

FRANKFORD TOWNSHIP LAND USE BOARD
JUNE 16, 2004 – 7:30 P.M.
MINUTES OF REGULAR MEETING

CALL TO ORDER:

The meeting was called to order by acting Vice Chairman, Mr. 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. Risdon (arrived at 7:55 p.m.), Mrs. Kristensen, Mr. Martin, Mr. Nadolny, Mr. Gstattenbauer and Mrs. Caldwell. Also present was Mr. Clark and Mr. Pellow.

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

PUBLIC:

A Motion was made by Mr. Martin and seconded by Mr. Nadolny 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. Nadolny 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 this is a continuation hearing and Mr. Alias is still under oath.

Mr. Haggerty indicated that at the end of the last meeting, the applicants were asked to see whether they could approach Sam Castimore to discuss separate means of access to the property through his property off of Route 565. The applicant' s engineer, Harold Pellow, John Risko and some board members did meet at the property, however, Mr. Castimore did not appear at the meeting. They have not heard from Dr. Castimore since and the applicant' s feel that they have exhausted that avenue. Mr. Haggerty further

stated that the applicant' s have made a few changes to the subdivision map in accordance with the discussion at the previous meeting.

Mr. Alias stated last meeting the applicant' s reported the results of soil testing of a few lots that had shallow ground water potential. One of those lots failed additional testing because the ground water was too shallow. In turn, the applicant' s lost one lot and shortened one cul-de-sac. He indicated that they have revised the plans to show the changes and submitted the plans to the board. The plans are dated June 9, 2004 revising the layout plan, the site improvement plan and the grading utility plans sheets 3, 6 and 8 of 19. He stated that now there is 13 new lots plus the existing remaining lot.

Mrs. Kristensen questioned Mr. Alias if they heard from the County with regard to the site distance on Route 565 off of Dr. Castimore' s property. Mr. Haggerty indicated that they never received any information from the County. Mr. Alias indicated that this was not pursued because it does not look like Dr. Castimore is interested in this proposal.

Mr. Clark questioned if the detention basins are still the same as the first proposal which were on Lot 3 and Lot 6. Mr. Alias indicated that they appear on sheet 8 of the revised plans.

Mr. Clark questioned if these basins were going to be maintained by the owners of lots 3 and 6. Mr. Alias indicated that this was discussed at the last meeting, but no final decision was made. Mr. Clark indicated that there may be some public obligation for maintenance of these basins pursuant to the new storm water management rules. This could be decided between Preliminary and Final approval. At the moment, the maintenance would remain with the owner of the lot. Mr. Haggerty indicated that he did contact the township attorney with regard to this issue, but has not yet received a response.

Mr. Alias indicated that the applicant is awaiting a decision of this board of the revised plans so they can follow up on the approvals that are need: Soil Conservation, County and the well testing, which they are in the process of setting up.

Mr. Haggerty indicated that this application does not require any variances.

Mr. Clark questioned Mr. Pellow on the map for Skyline Drive, what is the applicant proposing. Mr. Pellow indicated that they are not doing anything on Skyline Drive; the applicant is hooking into the cul-de-sac. The pavement of the existing cul-de-sac will be eliminated and the applicant' s will need a right-of-way.

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

George Schoch appeared before the board and was sworn in by the board attorney. Mr.

Schoch suggested that the township consider making Fenwick Road a one way street. The applicant' s could enter the property through the farm and exit onto Fenwick Road. The board indicated that there are too much wetlands to exit or enter onto Fenwick Road. The board further indicated that this situation has already been reviewed.

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.

Mr. Clark summarized this application. This is a Preliminary Major Subdivision with 13 lots with a large remainder subject to conditions setforth in Mr. Pellow' s report of February 26, 2004 and which no variances are needed. This application is also subject to the following conditions: LOI; Detention basins will be installed and the maintenance of them will be determined upon Final Subdivision approval; satisfactory well test; Road Trust Fund payments (\$2,500 per lot); COAH payments; the off tract improvements of continuing Skyline Drive with the removal of the pavement at the cul-de-sac, however, the township is not being asked to vacate the right-of-way.

Mr. Pellow questioned when the Road Trust Fund is due. Mr. Clark indicated that it was at the time of the signing of the map. Mr. Pellow questioned the signing of the Preliminary Map or Final Map. Mr. Clark indicated that he would have to research this and it will be noted in the Resolution.

A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the Preliminary Major Subdivision as submitted with 13 lots and remainder subject to the conditions stated by Mr. Clark in his summary. Roll Call:

YES: 5 Ayers, Martin, Nadolny, Gstattenbauer and Caldwell

NO: 2 Risdon and Kristensen

ABSTAIN: 0

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:

Appearing on behalf of the application was their attorney, Kevin Kelly, their engineer, Anthony Gallerano and James Dufford, Vice President of Trico.

Mr. Kelly indicated that this is an application by Trico Federal Credit Union for a site plan approval to construct their new offices on 47 U.S. Route 206. The property is 4.3 acres in the LI Zone. There was a prior approval on this property several years to Pioneer Packaging. All of the uses are permitted in the LI Zone. There are some references in the application for some retail because his client will not need all of the office space proposed in the beginning. Trico has changed their application and there

will be no retail. There will be some extra office space and a community room to rent out. The applicant is requesting three (3) "C" variances: (1) A height variance, they are requesting a height of 44' , and the Ordinance has a 35' height limit; (2) parking variance, they are requesting 5 feet from the building, and the ordinance requires 20 feet from the building; and (3) size of signs. This application has been carried for the last several meetings because of issues with the DOT. Mr. Kelly indicated that the issues with the DOT have all been resolved, which he will submit a report and an exhibit to the board that outline what the approval consist of with the DOT.

Mr. Kelly presented James Dufford to the board as their first witness. Mr. Dufford was sworn in by the board attorney.

Mr. Kelly presented Anthony Gallerano to the board as their second witness. Mr. Gallerano was sworn in by the board attorney.

Mr. Pellow reviewed his report dated January 27, 2004 and revised March 18, 2004 as to completeness:

Paragraph " 1" County approval is needed. Mr. Kelly indicated that they received a letter from the County dated February 2, 2004 which stated that this property is not on a County Road.

Paragraph " 2" The following Checklist items have been responded to by the Applicant' s engineer and Items 3, 6, 7 and 80 to be addressed by the Applicant' s attorney. A waiver has been requested for Item 50:

ITEM " 3" : Certification of taxes, liens, assessments paid. Mr. Kelly indicated that they do not have an updated Certification of taxes paid. Mr. Kelly indicated that the taxes were paid. They will submit this to the board at a later date. The board agreed this could be waived as to completeness this evening.

ITEM " 6" : Site inspection authorization. Mr. Kelly indicated that this was submitted in the original package. The board secretary confirmed this.

Mr. Pellow indicated ITEMS 20, 21, 24, 25, 26, 28, 31, 33, 49, 51 and 64 of his report have been taken care of.

ITEM " 27" : Proposed Developer' s Agreement to be addresses by applicant' s attorney. Mr. Clark indicated that the board will have wait to testimony to see if there are any off tract issues.

ITEMS " 36, 37, 39, 40 and 41" : Mr. Pellow indicated all of these items have to do with the surveyor' s map: Metes and bounds of proposed lot; Area and frontage of proposed lot; property lines to the nearest hundredth; bearings to the nearest second; and lot acreage to the nearest tenth. Mr. Pellow indicated that someone will have to certify the survey. Mr. Gallerano indicated that the applicant' s are in the process of

completing the survey. Mr. Pellow indicated that this should be a condition of completeness.

ITEM “ 50” : Cut and fill limits. The applicant is requesting a waiver. Mr. Pellow indicated this is satisfactory.

ITEM “ 53” : Sight Distance profiles. The applicant will submit this information with the traffic report. Mr. Pellow agreed to this.

ITEM “ 72” : Facility Impact Report. The applicant will submit this information with the traffic report. Mr. Pellow agreed to this

ITEM “ 75” : Building floor plan, elevation views and first floor elevation with overall building height. Floor plans and elevation views have been submitted, but the overall building height has not been shown, and it scales 44 feet. A revised Sheet “ A-2” states it will be 44 feet in height, and a variance has been requested.

ITEM “ 80” : A statement or legal brief which clarifies why the variance should be granted.

Mr. Gallerano indicated that this is a “ c” Variance because it is not greater than 10 feet or 10% of the permitted height. A discussion was held with regard to this issue. Mr. Clark indicated that it does not exceed the height by 10 feet, but it does exceed the height by 10%, this may be a “ D” Variance. The board agreed this was a “ D” Variance.

Mrs. Kristensen stepped down from this application.

The board reviewed that the items 3, 6, 27, 28, 36, 37, 39, 40, 41, 72 of Mr. Pellow report dated January 27, 2004 and revised March 18, 2004 are all conditions of completeness. Item 50 of his report is a waiver which is acceptable to Mr. Pellow.

A Motion was made by Mrs. Caldwell and seconded by Mr. Risdon to deem this application complete with the above stated conditions and waivers. All were in favor. The Motion was carried.

Mr. Kelly called Mr. Dufford as the applicant’ s first witness. Mr. Dufford indicated that he works with Trico Federal Credit Union as the Vice President of Marketing for the past four (4) years. Mr. Dufford indicated that Trico is a federally chartered credit union. It is a financial institution that could serve a membership that is described in its charter. Trico serves members and employees of boards of education in Sussex, Morris and Warren

Counties, and also County employees in all three counties, municipalities and they have independent select employee groups. The companies join the credit union and all of the members of their family are eligible to join the credit union. He further stated that they have five (5) offices at the present time with one in Sussex County in Frankford

Township. The Frankford office has been open for three (3) years and has been very successful. He noted that it has been so successful that they need more space. They would also like to have a more permanent residence in the township and to serve the community. The credit union at this time has four (4) employees. When they build the new building, there will be approximately eight (8) employees. The plan they submitted, the office is designed for a manager, an assistant manager, two (2) member service representatives and four (4) tellers at the least. The building is also designed so that they could expand at a later date.

Mr. Kelly presented to the board, the applicant's engineer, Mr. Gallerano. Mr. Gallerano gave his qualifications to the board. The board accepted Mr. Gallerano as an expert witness.

Mr. Gallerano presented to the board a color mounting of the site plan which was marked as Exhibit "A-1". Mr. Gallerano indicated that this exhibit is a color rendering of sheet #7, the Landscaping plan, of the site plan submitted to the board dated December 1, 2003 with last revision March 2, 2004. The Trico Federal Credit Union will occupy the first floor, the second floor will be utilized as office space. He noted that connecting the second building is a common lobby area. The first area, the larger area, is a proposed community room, which Trico is offering to the community to be used for community purposes. The room is 40' x 54', approximately 2000 square feet. Also contained in this building are five flexible office spaces for rental. They are showing five bays, but it does not necessarily have to be five (5), someone could take two (2) or three (3) spaces. In the rear of the lot is a storage building. The building is approximately 3200 square feet. It would be primarily used for storage of records for the Trico Credit Union. This property is located in the L1 Light Industrial Zone. This is a permitted use in the zone. The total square footage for the Credit Union, the community room and the rental space is approximately 16,220 square feet, which includes the common lobby area. Also associated with the credit union are three (3) drive thru lanes located along the westerly side of the building. These driveway thru lanes will have drive up windows and also an ATM machine. At this time, Trico anticipates that they may not need to activate all of those drive thru lanes. They may only activate two (2) of the lanes. They would like to

construct the whole thing at this time, wire it, put all the duct work in for the tubes, but not actually activate the last lane at this time. Access to the site will be from Route 206. There is currently an existing access through the back of the property. However, based on their conversations with DOT, they have requested that they put a gate on this and use it only for emergency access. This will be something the applicant will do under DOT's recommendation. They are proposing parking for 88 cars, which is in conformance with the ordinance. The required parking is actually 81 spaces by ordinance. They are also providing two loading areas in the back of the building. They have parking throughout the site, in the front and back of the building. They have additional parking in the rear by the storage area which will be primarily employee parking because it is furthest from the building. They have proposed for the site several free standing signs. There is a main sign in the front entrance, the site identification

sign which will name Trico and the name of the tenants located on this sign. In addition there will be three directional signs. These signs are internal signs to direct people to the drive-thru lane and the ATM Machine. There are also variances associated with these signs. In addition to the free standing sign, is a proposed tenant sign for each proposed rental space. There are also two Trico wall signs which will be on the main building. There are also some variances associated with these signs.

Mr. Gallerano referred to Sheet 4 of the site plan, the grading and utility plan. This site was part of a previous application which subdivided this entire commercial development. When this was done a common detention basin was constructed on Lot 24. This detention basin was intended to serve the entire development. The applicant's intend to utilize that detention basin for this site. They have submitted drainage calculations to the board's engineer which he believes the design is acceptable to him. There are currently some existing catch basins on site that were previously constructed. This site takes run off from the adjoining car wash site. That storm water is conveyed to an existing series of pipes which runs through the site and then run out to the detention basin. The applicant will also utilize those catch basins on site. In addition they are proposing additional catch basins throughout this site to pick up the storm water run off.

Mr. Gallerano referred to Sheet 7 of the site plan, the lighting plan. In accordance with the ordinance the applicant is proposing decorative type lights. They are also proposing a significant amount of landscaping. In accordance with the ordinance, they are providing a raised berm on the front of the property in addition to the various landscaping. Their landscaping is comprised of shade trees, decorative trees, some evergreen trees and some small shrubs. There is screening along the front of the property and along the easterly property line which is adjacent to the only residential property in this area.

Mr. Gallerano discussed the proposed water and sewer systems on the site. He stated that previously on the site approximately 1988 or 1989, two septic beds were constructed. They were never utilized, however, they are in place and they have applied to the Sussex County Health Department for permission to utilize these septic beds. They did receive a letter on April 27, 2004 from the Health Department which they have approved use of those existing septic beds for this project. Mr. Kelly submitted to the board the letter from the Health Department dated April 27, 2004 as Exhibit "A-2". Mr. Gallerano continued that the only new components of the sewerage system will be a new 3000 gallon septic tank and a new ejector pump. He further stated that as far as portable water, they are proposing a single well located in the front of the property in the lawn area.

Mr. Ayers questioned Mr. Gallerano were the ATM Machine was and what additional lighting will be needed for this ATM Machine. Mr. Gallerano indicated that the ATM Machine is under the drive thru lanes, which are under a canopy. There will be recessed lights under the canopy to illuminate the area underneath the canopy. Mr. Ayers further questioned Mr. Gallerano with regard to the generator noted on the site

plan as to the containment and noise level. Mr. Gallerano indicated that the generator is located on a pad in the back of the property. He stated that based on the separation to the property line, the decibel levels would be non-intrusive. They will have some landscaping around it to cover some of the noise. This is an emergency back up generator. It will be fired up once in a while just to run it, but most of the time it will be silent.

Mr. Risdon questioned what they intend to use the rear storage building for. Mr. Gallerano indicated that this would be for storage of records for Trico. Mr. Risdon questioned if they would consider housing the generator in this storage building. Mr. Gallerano indicated that he would have to research the feasibility of this. He is not sure the generator could be in doors. Mr. Nadolny asked if the storage building would be used by the tenants as well. Mr. Gallerano indicated it could be used for the tenants, but it is primarily for Trico.

Mr. Gallerano indicated that there are several bulk variances and as discussed earlier there is one “ D” Variance with respect to the height. The permitted building height in this zone is 35 feet. The applicant is proposing a total height of 44 feet. There is a bulk variance or a C2 variance with respect to parking setbacks. The ordinance requires parking to be setback 20 feet from a building. They are proposing a minimum setback of five (5) feet from the building. In front of the tenant space, the parking area is setback 15 feet. Along the back of the tenant space is 10 feet. Along the front of the Trico building, there is a 9 foot setback. Along the side of the Trico building there is an 8 foot setback. The reason why the applicant’ s are asking for the variance, they feel that 20 feet is a good distance from the building for people to park and walk across the parking lot, and then another 20 feet across the sidewalk to get into the building. They feel it is too much sidewalk to have in front of the building. If they moved the parking area out 20 feet according to the ordinance, they would have to push the parking lot back out into the green area in the back. They are taking away green space out in the back. They feel it is better to keep a larger contiguous open space, grassed area and landscaped area then to increase these setbacks in between the parking lot and the building. Basically they feel it is just a better aesthetic environment having larger contiguous green spaces.

Mr. Pellow indicated the intent of this ordinance being passed in 1997 to have a planting strip between the building and sidewalk. With this ordinance there will be nice landscaping in front of the building, otherwise there will be more concrete. He noted to the applicant that they only have to move the sidewalk four feet in front of the offices and in the rear they will have to move them 14 feet, which is a total of 18 feet in the back. Mr. Caldwell indicated that the aesthetic of having the landscaping in front of the building is more appealing then a grass area because it will have plants in it instead of grass and it also softens the building. Mr. Pellow indicated this was all outlined in his report dated January 27, 2004 and revised March 18, 2004 under Paragraph “ 5 – Parking” .

Mr. Gallerano indicated there were some other C2 Variances pertaining to the signs.

The Ordinance only permits one (1) free standing sign. They are proposing technically four (4) free standing signs; however, one of those signs is the main identification sign for the site which would actually have the tenant's names and possibly the name of the facility. The other three (3) are just directional signs directing people to the drive-thru lanes, lobby or the ATM. The main identification sign will be located at the entrance of the site. They will also need a variance for the total square footage of the main identification sign. The ordinance only allows a total square footage of 48 square feet. The main sign is 260 square feet. Each directional sign is 24.4 square feet. The maximum height of the freestanding sign is 6 feet. The applicant is proposing 18.9 feet for the main sign. The reason that the applicant is asking for this variance it is very difficult to identify all the tenants on a 48 square foot sign and actually make it readable to drivers passing by. If the sign is too small and not readable, it almost becomes a hazard.

Mr. Gallerano further stated that the next variance is in regards to the wall mounted signs. Each tenant is allowed one (1) wall mounted sign. The maximum area for those wall mounted signs are nine (9) square feet. The maximum height is two (2) square feet. They are asking to increase the area of the wall sign to 48 square feet and to increase the height to three (3) feet.

Mr. Gallerano stated that Trico would also like to have two wall signs with a maximum square footage of 46 square feet and a maximum height of three (3) square feet. These are being proposed for better visibility. These signs are comparable to the signs that Trico has at their other locations.

The board expressed their concern with the size of the signs on the building.

Mr. Kelly requested that this matter be carried to the next meeting of the Land Use Board on June 23rd so that they can discuss the sign issues with the architect.

Mr. Clark asked Mr. Kelly if they have color renderings on the building and the roof. He also indicated that this is a modern building. The ordinance requires colonial architecture. Mr. Kelly agreed to bring color renderings of the building and roof to the next meeting.

Mr. Risdon questioned if there will be access from the back entrance and will there be signs on the back area of the building. Mr. Gallerano indicated that there would not be access or signs from the rear. Mrs. Caldwell indicated that since the cars will have to drive around the back of the building to enter the drive-thru, that the back of the building should be finished, not concrete block.

Mr. Clark indicated to the board members that there was a prior resolution on this site and he suggested that the board members read the prior resolution prior to the next meeting.

Mr. Kelly submitted to the board a copy of the traffic report from the DOT as Exhibit

“ A-3” .

A Motion was made by Mr. Risdon and seconded by Mrs. Caldwell to carry this application to the June 23, 2004 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

Mrs. Kristensen returned to the meeting.

A Motion was made by Mrs. Caldwell and seconded by Mr. Martin at 9:20 p.m. to take a five minute recess. All were in favor. The Motion was carried.

A Motion was made by Mr. Nadolny and seconded by Mrs. Kristensen to reconvene the meeting at 9:25 p.m.. All were favor. The Motion was carried.

NEW APPLICATIONS:

Paul & Jo Ellen Kattermann – LUB 04-19 – “ C” Variance – Block 122, Lots 1 & 2 – 113 Lower North Shore Road:

Paul and Jo Ellen Kattermann appeared before the board on their own behalf. Mr. and Mrs. Kattermann were sworn in by the board attorney.

Mr. Pellow reviewed his report dated May 26, 2004 and revised June 9, 2004 as to completeness:

Paragraph 5: The application can be deemed complete if the following items are addressed prior to the public hearing and revised maps submitted two (2) weeks prior to the meeting:

ITEM 7: Compliance with legal notice requirements. Mr. Clark indicated that the legal notice was satisfactory.

ITEM 43: Location of existing railroads, bridges, culverts, drainage pipe, water and sewer, utility poles. The applicants have requested a waiver and Mr. Pellow has also recommended this waiver.

ITEM 44: Natural features including existing vegetation, wet areas, watercourse, flood plain limit, rock outcropping. The applicants have requested a waiver and Mr. Pellow has agreed that this acceptable.

ITEM 75: Building floor plan, elevations views and first floor elevation with overall building height. Overall building height dimensions and room sizes should be shown on plans. The house plans were drawn by the Applicant, and all dimensions to be shown and certified by the Applicant’ s surveyor. Revised map depicts 25 feet in height. House plan dimensions not certified. Mr. Pellow indicated that they do have plans with dimensions which is satisfactory and could be a condition of completeness.

A Motion was made by Mr. Risdon and seconded by Mr. Martin to deem this application complete. All were favor. The Motion was carried.

Mr. Kattermann indicated to the board that they are proposing a two story addition to their house with a garage underneath and a master bedroom suite on the second floor. There is an existing shed that is in the back of the house that will be removed. There will be a new shed installed as part of the addition.

Mrs. Kristensen questioned the applicant what the total square footage of the addition would be. Mr. Kattermann indicated it would be 805 square feet.

Mr. Pellow continued reviewing his report:

Paragraph 1: The plan reviewed is titled “ Variance Application – Base Map, Lots 1 & 2, Block 122 dated May 2, 2003 and last revised March 4, 2004. The plan was prepared by Behre Associates PC.

Paragraph 2: The following variances are requested by the Applicant:

a. Section 16-4.5: Maximum building footprint area permitted is 1,200 square feet, and 1,680 square feet is proposed. The notes on the plan depict 1,725 square feet. Mr. Pellow indicated that the revised plan shows that 1,725 square feet is correct.

b. Section 16-4.5: The proposed addition will also encroach into the front yard setback, as it fronts on Mountain Avenue. A 35 foot front yard setback is required and 18.81 feet exists to the deck and the distance to the garage addition is not shown. Mr. Kattermann indicated that the addition, with the removal of the shed, the actual house setback will be further. The setback to the deck will not change. However, the new

setback to the corner of the existing house will remain 25.64 feet. The actual addition will be about a foot further than that. Mr. Pellow indicated, however, the setbacks still will not meet the Ordinance requirements. Mr. Kattermann agrees to this.

c. Front yard setback is required for Park Street. 35 feet is required and 24.98 feet exists. Mr. Kattermann agreed to this.

Paragraph 3: What is the total floor area of the existing house and what will be the total floor area after additions to the house. Mr. Kattermann indicated that the existing floor area is 1868 square feet and the addition will be 1610 square feet for a total floor area of 3478 square feet.

Paragraph 4: The lots fronts on three (3) streets and the front yard setback may govern on all three streets. Mr. Clark indicated that this is correct.

Paragraph 5: This had to do with completeness.

Paragraph 6: A letter of compliance for the proposed house plan should be provided from the Sussex County Health Department in order to ensure that the existing septic systems are adequate. The original permit was based on how many bedrooms? The applicant states that the septic was approved in 1988 for three bedrooms and the proposed house will remain at three bedrooms.

Paragraph 7: The driveway will need to be modified in the area of the proposed addition. The driveway should be constructed such that cars will not have to back out onto the road. The turnaround has been built on Township right-of-way and may have to be moved.

Paragraph 8: The well location is substandard in proximity to the existing house (13 feet) and the proposed addition (4 feet). The Board of Health should verify that this condition can be grandfathered as pre-existing. The Board of Health does not consider this an issue.

Paragraph 9: A grading plan is needed in the vicinity of the addition due to the steep topography. Mr. Kattermann indicated that were the property drops off, it will not change. There is an existing garden and that will remain were it is.

A Motion was made by Mr. Martin and seconded by Mr. Risdon 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 is for three “ C” Variances two are based upon hardship because of the setback, because there are existing conditions. The third variance is based upon a better planning alternative to allow a footprint of this size where a 1200 foot maximum is permitted, subject to the conditions as described that this be a three bedroom home.

A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the application for the three “ C” Variances requested by the applicant. Roll Call:

YES: 7 Ayers, Risdon, Kristensen, Martin, Nadolny, Gstattenbauer and Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

EXTENSIONS:

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

A letter was received from the applicant's attorney to extend the time to the applicant to make the revisions to the subdivision map for another 60 days.

A Motion was made by Mr. Martin and seconded by Mrs. Gstattenbauer to extend the time to submit revised preliminary subdivision maps for an additional 60 days, through and including July 27, 2004. Roll Call:

YES: 7 Ayers, Risdon, Kristensen, Martin, Nadolny, Gstattenbauer and Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS:

Correspondence:

The correspondence was reviewed.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Martin to go into executive session to discuss litigation matters and the Town Center. All were in favor. The Motion was carried.

Mr. Risdon noted that the board should look at the floor area ratio part of the Ordinance. It was agreed that Mr. Pellow should make the amendment and submit it to the board for review.

A Motion was made by Mr. Risdon and seconded by Mr. Gstattenbauer to authorize Mr. Clark to answer the Complaint received in connection the Oehlke application. Roll Call:

YES: 7 Ayers, Risdon, Kristensen, Martin, Nadolny, Gstattenbauer and Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

A Motion was made by Mr. Risdon and seconded by Mr. Martin to authorize Mr. Pellow and Mr. Clark to review the floor area ratio section of the ordinance. Roll Call:

YES: 7 Ayers, Risdon, Kristensen, Martin, Nadolny, Gstattenbauer and Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator