

FRANKFORD TOWNSHIP LAND USE BOARD
JULY 21, 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 7:35), Mr. Zappile, Mr. Hatler (arrived at 7:35), Mrs. Kristensen, Mr. Martin, Mr. Nadolny, Mr. Romania, Mr. Gstattenbauer, and Mrs. Caldwell. Also present was Mr. Clark and Mr. Pellow.

Those absent: None

MINUTES:

The Minutes of the May 17, 2004 Joint Special Meeting of the Township Committee and Land Use Board were reviewed. A Motion was made by Mr. Martin and seconded by Mrs. Caldwell to approve the minutes of the May 17, 2004 Joint Special Meeting. All were in favor. The Motion was carried.

The Minutes of the June 16, 2004 Regular Meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Hahn to approve the minutes of the June 16, 2004 Regular Meeting. All were in favor. The Motion was carried.

The Minutes of the June 16, 2004 Executive Session were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the minutes of the June 16, 2004 Executive Session. All were in favor. The Motion was carried.

The Minutes of the June 23, 2004 Regular Meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mrs. Gstattenbauer to approve the minutes of the June 23, 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.

Mr. Dave Miller questioned the board with regard to the Town Center and Plan Endorsement Process as to what stage the board is in. Mr. Clark indicated that the

township is in the four (4) month Plan Endorsement Process. He further stated that the State is in the process of reviewing the plan and the township is waiting for the State's comments.

Mr. Miller also questioned if the Master Plan has to be revised. Mr. Clark indicated that depending upon the final product of the Town Center, if the Master Plan is inconsistent with what the agreement is with the State for Plan Endorsement, then there is a commitment by the Township to amend the Master Plan to make it consistent. There was no further 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.

ZONING OFFICER'S REPORT:

The Zoning Officer reviewed his report dated July 21, 2004 with the board. No formal action was taken.

CONCEPT APPLICATIONS:

Concrete Stone & Tile Corp. – LUB 04-26 – Block 48, Lot 26.01 – Concept Application:

Mr. Clark indicated to the board and the public that a concept plan is a plan submitted under the Municipal Land Use Law that is not binding by the board or the applicant. It is an idea to get some reviews before a formal application is submitted. A Concept plan is also not opened to the public, because it is not a public hearing.

Appearing on behalf of the applicant was their attorney, John Casey and Steve Guida of Concrete Stone & Tile Corp.

Mr. Casey indicated that the facility for the operation of Concrete Stone & Tile Corp. is inadequate. Mr. Casey submitted an architectural drawing to the board. It was noted on the plan that the areas highlighted in blue are the original structure, the areas highlighted in pink are small additions which are to be removed in Phase I of construction and the areas highlighted in green are the new proposal this evening. The new proposal will enclose and encompass all the inconsistent developments that were built. They are not

seeking any variances in terms of setback, height or use. They are seeking to make the entire building bigger and to eliminate some interior walls and, in fact, also to enclose the operation that is currently going on outside.

Mr. Casey stated that investigation has shown that there is a serious problem with the roof and the roof needs to be replaced. As part of this entire process, rather than simply trying to repair the roof which is a failing system, an entirely new roof will be built over this modified building and the old roof will eventually be taken down from the inside. Before the applicant can do this, they have obtained another facility out of state to continue their operation and they can devote attention modifying this building.

Mr. Casey further stated that at the southwest corner of the property there are currently open hoppers that have a metal grid over it for protection. They are also proposing that the hoppers will actually have sliding garage bays that enclose them. Therefore, when

deliveries of materials are not actually taking place, the doors can be closed. They feel this is more attractive and it further protects the facility and those open hoppers.

Mr. Casey noted that the building as it is currently constructed and modified over the years is within all existing height restrictions. As part of the modifications the highest point of the existing building will lose 5 feet in height, however, the roof line will go up slightly. The roof line on the new proposal the roof will be a one (1") inch over twelve (12) drop.

Mr. Guida indicated that the new proposal will be a metal building. The existing building is approximately 15,000 square feet. The new proposal will be approximately 30,000 square feet. He further stated that the entire operation will now be enclosed and the building will be insulated. A discussion was held with regard to the hours of operation and the lighting. Mr. Casey indicated that no lighting will be changed.

APPLICATION CARRIED FROM PREVIOUS MEETING:

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

A letter was received from the applicant that they were not able to appear this evening and are requesting an adjournment to the September 22, 2004 Land Use Board meeting without further notice.

A Motion was made by Mr. Martin and seconded by Mr. Hahn to carry this application to the September 22, 2004 Land Use Board meeting without further notice. All were in favor, except Mr. Hatler who abstained. The Motion was carried.

Heritage Development Group – LUB 04-14 – Block 48.02, Lots 4.02 & 4.06, Phillips Road – Re-Development:

Appearing on behalf of the applicant was Thomas Stanley of Heritage Development Group. He indicated that last evening the Township Committee reviewed the Re-Development Plan and a copy was forwarded to the Land Use Board for their review. He is here this evening to seek approval of the plan and any changes that may be requested so it can be forwarded to the Township Committee for approval.

Mrs. Kristensen indicated that the township committee had some questions of Mr. Stanley with regard to the plan:

Page " 7" , paragraph " 2" which states: " The facility shall maintain a policy that, in the case of a resident whose behavior indicates that he poses a danger to himself or others, a physician review the situation to determine whether that individual is appropriately placed in the facility. Mental health screening processes shall be in place and utilized in such situations." Mrs. Kristensen questioned Mr. Stanley whose standards are they following for this situation and the timeline for this evaluation. Mr. Stanley indicated that there is a 30 day timeline for this evaluation. Mr. Clark indicated that this is a State licensed facility; he feels that it would be the State guidelines that this facility must follow. Mrs. Kristensen indicated that this should be noted in the plan;

Page " 7" , paragraph " 3" which states: " If, in an emergency situation, for the

protection of the life and safety of the resident or others, the facility transfers a resident without 30 days notice, the facility shall notify the New Jersey Department of Health & Senior Services (“ DOH&SS”).” Mrs. Kristensen questioned Mr. Stanley if DOH&SS have any restrictions on this matter as well. Mr. Stanley indicated that he would assume that this plan was written in accordance with the restrictions of DOH&SS. He will review this matter with his attorney;

Page “ 8” , paragraph “ 8.2” . This paragraph is with regard to emergency evacuation procedures. Mrs. Kristensen requested that the rooms have reflective numbers on the doors within 2 to 3 inches from the bottom of the door to identify and note the side of the

door that opens in case there is ever a fire and there is heavy smoke. Mr. Stanley agreed to do this;

Page “ 8” , paragraph “ 9 Drills and tests of emergency systems during every working shift.” Mrs. Kristensen questioned Mr. Stanley if there are outside bells and whistles that will disturb the neighbors during the night shift. Mr. Stanley indicated that he discussed this with the management company and they indicated occasionally they will be required to do this. These tests are done once a quarter; however, there are certain rules that the facility has to follow. He will delineate the exact times for the township; Page “ 8” , paragraph “ 9.2” which states “ The facility and the local fire department shall conduct at least one joint fire drill annually. Upon scheduling a joint fire drill, the facility shall notify first aid and civil defense agencies of this drill.” Mrs. Kristensen stated that “ civil defense” should be replaced with “ emergency management agencies” . Mr. Stanley agreed to this change;

Page “ 8” , paragraph “ 9.3.3” which states “ Inspecting and maintaining fire extinguishers in accordance with manufacturers’ and applicable National Fire Protection Association requirements and all applicable legal requirements.” Mrs. Kristensen indicated that it should be added that “ All warning systems and sprinkling devices should inspected by NJ Fire and DOH&SS standards as well. Mr. Stanley agreed to this change;

Page “ 9” , paragraph “ PLAN RELATIONSHIP TO DEFINITIVE LOCAL OBJECTIVES” . Mrs. Kristensen indicated that the age of the people is “ 70” . She questioned Mr. Stanley if there is a reason why they have “ 70” instead of “ 55” . Mr. Stanley indicated that it came from the Market Demand Study that had been done. He indicated that his facility will be age “ 55” restricted.

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.

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 in favor. The Motion was carried.

A Motion was made by Mr. Martin and seconded by Mrs. Caldwell to approve the Resolution Recommending Approval of the Re-Development Plan for Block 48.02, Lots 4.02 & 4.06 on the Tax Map of the Township of Frankford with the recommended changes as discussed this evening. Roll Call:

YES: 8 Ayers, Zappile, Hatler, Martin, Nadolny, Romania,
Gstattenbauer

and Caldwell

NO: 0

ABSTAIN: 3 Hahn, Risdon, and Kristensen

The motion was carried.

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

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

Appearing on behalf of the applicant, was Thomas Schear, the applicant. Mr. Schear noted that he was still under oath from the previous meetings.

Mr. Pellow reviewed his report dated May 26, 2004 and revised July 16, 2004 and again revised July 20, 2004 for completeness. Mr. Pellow indicated that all of the completeness items have been submitted and the application is complete.

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

Mr. Schear indicated that the existing structure presently on this property is a one story house. His property is the only property in the area that has not been updated over approximately the last 10 years. They are proposing to keep the existing footprint and retain the existing foundation and build a more modern residence which is noted on the plans submitted to the board dated April 4, 2003 and updated through July 15, 2004. The expansions on the structure would be the half story addition with a one foot overhang. They would also propose to demolish an existing masonry front deck structure which is in bad repair and which is approximately 8 feet wide and the length of the house. They

would like to replace it with a more traditional porch type structure. Additionally they have received an approval for an updated septic plan to bring them up to modern standards. He feels there is a tremendous benefit to the neighborhood to renovate this property and keep it more in line with the look of the surrounding houses.

Mr. Pellow continued reviewing his report:

Paragraph “ 2” : The maps used for review are as follows: a. Drawings for zoning code approvals only, prepared by Bruce A. Brattstrom, Architect, dated June 2, 2003, last revised July 5, 2004, containing two sheets; and b. Septic system alteration plan, prepared by KSM Engineering, dated June 21, 2001 containing one sheet.

Paragraph “ 3” : This application was submitted to the Land Use board in June 2003 and was found incomplete. The June 2003 application proposed to demolish an existing structure containing 664.2 sq. ft. and construct a new dwelling containing 1,200 sq. ft. on the first floor and 1,153.50 sq. ft. on the second floor, and a new 212.59 sq. ft. deck. Many variances were needed, and the lot was on a private, unimproved road requiring a planning variance.

Paragraph “ 4” : A new plan was submitted, and the architect states in his memo dated March 10, 2004 that the existing footprint will remain the same. The deck will be removed, and a small front porch added. A second floor is planned. The architect does

not think a variance is needed. I think the Board should decide, as the roof overhand will be 2 ft. and the livable floor area increased by 702 sq. ft. and it is still on a private, unimproved road. No provision for parking has been shown.

Paragraph “ 5” : The sight distance at the intersection of Edgemont Drive and Mattison School Road is extremely dangerous due to the limited sight distance to the southeast due to a high bank and to the northwest due to brush and tree branches.

Paragraph “ 6” : After the revised plan is submitted showing the existing structures within 200 feet, the Board will be able to determine how the size of this house fits in with the neighborhood scheme. Mr. Pellow indicated that sheet 1 shows all the houses.

Paragraph “ 7” : The proposed house is situated on a corner lot and will have two (2) front yards, and the setbacks to be revised on Sheet T-1 and variances revised.

Mr. Schear responded to Mr. Pellow comment in Paragraph “ 5” of his report. He indicated he would be willing to work the other homeowners in the area and the township and possibly come up with some type of solution for the entrance into these properties.

Mr. Clark questioned who owns the Road. Mr. Pellow indicated that this is a private Road. Mr. Clark questioned who plows the road in the winter. Mr. Schear indicated that each individual homeowner takes care of plowing this road.

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

Mr. Clark summarized that this is an application for the following variances: Lot size, Lot Frontage, Front Yard Setback, Side Yard Setback, Rear Yard Setback, Lot Depth and a Planning Variance for the private road. The variances are all “ C” Variances.

Mr. Clark further stated that all the variances relate to hardship conditions.

A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the “ C” Variances requested: Lot size, lot frontage, side, rear and front yard setbacks, lot depth and a planning variance. Roll Call:

YES: 9 Hahn, Risdon, Zappile, Hatler, Martin, Nadolny, Romania, Gstattenbauer, Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

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

NEW APPLICATIONS:

Omnipoint Communications – LUB 04-02 – Block 11, Lot 13.11, 94 Championship Drive – “D” Variance & Minor Site Plan:

A letter was received from the applicant that they were not able to appear this evening and are requesting an adjournment to the August 18, 2004 Land Use Board meeting without further notice.

A Motion was made by Mr. Martin and seconded by Mr. Ayers to carry this application to the August 18, 2004 Land Use Board Meeting without further notice. All were in favor. The Motion was carried.

Charles Rolon & Mary Petrone – LUB 04-23 – Block 68, Lots 4.01, 5.03 & 5.05 – Minor Subdivision (Lot Line Adjustment) & “C” Variance:

Appearing on behalf of the applicant was their engineer, Kenneth Wentink and the applicants, Charles Rolon and Mary Petrone. Mr. Wentink, Mr. Rolon and Ms. Petrone were sworn in by the board attorney.

Mr. Pellow reviewed his report dated June 14, 2004 and revised June 28, 2004 as to completeness. Mr. Pellow indicated that the application is complete and the applicant is requesting several waivers which are all acceptable and listed in his report.

Mr. Wentink indicated that this application proposes no physical activity on the site. It is simply to adjust lot lines to conform to use and occupation.

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

Mr. Pellow continued reviewing his report:

Paragraph “ 1” : The plan reviewed is titled “ Lot Line Adjustment for Block No. 68, Lots 4.01, 5.03 and 5.05” , prepared by Kenneth A. Wentink & Associates and dated April 29, 2004.

Paragraph “ 2” : The Applicants are proposing to adjust two side lot lines among three lots in order to make Lots 4.01 and 5.03 larger, and make the lot lines “ closer to conforming with the existing occupation” of the structures and other ancillary items on the lots.

Mr. Wentink indicated that Mr. Rolon, who owns lot 4.01 has a driveway and approximately 20 feet to the southwest of the driveway, there is a row of pine trees that were planted on lot 5.03. Mr. Rolon maintains up to that row of pine trees. At the present time, the Petrone’ s own lot 5.03. The applicant’ s have agreed that this part of parcel 5.03 should be conveyed to Mr. Rolon since he maintains it.

Mr. Wentink further indicated that when he was preparing the survey, they discovered the lot line between 5.05 and 5.03; the existing lot line went through the pool. They have also requested to move this lot line to the southwest also to make this conform. The primary reason for the lot line adjustment is for the pool and the shed. Mr. Pellow indicated that they will need a variance for the shed because they will not meet the setbacks.

Paragraph “ 3” : No new lots are being created.

Paragraph “ 4” : Variances are required for minimum lot size and minimum frontage at the right-of-way. This application should be decided using the most recent 5-acre zoning in the AR zone. Therefore, additional variances are needed. Accessory building setback variances are needed. Mr. Pellow indicated this was discussed under Paragraph “ 2” .

Paragraph “ 5” : Lots 5.03 and 5.05 are under the same ownership. I believe each lot should be made to comply with the 5-acre minimum size.

Paragraph “ 6” : This paragraph was reviewed during completeness.

Paragraph “ 7” : The Applicants should explain why the line between Lots 4.01 and 5.03 is being adjusted. This item was discussed previously.

Paragraph “ 8” : Who uses the shed on Lot 4? Mr. Wentink indicated that the shed noted on Lot 4 has been moved.

Paragraph “ 9” : Is there future development planned on Lot 5.05. Mr. Wentink indicated that there is nothing contemplated at this time on Lot 5.05.

Paragraph “ 10” : Mr. Pellow indicated that this item was taken care of prior to the meeting.

Mr. Wentink indicated on Lot 5.05 in the rear of the property he used the 60 foot side yard on lot 5.03, he used the 50 foot side yard. He was attempting to increase the building envelope on 5.05 asking for a variance at this time to increase the building envelope. He referred to the stone wall that goes around the pool. He indicated northwest of the stone wall is wetlands. In his opinion there is very little chance of activity on the northwesterly portion of this lot. He felt that it would be appropriate to make the building envelope larger. Actually he is increasing the building envelope by 20 feet.

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

Mr. Clark summarized this application is for a lot line adjustment for Lot 4.01 to add 20 feet wide by the 176 feet from Lot 5.03 to Lot 4.01. This is a straight minor subdivision.

A Motion was made by Mr. Risdon and seconded by Mr. Martin to approve the minor subdivision (Lot Line Adjustment) from Lot 5.03 to Lot 4.01. Roll Call:

YES: 11 Risdon, Zappile, Hatler, Kristensen, Martin, Nadolny, Romania, Gstattenbauer, Caldwell, Ayers, Hahn.

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Clark continued his summary. The second portion of this application is to do a lot line adjustment taking approximately 3/10ths of an acre from 5.05 and annexing it to

NEW APPLICATIONS CONTINUED :

John Lipari – LUB 04-24 – Block 263, Lot 3, 20 Bonning Road – “ C” Variance:

Appearing on behalf of applicant was their attorney, William Haggerty, Esq., their engineer, Mr. Dykstra and the applicant, Mr. Lipari. Mr. Dykstra and Mr. Lipari were sworn in.

Mr. Haggerty referred to Mr. Pellow’ s report dated June 28, 2004 and revised July 14, 2004 with regard to the completeness items. He referred to “ ITEM 7” with regard to notice. He indicated that they did provide notice and submitted proof to the board secretary. Mr. Clark reviewed the notice and indicated it was sufficient.

Mr. Haggerty referred to “ ITEM 9” with regard to listing of all variances. Mr. Haggerty indicated this was in the application, itself, and in the notice. He further corresponded and reiterated the variances needed. In his review of the application, there are two variances needed, one for a property not on an improved public road. Bonning Road is a private road. The second variance would be not having 250 feet of frontage. They have over an acre in area 1.113 acres. The reason he took this position is the applicant proposes to remove the existing single family dwelling on the lot. The lot would essentially be a vacant lot. He looked at the ordinance provision as to grandfathering, pre-existing lots. If the board does not agree with this position, then they would be subject to the five (5) acre zone, then there are additional variances that would be needed. Dykstra Engineering revised the plat and they provided a revised plat reflecting the 5 acre zone standard. He does not feel that this would apply if they take the house down. He feels it they should more accurately be and logically be considered a grandfathered lot.

Mr. Haggerty referred to “ ITEM 15” of Mr. Pellow’ s report which requires a copy of the Sussex County Health Department application. He indicated that they have not yet made application to the Health Department. They have proposed a septic system by Bonning Road. The System is currently on the Lake side of the house. This would be a great improvement. They will submit such a plan to the Health Department depending upon the Land Use Board’ s action this evening.

Mr. Haggerty referred to “ ITEM 34” of Mr. Pellow’ s report with regard to the key map. Mr. Haggerty indicated that a revision will be made to the plan changing the Key map to 1” = 400’ .

Mr. Pellow stated with regard to “ ITEM 9” he feels that they should comply with the 5 acre zone standards.

Mr. Clark noted that the grandfather provisions were meant to protect against the hardship of having an undersized, undeveloped lot.

Mr. Haggerty indicated that if the applicant is dealing with the 5 acre standard, there are additional variances that are needed. He noted that the board should consider that the size of this lot compared to the sizes of the lots in the vicinity of the applicant’ s property and also the size of the proposed dwelling.

Mr. Martin questioned if the septic design was designed yet. Mr. Dykstra indicated that the septic has not yet been designed; however, the test holes have been performed. He further stated that the septic will not be a raised bed, it will be in ground. They had 12 foot deep holes, totally dry, sand and gravel. A Motion was made by Mr. Risdon and seconded by Mr. Martin to deem this application complete. All were in favor. The Motion was carried.

Mrs. Kristensen questioned how many bedrooms will be in this house. Mr. Lipari indicated that there will be four (4) bedrooms and two full baths.

Mr. Haggerty indicated that the plans submitted this evening is basically the house that the applicant would like to build. Mr. Lipari indicated to the board that he would like the house to be slightly smaller than the submitted plans indicate.

Mr. Pellow indicated that the variances needed for this application would be: Lot area, side yard setbacks, Lot frontage, contiguous developable area and the planning variance.

Mr. Clark questioned what the square footage of the proposed house is at this time. Mr. Haggerty indicated that the existing house is 1245.6 square feet on the first floor; the total square footage of the existing house is approximately 1800 square feet. The proposed new house would be approximately 3,000 square feet. Mr. Lipari indicated that he has not submitted a full set of plans, because he wanted to see the direction the board was going to allow him to go with regard to footprint and setbacks. Mr. Lipari indicated that the house would be a two (2) story home. A lengthy discussion was held with regard to the size of the house and the setbacks. The board agreed that a maximum home of 2800 square feet over all, the first floor not to exceed 1600 square feet with side yard setbacks of 40 feet.

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

Mr. Clark summarized that this is an application for demolition of the existing residence and for variances under the five (5) acre zoning which require four (4) variances, plus a planning variance. The applicant would be allowed to build a new residence, which the applicant has not shown the board yet, and maintain the 40 foot side yard set backs that exists, not to exceed 1600 square feet on the first floor and a total of 2800 square feet total for the entire house. The house should meeting the zoning height requirement. As to the planning variance, this is an existing residence on a private road and there have been no remarks concerning the upgrading of the road.

A Motion was made by Mr. Mr. Risdon and seconded by Mrs. Kristensen to approve the variances requested: Lot area, side yard setbacks of 40 feet, Lot frontage, contiguous developable area and a planning variance. The conditions are the maximum square feet of the home should be 2800 square feet, with a first floor not to exceed 1600. Roll Call:

YES: 13 Hatler, Martin, Nadolny, Romania, Gstattenbauer,
Caldwell,
Ayers, Hahn, Risdon, Zappile, Kristensen

NO: 0

ABSTAIN: 0

The Motion was carried.

A Motion was made by Mr. Hatler and seconded by Mr. Ayers to take a five (5) minutes recess. All were in favor. The Motion was carried.

A Motion was made by Mr. Martin and seconded by Mr. Hatler to reconvene the meeting. All were favor. The Motion was carried.

William & Cynthia Pickell – LUB 04-21 – Block 109, Lot 24, 34 Pioneer Point Drive “ C” Variance:

Appearing on behalf of the applicant was their planner, Wayne McCabe and the applicants, William & Cynthia Pickell. Mr. and Mrs. Pickell and Mr. McCabe were sworn in by the board attorney.

Mr. Pellow reviewed his report of June 10, 2004 and revised July 8, 2004 as to completeness. Mr. Pellow indicated the only item missing for completeness is Existing structures within 200 feet and distance to property line. Mr. Pellow noted that the distances were missing on the map. Mr. McCabe indicated that this could be added to the plan.

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

Mr. Pellow continued reviewing his report:

Paragraph “ 2” : The revision to be accompanied by a response letter from the Applicant’ s professionals detailing what and where the revision was made. Mr. Pellow indicated that Mr. McCabe submitted a letter dated July 7, 2004.

Paragraph “ 3” : The Applicant is proposing to construct a 14’ x 14.5’ addition to an existing one-story dwelling, and the following variances are needed: a. Maximum Building Footprint: 850 sq. ft. is allowed, and 1,106 square feet is proposed with the addition.; b. Lot Depth: 150 ft. is required, and 81.33 ft. exists; c. Minimum Front Yard: 35 ft. required, and 16.5 ft. proposed to the new addition; d. Rear Yard Setback: 50 ft. is required, and 14 ft. exists to the existing frame dwelling.

Paragraph “ 4” : Pioneer Point Drive on our official road map is indicated as private; therefore, a planning variance is required.

Paragraph “ 5” : A signed and sealed certified survey is needed to verify the distances. Mr. Pellow indicated that Mr. McCabe submitted this document.

Paragraph “ 6” : The proposed addition will extend closer to the right-of-way line of Pioneer Point Drive than the other houses on the same side of the street.

Paragraph “ 7” : What will the addition be used for. Mr. McCabe submitted a

letter indicating that the reasons for the expansion is to expand the living room.

Paragraph “ 8” : The existing driveway does not have a turnaround as per the plan. Mr. Pellow indicated that the revised map depicts a turnaround to be constructed.

Paragraph “ 9” : The pine tree shown on the plan has been removed. Will another tree be planted in its place? Mr. McCabe indicated that there are no plans to replace the tree at this time.

Mr. Romania questioned if this is the only place to put this addition. Mr. McCabe indicated that it was the only area to place the addition. In the rear of the house is the septic tank and the pump tank. Mr. McCabe also noted that the front yard and the rear yard setbacks overlap each; there is no building envelope here. It is a negative envelope.

Mr. McCabe stated that looking from the front of the house on the left hand side of the addition; he would like to amend the application to simply put a porch on the left side which would be 14’ x 6’ wide with the concrete porch that is there presently. They would like to extend out of the front of the addition. It would basically be an extension of the roof line and it would be an open porch. He will amend the map to reflect this addition.

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

Mr. Clark Summarized this application for a front yard setback variance and a 6’ x 14’ open porch requiring several variances all relating to hardship because of the existing conditions and the size of the lot, any improvement would require a variance, therefore, they are all C1 hardship variances.

A Motion was made by Mrs. Kristensen and seconded by Mr. Martin to approve the requested variances from this applicant and to add a 6’ x 14’ open porch. Roll Call:

YES: 13 Martin, Nadolny, Romania, Gstattenbauer, Caldwell,
Ayers,

Hahn, Risdon, Zappile, Hatler, Kristensen

NO: 0

ABSTAIN: 0

The Motion was carried.

RESOLUTIONS:

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

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the Resolution for a “ C” & “ D” Variances for Walter & Linda Wistermayer. Roll Call:

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

NO: 0

ABSTAIN: 0

The Motion was carried.

Andrew Ciraldo – LUB 04-15 - Block 201, Lot 1, 219 East Shore Lake Owassa – “ C” Variance:

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

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

NO: 0

ABSTAIN: 0

The Motion was carried.

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

The resolution for this application was not yet completed. This will be carried to the next meeting of the Land Use Board.

Ann O’ Connor & Caren Berei – LUB 04-22 – Block 184, Lot 5, 277 East Shore lake Owassa Road – “ C” Variance:

The resolution for this application was not yet completed. This will be carried to the next meeting of the Land Use Board.

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

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

Paul & JoEllen Kattermann. Roll Call:

YES: 8 Ayers, Risdon, Kristensen, Martin, Nadolny,
Gstattenbauer,
Caldwell

NO: 0

YES: 0

The Motion was carried.

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

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the Resolution for a Preliminary Major Subdivision for Hillside View (Susan Lee). Roll Call:

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

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS:

Invoices:

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

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

NO: 0

ABSTAIN: 2 Hahn, Hatler

The Motion was carried.

Return of Escrow Monies:

A Motion was made by Mr. Martin and seconded by Mrs. Caldwell to return the following escrow monies to the following applicants because the applications are complete:

- 1) Joseph Pally, III – LUB 04-03 – Block 10, Lot 3.13 – Technical Major Subdivision
\$1,316.03; and
- 2) Scott Roskam & Ernest Spinelli – LUB 03-16 – Block 19, Lot 8.02 – Minor Subdivision - \$75.44; and
- 3) George & Ann Schoch – LUB 04-05 – Block 27, Lot 7 – Minor Subdivision
\$150.93; and
- 4) Edwin & Doris Ann Risdon – LUB 04-16 – Block 68, Lot 7 – Minor Site Plan
\$200.00; and
- 5) Steve Worthington – LUB 03-19 – Block 198, Lot 1 – “ D” Variance
\$337.50; and
- 6) James & Betty Rust – LUB 04-11 – Block 44.01, Lot 1 – Minor Subdivision
\$60.11; and
- 7) William & Patricia Rehe – LUB 03-03 – Block 23, Lot 8 – Minor Subdivision &
Variance - \$114.73; and
- 8) SECTV – LUB 00-09- Block 68.05, Lot 1.02 – Preliminary & Final Site Plan
\$1,305.59; and
- 9) Mr. and Mrs. DeGraw – LUB 01-27 – Block 271, Lot 5 – “ C” Variance
\$186.43

Roll Call:

YES:	9	Ayers, Risdon (Abstained to #4 only), Zappile, Kristensen, Martin, Nadolny, Romania, Gstattenbauer, Caldwell
NO:	0	
ABSTAIN:	2	Hahn, Hatler, and Risdon (to #4 only)

The Motion was carried.

Correspondence:

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

Town Center:

Mrs. Kristensen indicated that the township committee is trying to put together at Stakeholders Committee which will be chaired by John Eskilson from the County and Eric Snyder, the Planner from the County. The most people they can work with is 25 people, which would include 3 or 4 members of the Land Use Board.

Mr. Romania appointed Mr. Risdon, Mr. Gstatenbauer, Mrs. Caldwell and Mr. Romania to the Committee for the Town Center Plan Endorsement.

Executive Session:

A Motion was made by Mr. Ayers and seconded by Mr. Hatler to go into Executive Session to discuss litigation matters and the Town Center. All were in favor. The Motion was carried.

ADJOURN:

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

REOPEN MEETING:

A Motion was made by Mrs. Caldwell and seconded by Mr. Risdon to re-open the meeting. All were in favor. The Motion was carried.

BOARD BUSINESS:

August Meetings:

A Motion was made by Mr. Hatler and seconded by Mr. Risdon to cancel the August 25, 2004 Land Use Board meeting and start the August 18, 2004 Land Use Board Meeting at 7:00 p.m. All were in favor. The Motion was carried.

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator

