

**FRANKFORD TOWNSHIP LAND USE BOARD
And TOWNSHIP COMMITTEE
MARCH 15, 2006 – 6:00 P.M.
MINUTES OF THE JOINT WORKSHOP MEETING OF THE
LAND USE BOARD AND TOWNSHIP COMMITTEE
AND THE REGULAR MEETING OF THE LAND USE BOARD**

CALL TO ORDER

The meeting was called to order by the board 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

For Land Use Board:

Those Present were: Mr. Ayers, Mr. Hahn, Mr. Gstattenbauer, Mr. McDowell (arrived at the beginning of Regular Land Use Board Meeting), Mr. Martin, Mr. Romania, Mr. Larson and Mr. Smolen. Also present were Mr. Collins, the board attorney and Mr. Pellow, the board engineer.

Those absent: Mr. Risdon (excused), Mr. Zappile (excused), Mrs. Caldwell (excused).

For the Township Committee:

Those Present were: Mrs. Kristensen and Mr. Hahn

Those absent: Mr. McDowell (excused)

JOINT WORKSHOP

Frankford Center Plan & Ordinances:

Mr. Pellow presented a plan to the board with the layout of the town center with regard to the proposed Ordinance. He indicated that the proposed plan indicates that all the buildings in the Mixed Used District have to be 2 stories. He noted that if the buildings are all 2 stories, it reduces the building footprints. He further stated that the footprint for the parking does not change. He indicated that the buildings will be spread out too much and this should increase the density which means the floor area ratio must be increased. He suggested to the board to take the ballpark parking lot out of the mixed used district and adding in the conservation district. This will allow .14 for a FAR which would allow 374,902 square feet in the mixed use district.

Appearing before the board was Janice Talley of H2M Group. She indicated that in her meeting with Mr. Pellow they suggested .14 FAR as a base density in the mixed use zone would accomplish what the board would like to accomplish in terms of development. This does not include the TDR component. She indicated that the TDR component would increase the FAR .17, therefore, there is a potential for additional development in the mixed use district. She stated that one of the ways to accomplish the affective increase in the commercial component of the FAR in the mixed used district is to slightly down grade the residential component. At the present time it is at 20%. She is suggesting reducing it to 15%. She indicated that by decreasing the residential to 15%, the affective result is the .14 FAR for the commercial as a base. The base density will still be .16, however, by reducing the residential component to 15%, it will get you to the .14 base FAR for commercial and the residential will only be .02 FAR. She further stated that the TDR will be a FAR of .04 to be a total FAR of .20 in the mixed use district. The same 15% of residential will apply to the bonus as well.

JOINT WORKSHOP CONT.

Frankford Center Plan & Ordinances Cont.:

Ms. Talley reviewed her memo dated March 15, 2006 with the proposed changes:

1. Zoning: The zone district line for the Mixed Use Zone should be revised to eliminate the majority of the Skylands Stadium parking lot from the zone. The Commercial Recreation zone should be amended to permit a small amount of retail and office use at the edge of the parking lot, adjacent to the Mixed Use area.
2. The Conservation district should be eliminated and incorporated into the Mixed Use District. There are wetlands in this area, however, the wetlands will be preserved and deed restricted. The non-constrained portion of this property could support development.
3. The maximum building height in the Mixed Use district should be as follows: All buildings must appear to be a minimum of two (2) stories, with a maximum height of two and one one-half stories and thirty-five (35) feet.
4. The maximum building size in the Mixed Use district should remain at 60,000 square feet.
5. The board should consider adding a requirement for public open space such as a park, town green, etc in the Mixed Use district in order to concentrate the development.
6. The minimum lot size in the Highway Commercial zone should be changed to 3 acres. The minimum lot width (360 feet) should be eliminated.
7. The Board should consider whether to permit drive-through restaurants in the Highway Commercial Zone.
8. The width of on-street parking spaces should be increased to 8 feet.

Mr. Collins indicated that under item “5” above he would add “.... public **or property owner’s association owned but perpetual restriction to the township** or open space....”. This would be maintained by the property owner, not the township.

Ms. Talley summarized the changes to the FAR in the mixed use district:

FAR - .20 which includes Base density of .16 and TDR Bonus of .04
15% of FAR would be residential with or without TDR
Commercial FAR would be .17 with a base of .14 and TDR of .03

Ms. Talley reviewed the Residential Districts of the center:

Residential 1 – (The Triangle)

Base density of 2 ½ units per acre
TDR bonus of 1 unit per acre
Minimum of 50% of development would be senior/active adult

Residential 2

Base density of 3 ½ units per acre
TDR bonus of 1 unit per acre
Minimum of 50% of development would be senior/active adult

JOINT WORKSHOP CONT.

Frankford Center Plan & Ordinances Cont.:

She stated that the Master Plan will include the TDR component, however, the Zoning will not include the TDR until the TDR Plan is completed.

For the Land Use Board: A Motion was made by Mr. Gstattenbauer and seconded by Mr. Larson to hold a special joint meeting with the township committee on March 29, 2006 at 6:00 p.m. for consideration of the approval of the re-examination report and the town center ordinances. Roll Call:

YES: 7 Ayers, Hahn, Gstattenbauer, Martin, Romania, Larson, Smolen

NO: 0

ABSTAIN: 0

The Motion was carried.

For Township Committee: A Motion was made by Mrs. Kristensen and seconded by Mr. Hahn to hold a special joint meeting with the land use board on March 29, 2006 at 6:00 p.m. Roll Call:

YES: 2 Kristensen and Hahn

NO: 0

ABSTAIN: 0

The Motion was carried.

LAND USE BOARD REGULAR MEETING

Mr. McDowell joined the meeting.

PUBLIC PARTICIPATION

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

Paul Valerio appeared before the board regarding the County Project at Morris Turnpike. Mr. Gstattenbauer indicated that he did not think that this matter would be before the Land Use Board. He thought the County was before this board already and advised the board what they were doing and that is all they are required to do.

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

NEW APPLICATIONS

Richard Quayle – LUB 06-02 – Block 33, Lot 3 – Haggerty Road – “C” Variance:

It was noted that the applicant did not advertise correctly and asked to be carried to the April 26, 2006 Land Use Board Meeting. A Motion was made by Mr. Martin and seconded by Mr. Smolen to carry this matter to the April 26, 2006 meeting. All were in favor. The Motion was carried.

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MINUTES

The Minutes of the January 25, 2006 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the minutes of the January 25, 2006 Regular Land Use Board Meeting. All were in favor. The Motion was carried.

The Minutes of the January 25, 2006 Executive Session of the Land Use Board were reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Martin to approve the minutes of the January 25, 2006 Executive Session of the Land Use Board. All were in favor. The Motion was carried.

The Minutes of the February 15, 2006 Regular Meeting were reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Smolen to approve the minutes of the February 15, 2006 Regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

The Minutes of the February 15, 2006 Executive Session of the Land Use Board were reviewed. A Motion was made by Mr. Larson and seconded by Mr. Gstattenbauer to approve the minutes of the February 15, 2006 Executive Session of the Land Use Board. All were in favor. The Motion was carried.

It was noted that the February 22, 2006 Regular Meeting Minutes and Executive Session Minutes were not yet completed.

BOARD BUSINESS

Sussex County Farm & Horse Show – List of Events for 2006:

Mr. Hahn stepped down from this matter.

Appearing before the board was Dr. Worts with the list of Events for the Fair Grounds for 2006, a copy of which is attached hereto and made a part hereof. Dr. Worts indicated that there have been no significant changes since last year's events.

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.

John Lally appeared before the board with his concern about amplified music at the fair grounds. He indicated that several of the events were over the legal limit of 65 decibels which is in the township ordinance, which he measured with a radio shack meter. Dr. Worts indicated that he will talk to the people from the Crawfish festival regarding the loud music.

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

Mr. Hahn returned to the meeting.

RESOLUTIONS

Exxon Mobil Corporation – LUB 05-17 – Block 18, Lots 1, 2 & 3 – 77 US Route 206 Preliminary & Final Site Plan & Variance:

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Martin to approve the Resolution for an approval of the Preliminary Site Plan with Variances of Exxon Mobil Corporation. Roll Call:

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RESOLUTIONS CONT.

YES: 5 Ayers, Gstattenbauer, Martin, Romania and Larson

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS

Invoices:

A Motion was made by Mr. Larson and seconded by Mr. Ayers to approve the March, 2006 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 8 Ayers, Hahn, Gstattenbauer, McDowell, Martin, Romania,
Larson, Smolen

NO: 0

ABSTAIN: 0

The Motion was carried.

Return of Escrow monies:

A Motion was made by Mr. Martin and seconded by Mr. McDowell to return the balance of the escrow monies to the following applicants:

- 1) Culvermere – LUB-03-14 - \$172.25
- 2) Wittenberg – LUB 05-19 - \$196.41
- 3) Wingle – LUB 04-36 - \$289.73
- 4) Land Development Technologies – LUB 05-08 - \$251.71
- 5) Larry Braun – LUB 05-14 - \$83.44
- 6) Haubrach/123 Auto Sales – LUB 05-21 - \$172.13
- 7) Steven Lange – LUB 05-23 - \$209.13
- 8) Flag Associates – LUB 06-01 - \$197.88

Roll Call:

YES: 8 Ayers, Hahn, Gstattenbauer, McDowell, Martin, Romania, Larson
Smolen

NO: 0

ABSTAIN: 0

The Motion was carried.

Correspondence:

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

Mr. McDowell left the meeting.

RESOLUTIONS CONT.

Richard Bell – LUB 050-18 – Block 212, Lots 1, 2 & 3 – Spring Walk Lane –“C”
Variance:

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Martin to approve the Resolution for a “C” Variance of Richard Bell. Roll Call:

YES: 4 Gstattenbauer, Martin, Romania and Larson

NO: 0

ABSTAIN: 0

The Motion was carried.

Executive Session:

Land Use Board:

A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to go into Executive Session to discuss pending litigation. All were in favor. The Motion was carried.

Township Committee:

A Motion was made by Mr. Hahn and seconded by Mrs. Kristensen to go into Executive Session to discuss pending litigation. All were in favor. The Motion was carried.

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

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Ayers to authorize the township to pay legal fees to further defend motions on behalf of Mr. McDowell. Roll Call:

YES: 1 Ayers

NO: 6 Hahn, Gstattenbauer, Martin, Romania, Larson, Smolen

ABSTAIN: 0

The Motion was denied.

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator