

FRANKFORD TOWNSHIP LAND USE BOARD
MAY 26, 2004 –7:30 P.M.
MINUTES OF THE REGULAR MEETING

CALL TO ORDER:

The meeting was called to order by the board Chairman, 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. Hahn, Mr. Risdon (arrived at 7:55 p.m.), Mr. Zappile, Mrs. Kristensen, Mr. Martin, Mr. Nadolny, Mr. Romania, and Mrs. Caldwell. Also present was Mr. Clark and Mr. Pellow.

Those absent: Mrs. Hatler and Mr. Gstattenbauer (excused).

MINUTES:

The Minutes of the April 8, 2004 Workshop Meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mrs. Kristensen to approve the minutes of the April 8, 2004 Workshop Meeting. All were in favor. The Motion was carried.

The Minutes of the April 21, 2004 Regular Meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mrs. Caldwell to approve the minutes of the April 21, 2004 Regular Meeting. All were in favor, except Mrs. Kristensen who abstained from application LUB 04-11 portion of the minutes. The Motion was carried.

The Minutes of the April 28, 2004 Regular Meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mrs. Caldwell to approve the minutes of the April 28, 2004 Regular Meeting. All were in favor. The Motion was carried.

PUBLIC PARTICIPATION:

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

ZONING OFFICER'S REPORT:

The Zoning Officer's Report dated May 26, 2004 was reviewed. No formal action was taken.

Mr. Patterson added to his report: Hess's Application for the Bagel Station. He did a site inspection of the

property. He reviewed the Land Use Board file and found correspondence with regard to the entrance and not having permits. He researched this problem and he found out he does have DOT approval for the entrance. He met with the DOT and Mr. Hess and DOT does not have a problem with the curb entrance. Mr. Patterson questioned Mr. Pellow if there was a problem with the interior curbs and do they require a Variance. Mr. Pellow indicated that there were more than just the curbs that needed to be addressed. He indicated that he will review the plans and give a report with regard to this issue.

NEW APPLICATIONS:

The County of Sussex –LUB 04-13 –Block 22, Lot 4 –114 Morris Turnpike –Minor Subdivision & “C” Variance:

Mr. Clark stepped down from this application. Mr. Hinkes appeared on behalf of the Land Use Board for Mr. Clark.

Appearing on behalf of the applicant was their attorney, Dennis R. McConnell; John Risko, the Assistant County Engineer; William Koppenaar, the County Chief Engineer; and Robert Ayers, the County Land Surveyor. Mr. Risko, Mr. Koppenaar and Mr. Ayers were sworn in by the board attorney.

Mr. Hinkes indicated that the form of notice for this application was appropriate.

Mr. McConnell presented to the board as Exhibit “A-1” sheet 2 of 4 of the map in color submitted to the board with their application.

Mr. Koppenaar indicated that it is financially advantageous for the Sussex County Community College to take over the operations of the public safety training facility. One of the requirements to do this is to transfer ownership of this facility to the College. They have prepared a subdivision of the facility, itself, from the rest of the lot that the County currently owns. Mr. Koppenaar referred to Exhibit “A-1” which outlines the lines of subdivision. The subdivision of this property is bisected by the township lines of Frankford and Hampton. Part of this property is in Township of Hampton. The tract in total is a little over 18 acres. The majority of the property is in Hampton. In Frankford Township there is 1.27 acres. The portions of the infrastructure that relate to the public

safety training facility will remain part of the facility, itself, when the subdivision is completed. They are providing an easement through the property that will remain with the County to the back area which the County was before the board two years ago pertaining to the expansion and development of the simulator training field for the public safety training facility. The way it was previously subdivided, is that you actually access the facility through the primary point of access for the Frankford Maintenance garage and the weights and measures. They are providing an easement for access to this property which will get transferred with the ownership. In addition to this easement, the County will retain an easement back to the Town line so the County has access to some of the facilities that they have located along the access road to the fire academy. This is located at 114 Morris Turnpike. The configuration of the lot was done in such a fashion to retain the entire critical infrastructure for the public safety training facility into one lot. At the same time, it was done so that the County would retain all of the facilities they currently have operational in this area on the property that will remain under their ownership. There is no new construction proposed on any of the parcels in Frankford. The propane tanks shown on the plans were constructed as phase I of the simulator expansion. There is going to be some future build out that was presented as part of the simulator expansion.

Mr. Pellow reviewed his report for completeness:

He indicated that the following items of his report requested waivers:

Item "2" The County has requested a waiver of Fees and escrow deposits. He does not believe escrow fees can be waived, as the professionals have to be paid to review the application and prepare resolutions. The County states that escrow will be paid and all other fees are typically waived.

Item "7" Compliance with legal notice requirements. Mr. Hinkes indicated that the notice was appropriate.

Item "16" Plan clearly and legibly drawn or reproduced at a scale not smaller than 1 inch equals 50 feet. Mr. Pellow indicated that this is acceptable.

Mr. Pellow indicated that "Item 10, 29, 32 and 71" of his report have been taken care of.

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. The key map is to a scale of 1" = 1 mile. Mr. Pellow indicated that the county has requested a waiver and it is acceptable.

Item "78, 79 and 80" Mr. Pellow suggested that the County review these items which include the description of the surrounding property; alternatives and legal brief.

Mr. McConnell indicated that the applicant submitted some correspondence on March 25, 2004 with regard to item 78, 79 and 80. Mr. McConnell read into the record this letter of March 25, 2004, a copy of which is attached hereto and made a part hereof.

Mr. Pellow continued with his report:

Item "42" The building envelopes. The applicant has requested a waiver which is acceptable.

Item "53" Existing/proposed driveway locations with sight distance profiles. This is acceptable as the access drive exists.

Item "70" NJDEP Letter of Interpretation . Mr. Pellow indicated that an absence/presence letter dated May 18, 2001 has been submitted which depicts a 50 foot buffer which is shown on the plan on sheet 5. This is acceptable.

Item "73" Four (4) soil logs. The applicant has requested a waiver as no building will take place in Frankford Township. Mr. Pellow indicated that this is acceptable.

Mr. Pellow indicated that this is all the waivers the applicant has requested. He continued with the rest of his report:

Item "3" The applicant is proposing to subdivide 1.27 acres from Lot 24, Block 22 in Frankford Township to be known as Lot 4.02 to be annexed to Lot 15, Block 27.01 in Hampton Township. The resultant lot in Frankford and Hampton will be 18.51 acres. This proposed 18.51 acre lot will be conveyed to Sussex County Community College. Access to this resultant lot will be over Access Easement "B" at the southeasterly portion of the property which consists of an area of 0.41 acres and will have access from County Route 655. Will this 0.41 acre tract be simply an access easement or will it be a portion

of the resultant lot so that it does have frontage on County Route 565? The applicant indicated that 0.41 acre lot will be part of Lot 4.02 and has 62.09 feet of frontage on County Route 655.

Item "4" The county is also proposing another 0.47 acre access easement over Lot 4, Block 22 at the northwesterly side of the property. Mr. Pellow indicated that this issue was answered in the letter of March 25, 2004, page 5 from the applicant's attorney.

Item "5" The variances requested are needed based on the former 2-acre ordinance. He believes the variance requested should be based on the 5-acre requirements.

Item "6" The map depicts a wetland-delineated line, but the buffer has not been indicated. Mr. Pellow indicated that this was revised and the applicant submitted a 50 foot buffer on Sheet 4 of 4 of the plans.

Item "7" The 100-year flood line has been shown on Sheet 4 of 4 and will encroach on a portion of the subdivided lot in Frankford. A conservation easement may be needed to run with the land. The County will prepare a description.

Item "8" A sight easement has been shown across Access Easement "B". This issue has been addressed previously.

Item "9" Will the lot in Hampton run along the municipal boundary line. The application indicates that the purpose of this subdivision is to create one lot, approximately 18.51 acres in size, consisting of lands located in both Frankford and Hampton Townships, and housing all public safety facilities. This issue has been addressed previously.

Item "10" the newly created lot will be transferred in ownership to the Sussex County Community College. The applicant has explained the reason for this previously this evening.

A Motion was made by Mr. Martin and seconded by Mr. Nadolny to deem this application complete with the waivers requested for completeness. All were in favor, except Mr. Risdon, who abstained. The Motion was carried.

A discussion was held with regard to Item "5" of Mr. Pellow's report. It was noted that the chart should be changed on the map to include the "5" acre zoning ordinance instead of the "2" acre zoning ordinances.

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

Mr. Patterson questioned the applicant if they are going to have a fire arms range outdoors. The County indicated that this is all in doors.

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

Mr. Hinkes summarized this application. The applicant is looking for an approval of a minor subdivision of a rather irregularly shaped lot which will involve a number of bulk variances listed in Mr. Pellow's report on pages 3 and 4. The extent of the variances will have to be changed because of the 5 acre zoning. Under the circumstances described by Mr. McConnell and his witnesses, it appears that the standards for this relief have been met because of the uniqueness of the facilities and the improvements on each one of the bump outs on the plans. It would be in this board's jurisdiction to grant the relief based on the testimony

that was given. The only condition that Mr. Hinkes suggests to the board is that there be no further improvements within the lots, absent another application to this board because of the irregularity of the new lot and the fact that it already has improvements within it.

A Motion was made by Mr. Martin and seconded by Mr. Zappile to approve the Minor Subdivision and "C" Variance requested by the applicant. Roll Call:

YES: 8 Ayers, Hahn, Zappile, Kristensen, Martin, Nadolny, Romania and Caldwell

NO: 0

ABSTAIN: 1 Risdon

The Motion was carried.

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APPLICATIONS CARRIED FROM PREVIOUS MEETING:

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

Appearing on behalf of the applicant was their attorney, Lynn Aaroe, their engineer, Andrew Holt and Mr. and Mrs. Sullivan. Mr. Holt indicated that he is still under oath from the previous meeting. Mr. and Mrs. Sullivan were sworn in by the acting board attorney.

Mr. Aaroe presented a revised page 3 of the plan which changes the driveway access as requested by the board. The plan was marked as Exhibit "A-1" for the 5/26/04 meeting. The plan is marked alternative to driveway plan. The original proposal was the existing driveway servicing the existing home and would also facilitate access to the proposed lot 12.01. There was a proposed common driveway coming off of Blackford Road which would provide access to the 3 lots 12.02, 12.03 and 12.04. The board suggested at the last meeting that the applicant consider servicing all five lots from one access point. The applicant did make an evaluation of this concept. The applicant feels this provides an unfair burden on the adjoining lots. Essentially this is creating a large thorough fair with access to the last lot crossing four other residential lots. They did not feel this was an appropriate construction or implementation for access. It would not facilitate easy circulation to and from the sites. They felt that staying consistent with the prior subdivision plan where access to the existing lot that was previously approved was derived from a cul-de-sac on Blackford Road. They are proposing to maintain a common driveway. They have altered the plan to facilitate access to the two southern and western most lots, 12.04 and 12.03. The other two newly created lots would be accessed from the existing driveway now that services the existing lot 12. This does not make a significant change in the drainage, but it reduces the total number of trips and circulation through the site on Blackford Road.

Mr. Aaroe indicated that lot 12.01 and 12.02 were previously subdivided and they have an approval to construct a driveway to access these lots. This driveway they are proposing this evening is in the same location as the prior approval. This subdivision will not create a new driveway. They are also proposing that the width of the driveway remain at the proposed 12 feet, not the 20 feet requested by Mr. Pellow

since they are eliminating one home for access on this driveway. There would be less land disturbance, which would be significant given the cuts, the slopes and the grading areas.

Mr. Ayers indicated that when the board did the on site inspection, the two lots 12.04 and 12.03 will still have steep grades, a lot of run off and this was some of the concerns from the neighbors below. He feels if they came across the existing driveway servicing all 5 lots, there is less drainage to deal with and he feels it will save the applicant a lot of expense.

Mr. Holt indicated that the applicant has submitted some drainage calculations to demonstrate that the volume associated with the runoff on the proposed driveway would be captured and channeled by means of grading through the cross slope and providing seepage pits which are detailed on the map submitted to allow runoff to be captured and held for recharge as opposed as allowing it to run off onto Blackford Road. Technically what the applicant is proposing in terms of breaking up the impervious surfaces, which is known as a non-structural practice as opposed to creating one linear channel for run off having an opportunity to gain velocity and volume. This design will meet the storm water management rules as of February, 2004. He feels these driveways can be constructed at 15% or lesser slopes. He further stated that the drainage calculations do not include the extension of the driveways to the house sites. Under the new storm water regulations, the drainage will be addressed by additional seepage pits along the extensions.

Mr. Clark questioned who would maintain the additional seepage pits. Mr. Holt indicated that individual homeowners would have to maintain the seepage pits. The board expressed their concern with this because if they are not maintained, then there would be an immediate impact on Blackford Road.

Mr. Aaroe indicated that the applicant would propose a cross easement and use of maintenance agreement with respect to the common driveway and the two property owners establishing 50/50 maintenance obligations giving the township the right, not the obligation, to make inspections, repairs if necessary and assess the benefited property owners for the work done.

Mr. Nadolny questioned if emergency vehicles could access the property. He is concerned that the emergency vehicle could not make the turn proposed on the plan. Mr. Holt indicated that the grade is a maximum of 15% and then it falls off a lesser slope at the entrance, 10%. Through the area of the turn, it is a 15% vertical climb with a 60 foot radius on this turn. Any conventional emergency response vehicle could make this radius turn. The 15% maximum slope complies with the driveway ordinance.

Mr. Pellow indicated that they have always requested a 20 foot driveway on common driveways to where it branches off. He is concerned with the 12 foot driveway proposed.

Mr. Hahn questioned if they could make the area where the driveway has a turn wider at the turn. Mr. Holt indicated that they could widen the driveway at that point.

Appearing before the board was Mr. Hubner, attorney for surrounding property owners, together with their engineer, Paul Darmofalski from Riverdale, New Jersey. Mr. Darmofalski was sworn in by the board attorney.

Mr. Hubner questioned Mr. Holt if they prepared a plan for access to these five lots off of the existing driveway. Mr. Holt indicated that they did not prepare a plan for this access. They have given testimony why the applicants disregarded this as a viable option.

Mr. Hubner questioned Mr. Holt with the plan they provided this evening with the access off of Blackford Road to the two lots, would this require the clearing and grading of 40% slopes. Mr. Holt indicated that

this would be true.

Mr. Hubner questioned Mr. Holt when this driveway access was approved in 1988, did it have to meet the current regulations with regard to RSIS as it does today. Mr. Holt indicated that it does not. Mr. Hubner indicated that in reality that access, since it has not been established and is part of this subdivision application is an issue to be determined here with this application, this evening. Mr. Holt indicated that he provided testimony this evening that stated this project can comply with the current RSIS regulations.

Mr. Hubner questioned Mr. Holt what the maximum grade would be with access for all five lots coming off of the existing driveway. Mr. Holt indicated that it would be approximately 25% just scaling off of the map.

Mr. Hubner questioned Mr. Holt if there was an engineering reason to prevent the driveway coming off the existing driveway to service five lots. Mr. Holt indicated the trip volume generated by five (5) residential lots and circulation. The need to access private residential lots is required by the township. The lot has to be conforming fronting on access to a road for various reasons: convenience, and emergency response. To channel five residential lots into a common driveway is not normally the practice in Frankford Township.

Mr. Hubner referred to the testimony Mr. Holt gave that having a common driveway across five lots would put an unfair burden on the applicant. Mr. Hubner stated that if the

lots were to be accessed off of Blackford Road, then the applicant is transferring the burden on the residence of Blackford Road.

Mr. Hubner submitted to the board a copy of a prior survey of the Sullivan property which was marked as Exhibit "O-1".

Mr. Hubner questioned Mr. Holt if the proposed access of the driveway is in the area of the existing cul-de-sac on Blackford Road. Mr. Holt agreed. He further questioned Mr. Holt if the existing cul-de-sac and a portion of the paved roadway that leads into the cul-de-sac lie partially and sometimes totally outside the easement area. Mr. Holt indicated that according the present plan, it is partially but never totally outside the Blackford Road easement area.

Mr. Hubner questioned Mr. Holt if the access to these lots off of Blackford would be constructed in a manner that would connect up to the paved area. Mr. Holt agreed. Mr. Hubner further stated that in order to connect it to the paved area construction would have to occur that would involve the owner of Lot 27, the Lawsons. Mr. Holt indicated that Lot 27 is that which contains the majority of the cul-de-sac. Mr. Holt further stated that the plan submitted depicts Blackford Road as a 16 foot wide right-of-way. His depiction of Lot 27 sidelines end at the Blackford Road right-of-way. Mr. Hubner indicated that a right-of-way is a reservation, it is the last 12 feet of each property line up to the common boundary line with Sullivan.

Mr. Pellow indicated that there will be very long driveways to the house location off of this common driveway. He feels there would be less disturbance off of the Sullivan driveway.

Mr. Darmofalski gave his qualifications to the board. The board and Mr. Aroe accepted Mr. Darmofalski as a witness.

Mr. Darmofalski reviewed three items when he looked at this application: (1) The RSIS, and whether it was complying with that, (2) The drainage considerations because the clients that have engaged him

have drainage problems now and they want to make sure when this application goes before the board and is approved that their drainage problems are not compounded and (3) Planning testimony.

Mr. Darmofalski reviewed the slopes across the Sullivan property on Blackford Road. The first band of slopes along Blackford Road for almost the entire frontage are in the range of 40%. It goes back about 100 feet before you get into less sloped areas. So, therefore, it goes from 40% to 22% down to 18% until you reach as depicted on the maps properly areas that are less than 15%. From a planning testimony, he looked at the application and reviewed if there were any other way they could avoid construction in the steep sloped areas. By doing this the applicant will save less disturbance, less drainage problems and it is good planning to preserve what is there. The disturbance in these types of areas in his experience have a tendency to always create more erosion problems, more drainage problems, more dead trees because they have changed the whole complex. He believes that the alternative plan suggested this evening and discussed would probably serve this subdivision best by having an access off of the Sullivan driveway. By the time you reach the Sullivan driveway and the turning point where it would go onto Lot 12.01, there would be an overall slope on this driveway of 7% versus the 15% with a switchback. He feels it would be safer for emergency vehicles and it would be safer for vehicles to pass each other. You may not need the full 20 foot width if it is straight as opposed to a curve were they will need the 20 foot width. A straighter driveway means less drainage problems, more area to solve drainage problems, less disturbance, more preservation of areas along Blackford Road on 40% slopes. The board has granted waivers for not showing the driveways that are going to serve these four new homes and also the houses. They will get kicked into the new storm water regulations as has been depicted. The board has no evidence as to how they are going to solve this. He feels if they can restrict themselves to the less sloped properties, they will be better off from a planning view point.

Mr. Darmofalski indicated that access from the Sullivan driveway from a planning view point and the engineering of drainage this is a better plan than the one presented by the applicants.

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

There was no public participation.

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

Mr. Romania questioned Mr. Hubner if the lots did not change right now and it was three lots, Mr. Lawson would not object to the applicant building the driveway according to the 1988 approval. Mr. Hubner indicated that this driveway could not be built to the 1988 approval at this time due to the new storm water regulations and his client, Mr. Lawson, would have major objections. Mr. Hubner indicated that also there are significant issues of private property rights that would be enforced in the Superior Court.

Mr. Clark stated that unlike most roads the boards sees, the adjacent owners do not necessarily own to the middle of the road underneath. There is an easement to give the owners the right to go in and out. The board can not decide that access means the right to improve an access in the easement area, this is for a court to decide. The board can decide the access to the property. There is an approved access to the last two lots. The board can consider this. Whether it is valid or not, it has been existence for 14 years. There are no other variances other than the planning variances with this application. What the board has to look at is the roads, access and good planning issues.

A Motion was made by Mrs. Kristensen and seconded by Mrs. Caldwell to take a five (5) minutes recess

at 9:35 p.m. All were in favor. The Motion was carried.

A Motion was made by Mrs. Caldwell and seconded by Mrs. Kristensen to reconvene the meeting at 9:45 p.m. All were favor. The Motion was carried.

A Motion was made by Mr. Risdon and seconded by Mrs. Caldwell to approve the minor subdivisions with five lots resulting as provided by the applicant's plan with 2 driveways, one with two shared access and one driveway with three shared access from the existing driveway. Roll Call:

YES: 0

NO: 8 Ayers, Hahn, Risdon, Kristensen, Martin, Nadolny, Romania, and Caldwell

ABSTAIN: 1 Zappile

The Motion was denied.

A Motion was made by Mrs. Kristensen and seconded by Mr. Hahn to approve the minor subdivisions requested by the applicant with one driveway accessing all five (5) proposed lots from the existing driveway, with an 18 foot driveway, subject to the board's approval and Mr. Pellow's approval of the revised plans and the conditions of Mr. Pellow's report dated February 27, 2004 and revised March 17, 2004. Roll Call:

YES: 8 Ayers, Hahn, Risdon, Kristensen, Martin, Nadolny, Romania, Caldwell

NO: 0

ABSTAIN: 1 Zappile

The Motion was carried.

A Motion was made by Mr. Risdon and seconded by Mr. Ayers to carry this application to the second meeting in June of the Frankford Township Land Use Board (June 23, 2004) without further notice. All were in favor. The Motion was carried.

Thomas Schear –LUB 03-18 –Block 42, Lot 14.23 –11 Edgemont Drive –“C”Variance:

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

Appearing on behalf of the applicant was the applicant, Thomas Schear. Mr. Schear indicated that he is still under oath from the previous meeting.

Mr. Pellow indicated that the plans submitted are still not complete. Mr. Pellow indicated the following are missing: the zoning box is still not correct; the variances requested are not listed on the map; existing structures within 200 feet and distances to property line are not on the map; 200 foot list to be added to the plan; a certified survey map by a licensed surveyor.

Mr. Schear submitted to the board a septic permit 8127, Block 42, Lot 14.23 for a new 2 bedrooms issued by Mr. McDonald on 3/8/04 pursuant to Item "73" of Mr. Pellow's Report.

A Motion was made by Mr. Zappile and seconded by Mr. Martin to carry this application to the June 23rd Land Use Board Meeting without further notice. All were in favor. The Motion was carried.

RESOLUTIONS:

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

James L. & Betty S. Rust – LUB 04-11 – Block 44.01, Lot 1, 12 Perry Road –Minor Subdivision:

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the Resolution approving a Minor Subdivision. Roll Call:

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

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS:

Invoices:

The Invoices were reviewed. A Motion was made by Mr. Nadolny and seconded by Mr. Zappile to approve the attached bill list for May, 2004. Roll Call:

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

NO: 0

ABSTAIN: 0

The Motion was carried

Executive Session:

A Motion was made by Mr. Ayers and seconded by Mr. Zappile to go into executive session to discuss the Town Center Designation. All were in favor. The Motion was carried.

A Motion was made by Mr. Zappile and seconded by Mr. Ayers to go out of executive session. All were favor. The Motion was carried.

A Motion was made by Mr. Zappile and seconded by Mrs. Caldwell to approve the board attorney to write a letter to the State with regard to Plan Endorsement. Roll Call:

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

NO: 0

ABSTAIN: 0

The Motion was carried.

A Motion was made by Mr. Zappile and seconded by Mr. Ayers for the board attorney, Mr. Clark, to speak to developers concerning awaiting plan endorsement prior to submitting any application for Ross' Corner. All were in favor. The Motion was carried.

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

A Motion as made by Mr. Ayers and seconded by Mrs. Caldwell to advertise an on-site inspection for this application with Dr. Sam Castimore, The County, Mr. Pellow and the board members for June 3, 2004 at 1:30 p.m. at the property site. All were in favor. The Motion was carried.

Correspondence:

The correspondence was reviewed. There was no formal action taken.

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator