

FRANKFORD TOWNSHIP LAND USE BOARD
SEPTEMBER 15, 2004 – 7:30 P.M.
MINUTES OF REGULAR MEETING

CALL TO ORDER:

The meeting was called to order by acting Chairman, Mr. 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. Zappile, Mr. Hatler, Mrs. Kristensen, Mr. Martin, Mr. Nadolny, Mr. Romania, and Mr. Gstattenbauer. Also present was Mr. Clark and Mr. Pellow.

Those absent: Mr. Hahn, Mr. Risdon (excused), and Mrs. Caldwell (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. Hatler to close this matter to the public. All were in favor. The Motion was carried.

APPLICATIONS FROM PREVIOUS MEETING:

Tricer Management Limited – LUB 04-07 – Block 21, Lot 6 – Morris Avenue – Minor Subdivision and Tricer Management Limited – LUB 04-06 – Block 19, Lot 10 - Newton Avenue – Minor Subdivision:

Appearing on behalf of the application was their engineer, Daniel E. Kent, III.

Mr. Kent had previously submitted a letter to the board regarding this application which requested a revision that is required by the DEP on Block 21, Lot 6, which is the subdivision off of Morris Avenue. The DEP made an inspection and required them to add an extension to wetland line “A” depicted on the map submitted. They also identified an isolated wetland in the back of proposed Lot 6.03, which required a 50 foot buffer. They also required a 150 foot buffer along the extension on wetland line “A”. This affected Lot 6.04. It brought the buildable area within the building envelope below the township’s required 2 acres. It ended up being 1.793 acres. The other requirement on

Lot 6.03, it moved the front building setback line closer to Morris Avenue which brought it in front of the dwelling on adjoining lot 6.02 and the front corner of the setback on 6.04. They still have a 170 foot front setback.

Mr. Pellow reviewed his report dated September 13, 2004:

Paragraph 1: These two lots were approved by the Land Use Board last spring and now the map is being revised due to wetland requirements imposed by the New Jersey Department of Environmental Protection.

Paragraph 2: Lot 6.03 will have the same area and conform to constraint requirements and 0.50 acres of contiguous, non-constrained land. Only the front setback has been moved closer to Morris Avenue but still conforms to the Ordinance: 75 feet is required and 169.77 feet is proposed.

Paragraph 3: Lot 6.04 has the same area and configuration, has 0.868 acres of contiguous, non-constrained land but does not have 2.00 acres after constraint calculations. The lot has 1.793 acres after constraint calculations and a waiver or variance is needed. Mr. Pellow indicated that Mr. Clark will have to comment on this.

Paragraph 4: New conservation easement deeds will be needed for both lots.

Mr. Clark indicated that constraints go to lot sizes and lot sizes are variances if not met. He indicated to Mr. Kent that he will have notice for the next meeting to amend the application previously approved.

Mr. Kent further requested from the board an extension of time to file the subdivision deeds. Due to the changes made by the DEP, they will not be able to file the Deeds by September 30th.

A Motion was made by Mr. Martin and seconded by Mrs. Kristensen to extend the time to file the Deeds on both applications for six months. All were in favor. The Motion was carried.

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

Appearing on behalf of the applicant was their planner, Wayne McCabe, and the applicants, Ann O'Connor and Caren Berei. Mr. McCabe was sworn in by the board attorney.

Mr. McCabe summarized for the board, during the course of the construction of this project after the approvals were granted by this board, the applicants changed contractors because of certain conditions were found to be deficient in the previous contractor's undertakings. They subsequently found out there were problems with the

long side of the foundation walls. Approximately 24 feet of side foundation walls, on both sides, were rotating and had to be replaced. The applicants went to the construction official and asked what they should do. The construction official indicated that they should take whatever action was necessary in order to stabilize or replace the foundation wall to meet code, which they did. In order to do this, the applicants took down the walls that were on the building. They replaced the foundation wall. At this point, they were issued a stop work order by Mr. Paterson because in his determination there was a breach of zoning because the previous approval by this board did not incorporate anything specifically relating to the replacement of the side foundation walls. This has also been documented in terms of the information submitted at the last Land Use Board meeting. The applicant's do have in their possession a stamped plan that they submitted to the construction official showing the manner in which they would be reconstructing the foundation footing and the foundation wall so that it did meet code. Construction inspections took place by the construction inspector as well as the zoning officer, Mr. Paterson. At the last meeting the applicants were informed that they would have to re-notice this application in order for the board to make a legal decision, which has been submitted to the board. Mr. Clark indicated that the notice was satisfactory.

Mr. McCabe further indicated that the board had indicated a concern about the location of the foundation. In order to assure the board that it was, in fact, in the same location, the applicant hired Chuck LaDuc, a Land Surveyor. They submitted to the board a signed and sealed copy of the survey. They have complied with the board's request to document that the foundation is in the same location as it as always been.

Mr. Pellow reviewed his report dated September 13, 2004:

Paragraph 1: The applicant has submitted an as-built drawing for the house and is acceptable, as it has similar dimensions as originally purposed and is using the existing building footprint. The map was last revised September 7, 2004.

Paragraph 2: The survey map should be sealed. Mr. Pellow indicated that the sealed survey submitted this evening is sufficient.

Paragraph 3: The septic system was inspected in April 2002 by Coppola Services, Inc. and found to be satisfactory on the day of the test but does not guarantee the system beyond the day they did the inspection. The septic issue could be a problem when a Certificate of Occupancy is applied for as per Bill Patterson.

Mr. Paterson indicated that this matter will have to be addressed by the County Board of Health.

Mr. Clark indicated they have marked Exhibits A-1 thru A-11, which is being offered at this meeting. The board inspected the exhibits at the last meeting, which was not the actual hearing.

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 Mrs. Kristensen to close this matter to the public. All were in favor. The Motion was carried.

Mr. Clark indicated that he prepared a draft Resolution which could be voted on this evening. The only item to be added to the Resolution will be subject to County Board of Health approval on the septic system. He would also add to the Resolution on the 2nd page, “ A report from Harold Pellow & Associates dated September 13, 2004 was reviewed.” He would also add to the last factual find “ A revised survey was submitted showing the exact setback distances.” The last item to be added to the Resolution would be condition “ 6” which would state “ Subject to Board of Health review and approval of the septic system.”

A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the Variances requested and adopt the Resolution with the above changes. Roll Call:

YES: 7 Ayers, Zappile, Hatler, Martin, Nadolny, Romania,
Gstattenbauer

NO: 1 Kristensen

ABSTAIN: 0

The Motion was carried.

APPLICATIONS CARRIED FROM PREVIOUS MEETING:

Castle Storage, Inc. – LUB 04-29 – Block 48, Lot 20.10 – 5 Cook Road – Minor Site Plan:

Mrs. Kristensen stepped down from this application.

Appearing on behalf of behalf of the applicant was their attorney, Jeanne Ann McManus and their engineer, Owen Speulstra. Mr. Speulstra was sworn in by the board attorney. Mr. Speulstra gave his qualifications to the board. The board accepted Mr. Speulstra as an expert.

Mr. McManus indicated that an application was filed for a Minor Site Plan approval with respect to an expansion of an existing storage facility.

Mr. Pellow reviewed his report as to completeness: He reviewed the plans and documents for the above-referenced application and offer the following comments

Paragraph 1: The plans are titled "Site Plan for Castle Storage, Inc., Tax Lot 20.10, Block 48," dated July 23, 2004, and prepared by Dykstra Associates.

Paragraph 2: The application is proposing to construct an outdoor storage area and enclosed storage building with access drives and stormwater drainage system. Is this an expansion of the existing business on Lot 20.01? Ms. McManus indicated that it was, however, it was on a different tax lot which is a contiguous lot.

Paragraph 3: A "C" Variance is required because the property in question is a flag lot with 59.05 feet frontage where 250 feet is required by zoning ordinance for the LI zone district.

Paragraph 4: The application can be deemed complete if the following items are either provided within 10 days of the hearing or waived by the Board:

ITEM 2: Fees and escrow deposits to be provided to the board secretary. The board secretary indicated that they have submitted the correct fees.

ITEM 3: Certification of taxes, liens, assessments paid to be provided to the board secretary. The board secretary indicated that they have been paid.

ITEM 11: A recent photograph of the property. The board indicated that these photos were submitted with the application.

ITEM 12: Copy of Sussex County Planning Board application. This was not provided. A waiver is requested and should not be granted. Mr. Clark indicated that they could waive it for completeness. Mrs. McManus indicated that in their testimony they will request that any approval given by this board be subject to County approval.

ITEM 13: Copy of Soil Erosion/Sediment Control application has not been provided. A temporary waiver is appropriate at this time.

ITEM 15: Copy of Sussex County Health Department application was not provided. A waiver is requested and should not be granted. Although there is no well or septic proposed on Lot 20.10, facilities on Lot 20.01 may be impacted from the additional customers. Mrs. McManus indicated that the restrooms are not open to the customers. They are only used by the staff which will not be increased at this site. Mr. Pellow indicated that this is acceptable. Mr. Clark indicated that this would be a condition.

ITEM 31: North arrow giving reference meridian. Reference deed book and page should be added to north arrows on the plans. The applicant indicated they would add this.

ITEM 33: The tax map sheet number was not provided on the plans. The applicant indicated they would add this.

ITEM 62: Fire protection details include number of proposed units, available water supply, water main size, flow, hydrant location were not provided. Testimony should be provided from the applicant. Mr. Spuelstra indicated as far as the fire protection they intend to get sign off from the Fire Marshall that they have ingress and egress from the site and provide protection to the site.

ITEM 64: Environmental Impact Statement was not provided. A waiver has been requested but should not be granted. Mr. Pellow indicated that he told the applicant's engineer that they should take the old EIS and expand on this one, which he has not received yet.

ITEM 72: Facility Impact Report was not provided. A waiver has been requested. Mr. Pellow indicated that this was sufficient.

ITEM 75: Building Floor plan, elevation views and first floor elevation with overall building height was not provided. Ms. McManus indicated that they have photographs from the manufacturer. They do not have floor plans; the manufacturer does not provide them. Mr. Martin questioned the height of the buildings. Mrs. McManus indicated that they do have the height of the buildings and they have photographs of the existing to show colors and façade. They also have photographs of the buildings that would be put in now with respect to this proposal. They do also have the dimensions of the building.

ITEM 76: Provisions for solid waste, dumpster enclosure was not provided. Testimony should be provided by the applicant. Mr. Spuelstra indicated that there will be no dumpster on the site. The customers are required to remove their garbage from the site.

ITEM 79: A description of any alternatives that were considered was not provided. Testimony should be provided by the applicant.

A discussion was held with regard to completeness. Mr. Pellow indicated that one of the issues on this application is drainage which his office just finished reviewing and a report will be coming with regard to this.

A Motion was made by Mr. Martin and seconded by Mr. Nadolny to deem this application conditionally complete pending the items discussed is submitted to the board prior to the next hearing. All were in favor, except Mr. Zappile who abstained. The Motion was carried.

Appearing on behalf of a surrounding owner was Allan Campbell, of Campbell & Associates. His client is concerned with the drainage on this property. He reviewed the application and the plans and he indicated to his client that the application was significantly incomplete and he could not give an opinion as to whether he should merit continuing concerns.

A Motion was made by Mr. Martin and seconded by Mr. Hatler to carry this matter to the October 20, 2004 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

Mrs. Kristensen returned to the meeting.

NEW APPLICATIONS:

Richard Hermann – LUB 04-29 - Block 217, Lots 3 & 3.02 – 159 East Shore Lake Owassa Road – Appeal:

Appearing on behalf of the applicant was his attorney, William Hinkes, the applicant, Richard Hermann and, Carolyn Niemis, a Title Searcher from Countryside Title Agency.

Mr. Hinkes indicated that they were appearing on an Appeal of the Zoning Officer's decision. Mr. Hermann is the owner of the subject property which burned down a while ago. The lot is approximately ¼ acre lot. It is one lot now; however, it really is a lot and half. Originally it had been mapped out in 1905 as lot 14 and it became part of lot 13 by some conveyances, the last one of which occurred in 1966. Over time there were four (4) variance applications that led to the structure on the property that allowed some additions and a garage. The garage is in tact, but the garage burnt down. Mr. Hermann spoke to the Zoning Officer about getting a Zoning Permit to rebuild and it came to Mr. Paterson's attention that there may be a right-of-way affecting what had been known as lot 13, which is now lot 3. Mr. Hinkes referred to Mr. Paterson's Zoning Denial which states "recommended by township attorney to appear before Land Use Board to make the decision regarding the property ownership of a right of way". They are presenting testimony to the board that the title to the property is to Mr. Hermann. In the last few years similar issues came before the courts. A decision by Judge McKenzie in 1997 that addressed similar issues that involved Oak Street, which is a chunk of woods, a paper street. The questionable lot that is an issue here is on one map that got filed after the map in which Mr. Hermann's property was established. It does not name a street, it does not show it by metes and bounds. It is simply a lump of land without any boundaries at all. Judge McKenzie in 1997 ruled that title to that kind of tract rest with the property owners. In this case there were people on either side of a 50 foot tract. The Judge ruled that the people on either side had ownership of that. The people that were contesting a right to use that property, said then the public has a right to use it, because it was a paper street. Judge McKenzie ruled no; even if it is dedicated, if there hasn't been use by the public for a period of 20 years and if the municipality never accepted it, there is no public rights unless and until the municipality accepts that. It is their testimony that it is clear that Mr. Hermann owns this property. Over time there have been variances that allowed the construction of that structure on this property. He further stated that without the variances, the lot would be non-conforming. The variances cured the non-conformity which is the protected rights

that run with the land.

Mr. Hermann and Ms. Niemis were sworn in by the board attorney. Ms. Niemis gave her qualifications to the board. The board accepted Ms. Niemis as an expert.

Mr. Hermann described his house prior to the fire. He indicated it was a contemporary house, two stories on one side and one on the other with an attic. It was approximately 2400 square feet with a crawl space. Mr. Hermann indicated that the total house was destroyed by the fire.

Mr. Hinkes presented to the board a copy of a survey dated April 21, 1987 which was marked as Exhibit "A-1". Mr. Hermann indicated that Lakeview Drive on the survey is now known as Lake Owassa East Shore since 911 went into affect. This road was also called Grandview Avenue. It is a dead end road. This property is right on a curve where the lake comes into a cove.

Mr. Hinkes prepared a history of the variances that have been issued over time. This was marked as Exhibit "A-2". This history indicates beginning in 1981 through 1987 there were a history of applications made involving this property that involve the additions to the house that got it to its current footprint and size prior to its burning, as well as the construction of the garage.

Mr. Hinkes referred to Exhibit "A-1", the survey. On the survey is handwriting indicating a Right of way. Mr. Hermann testified that that is not his handwriting; he has no knowledge of anyone using this right of way or claiming the right to use the property, except JCP&L had a right of way filed with the county for a pole which has been removed.

Mr. Hinkes referred to photographs of the property which were marked as the following exhibits: "A-3": 8 ½ x 11 Photograph; "A-4": a photograph of the garage close up; "A-5": a photograph of the foundation-close up-with lake; and "A-6": a photograph of the foundation looking down. Mr. Hermann stated that these pictures were taken approximately 3 weeks ago and actually represents the footprint on the lot.

Mr. Hinkes submitted to the board a copy of the current tax map which has highlighted areas of the lots in question this evening. This map was marked as Exhibit "A-7".

Mr. Hinkes submitted to the board a copy of the written report from Countryside Title Agency, Inc. which was marked as Exhibit "A-8". Ms. Niemis indicated she started with Mr. Hermann's deed and took the chain of title back to the developer. The chain of title for Lot 3.02 goes back to a deed out of Beardall Lake and Deer Park Co. in 1908. It was clearly referred to in that Deed as Lot 14 on filed Map #22. Mr. Hinkes

submitted to the board a copy of filed Map #22 with Lot 13 & 14 highlighted (the subject lots of this application) which was marked as Exhibit "A-9". He stated that this map was filed on August 25, 1905. Ms. Niemis continued that on map #22 it depicts tax lot 3.02 as lot 14 on this map. It is a clean chain of title from the developer, eventually combined with another lot and it had two owners prior to Mr. Hermann.

Ms. Niemis referred to the current lot 3, which is the tract in question. She took the chain of title back to a deed out of Elizabeth O'Donnell and Alice Teed, who are the heirs of the developers. They conveyed out what she believes to be Lot 13 on filed map #22. It is conveyed by metes and bounds description, however, it references another filed map as a call point in the description, which is filed map #50. Mr. Hinkes submitted to the board a copy of filed map #50 which was marked as Exhibit "A-10". Ms. Niemis indicated that the metes and bounds description is somewhat vague. All the courses do not have footage on them. This deed makes no reference that this lot was part of a road or ever part of a road. The description begins in the area of Lot 12 and it describes an area 50 feet wide which goes to the lake, runs along the lake approximately 50 feet and then back to the point of beginning. Because this area on this map is unplotted, there are no dimensions, just blocks, she is unable to place exactly where this lot would fall on this map. There is no designation on this map of a road name or purpose for this lot. She further stated that there is no title block on this map, just a filing date.

Mr. Hinkes questioned Ms. Niemis if she found any acceptance for a dedication of land by the municipality. She indicated that she did not find any record of acceptance. She did check the road vacations as well to see if there was a description of any portion of these roads anywhere being vacated and there was nothing, which leads her to believe that those roads never existed. She indicated that there is a conflict between these maps. Mr. Hinkes questioned Ms. Niemis if there is a fact finder to determine which map is a legitimate map. She indicated she was not in a position to say which map is in control. She did point out in the title report some discrepancies between the two maps. One being that filed Map #22 is laid out and surveyed by A.E. Konkle and filed Map #50 does not refer to any surveyor.

Mr. Clark questioned Mr. Hinkes if this property has title insurance on it with any exceptions on it. Mr. Hinkes submitted to the board a copy of the title policy with an exception for JCP&L. This policy was marked as Exhibit "A-11".

Mr. Pellow reviewed his report dated September 13, 2004:

Paragraph 1: I am not sure why there is an appeal as Lots 3 and 3.02, Block 217 are shown on the tax map as merged.

Paragraph 2: There was a map in my packet that depicts a right-of-way on this lot, but it has been drawn in ink and was not on the original map dated April 21, 1987. Mr. Paterson indicated that he drew this on the map for Mr. Hermann to show him what portion of the lot that he deemed the right-of-way. Mr. Paterson stated that he

had 3 different maps: one which shows him the right-of-way, which was Map #50; the second and third map show different lots, one of which was Lot #22.

Paragraph 3: The driveway into Lots 3 and 3.02 encroaches on the adjoining lot to the east. Mr. Hinkes indicated that was the subject of an agreement between Mr. Hermann is neighbor. There is an easement in place.

Paragraph 4: There are deeds in my packet from Courter to Hermann dated July 7, 1989 describing the first tract which is Lot 3 and the second tract which is Lot 3.02.

Paragraph 5: A variance was granted by the Zoning Board of Adjustment on October 10, 1986 to construct a garage in the front yard. The lot for this application was 75 feet wide and is for Lots 3 and 3.02. Mr. Pellow indicated back in 1986 it showed that this was one lot, which a variance was granted.

Paragraph 6: A variance was granted by the Zoning Board of Adjustment on July 15, 1981 to erect a house on Lots 3 and 3.02, 75 feet wide.

Mr. Martin questioned Mr. Hermann if he receives one tax bill on this property. He indicated that he does.

Mr. Hinkes indicated that the proposal is to rebuild the house in the same footprint with the original foundation, which needs to be repaired. The septic will remain.

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 that this is an appeal from a denial of a zoning permit because there is a question due to title issues as to whether or not the property owner, in fact, owns all the property that is not encumbered, at least in part, by a road dedication where you're not allowed to build. The relief requested is to be allowed to rebuild the same style and size house on that foundation on the premise that the combined lot 3 and 3.02 is Mr. Hermann's lot and, therefore, does not require any additional relief.

A Motion was made by Mr. Martin and seconded by Mrs. Kristensen to Reverse the Decision of the Zoning Officer and to allow a zoning permit to be issued to reconstruct the residence as described and represented. Roll Call:

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

Gstattenbauer
NO: 0
ABSTAIN: 0

The Motion was carried.

A Motion was made by Mrs. Kristensen and seconded by Mr. Martin to waive the reading of the Resolution in order that Mr. Hermann can begin construction. All were in favor. The Motion was carried.

Jacqueline Helt – LUB 04-28 – Block 209, Lot 4 – 19 East Shore Lake Owassa Road “C” Variance:

Appearing on behalf of the applicant was her engineer, Wayne McCabe, the applicant, Jacqueline Helt and her brother, Curtis Helt. Mr. McCabe, Ms. Helt and Mr. Helt were sworn in by the board attorney.

Mr. Pellow reviewed his report as to completeness dated September 10, 2004:

Paragraph 1: The applicant is proposing to increase the ceiling height of the second floor of the existing dwelling and create a 10 foot deep wood deck over the existing 10 foot deep concrete slab patio at the end of the house. Additionally, the Applicant is proposing a 10 foot wide wood deck to run along the right side of the house also at the same level as the aforementioned deck, which will be at the main level of the house.

Paragraph 2: The map used for review contains one sheet and is entitled “Helt Property Variance application, Block 209, Lot 4, County of Sussex, Frankford Township, New Jersey”, dated July 23, 2004, last revised August 27, 2004, as prepared by Wayne T. McCabe and Associates, Inc.

Paragraph 3: The application is complete.

Paragraph 4: The applicant’s requested one waiver: NJDEP Letter of Interpretation regarding the presence/absence of wetlands. Mr. Pellow indicated, looking at the site there are no wetlands on the site within 150 feet, so this is acceptable.

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

Mr. Pellow continued reviewing his report:

Paragraph 5: The following variances are required:

a. Maximum Building Footprint: 850 SF permitted: 1443 SF exists; and with the 10 foot wide deck on two sides of the house, the footprint will be increased to 2,258 SF. Mr. Pellow questioned Mr. McCabe if these numbers are correct. Mr. McCabe indicated that they are not correct. The actual numbers are as follows: The building

footprint today is 871 SF, with the concrete pad that is in front of the building on the lake side will be an additional 260 SF for a total of 1131. By adding the 10' wide deck would add 435 additional SF for a grand total of 1566 SF.

b. Building Height: 35 feet permitted; 26 feet proposed, but the variances are needed due to the house being expanded vertically approximately 6 feet.

c. Side Yard Setback: 15 feet is permitted; 5.6 feet exists, and with a 1.3 feet overhang, the side yard setback will be reduced to 4.35 feet.

d. It appears from the architect's plans that the lower level, which is the living area, kitchen and bathroom, will not be expanded and that the main level floor area will be the same but will be expanded vertically along with the proposed deck on two sides of the living area.

e. It appears that the roofline will be removed.

f. Driveway into Lot 4, Block 209 encroaches onto Lot 1, Block 240. Is there a driveway easement for this encroachment? Mr. McCabe indicated that there is no driveway easement.

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

Mr. Clark summarized this application to expand and existing residence of 1131 SF by a second floor rap around deck of 435 SF for a total 1566 SF were only 850 SF footprint is allowed. The structure is larger than what is permitted. The applicant's need a side yard setback to be reduced down to 4.35 at its closet point as shown on the architect plans.

A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the "C" Variance. Roll Call:

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

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS:

Correspondence:

The correspondence was reviewed. No formal action was taken.

Ordinance Review:

A Motion was made by Mr. Martin and seconded by Mr. Hatler to accept the first 8 sections of the revised Land Use Ordinance which are all procedure and forward same to the Township Committee for adoption. All were in favor. The Motion was carried.

ADJOURN:

A Motion was made by Mr. Hatler 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