

**FRANKFORD TOWNSHIP LAND USE BOARD
APRIL 27, 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, Mr. Risdon, Mr. Zappile, Mr. McDowell, Mr. Martin, Mr. Nadolny, Mr. Romania, Mr. Gstatenbauer and Mrs. Caldwell. Also present were Mr. Clark, the board attorney and Mr. Pellow, the board engineer.

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

BOARD BUSINESS

Meeting Locations:

Mr. Ayers announced that the High Point High School is not available on the 3rd Wednesday of May, 2005 to hold the regular Land Use Board meeting. High Point High School is available on the 3rd Wednesday in June, July & August. He indicated that the Sussex County Fair Grounds is available on the 3rd Wednesday of May. It was agreed to have the May 18th meeting at the Sussex County Fair Grounds and the June, July and August meeting on the 3rd Wednesday of each month, the meetings will be held at the High Point High School.

Ordinance Review:

Mr. Clark indicated that there was a meeting with the firm H2M at his office yesterday. H2M has seen as a common problem of having residential in one area and commercial in the other area. This is very difficult to be able to design a center, whether you call it Village, Town or Frankford Center. H2M indicated to him that they will come up with a Plan for the board's consideration within 30 days.

Mr. Clark reviewed the revisions discussed at the previous meeting of the Ordinances Entitled "Zoning" to Add the Village Center Zoning District, Agriculture Commercial and to Implement Certain other Recommendations of the Current Master Plan and Master Plan Re-examination Report.

Mr. Clark reviewed the proposed COAH Ordinances for Residential and Non-Residential drafted by his office. A lengthy discussion was held with regard to these Ordinances and the Zoning Ordinances discussed previously. Several board members agreed that the proposed Zoning Ordinances should be more general. Mr. Clark indicated he would draft a revised Ordinance and submit it to the board for review at the next board meeting.

PUBLIC PARTICIPATION

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.

Thomas & Diane Hingston – LUB 04-30 – Block 92, Lot 3 – 107 East Shore Culver Road – “C” Variance:

Appearing before the board was Wayne McCabe on behalf of the applicant Thomas & Diane Hingston. Mr. McCabe indicated that in September, 2004 Mr. and Mrs. Hingston received an approval from the Land Use Board to demolish and construct a new home on the above referenced lot. He further indicated that the applicant's are proposing to reduce the size of the house to 51' in width from the 60' in width that was approved in September. They have reduced the footprint by approximately 350 square feet +/- . The reason that he is appearing this evening is that the applicant submitted his revised plan to the construction official and taken the approved Variance map and modified it to meet the smaller footprint which was not done through Mr. McCabe's office. It was advised by the board council that the applicant appear before the board in order to amend his Resolution for the changes requested this evening. He stated that he has modified the variance map to indicate the reduction in size of the home.

There was no public participation in this matter.

A Motion was made by Mr. Ayers and seconded by Mr. McDowell to modify the Resolution to reflect the reduced footprint and increased setbacks. Roll Call:

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

NO: 0

ABSTAIN: 0

The Motion was carried.

There was no further public participation. A Motion was made by Mr. Martin and seconded by Mr. Nadolny to close this matter to the public. All were in favor. The Motion was carried.

MINUTES

The Minutes of the March 16, 2005 Regular Meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the minutes of the March 16, 2005 Regular Meeting. All were in favor. The Motion was carried.

The Minutes of the March 16, 2005 Executive Session were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the minutes of the March 16, 2005 Executive Session. All were in favor. The Motion was carried.

The Minutes of the March 23, 2005 Joint Meeting of the Township Committee and Land Use Board Meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mr. McDowell to approve the minutes of the March 23, 2005 Joint Meeting of the Township Committee and Land Use Board. All were in favor. The Motion was carried.

The Minutes of the March 23, 2005 Joint Executive Session of the Township Committee and Land Use Board were reviewed. A Motion was made by Mr. Nadolny and seconded by Mr. Martin to approve the minutes of the March 23, 2005 Joint Executive Session of the Township Committee and Land Use Board. All were in favor. The Motion was carried.

The Minutes of the March 30, 2005 Regular meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Risdon to approve the minutes of March 30, 2005 Regular Minutes. All were in favor. The Motion was carried.

The Minutes of the March 30, 2005 Executive Session were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the minutes of the March 30, 2005

Executive Session. All were in favor. The Motion was carried.

ZONING OFFICER' S REPORT

The Board reviewed the Zoning Officer's Report dated April 27, 2005. No formal action was taken.

CONCEPT APPLICATION

Land Development Technologies – LUB 05-08 – Block 8, Lot 2 & Block 9, Lots 2 & 3 – Route 565 – Concept Application:

Appearing on behalf of the applicant was their attorney, Roger W. Thomas, and their engineer, John McMonagle, and an owner of the applicant, Roger Graken.

Mr. Thomas indicated that this property is approximately 1 ½ to 2 miles north of the proposed Frankford Center. This area is currently part of a soil removal operation. The property is approximately 138 acres. He referred to the Master Plan and the Ordinances of Frankford Township. He specifically referred to the Open Space Plan under section 11.02 there is a reference that Frankford is seeking "to get the abandoned Lehigh and New England Railroad to be secured and promoted as a Regional Trail." The applicant will show the board how they feel they can accomplish this as part of this particular plan. Mr. Thomas also referred to the Master Plan Amendment in 2004 in section 4.05-1 – Frankford talks about the fact that it makes sense to do cluster subdivisions and that they should be encouraged when the property is excess of 40 acres. This makes sense because it is better for environment and to avoid sprawl. The applicant agrees with this.

Mr. Thomas indicated that the nature of the development is a clustered age-restricted development which will be on the northern part of the property. It will be clustered on the easterly side of Route 565. It is an area that is already the disturbed area.

Mr. Thomas referred to the Recreation Plan of the Master Plan. It states that Frankford wants to reserve and enhance the integrity of Frankford Township's natural rural and agricultural types land. As part of the applicant's plan, because of the nature of the clustering concept, what they are proposing to offer the township is that the area that is going to be on the westerly side will be open space. In the master plan, one of the proposed lots is specifically referenced for purposes as being preserved as open space. The applicant is offering this as a furtherance as to what is already in the township's open space plan.

Mr. Thomas referred to further discussion in the Master Plan that the township would like to end up having bike paths and things of this nature. On the westerly side of the applicant's property, those acres are going to be devoted and dedicated for open space. The swamp in the middle of the applicant's property is the railroad that was referred to in the township's master plan, which indicates that this area should be preserved and encouraged to be a biking trail path. The applicant's plan provides that as an opportunity for the township to continue that pathway in whatever manner the township feels it is appropriate.

Mr. Thomas referred to the County Master Plan. He indicated that the County Master Plan has a series of goals: Preserving open space; protect environment; adequate housing at reasonable cost. The applicant feels that this plan will be able to provide all of these items in the County plan.

Mr. Thomas described the property in question. He indicated that on the easterly side of Route 565, the larger tract of land, it is currently zoned as C2 and also as AR5. The balance of the property on the westerly side is also AR5. He feels that this property is out of sync with what

Frankford's own master plan is talking about. It is out of sync what the County plan says this area should be. It is definitely out of sync with what the state plan says this property ought to be involved in terms of a planning area.

Mr. Thomas indicated that traffic is a concern. If the township develops this property with relation to the existing zoning, the township will end up having more traffic at the worst times. The applicant is proposing senior housing, which will provide the township with less traffic and the general peaks of this traffic will be at different times so that the road capacity will not end up being adversely affected.

Appearing before the board was Roger Graken with Land Development Technologies. He indicated that the property has a beautiful topography and a nice layout and they felt it lent itself to housing.

Appearing before the board was the applicant's engineer, John McMonagle. Mr. McMonagle handed out to the board pictures of the site.

Mr. McMonagle indicated that the existing farming on the property will continue. The only land that will be development on this property is the current quarry site. He indicated the property is 138 acres which include 3 parcels. In this proposal 38 acres will be developed, which leaves 100 acres undeveloped. It will have 66% open space.

Mr. Romania questioned Mr. McMonagle with the 5 acre zoning how many homes would be allowed on this property. Mr. McMonagle indicated that the site could accept 35 homes. The applicant is proposing 138 homes. On the commercial site they are allowed between a 15,000-20,000 square foot building.

Mr. Clark questioned what type of units the applicant is proposing to build. Mr. McMonagle indicated that they are proposing a triplex unit. They are 3 side by side units.

Mr. Romania indicated to the applicant that the township has been discussing changing this zone to AC (Agricultural Commercial). He further indicated that he is concerned of the density and that the proposal should be downscaled. He also was in favor of the open space proposed. The board also discussed the COAH issue with this property and the possibility of TDR's in this area.

APPLICATIONS CARRIED FROM PREVIOUS MEETING

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 still under oath from the previous meeting.

Mr. Haggerty indicated that this applicant is now applying for a “D” Variance because the township has enacted the Floor Area Ratio Ordinance. He submitted to the board revised architectural plans prepared by Charles Schaffer which were marked as Exhibit “A-4”. He indicated that the cantilever affect has been eliminated. The shed dormer has been eliminated. On the left side elevation the shed dormer has been eliminated. The home is now a 3 bedroom home, it is proposed to remain a 3 bedroom home. The applicant is seeking some storage availability on site. There is no basement in the home. There is no attached or detached garage; therefore, the area in the attic is very valuable for storage. Previously on the lot there was a 2 story lake style house which was destroyed in a fire in the early 1960's.

Mr. Pellow indicated that with the new Ordinance it would allow approximately a 1339 square

foot home. The applicants are proposing on the 1st and 2nd floor approximately 2526 square feet. If the attic area was included in this calculation, the square footage proposed would be approximately 3000 square feet.

A lengthy discussion was held with regard to the attic area of the proposal. Mr. Haggerty indicated that the applicant would be willing to Deed restrict the attic area for storage only and it would not be set up for a separate room for habitation.

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

Joseph Hoffman appeared before the board on behalf of the neighbor, John L. Aloï. He indicated that the front of the lot which is in the gross calculation is under water, which is approximately 300 feet.

John L. Aloï stated his concern with the septic system on the applicant's property. He had no problem with the applicant building a 2nd story.

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

A Motion was made by Mr. Nadolny and seconded by Mr. Zappile to approve the "D" Variance requested for the floor area ratio with a total square footage of 2,526. Roll Call:

YES: 3 Zappile, Romania, Gstatenbauer

NO: 4 Ayers, Risdon, Martin, Nadolny

ABSTAIN: 0

The Motion was denied.

APPLICATIONS FROM PREVIOUS MEETING

Thomas Schear – LUB 03-18 – Block 42, Lot 14.23 – "C" Variance:

Mr. Ayers stepped down from this application.

Appearing before the board was the applicant, Thomas Schear. Mr. Schear was sworn in by the board attorney.

Mr. Schear indicated he was appearing before the board to seek an approval for a revision to the second floor plan of the previous approval. The only change they are requesting is converting the upstairs floor plan from 2 bedroom to 3 bedrooms. This would be accomplished by splitting the 21' x 12' bedroom on the east side of the house into 2 rooms. Mr. Schear indicated that he submitted to the board a revised set of architectural plans dated April 12, 2005. He indicated that there are no changes external to either the appearance, the footprint or the overall square footage previously approved.

Mr. Pellow questioned Mr. Schear if the septic was approved for 3 bedrooms. Mr. Schear indicated that it was and he did submit to the board a copy of the septic approval from the Sussex County Board of Health for a 3 bedroom septic.

Mr. Schear indicated that he would like to make this project financially feasible. He would like to increase to a 3 bedroom rating, which would increase the loan. The bank will be willing to lower their down payment. The alternate to this, would be to sell their present residence, take the equity from that and use it as a down payment and rent for the 6 to 9 months that it would

take to construct the new residence. They would prefer to use the first option.

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

There was no public participation.

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

Mr. Clark summarized that this is an amendment of the request of the prior Resolution granted in August, 2004 to allow 3 bedrooms where only 2 were approved before. The structure does not change.

A Motion was made by Mr. Martin and seconded by Mr. Gstatenbauer to amend the previous approval to allow a 3 bedroom instead of 2 bedroom addition as previous approved. Roll Call:

YES: 8 Risdon, Zappile, McDowell, Martin, Nadolny, Romania, Gstatenbauer, Caldwell

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Ayers returned to the meeting.

NEW APPLICATIONS

Alexander Loy – LUB 04-38 – Block 57, Lot 6.04 – 568 Kemah Lake Road – “ C” Variance:

Appearing before the board was the applicant, Alexander Loy, and his wife, Margaret Loy. Mr. and Mrs. Loy were sworn in by the board attorney.

Mr. Pellow reviewed his report for completeness:

Paragraph “ 2” : The application can be found complete if the following items 78, 79 & 80 from the Township Checklist are outlined to the Land Use Board committee on the scheduled meeting date:

Item 7: Mr. Clark to comment on the Legal Notice. Mr. Clark indicated the notice was sufficient.

Item 78, 79 & 80: Graphic/written description of area surrounding the site so the prevailing zoning and actual uses in the are clear; a description of any alternatives that were considered; a statement or legal brief which clarifies why the variance should be granted. Mr. Loy indicated that they submitted these items with the original application and his architect submitted an amendment to it. Mr. Pellow indicated he received it and read it into the record: “Our desire for this renovation is twofold, functionality and beautification. Living here several years, having a horse farm and domestic animals, we’ve acquired some large equipment that we’d like to shelter to free up our driveway from the eyesore it has become. The additional mudroom proposed would allow us an area to clean up the dog, as well as ourselves, in bad weather or after working with the horses, without messing up the entire first floor. This addition would also

offer a new entrance to the main floor of the residence. It is time to update the exterior. The siding and windows are in need of replacement, making the changes together seem logical. We greatly appreciate your support with the new renovations for our home and look forward to starting this project to increase its beauty and curb appeal.” Mr. Pellow indicated this would satisfy Item 80.

Mr. Pellow questioned Mr. Loy with regard to Item “78” which is the Graphic written description of the area surrounding the site. Mr. Loy indicated it is open fields on the lots surrounding his lot.

Mr. Pellow indicated that Item “79” the applicant was supposed to give any possible alternatives considered. Mr. Loy indicated that there are no other alternatives other than constructing another separate building somewhere on the property, which is not financially feasible. This would be very difficult because there is a barn and a house already on the property. They are expanding the deck which exists at the present time. The deck does not have an area accessible from the yard except for a small stairway to the back. The deck was neglected when he purchased the home and what they want to do is remove the deck, put the deck back to the same size, but expand a portion of it so they have access from the backyard. They are expanding to the rear of the house with the deck. The board accepted this explanation to satisfy Item “79” of Mr. Pellow’s report.

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

Mr. Pellow continued to review his report:

Item “ 1” : The applicant is proposing to construct an addition to the existing dwelling and will require the following variances:

- a. Front Yard Setback: 75’ Required and 69’ proposed
- b. Side Yard Setback: 60’ Required and 17’ proposed
- c. Lot Area: 5 acres required and 3.464 acres exist
- d. Lot Frontage: 300’ required and 200.01’ exists.

Item “ 3” : A letter will not be needed from the Health Department if the original septic was approved for three bedrooms and the future rooms on the upper level will not be used as additional bedrooms. Testimony needed. Mr. Loy indicated that the septic is brand new. It is less than a year old. The original septic was approved for 4 bedrooms which is on record with the County Health Department and it is still approved for 4 bedrooms. Mr. Loy will submit a copy of this to the board secretary for the board’ s records.

Item “ 4” : The applicant is proposing to demolish an existing detailed garage, construct an attached three-car-garage, add two (2) future rooms on the upper level and construct a covered terrace. The layout of the proposed garage on the survey map is different than the one shown on the architect’ s plan dated October 4, 2004. Which is correct? Mr. Loy indicated that the existing garage is a 2 car garage and it will remain a 2 car garage, it is just longer and wider to make up the space for the equipment. Mr. Pellow indicated that the Variance map states a “ 3” car garage. They do have an entrance in the rear of the garage for the tractor to be pulled in. There is a separate door in the rear of the garage for the tractor. The reason they did this is so the tractor does not have to come from the rear.

of the property and go through the front entrance and track all the mud from the back area.

Mr. Pellow indicated that the architect plans show the deck going out the rear of the house, however, the variance map does not show this. This needs to be corrected.

Item “ 5” : A driveway turnaround area is needed, if sufficient room exists, for safety reasons. Mr. Loy indicated that once the garage is widened he could widen the driveway area to make a turnaround. A Revised map is needed.

Item “ 6” : The existing floor areas and proposed floor areas for each level to be shown on a revised plan.

Item “ 7” : Show access to the barn in the rear. Mr. Pellow indicated that this has been shown on the revised map, and a permit will be needed from the County of Sussex for the proposed drive. Mr. Loy contacted the County and a permit will be applied for.

Mr. Clark indicated that the plan shows 2 kitchens in this residence. Mr. Loy indicated that there was 2 kitchens in the house when they purchased it. The main kitchen is on the upper level floor plan. The downstairs kitchen is a small entertaining kitchen for barbecues; it is not a full kitchen.

Mr. Martin questioned what the square footage of the living area is of the home. Mr. Loy indicated that the main house square footage is not going to change other than the mud room and the garage. There is a second floor above the mudroom which will be a new room. They are extending bedroom #3 on the architectural plans with the room above the mud room.

Mr. Pellow indicated that the architectural plans shows steps going to a room up above the garage and questioned the applicant if this was an additional room over the garage. Mr. Loy indicated that the room above the garage will be for storage because the home currently does not have a basement, it is on a slab.

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

Mr. Clark summarized this application. This is a proposed residential expansion for a garage area, deck and other features that have been described. Because of the size and shape of the lot, the applicant needs variance for lot size – it is in a 5 acre zone and 3.464 acres provided; Lot Frontage – 300’ required and 200.01’ exists; Front Yard setback – 75’ required and 69’ proposed; and side yard setback – 60’ required and 17’ proposed. These are all existing conditions. These are all “C” Variances.

A Motion was made by Mr. Martin and seconded by Mr. Nadolny to approve the “C” Variance request with the condition that a turn around area be added to the plans and the Architect’s Plans control. Roll Call:

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

NO: 0

ABSTAIN: 0

Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 8 Ayers, Risdon, Zappile, McDowell, Martin, Nadolny, Romania,
Gstattenbauer

NO: 0

ABSTAIN: 1 Caldwell

The Motion was carried.

Correspondence:

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

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator