

**FRANKFORD TOWNSHIP LAND USE BOARD
FEBRUARY 23, 2005 – 7:00 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, Hahn, Mr. Risdon, Mr. Zappile, Mr. Hatler, Mr. McDowell, Mr. Martin, Mr. Nadoln, Mr. Romania, Mr. Gstattenbauer and Mrs. Caldwell. Also present were Mr. Clark, the board attorney and Mr. Pellow, the board engineer.

Those absent: None.

BOARD BUSINESS

Coah Ordinance:

Mr. Clark submitted to the board a draft Ordinance with regard to the Growth Share Section of the Land Development Ordinance for review by the board. Mr. Clark indicated that the "presumptive payment" is \$4,375 which is 1/8th of \$35,000 which the township can RCA, you can buy your way out of some of this. The township will have to build some units and the cost of building the unit is a lot more than paying for and RCA.

Mr. Pellow indicated that the cost of constructing a COAH house is \$142,000 for moderate income housing. Mr. Clark indicated that this is the maximum value that can be put on this house, regardless of cost for that unit, so that someone who is low or moderate income can get a mortgage to be able to finance this house. The home is to be deed restricted as a COAH Unit for 30 years.

Mr. Clark reviewed the Alternative Mechanisms for developers permitted under the new COAH regulations, i.e.: (1) Purchase of an existing market-rate house at another location in Frankford Township and conversion to an affordable deed restricted housing unit conforming to COAH rules; participation in gut rehabilitation and a contribution to the Housing Trust Fund for the municipal housing rehabilitation obligation. Mr. Clark further stated what the township is really looking at is for larger subdivisions, requiring them to satisfy the obligation either on site or come up with a plan that is acceptable to this town how the developers propose to do comply with the COAH obligation.

Mrs. Caldwell questioned Mr. Clark on how do they determine who is building the 50% low income units and 50% moderate income units. Mr. Clark indicated he would have to review this section. He further stated that the township is also obligated to build rental units.

Mr. Clark indicated that the COAH Plan has to be submitted and approved by the end of this year in conjunction with the Village/Town Center.

Zoning Map Changes:

Mr. Clark reviewed the changes to the Zoning Map proposed. The proposed Map was prepared by Mr. Pellow.

Mr. Clark reviewed the changes: The CR Zone will be eliminated and zoned AR; The C2 zone which has the junk yard will be changed to AR and the junk yard will remain as grandfathered, however, they can not expand; the town center was shown on the map, which now does not include the fair grounds, the fair grounds will be in AP (Agricultural Park) Zone; and a new zone of AC (Agricultural Commercial) was developed on Route 565 and Route 206; the area of Selective Insurance which is zoned C3 will be changed to AR.

Mr. Clark indicated that the Commercial properties on Route 206 must be reviewed also.

Mr. Mintz gave an update from the Stakeholders committee. David Troast and Stan Puszcz, who is an Architect working for H2M came to the last meeting and made a presentation as to why they could fulfill the mandate of the RFP. He further stated that the Stakeholders committee has put together a document which shows the Village Center and they are starting to look at the permitted and prohibited uses in those general areas. This will be reviewed next Thursday at the Stakeholder's meeting and a recommendation will be made soon to the Land Use Board for the Village Center.

MINUTES

The Minutes of the January 19, 2005 Regular Meeting were reviewed. A Motion was made by Mrs. Caldwell and seconded by Mr. Martin to approve the minutes of the January 19, 2005 Regular Meeting. All were in favor, except Mr. Nadolny, who abstained. The Motion was carried.

The Minutes of the January 26, 2005 Regular Meeting were reviewed. A Motion was made by Mr. Nadolny and seconded by Mr. Martin to approve the minutes of the January 26, 2005 Regular Meeting. All were in favor. The Motion was carried.

PUBLIC PARTICIPATION

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

ZONING OFFICER' S REPORT

The Board reviewed the Zoning Officer's Report dated February 23, 2005. No formal action was taken.

BOARD BUSINESS

Edmund J. Campbell – Zoning Change – Block 82, Lots 7 & 8:

Mr. Hahn and Mr. Risdon stepped down from this matter.

Appearing before the board was Edmund J. Campbell. Mr. Campbell indicated that the Frankford Township Fire Department is purchasing this property from his family for the purpose of building a new Firehouse. The property is zoned partly C-1 and partly AR. Changing the zoning to C-1 would greatly facilitate this Firehouse project without significantly altering the nature of that section of Route 206. The zoning map shows that the property fronting on Route 206 for more than one mile in each direction from the property in question is substantially zoned for commercial use. In the immediate area, existing development is

predominantly commercial. He further stated that the Fire Department needs this new facility. Unless this site is re-zoned, they will have to come before this Board requesting Use Variances, with all of the expense and delay involved in that process. The end result would be the same use of the land, although it would be arrived at by a more complicated and expensive process. He stated that Re-zoning these lots now will help to expedite a project which is clearly in the public interest.

Mr. Campbell further stated that the fire department already has DOT approval for highway access. The fire department has examined the soil for septic purposes and found that it will accommodate their needs. He noted that there is also a traffic light at that spot at this time. If the fire department had to move elsewhere and apply to Trenton for a new Traffic Light, he has been told the figures are six figures, assuming they could get it.

Mr. Romania questioned Mr. Campbell what will the fire department do with the existing fire house. Mr. Campbell is under the understanding that the existing fire house will be sold. Mr. Hahn indicated that the fire house will be sold and not used as a fire house if they build on this property.

Mr. Romania questioned how this is consistent with the Master Plan. Mr. Pellow indicated that it is zoned AR at the present time, however, this is the area that the township is reviewing at the present time for zoning changes. Mrs. Caldwell questioned Mr. Campbell about the size of the lot. Mr. Campbell indicated that there is 6.41 acres.

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

There was no public participation.

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

Mr. Clark indicated that this must be done in an Ordinance form to change the zoning from AR to C1.

A Motion was made by Mr. Martin and seconded by Mr. Zappile to approve the Re-Zoning of Block 82, Lots 7 & 8 to the C-1 Zone and forward same to the governing body for approval and adoption. Roll Call:

YES: 9 Ayers, Zappile, Hatler, McDowell, Martin, Nadolny, Romania, Gstattenbauer, Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Hahn and Mr. Risdon returned to the meeting.

CONCEPT APPLICATION

Custom Craft Homes, Inc. – LUB 05-05 – Block 14, Lot 4 – Route 206 North – Concept Application:

A letter was received from the applicant that they will be unable to appear this evening and asked to be carried to the March 16, 2005 Land Use Board meeting.

NEW APPLICATIONS

Frank Dayon – LUB 04-35 – Block 31, Lots 7 & 7.05 – Hyatt Road/South Dory Road/Gunn Road – Preliminary Major Subdivision:

A letter was received from the applicant's attorney indicating that they were unable to attend the meeting this evening and requested that this matter be carried to the next regular meeting of the Land Use Board without further notice.

A Motion was made by Mr. Martin and seconded by Mr. McDowell to carry this application to the March 16, 2005 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

Barry & Tawnie Scymanski – LUB 04-43 – Block 109, Lot 50 – 156 Lower North Shore Road – “ C” Variance:

Appearing on behalf of the applicant was their attorney William Haggerty, and the applicants, Barry and Tawnie Scymanski. Barry and Tawnie Scymanski were sworn in by the board attorney.

Mr. Clark indicated that the notice for this application was sufficient. Mr. Pellow reviewed his report dated January 3, 2005 and revised January 18, 2005 as to completeness:

Paragraph “ 1” : The applicant is requesting a “ C” Variance to add a second story to the existing dwelling. Also, a dormer and loft will be added.

Paragraph “ 2” : It is not clear if the existing outside walls will be used or demolished. It appears the interior walls will be removed.

Paragraph “ 3” : The application can be found complete as long as Items 15 and 79 are supplied prior to the Land use Board meeting:

Item 15: Copy of Sussex County Health Department application. A letter is needed from the Health Department that the existing septic system is satisfactory for the expanded used. The applicant has requested a letter from the County Health Department. Mr. Haggerty indicated that they do not have a response from the County Health Department as of this date. Mr. Pellow indicated that this item must be submitted, however, the application can be deemed completed subject to the applicant's submitting this information.

Item 79: A description of any alternatives that were considered. Mr. Pellow indicated that this was received from the applicant's attorney.

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

Mr. Haggerty indicated this application concerns an improved lakefront property at Culver's Lake. There is an existing single family home on the property, which is a 3 bedroom, one story home. The property historically was improved with a lake style large two story home. In 1966 that home was struck by lightening and destroyed and replaced with a one story home which exists today. What the applicants are proposing is a second story addition and preserving the 3 bedroom status of the home. They would not increase the number of bedrooms. The dwelling house that is adjacent to the applicants on the right side as you are facing the lake originally was a one story home. That home was raised and became a two story home, which it is now. Although the property that the applicant's own is not a large lot, it is with keeping with properties around them.

Mr. Romania asked Mr. Haggerty to address Paragraph “2” of Mr. Pellow's report with regard

to the exterior walls. Mr. Haggerty indicated that he spoke to the applicant and they indicated that if they can architecturally, they will preserve the exterior walls, that is the intent. As they take off the roof and the architect and the engineer review the integrity of the walls, that final determination will be made.

Mr. Pellow continued reviewing his report:

Paragraph " 4" : Is the 2.7 foot side yard setback to the overhang or the building line. Mr. Pellow indicated it is to the building and the offset to the roof line is 0.69 feet.

Paragraph " 5" : Does the side porch encroach on adjoining Lot 49? Mr. Pellow indicated that the revised map depicts the porch encroaching by 0.25 feet. He further stated this is an existing condition.

Paragraph " 6" : The variances needed are as follows:

- a. Lot Area: 7,500 square feet required; 7,440 square feet exists
- b. Lot Width: 50 feet required; 46.81 feet exists
- c. Side Yard: 15 feet required; 2.8 feet exists; and 27 feet is proposed adjacent to Lot 49 and 11.8 feet exists and 11.8 feet is proposed adjacent to Lot 51
- d. Maximum Building Footprint: 850 square feet allowed; 1,088 square feet exists; and 1,268 square feet is proposed. The total floor area of all floors to be shown
- e. Vertical expansion variance is needed from one story to two stories.

Paragraph " 7" : There is a dormer and loft proposed. Will rooms be in this area? This is to be detailed by the applicant at the meeting.

Paragraph " 8" : Adjoining wells and septic to be shown. Mr. Pellow indicated that these have been shown on the revised map.

Paragraph " 9" : Existing pavement width to be shown. Mr. Pellow indicated that these have been shown on the revised map.

Paragraph " 10" : The map states that a planning variance is needed but Lower North Shore is an improved Township Road. Map and application to be revised.

Paragraph " 11" : There is no back-out area and I would like to see one constructed if possible so vehicles do not back out into the street. Mr. Pellow indicated that after receiving the revised plans and the septic bed has been shown, a back-out area is not possible.

Paragraph " 12" : How much taller will this house be than the one on Lot 51, as they are very close together? Mr. Pellow indicated that the revised plans shows the peak height for the house on Lot 51 to 27 feet and for the proposed house it is 32 feet. This house will be about 5 feet higher.

Paragraph " 13" : The floor area ratio (FAR) for this application is 34% with the first and second floors and 44% with the loft. The 34% far exceeds any FAR before the board in the last two years. Mr. Pellow indicated that it is 7,440 square foot lot and the applicant is allowed 18% FAR which would be 1340 square feet is allowed according to the proposed new ordinance.

Mr. Haggerty indicated that this is a small lot, but the lake is populated by small lots. There is no garage on the lot and because of the nature of the properties around the lake in this area, there is no basement. Therefore, space in the dwelling becomes very precious because they do not have storage areas.

Mr. Romania questioned the situation with Lot 49. Mr. Haggerty indicated that Lot 49 is

private property used as a lake access for property owned by people from Lot 1. Mr. Scymanski indicated that they have spoken to the neighbors of Lot 49 and they are not interested in selling this piece of property and they are in favor of this application.

Mr. Haggerty questioned Mr. Scymanski with regard to the dormer that is proposed. Mr. Scymanski indicated that this initially was supposed to be storage because they have no basement. At the present time they are using storage facilities for all of their belongings. They own another piece of property with barns also for storage.

Mr. Scymanski indicated that they have 4 children (ages 18, 16, 14 & 10). The children range in height from 6' - 6'7". They do have a need for space. At the present time they have their 10 year old son and his 14 year old daughter in a bunk bed in an extremely small area. The new design will give his daughter her own room and put the 3 boys in the bigger room proposed on the plans.

Mr. Haggerty submitted to the board a picture of the adjoining piece of property marked as Exhibit "A-1". This is the same side of the property which the applicant's are proposing a loft. This picture was taken approximately 5 years ago. Mr. Scymanski indicated that this house has changed, it is larger and there are no windows on this side of the house which will face the applicant's proposed loft. Mr. Haggerty submitted a picture of the neighboring house before the renovations and this was marked as Exhibit "A-2". He indicated that this picture was taken approximately July, 1982.

Mr. Hatler questioned how large the existing bedrooms are. Mr. Scymanski indicated that one bedroom is 14 x 14 which is the master bedroom, one bedroom is 8 x 12 and the other bedroom is 11 x 12, which includes a closet.

Mr. McDowell questioned how the septic system is. Mr. Scymanski indicated that it is fine and they do pump it every year. It has a 1000 gallon tank.

Mr. Nadolny questioned Mr. Scymanski how many bathrooms will be in the house. Mr. Scymanski indicated that there will be a main bathroom upstairs, the boys will have their own bathroom, his daughter will have her own bathroom and there will be one bathroom downstairs.

Mr. Zappile questioned Mr. Scymanski if all four walls are structurally sound. Mr. Scymanski believes that they are. He further indicated that his architect climbed under the house and looked at all floor beams and he expressed that the house is solid.

Mr. Hatler questioned Mr. Scymanski if they had considered other configurations of the house, making it smaller. Mr. Scymanski indicated that this used to be a two story home. He further stated that his neighbors all have two story homes and the lots sizes are comparable.

The board indicated to the applicant's that they should visit the site before making a decision on this application.

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

Joseph Hoffman, an attorney representing the adjoining property owner, Joh Aloï on Lot 51. He requested that the board consider not expanding the addition towards his house; his client feels that this is an aggressive use of the lot; his client's final concern is the environmental issues with regard to the septic system. His client is concerned if the septic system is able to handle this addition.

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.

A Motion was made by Mr. Hatler and seconded by Mr. Risdon to carry this application to the March 16, 2005 Land Use Board meeting without further notice. All were favor. The Motion was carried.

Bruce Allen – LUB 05-03 – Block 261, Lot 4 – 24 Cottage Avenue – “ C” Variance & Planning Variance:

Appearing on behalf of the applicant was their attorney, William Haggerty, and the applicant, Bruce Allen, and his wife Joy Allen. Bruce and Joy Allen were sworn in by the board attorney.

Mr. Pellow reviewed his report as to completeness:

Paragraph “ 1” : The applicant is seeking a “ C” Variance and a Planning Variance to demolish an existing one-story home and construct a new two-story dwelling on the existing foundation.

Paragraph “ 2” : The applicant can be deemed complete with a condition that Item #2 be shown on a revised map:

Item “ 21” : Applicant’ s name, address, phone number and fax number. Mr. Pellow indicated that the plans indicates owner, not applicant. Applicant and Owner should be stated on the map. Mr. Haggerty indicated that this will done.

Mr. Clark indicated that the notice is adequate.

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. Haggerty indicated that this lake front property at Lake Owassa. He stated that the applicant would like to take the existing 3 bedroom home and remove it and construct a new 2 bedroom home on the site. This would be a less intense use of the site, however, the building, itself, will be larger than the existing dwelling.

Mr. Pellow continued reviewing his report:

Paragraph “ 3” : There were two maps submitted with this application: A Variance map prepared by KSM Engineering, P.C., dated December 21, 2004 and revised February 12, 2005; and a topographic survey map prepared by Gardell Associates, Inc. dated November 16, 2004.

Paragraph “ 4” : This application to conform to the five-acre ordinance of the Township, as the entire house will be demolished, and the following variances are needed:

“ a” : Lot Size – 5 acres required; 0.30 acre exists

“ b” : Lot Frontage – 300 feet required; 50 feet exists

“ c” : Side Yard Setback – 60 feet each side required; 5 feet exists on the north side of the house. No distance has been shown on the south side of the house

“ d” : Rear Yard Setback – 75 feet required. The Zoning Table shows 23 feet existing. It should also be shown on the plan

“ e” : Minimum Lot Depth – 300 feet required; 170 feet exists

“ f” : Contiguous Developable Area – 20,000 square feet; 0 square feet exists

“ g” : Minimum Lot width at Setback – 300 feet required; 70 feet exists

Paragraph “ 5” : The existing shed in the front of the house is to be removed as per the plan

and shall be done prior to a Certificate of Occupancy being issued.

Paragraph “ 6” : A 24’ x 24’ garage is proposed to be constructed in the front yard of log-type construction, and the following variances are needed for said garage.

“ a” : Setback to Property Line – 10 feet required; 5 feet proposed

“ b” : Accessory structures cannot be constructed in the front yard

Paragraph “ 7” : The Applicant is proposing to construct a parking area and a turning area, which is satisfactory, but it has to be 10 feet from the property line, and it scales 6 feet. This area to be paved. The existing driveway exceeds the permitted grade of 15%, but it is an existing condition.

Paragraph “ 8” : Cottage Avenue is a private road, approximately 12 feet wide, and letters will be needed from the rescue squad and fire department that they can service this house. Mr. Haggerty indicated that this is a problem getting letters from the fire department and rescue squad. They are volunteers and they do ask for those letters. He spoke to some volunteers from the fire department and rescue squad who do not have expertise in this

field. He questioned the board if they may consider a letter from an engineer certifying if the road would be adequate as preferable to the letters from the fire department and rescue squad because the difficulty in obtaining those letters and also because the value of the letters may be less than a letter from an engineer.

Paragraph “ 9” : A letter is needed from the Sussex County Health Department that the existing septic system can serve the new home. A resolution from the Township Board of Health has been included and a septic system was approved. Mr. Haggerty indicated this Resolution was dated in 1994. Mr. Pellow questioned if this was based on a new house. Mr. Allen indicated that this septic approval was based on a 3 bedroom house and they are proposing a 2 bedroom house.

Paragraph “ 10” : The log construction house plans have not been signed, and floor areas to be shown. My calculations show 1,376 square feet on the first floor and 800 square feet on the second floor for a floor area ration of 17%, and with the garage construction minus 250 square feet, it is 19%. Under the new floor area ratio, 16.2% is allowed or 2,107 square feet, including the garage of 576 square feet – 250 square feet = 326 square feet. Mr. Haggerty questioned Mr. Pellow if he considered the lot across the street in the calculations. Mr. Pellow indicated that it is not on the same lot, he can not do this. Mr. Haggerty indicated that the applicant owns an isolated lot across the street which is unbuildable and he feels if the board considers that area in the floor area ratio, it will come under the contemplated floor area ratio standards.

Paragraph “ 11” : Is there any livable space on the second floor of the existing dwelling. Mr. Allen indicated that there is not.

Paragraph “ 12” : There should be a grading plan for the garage due to the 6 foot difference in elevation from one side of the garage to the other. The garage will block the view of the house.

Paragraph “ 13” : The existing house floor area to be shown, as the surveyor’ s plan depicts a deck on the lakeside of the house. The revised plan depicts the existing floor area of 1,270 square feet.

Mr. Haggerty indicated that there is no basement proposed, therefore, the garage becomes very valuable for storage space. He further indicated that the applicant's own property across the street which they use for parking because they realize it is not a buildable lot and they are willing to deed restrict that property against construction of a single family home.

Therefore, they would have a floor area ratio between the two properties. They recognize the Ordinance is not adopted yet, and they do recognize that the board is analyzing these matters in light of that proposed Ordinance.

Mr. Haggerty further stated that in terms of the accessory structure all the garages around the lakes are in the front yards. The house will be similar in size and appropriate in style for lake properties in the vicinity of this home. The properties on each side are improved; therefore, the applicant's can't acquire additional lot area. They are reducing the home from a 3 bedroom to a 2 bedroom. The actual structure will be somewhat larger; the intensity of the use of the structure will be diminished.

Mr. Clark questioned what the size of the lot is across the street. Mr. Pellow indicated that it looks like the total area is 3952.

Mr. Pellow questioned Mr. Allen with regard to the well that is on the vacant lot and how many houses it services. Mr. Allen indicated that others have an easement to the well, but from his understanding when they purchased the house with the title search that they did, that his house is the only house that is hooked up to that well. Mr. Pellow indicated that the map does not show where the water line goes.

Mr. Martin questioned if they considered building the garage across the street. Mrs. Allen indicated that they did consider that, however, their engineer advised them that they could not do this because of the size of the lot.

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

Margaret Turner was sworn in by the board attorney. She is the neighbor on Lot 3 to Mr. and Mrs. Allen. She indicated she had no objection to this project; however, she was concerned about the well and her easement to that well. At the present time she does not use the well, but if she decides to use the well, she does not want this project to infringe upon her use of the well. Mrs. Turner is also concerned about the run off because the elevation of the applicant's property is higher than hers. She indicated currently the driveway is partially paved and there is a stone and gravel way and there is a wall. At the present time, they do have some run off from that now. They are concerned if they pave this other area, the run off will be greater.

Mr. Pellow indicated that by looking at the plan, the applicant's are showing fill in the driveway down by the garage, which a swail should be put in. Mrs. Turner submitted to the board 3 pictures showing the grade of the driveway. She indicated the pictures were taken this week. These pictures were marked as Exhibits "N-1", "N-2" and "N-3". Mr. Haggerty submitted a picture of the applicant's driveway. This picture was marked as exhibit "A-1". He indicated that there should be room to install a swail to correct this problem.

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 all of the bulk variances, i.e. lot size, frontage, setback, lot depth, contiguous developable area, minimum lot width because it is 5 acre zoning. Also a garage is proposed in the front. He indicated that an accessory structure garage can be constructed in the front yard as long as the set back is 10 feet, however 5 feet is proposed. The topography of the lot, which is shown on this application, and the existing conditions and determining whether or not hardship can be established or whether it is a better planning opportunity, which are "C" Variances. He further stated the second issue is the planning waiver. Cottage Avenue is a private road approximately 12 feet wide. There was a proposal offered by the applicant to have his engineer submit a letter of adequacy for

firefighting equipment and emergency vehicles. The board may consider this or wait to hear from the fire department and rescue squads within the next 30 days and also require applicant's engineer to provide a report. A condition the board may want to consider if they act favorably on this application may be to require that the potential drainage on the Turner side be rectified by revised plans. The last item for the board to consider is to deed restrict the two lots together that they must be conveyed together as one lot, which will not affect the well.

Mr. Ayers questioned the applicant if they would consider the pavers for the driveway instead of paving it. This will allow the drainage to absorb into this area instead of running off, which will help correct the drainage problem that was discussed. Mr. Allen indicated that this will be a consideration.

A Motion was made by Mrs. Caldwell and seconded by Mr. McDowell to approve the application for a "C" Variance with the addition of a swail area to fix the drainage and to Deed Restrict the two parcels as one. Roll Call:

YES: 7 Ayers, Hahn, Zappile, McDowell, Martin, Romania, Gstattenbauer, Caldwell

NO: 2 Risdon, Nadolny

ABSTAIN: 1 Hatler

The Motion was carried.

A Motion was made by Mrs. Caldwell and seconded by Mr. Martin to approve the Planning Variance with the condition of the approval of the fire department and rescue squad and the applicant's engineer that the road is passable for emergency vehicles. Roll Call:

YES: 10 Ayers, Hahn, Risdon, Zappile, McDowell, Martin, Nadolny Romania, Gstattenbauer, Caldwell

NO: 0

ABSTAIN: 1 Hatler

The Motion was carried.

BOARD BUSINESS:

Invoices:

A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the February 2005 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

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

NO: 0

Invoices cont.:

ABSTAIN: 0

The Motion was carried.

Executive Session:

A Motion was made by Mr. Ayers and seconded by Mr. Gstattenbauer to go into executive session to discuss a lawsuit served upon the Township Land Use Board. All were in favor. The Motion was carried.

A Motion was made by Mr. Martin and seconded by Mr. Hatler to come out of executive session and reconvene the regular meeting. All were in favor. The Motion was carried.

A Motion was made by Mr. Hatler and seconded by Mrs. Caldwell to give Mr. Clark permission to answer the Complaint served upon the Township Land Use Board by the Plaintiff MTAES. Roll Call:

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

NO: 0

ABSTAIN: 0

The Motion was carried.

Stormwater Management Plan:

Mr. Pellow submitted to the board for review a Stormwater Management Plan to be discussed at the board's next meeting. A public hearing should be noticed.

A Motion was made by Mr. Ayers and seconded by Mrs. Caldwell to give Mr. Clark permission to advertise for the public hearing on the Stormwater Management Plan. All were in favor. The Motion was carried.

Sussex Commons Application:

Mr. Pellow indicated to the board that the revisions were received to this application and will probably be found complete. He suggested to the board that the applicant appear before the board at the township hall to deem them complete. After the application is deemed complete, we can then move the meeting the next month to the High Point High School for the actual hearing. A lengthy discussion was held with regard to this issue and it was agreed by the board that if the application is complete, they will do a completeness hearing first and then carry the matter to the next month for the actual hearing.

Correspondence:

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

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator