

**FRANKFORD TOWNSHIP LAND USE BOARD
MARCH 16 , 2005 – 6:00 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, Mr. Hahn, Mr. Zappile, Mr. McDowell, Mr. Martin, Mr. Nadolny, Mr. Romania, Mr. Gstatenbauer, and Mrs. Caldwell. Also present was Mr. Clark and Mr. Pellow.

Those absent: Mr. Hatler (excused) and Mr. Risdon (excused).

BOARD BUSINESS:

Master Plan Re-examination Report:

Appearing before the board was the board Planner, David Troast. He indicated that the Re-examination report is required under the Municipal Land Use Law, a minimum of every six years. The purpose of the Re-examination report is the basis for establishing the policies and directives for the decision making process in zoning and capital spending within local government. Within the evaluation there are five criteria to be reviewed: 1) The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report. 2) The extent to which such problems and objectives have been reduced or have increased subsequent to such date. 3) The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the Master Plan or Development Regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in the State, County and Municipal policies and objectives. 4) The specific changes recommended for the Master Plan or Development Regulations, if any, including underlying objectives, policies and standards or whether a new plan or regulations should be prepared. 5) The recommendations of the Land Use Board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing law into the Land Use Plan element of the Municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

Mr. Troast reviewed criterion number 1: The 2000 Frankford Master Plan identified the need to be consistent with the NJ State Plan and Strategic Growth Plan. He further stated that some of the recommendation of the 2000 plan also included continuing creating ideas to control and manage conventional subdivisions; recommendations to implement design standards; recommend eliminating zoning for the potential of strip malls along various roadways specifically Route 565; the Certification before Affordable Housing; and the preparation of an Open Space Plan; and the watershed management rules.

Mr. Troast reviewed criterion number 2: The Land Use Board and Committee established the AR Zone and density changes with constraints to one housing unit per 5 acres that was

implemented as recommended in the Master Plan; the township has continued the process with the Affordable Housing certification with COAH. There was a recent Resolution passed by the Committee with the intent to file for round 3 by December, 2005; The Open Space Committee was formed and prepared and adopted an Open Space and Farmland Preservation Plan in 2002; the Storm Water Master Plan which is being presented this evening which was recommended in the 2000 Plan; the 2000 Master Plan talked about the Center Designation and the plans for Ross' Corner. The Plans were submitted to the State Planning Commission. The State Planning Commission rejected the Frankford Proposal in May of 2003.

Mr. Troast reviewed criterion number 3: Due to the Highlands Act, it is forcing development further west in Sussex County; The State of New Jersey passed the State Plan in March, 2001; Sussex County has completed their Strategic Growth Plan and submitted it to the State for review; Round 3 COAH was passed in November 2004; There has been discussion of the implications on the township; For every 8 units, 1 Affordable Unit will be given as an obligation to the Municipality and for every 25 jobs created of non-residential development will also give one unit of obligation to the township; The new storm water management regulations were adopted in February 2004; The legislature and the Governor signed the new Statute, known as the State Transfer of Development Rights Act which provides a planning tool to preserve the rural character and farms of the state. Frankford Township has submitted to the State Planning Commission in June, 2004 a Resolution converting the Frankford Town Center Petition to an application for initial Plan Endorsement. The State Planning Commission accepted that request.

Mr. Troast reviewed criterion number 4: The Master Plan and Ordinances should be updated to address the changes in the New Jersey State Development and Redevelopment Plan adopted in March, 2001; Modifications to the Master Plan are needed to address

Rounds 1, 2 and 3 of the COAH obligations; The Township should implement the vision of a village center based on a "main street" concept to be consistent with the Sussex County Strategic Growth Plan; Residential Densities and "smart growth" techniques such as Transfer Development Rights or Credits should be looked at for the entire municipality with the Ross' Corner area being the receiving area; The commercial/recreation zone should be eliminated as per the Master Plan; They should continue to update the land use regulations recommended in the existing Master Plan and then develop additional regulations/ordinances for the proposed recommendations and modifications identified in this report; The Township should continue pursuing initial plan endorsement with the State Planning Commission.

Mr. Troast reviewed criterion number 5: In conclusion, Frankford Township should proceed with the recommended modifications to the Master Plan and the Land Use Regulations. It is further recommended to proceed immediately with the proposed modifications to the Land Use Regulations that are consistent with the existing Master Plan to protect the integrity of the current plan.

Mr. Ayers asked Mr. Troast to explain COAH. Mr. Troast indicated that COAH stands for the Counsel on Affordable Housing which was set up by the legislature back in 1987 to address the fair housing act and the court cases known as Mount Laurel I, II and III. COAH developed a methodology to determine the need for each municipality. The current obligation for Frankford Township is 76 units under Round 1 and 2. Under Round 3, the obligation of Frankford is going to be determined by how the township grows. The board has reviewed draft ordinances where the developers would be responsible to produce the Affordable Housing obligation as they C/O homes. He indicated that a typical moderate unit will value between \$130,000 to \$140,000.

Mr. Clark asked if the change in zoning for the new firehouse should be added to the Master Plan. Mr. Troast indicated that that this should be added to the Master Plan under specific

changes recommended.

The board requested that this matter be carried until the next meeting of the Land Use Board for adoption.

There was a discussion with regard to the deadlines the board has with regard certain items that must be filed with the State by December. The board asked Mr. Troast and Mr. Clark to put together a list of items that need to be done and prioritize each one.

Mr. Clark indicated that the Re-examination Report can be done at any time by the board. He then indicated that Ordinances need to be passed based upon the Re-examination report. He stated that the Master Plan may need to be amended based upon the Ordinances being passed.

Mr. Romania indicated that the board needs to know what ordinances are in conflict with the master plan so that the board needs to know what needs to be modified in the master plan. Mr. Troast indicated that one of the conflicts is the CR and C2 zone. Mr. Pellow indicated that the sub committee is working on these changes at their sub committee meetings, the next one being March 28th at Mr. Pellow' s office.

Storm Water Management Plan:

Appearing before the board was Tom Knutelsky from Harold Pellow & Associates to discuss the New Storm Water Management Plan. He indicated that in general the report can be considered a guidance document to enable the municipality to implement the new storm water management regulations passed by NJDEP over the last year. State and Federal tests are showing that approximately 60% of all surface water pollutants come from smaller municipality storm sewer systems. In an effort to reduce those pollutants, regulations were implemented to try to reduce those pollutants. In March of 2004, the municipality applied to the DEP to permit their discharge from their storm sewer systems for all existing systems in the municipality and this permit was approved in April, 2004. This approval was conditional upon the municipality providing public education for residence for non point source pollution, i.e. fertilizer on lawns, illegal feedings of geese and other wildlife in order to reduce the non point the area swept into waterways from polluting those waterways. The second condition was the development of regulations for new development and re-development in the municipality. This plan being submitted this evening is the first phase of that second condition for regulation. This is a guidance document enabling the municipality to implement the regulations. It is intended to be the module for ordinances that will be adopted within the next year.

Mr. Knutelsky asked the board to review this document and forward any changes and/or additions to him so he can include them in the final document. The next meeting will be the public hearing on this matter with public input. This plan, if approved, will be sent to the County for approval. There is a deadline of April 1st that the township has to submit a plan to the County for adoption in order to meet the conditions of the permit.

Zoning Changes:

Mr. Clark indicated to the board that he has a draft Ordinance to be submitted to the Township Committee for Adoption on the Zoning Change for the firehouse that was approved at the last Land Use Board meeting.

COAH:

Mr. Clark indicated that there is another SCARC House in the township, which will count for 4 more credits towards the township's COAH obligation.

Litigation:

Mr. Clark indicated that the board should go into executive session to discuss some litigation with regard to Sussex Commons. Ms. Susan Kraham spoke from the audience that she had some pertinent information that she would like to speak before the board before going into executive session.

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.

Appearing before the board was Susan Kraham, attorney for Citizens For Responsible Development at Ross' Corner. She sent a letter to Mr. Clark this morning with regard to the lawsuit with Sussex Commons. The first issue of her letter is with regard to the board's jurisdiction and how it is impacted by the filing of an Order to Show Cause and a Verified Complaint. The second issue goes to the substance of the application that has been submitted. Mr. Clark indicated that they are not going to talk about the application at this point. In her view, the case law is quite clear that when a challenge is brought to action of a Land Use Board with respect to the substance of an application before that board, that the board no longer has jurisdiction to act on that application. Her second issue is in regard to completeness of the application. It is her client's view that since the sewage issues have not been resolved and the lawsuit that has been filed makes it quite clear that they have not or can not be resolved that this board should not deem the application complete because sewage is such a fundamental component of this issue.

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

Litigation:

A Motion was made by Mrs. Caldwell and seconded by Mr. McDowell to re-open this matter to the public. All were in favor. The Motion was carried.

Appearing before the board was Mr. Mintz and indicated that to the extent that this application requires the members of this board and the engineer to hear it and evaluate it fairly, he endorses the view that until the Court decides who is allowed to hear this application, that this application can not be heard.

A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer 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 Mr. McDowell to go into executive session to discuss litigation filed by Sussex Commons. All were in favor. The Motion was carried.

A Motion was made by Mr. Nadolny and seconded by Mr. Gstattenbauer to re-convene the regular meeting. All were in favor. The Motion was carried.

A Motion was made by Mr. Martin and seconded by Mr. Zappile to allow Mr. Clark to represent the Land Use Board in the litigation filed by Sussex Commons. All were in favor. The Motion was carried.

A Motion was made by Mr. Martin and seconded by Mr. Zappile to have the board secretary add to the Agenda at the March 23, 2005 Land Use Board meeting the application for completeness for Sussex Commons. All were in favor. The Motion was carried.

PUBLIC:

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

Kirk Perry of Castle Storage appeared before the board to file a complaint against the former Morris Coach works operation. He has an issue with the outdoor storage. Mr. Perry submitted pictures of the property. This operation was an auto body facility originally. The pictures showed the outdoor storage of boats which are shrink wrapped, being covered and stored outdoors. He indicated that he spent a lot of money going before the board for a site plan for outdoor storage and this facility has not.

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.

CONCEPT APPLICATIONS:

Custom Craft Homes, Inc. – LUB 05-06 – Block 14, Lot 4 – Route 206 North – Concept Application:

Mr. Clark stepped down from this application due to a conflict of interest.

Appearing before the board was Dennis McConnell, attorney representing the applicant.

Mr. McConnell indicated that the property is located on Route 206 North, Block 14, Lot 4. The property is approximately 11 acres. He indicated that the applicant is looking to make this property a regional sales office, which is an office use and permitted in the LI Zone. As part of the overall operation the applicant would like to show their product. They would like to construct 4 residential homes just as samples to show the clients. He stated that in Mr. Pellow's report he states that this is not a permitted use in the LI Zone. He feels this is an opportunity for the municipality. This particular use is the sale of new homes. There will not be a lot of traffic during the week. This is an office use; there will not be a lot of traffic impact; there will not be a lot of run off because there will not be a large parking lot, because they do not see it as a big traffic generator. This property is on a hill and will be seen, but it will be nice residential homes. He reviewed what was allowed in the LI Zone, i.e. offices and office buildings – which the applicant is proposing. He indicated the remaining uses allow high traffic volume uses. There will not be a lot of water and sewer usage.

Mr. McConnell handed out to the board samples of the homes that they are proposing to construct on this property.

Mr. Pellow reviewed his report dated February 15, 2005:

Paragraph " 1" : The applicant is proposing to construct four (4) model homes and to change them in the future. Mr. Romania questioned if these were module homes. Mr. D' Esposito of Custom Craft Homes indicated that they are system built homes. They are different from Module homes because they are totally custom designable. They have standard floor plans that can be modified to any extent or they can build a totally customized house. Their plan from a marketing point of view, they do not plan to have

more than 2 sales people on site at any given time. As far as replacing the homes, this will be determined as they go along. This is not something that will be done on a regular and consistent basis due to the cost. Mr. McConnell indicated that when they do change the homes, they will be back before the board for their input, because they would be changing the site. Mr. Hahn questioned if this is a stick built home or built in a factory. Mr. D'Esposito indicated that some of the construction will take place on site and some of the construction is done in the factory.

Mr. Pellow continued with his report: Paragraph "2": In the LI Zone, I do not believe that use is permitted. Permitted uses in the LI Zone are offices and office buildings – which these are not, and associates retail uses – which these buildings are not. Mr. Pellow indicated that one of these buildings will be the office, not all four that they are proposing. He feels a use variance is needed.

Paragraph " 3" : The property has a high ridgeline and is shale.

Paragraph " 4" : The plan depicts the buildings being cut into the hill, and high fills along the parking lot. The first floor of the 45' x 68' house will be 40 feet above the pavement of Route 206.

Paragraph " 5" : Four (4) model homes lined up in a row will not be very attractive as you enter Frankford, as they sit on a hill with a 40 foot fill with 2:1 side slopes that cannot be maintained.

Paragraph " 6" : There are wetlands on this lot, and the buffer has not been established. If it is 150 feet, it will encompass the four (4) buildings.

Paragraph " 7" : The hill is shale, and a septic system may be difficult to construct.

Mr. Nadolny questioned if there will be full electric and water supply. Mr. McConnell indicated that only for one house where the office is will be a fully functional house. The other models will have electric. There will be no basements; the houses will be set on a slab.

Mr. D' Esposito indicated that the house that will be set up high as indicated in Paragraph " 4" of Mr. Pellow' s report; they will select a ranch home to be at that level to minimize the impact of the height situation.

Mr. Romania questioned Mr. Pellow if the other 3 houses not being used as an office, are they considered accessory structures. Mr. Pellow indicated that he was not sure. He feels that they need a use variance. Mr. Pellow suggested that we forward a copy of this application to David Troast to review.

Mr. D' Esposito indicated that this project will be professionally landscaped and the homes will be professionally decorated. Their goal is to create a very favorable impression.

Mr. Pellow indicated that there is another variance needed that he did not put in his report. They will need a 100 foot setback from the right of way to the parking.

Mr. D' Esposito indicated that the as far as the facilities in the house that will be the office, they will only need plumbing facilities in the office area of the house, not the entire home or the other 3 model homes.

Mrs. Caldwell questioned if they have done test holes for the septic system. Mr. D'Esposito indicated that they have not yet done this.

Mr. McDowell questioned if the applicant would consider only placing two model homes. Mr. D'Esposito indicated that they did not consider that at this time.

A Motion was made by Mr. Caldwell and seconded by Mr. Hahn to have Mr. Troast review the Concept Plan submitted this evening and submit a report to the board and the applicant as to whether this is a permitted use in the LI Zone. All were in favor. The Motion was carried.

APPLICATIONS CARRIED FROM PREVIOUS MEETING:

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

A letter was received from the attorney representing the applicant requesting that this matter be carried to the March 23, 2005 Land Use Board meeting without further notice. A Motion was made by Mr. Han and seconded by Mr. McDowell to carry this matter to the March 23, 2005 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

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

Appearing before the board was their attorney, James LaSala, Alfred Stewart, their engineer, and Jill Hartmann, their planner. Mr. Stewart and Ms. Hartmann were sworn in by the board attorney.

Mr. Pellow reviewed his report as to completeness:

Paragraph “ 3” : The application can be found complete if waivers from Items 46, 47, 64 on page 2 and Items 16, 17, 49 and 61 on page 3 are granted.

Items “ 46” : Plan and profiles of road locations, type, size, width of right-of-way, paving materials, edge of pavement, curbs, sidewalks, catch basins, drainage structures, all utilities, rights-of-way easements, existing buildings or other new structures. Plans and profiles are needed for Gunn Road and Dory Roe Road to determine if future slope easements may be needed. A waiver has been requested and is acceptable, and a 15 foot wide slope easement shown.

Item “ 47” : Road cross sections every fifty feet (50’) along centerline at a scale of 1 inch equals 5 feet horizontal and vertical. Cross sections are needed for Gunn Road and Dory Roe Road to determine if future slope easements are needed. A waiver has been requested and is acceptable, and a 15 foot wide slope easement shown.

Item “ 64” : Environmental Impact Statement. A waiver has been requested, but it should not be granted as an EIS is required as per the Ordinance. This waiver can be granted, as no new roads are being built.

Item “ 16” : Plan clearly and legibly drawn or reproduced at a scale not smaller than 1 inch equals 50 feet. The scale is 1” =60’ and is acceptable. This was done to show everything on one sheet.

Item “ 17” : Sheet size, 24 x 36. The sheet size is 30” x 42” and is acceptable. This was done to show everything on one sheet.

Item “ 49” : Earthwork summary: There may or may not be earthwork on Gunn Road and Dory Roe Road, and this waiver will be determined after the road profile and sections have been completed. A waiver is acceptable because they are not going to do any roadwork.

Item “ 61” : Soil erosion plan details. This will be determined after Item 49 above has been completed. A waiver is acceptable, as no new roads will be built.

Mr. Clark indicated that the legal notice was sufficient.

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

Mr. LaSala indicated that Mr. Pellow points out in his report that this is in a sense a reverse subdivision if they consolidate this application into a single lot, then section 2 of the Ordinance permits an average of 5 acres per lot and lots as small as 2 ½ acres would apply. This would appear from his point of view that essentially two applications are required. They are trying to do this by way of variance as a single application.

Mr. LaSala indicated that Mr. Pellow made a suggestion in his report that they move the driveway easement from the right side of Lot 7.05 where it is near the neighboring house to the other side of the lot. They have spoken with the neighbor, who is here this evening, Mr. and Mrs. Meyer. What they would prefer to do, and what he believes that the neighbors will consent to, is to move the easement over approximately 15 feet and build a driveway on the other side of that easement, which will create a 40 foot buffer between the 12 foot paved driveway and their lot. They will also landscape or put trees in that section. The neighbors have trees on their lot and this will enhance the buffer between the two lots. This driveway will service only lot 7. There will be a common driveway between proposed lots 7.05 and 7.06 to service both of those lots.

Mr. Romania questioned if Lot 7 is serviceable from Gunn Road. Mr. LaSala indicated that theoretically this lot is serviceable from Gunn Road, but they would like to preserve this area of the lot.

Mr. LaSala indicated that with regard to the reverse subdivision referred to in Mr. Pellow's report, they will be consolidating the 15 acre lot to the 5 acre lot, that will now qualify as a single tract and, therefore, will permit the applicant to do the 2 ½ acre minimum size lots with an average of 5 acres. Rather than making the applicant take the double step, they are asking the board to recognize that if they consolidate first and then come back the next month to re-subdivide, then they would be able to get essentially what they are proposing this evening.

Mr. Pellow continued reviewing his report:

Paragraph " 5" : The Applicant is proposing to subdivide Lot 7 into two lots. Both lots meet area and dimensional requirements for the 5-acre zoning, but the 20,000 square feet of contiguous, non-constrained land has not been shown graphically. Lots 7 and 7.07 have 20,000 square feet of contiguous, non-constrained land, but the houses have to be built in these areas. Adjust houses on both lots. There may be environmental constraints for Lots 7.05 and 7.06 due to the mottles less than 3 feet, and shallow depth test holes will be needed on both lots on 50 foot contours to determine where the unconstrained soils are located with our office present.

Paragraph " 6" : The Applicant is also proposing to subdivide Lot 7.05 into two lots, but the Ordinance requires a lot density of 5 acres and the Applicant is proposing one lot of 2.87 acres and one lot of 2.76 acres, and these are not permitted. This is still the case unless existing Lot 7 and 7.05 are merged into a 21.284 lot and then subdivided. This was referred to by Mr. LaSala in his earlier presentation.

Paragraph " 7" : Access to Lot 7 is proposed to be over Lot 7.05 using a proposed 40 foot wide driveway easement, and profile and cross sections are needed. They have been shown on the revised map, but the profile to be connected with vertical curves. Mr. Steward indicated that this will be done.

Paragraph " 8" : A number of years ago, Lot 7.05 did not have sufficient perc tests. On the Applicant's plan, some of the soil logs show mottling at 24" which indicates that a septic system cannot be constructed. The Applicant's engineer to explain. A letter may be needed from the County indicating that a septic system could be built on Lot 7.05. Mr. Steward indicated that they did receive this information from the County and it was supplied to the

board.

Paragraph “ 9” : A sight easement may have been granted at the Gunn Road/Dory Roe Road intersection when it was previously subdivided – Applicant to verify this. They will grant the Township the Easement.

Paragraph “ 10” : The applicant to conform with the Township well ordinance. The Applicant states they will do this.

Paragraph “ 11” : What is the topo datum? It has been shown on the revised plans

Paragraph “ 12” : A drainage easement is needed over Lot 7.07 at the intersection of Gunn Road and Dory Roe Road. An easement has been shown on Sheet 1.

Paragraph “ 13” : A Road Trust Fund deposit for two (2) lots is needed at \$2,150.00 lot = \$4,300.00 to be paid prior to the maps and deeds being signed. If the lots are merged and then re-subdivided, then it will be another \$2,150.00 for a total Road Trust Fund of \$6,450.00.

Paragraph “ 14” : Future slope easements may be needed along Gunn Road and Dory Roe Road. The map depicts 15 foot wide slope easements. The original subdivision map has a 25’ easement instead of a 15 foot wide easement. This should be shown on map. Mr. Stewart indicated that they will add this to the plan. Therefore, the 15 foot wide easement will be removed.

Paragraph “ 15” : The drives to be staked in the field to observe sight distances. To be done as soon as possible. Mr. Stewart indicated that this will be done 10 feet off road.

Paragraph “ 16” : COAH assessment is needed. This is a condition.

Paragraph “ 17” : Speed limits for all roads are 50 mph since they are not posted, and 400 feet of sight distance is needed. Therefore, the sight distance from Lots 7.06 and 7.07 is not acceptable. Lot 7.07 requires grading to the west, but nothing has been shown to the east. Mr. Pellow indicated that once the stakes are put in the field, they will see what needs to be done.

Paragraph “ 18” : Driveway permits will be needed at the time of building permit application. The applicant agrees to this.

Paragraph “ 19” : To limit disturbance to the neighbors on Lot 7.04, the 40 foot easement drive to be placed on the southwesterly side of Lot 7.04 to be used as a common drive for Lots 7 and 7.05. This issue was worked out with the neighbors.

Paragraph “ 20” : conservation easements is needed for wetland buffer to run with the land. Mr. Pellow indicated this is off of Gunn Road on adjoining property.

Mr. Pellow indicated that they will have to submit a landscape plan for the buffer. A discussion was held with regard to the location of the driveways. The board indicated that they would like to visit the site after the engineer has staked the proposed driveways.

Ms. Hartmann, the applicant’s planner, indicated that this is a single family residential neighborhood and mixed in with some farms. The lots that are being proposed along Hyatt Road are equal too if not greater in lot size than most of the existing single family lots that are on South Dory Road, which are shown on the key map. The homes that are being proposed are in areas that some trees will come down, but the majority of the site will remain wooded. The slopes will remain in their natural state. The lots being proposed on Hyatt Road are flat. The proposal as stated, proposes a driveway off of Hyatt Road. The neighbor on Lot 7.04

has a deck off of the back of his home where he looks out over the mountains. The location of the proposed house for the applicant will not impede the neighbor's view. They are proposing a common driveway between proposed lots 7.06 and 7.05 which should meet with the site distance requirements. There is also another driveway proposed on proposed Lot 7.05 in an existing easement of 40 feet. It will be 15 feet south of the site and the driveway will be proposed on the far end of it with plantings between proposed Lot 7.05 and existing Lot 7.04.

Ms. Hartmann further stated that it is a conforming subdivision and meets all the requirements of the ordinance if they are allowed to do the reverse subdivision creating one lot and then creating the other lots off of that.

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

Appearing before the board was Shirley Meyer, a neighbor of this applicant. She indicated that she has no objection to this application, however she would like to be assured that the driveway that they are proposing is paved all the way because that will cause a lot of dust to her existing residence if a driveway is installed in that area without being paved.

Appearing before the board was Tom Budek. Mr. Budek was sworn in by the board attorney. Mr. Budek indicated that he initially was concerned about the two proposed lots 7.05 and 7.06 and the size of the lots. However, after speaking with the applicant and their proposal, he feels that what they are proposing is in conformity with the neighborhood. He was concerned with the speed limit on Hyatt Road and feels the speed

limit should be reduced from the 50 mph. Mr. Pellow indicated this road is on the schedule to be reviewed with regard to the speed limit.

Mr. Meyer was sworn in by the board attorney. Mr. Meyer indicated that he is the owner on lot 7.04 and he wanted the board to know that he is concerned about the proposed driveway on lot 7.05 for access to lot 7. He stated that the applicant indicated that there is a 40' easement for this driveway and they are moving it over 15 feet off his line in the other direction and it will be paved. His concern that this driveway will be approximately 250 feet long and how emergency vehicles will get to this house in the winter. Mr. Clark indicated that he has to meet the driveway ordinance.

A Motion was made by Mr. Martin and seconded by Mr. McDowell 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 Mr. Nadolny to carry this matter to the March 23, 2005 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

BOARD BUSINESS:

Estate of Robert C. Rost

The board reviewed the subdivision application from Branchville Township and indicated that the board secretary should send a letter to the Branchville Land Use Board that that the Frankford Township Land Use Board has no problem and/or jurisdiction with the proposed subdivision.

Hess Site Plan LUB 01-38:

Mr. Pellow indicated that a site inspection should take place with a few board members to discuss with the applicant what needs to be done in order to finalize this application. The board agreed to meet at the property with the subcommittee that is meeting on Monday, March 21st after their subcommittee meeting.

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator