YES: 5 Risdon, Zappile, Martin, Gstattenbauer and Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

A discussion was held with regard to the height variance requested. Mr. Haggerty indicated that the basis for the height variance the applicant's do not have a basement in the house. The second story on the garage will provide storage for the applicants. This garage is large which is well set back from Lakeview and from any adjoining properties. It is a heavy wood lot. The ordinance allows for 15 feet. The applicant's are asking for 21 feet in height.

Mr. Pellow indicated that they are removing a lot of trees for the garage area and the septic. He feels that a landscaping plan should be submitted for his review for Lot 4.

A Motion was made by Mr. Gstattenbauer and seconded by Mrs. Caldwell to approve the bulk Variances stated in Mr. Pellow's report 4a thru 4g, height variances needed for the garage at 21 feet, a road opening permit, a driveway permit, state permits, Deed restrictions to treat all three lots as one residential lot, changing the curtain drain so it is all in the right of way; 3 bedroom house only; the garage will have electric only; Lot 3 will remain wooded; the landscaping plans to be approved by Mr. Pellow. Roll Call:

YES: 5 Risdon, Zappile, Martin, Gstattenbauer and Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

NEW APPLICATIONS:

Andrew Ciraldo -LUB -04-15 -Block 201, Lot 1, 219 East Shore Lake Owassa - Interpretation or "C" Variance:

Mrs. Kristensen and Mr. Hahn returned to the meeting.

Appearing on behalf of the applicant was his attorney, William Haggerty and the applicant, Andrew Ciraldo. Mr. Ciraldo was sworn in by the board attorney.

Mr. Haggerty indicated that Mr. Ciraldo is the owner of a lake front property at Lake Owassa. The property is improved with a single family home. Mr. Ciraldo obtained a

permit from Frankford Township to do renovations of the home. The home is built on piers. The permit included to build a foundation underneath the house and also the plans called for the house to be raised about three feet. When the work was substantially completed last September, the applicant was given a stop work order with a question of the renovation work that had been done. The house that was there originally and has been renovated had some encroachment that has been removed, porches etc. Actually the footprint is somewhat smaller than the original structure. The applicant is here this evening for an Interpretation or the necessary variances for the house as it is now configured. There is a question as to the height of the home. The definition in Frankford Township of height is such that the first level of house would not be considered a separate story, which is actually sunken into the slope. It is the

applicant's contention that no height variance is needed.

Mr. Pellow reviewed his report as to completeness:

Item "1"; The plan is entitled "Variance Plat for Andrew Ciraldo" last revised February 5, 2004 and prepared by Delaware Valley Associates, Inc.

Item "2" The application is requesting interpretation of the Zoning Ordinance 16-5.8(c) 2 to determine if the basement constructed under the restored dwelling is in violation of the Ordinance. If a variance is determined to be required, the Applicant requests relief to permit the basement to be used as living space for the restored dwelling. Mr. Pellow indicated that he feels this application needs a variance.

Mr. Clark indicated that this property went from a crawl space to living space. This is an expansion of living space and it is a different type of structure.

Mr. Ciraldo indicated that he has the original plans sent into the Zoning Officer which clearly shows 7 feet 10 inches. This plan never intended to be a crawl space. After the foundation was built, the proper inspections were done and approved. He then submitted plans for the renovations. The plans for the renovations showed that the basement was going to have living space in it as well. It is two bedrooms and it is still two bedrooms.

Mr. Clark indicated that the plans Mr. Paterson had in his office reflected only a foundation. It did not indicate any living space on his approval. He feels this application needs a variance.

Mr. Ciraldo indicated that he never intended this project to have a crawl space underneath the house. He further stated that it was to be a full foundation. When you put a foundation under a house, the water table at this location is just several feet below the surface of the ground. He stated that 67% of the building is above ground and the remainder is below ground. It has since been graded even further with the finished grading.

Mr. Clark questioned Mr. Haggerty if they are still looking for the Interpretation. Mr. Haggerty indicated that the Interpretation deals with the height issue and whether it is a story or not underneath. He feels it should not be considered a story because of the 66% being within the embankment. Mr. Clark questioned if they have testimony on this issue. Mr. Haggerty presented to the board Michael Bortone, the contractor who renovated the home. Mr. Bortone was sworn in by the board attorney.

Mr. Risdon questioned what the code was for height in the building code. Mr. Bortone indicated that the drawing Mr. Ciraldo submitted to both the building and zoning department shows a 7' 10" ceiling. The New Jersey building code is 7' 6".

Mr. Haggerty indicated that the vertical extension of the structure would require a variance per the Frankford Township Ordinance. It is an extension of the non-conformity.

Mr. Clark indicated that he feels the board should hear from Mr. Paterson. The applicants are indicating that the zoning officer may have made a mistake. Mr. Clark stated that it is his opinion

that the Zoning Officer did not make a mistake.

Mr. Haggerty indicated that he is not relying on the position that the Zoning Officer made a mistake. He is representing that the applicant did not intend to mislead the zoning officer or building department. The plans were informal and clearly there was an intent to take a house on piers and build a foundation under it with a height 7' 10". It was a two bedroom home and it remains a two bedroom home. There is no enlargement of the bedroom count, but there is enlargement of the living space.

The board questioned as to why the stop work order was issued from Mr. Paterson. Mr. Haggerty read the Notice of Violation dated September 5, 2003 from Mr. Paterson to the board which stated "It has come to my attention that the work at the above location is beyond the scope as per building plans. Therefore, work is to be ceased immediately

until further notice. Feel free to contact me at the above listed number during my normal office hours."

Mrs. Kristensen questioned why so many trees were removed. Mr. Ciraldo indicated that there had to be renovation of the septic system.

Mr. Clark reviewed the zoning permit application. The application stated that it was just putting a foundation under the house.

Mr. Haggerty indicated that the overall building height is only three feet higher than the original building. There was not a second story added to the original structure.

Mr. Clark stated that the zoning permit was simply to allow a foundation under an existing dwelling not to expand the dwelling. The applicant turned the foundation into living area. Mr. Paterson also indicated that he did not issue a stop order, but the applicant could continue at his own risk because he felt that the board might consider granting the variances.

Mr. Martin indicated that he feels that the zoning permit clearly states foundation under existing one story dwelling, it does not indicate a second story. Mr. Haggerty indicated that it does not meet the township's definition of a second story.

Mr. Bortone indicated that under the building code it still considered a one story framed building because 66% of the basement is basement. If it is more than 60% below grade, it is basement, not framed.

Mr. Clark indicated that the issue is the living area, not the basement. Mr. Clark again stated that the applicant needs a variance for height and setback.

Mr. Haggerty submitted to the board photographs of the property which were marked as exhibits A3 through A5.

Mr. Pellow continued with his report.

Item "3" The application is complete as long as the following items are submitted by the May 19, 2004 meeting:

ITEM 3: Certification of taxes, liens, assessments paid. The board secretary indicated that she received a certification from the tax collector that everything is paid to date.

ITEM 7: Compliance with legal notice requirements. Mr. Clark indicated that the legal notice is acceptable.

A Motion was made by Mrs. Caldwell and seconded by Mr. Gstattenbauer to deem this application complete. All were in favor. The Motion was carried.

Mr. Pellow continued reviewing his report:

Item "4": Section 16-4.5 applies to this application for a lot between 7,500 sq. ft. and 20,000 sq. ft. This lot has 9,450 sq. ft. in area. Eight Hundred fifty sq. ft. of building footprint is permitted, and 733 sq. ft. existed before and after renovation. The original building was on piers, and the renovated building has two (2) floors. Under Section 6-5.8c2, the existing building cannot be expanded vertically, and a variance is needed. The rear yard setback requires a variance, as 50 feet is permitted and 27.8 feet exists. The cantilevered deck requires a rear yard setback: 22.1 feet as-built and 50 feet required. Mr. Clark previously stated that the applicant does need a variance for this.

Item "5": The driveway has been constructed partially on Kittatinny Street, and an easement will be needed or the drive relocated. Mr. Pellow indicated that they need to move the driveway onto their property.

Item "6": There is no turnaround for the drive, and vehicles have to back out into the street to turn around. Can a back-out area be built above the sewage disposal bed. The applicant agreed to build a turn around area.

Item "7": The drive has been extended to the rear more than shown on the plan.

Item "8": There appears to be wetlands adjacent to the driveway.

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

A Motion was made by Mr. Risdon and seconded by Mr. Nadolny to approve the rear yard variance from 50 to 22 feet and the height variance requested by the applicant, conditional upon the applicant constructing a driveway turn around and to move the driveway onto the applicant's property. Roll Call:

YES: 8 Hahn, Risdon, Zappile, Kristensen, Martin, Nadolny,
Gstattenbauer and Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

Mrs. Kristensen indicated that since they applied for an Interpretation and a "C" Variance is it the same fee. The Board secretary indicated that she only charged them for an Interpretation at this point. The board indicated that he would have to pay the fee for the "C" Variance.

Correspondence:

The correspondence was reviewed. No formal action was taken.

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator