

FRANKFORD TOWNSHIP LAND USE BOARD
JULY 26, 2006 – 7:00 P.M.
MINUTES OF THE REGULAR MEETING

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

Those Present were: Mr. Ayers, Mr. Zappile, Mr. Gstattenbauer, Mr. McDowell, Mr. Martin, Mr. Larson, Mr. Romania, Mr. Dolan. Also present were Mr. Collins (Left meeting at 8:00 p.m.) Mr. Clark (arrived at 8:00 p.m.), and the board attorneys and Mr. Pellow, the board engineer.

Those absent: Mr. Hahn, Mr. Risdon, Mr. Smolen (excused).

MINUTES

The Minutes of the June 21, 2006 Regular Meeting were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the Minutes of the June 21, 2006 Regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

It was noted that the Minutes of the June 28, 2006 Regular Meeting of the Land Use Board were not yet completed.

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. Ayers to close this meeting to the public. All were in favor. The Motion was carried.

BOARD BUSINESS

Coah Mediation Report:

A report was received from the Council of Affordable Housing regarding Third Round Substantive Certification. A Motion was made by Mr. Martin and seconded by Mr. Ayers to set a workshop meeting starting at 6:00 p.m. for the August 16, 2006 Land Use Board meeting to review this report. All were in favor. The Motion was carried.

APPLICATIONS CARRIED FROM PREVIOUS MEETING

Brian McAlister – LUB 06-09 – Block 267 – Lot 2.04 – Bonning Road (Lake Owassa) – “C” Variance & Planning Variance:

It was noted that a letter was received from the applicant’s attorney requesting that this matter be carried to the August 16, 2006 Land Use Board meeting without further notice. The board indicated that since the August 16th meeting will be solely a workshop meeting regarding COAH, that this application should be carried to the August 23rd meeting.

APPLICATIONS CARRIED FROM PREVIOUS MEETING CONT.

Brian McAlister – LUB 06-09 – Block 267 – Lot 2.04 – Bonning Road (Lake Owassa) – “C” Variance & Planning Variance Cont.:

A Motion was made by Mr. McDowell and seconded by Mr. Larson to carry this application to the August 23, 2006 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

BOARD BUSINESS

Town Center Ordinance:

Appearing before the board was Janice Talley of H2M and David Troast, the board planner to review the changes to the Town Center Ordinance as discussed at the previous meeting.

Ms. Talley indicated that the following changes were made to the Ordinance from the last meeting:

- Added Definition of Assisted Living facility
- Revised the Definition of Open Space
- Corrected the Reference to Center Recreation
- Under Permitted Uses for the Mixed Used District – Added Assisted Living facilities as a permitted use and clarified the meaning of Multi-family residential buildings by stating that town houses are included.
- Under General Requirements of the Mixed Used District – the following statement was added: Minimum lot area for an application not involving a simultaneous overall site plan and subdivision of at least ten (10) acres is three (3) acres. If the lot or lots are part of an overall site plan and subdivision application of more than ten (10) acres and it is served by a sanitary sewer system, then the minimum lot area for a commercial use or a mixed use (commercial and residential) may be reduced to one acre.
- Under General Requirements of the Mixed Use District – 4) Floor Area Ratio, the following sentence was added: Units associated with an assisted living facility shall not be used to meet the residential requirement.
- Under General Requirements for the Center Residential 1 – the definition for Density has been changed to “Gross Density”.
- Under Permitted Uses for Center Recreation District – Restaurants, excluding drive-through restaurants, hotels and movie theaters were added to permitted uses.
- Under Conditional Uses for the Center Recreation District – Refined the requirements for conditional uses in this District to state: “Retail sales and services and office uses are permitted in buildings separate from the stadium, if the following conditions are met:....”. The changes to the conditions are as follows: “a. This is to allow multiple buildings on this structure only if the building fronts on a public street or a publicly accessible private street” and “e.The maximum height for a sports stadium shall be 60 feet.”
- Under General Requirements for the Center Recreation District – The following has been added: “2) Multiple buildings and multiple uses on a lot are permitted.”
- Under Permitted Uses for the Commercial Highway District - Eliminated Gasoline Service Stations as a conditional use.
- Under Signage – They have added a provision to allow hanging signs which are signs that project from the building or hang from the canopy.

RESOLUTIONS

Sussex Commons Associates, LLC – LUB 04-41 - Block 11, Lots 13, 13.04 – 13.07, 13.09, 13.11 – 13.15 and 15 – Preliminary Site Plan, Variance & Preliminary Major Subdivision:

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer approve the Resolution for Sussex Commons. Roll Call:

YES: 4 Zappile, Gstattenbauer, Martin, Larson

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Collins left the meeting. Mr. Clark arrived at the meeting.

ZONING OFFICIERS AGENDA

The Zoning report of July, 2006 was reviewed. No formal action was taken.

Mr. Clark indicated he discussed the issue with Morris Coachworks with Mr. Paterson. He indicated that their joint opinion would be that there is no activity going on and there is no claim currently as to storage on the site. Anything related to Morris Coachworks or that type of use that was previously approved or done they can certainly continue with. There seems to be some additional use on this property. They thought this would require an interpretation or decision of this board. He further stated that Mr. Paterson or he will render an opinion so that the board will have all the facts and then the board can discuss it. There will have to be a formal application before the board. Mr. Clark will send a memo to the board for the file with the procedures taken on this case.

Mr. Clark spoke to the board with regard to Culvermere Alliance, Block 180, Lot 5, which lot was changed on the Zoning Map from a C-1 Zone to a CR Zone. Mr. Rubin, in his letter of May 31, 2006, felt this was a mistake. Mr. Pellow agreed that this was a mistake. Mr. Clark indicated that when the board does the map and amendments, this lot will be added as a change to the map.

Mr. Clark indicated that he received correspondence dated July 14, 2006 from Mosefund Farms, (Block 68, Lots 2, 2.05 & 2.06) inquiring if a variance is required to construct an indoor horse riding arena. Mr. Clark indicated he spoke to Mr. Paterson and based upon prior resolutions of similar facts in the AR Zone, this was considered to be a permitted use subject to site plan on the commercial aspect.

NEW APPLICATIONS

Linda Pellegrino – LUB 06-05 – Block 187, Lot 3 – 269 East Shore Lake Owassa – “C” & “D” Variance:

Mr. McDowell stepped down from this application.

Appearing before the board was the applicant, Linda Pellegrino, and her attorney, William Haggerty. Ms. Pellegrino indicated that she was still under oath from the previous meeting.

Mr. Haggerty indicated that this application was brought before the board and decided at the meeting on May 17, 2006. The board retained jurisdiction to permit the applicant to

NEW APPLICATIONS CONT.

Linda Pellegrino – LUB 06-05 – Block 187, Lot 3 – 269 East Shore Lake Owassa – “C” & “D” Variance Cont.:

modify the home design to down scale the size of the home and this was done and the board has the revised plans this evening. There is a report of from Mr. Pellow dated July 10, 2006 which states that the Floor Area Ratio was decreased.

Mr. Pellow reviewed his report dated July 10, 2006:

The Applicant has submitted revised plans for the above referenced application.

1. The applicant has reduced the size of the proposed house on the lot by 413 square feet and reduced the size of the proposed decks by 163 square feet. The overall proposed FAR was reduced from 27.9 percent to 25.05 percent. Ms. Pellegrino indicated that she removed the exercise room on the first floor in front of the garage which decreased the floor area 4 feet. They made the interior hallway which connects to the two buildings narrower. The deck was removed in rear and added a deck where the exercise room was to bring the buildings together. She further noted that the hallway could not be made any smaller without it becoming a breezeway.
2. The following variances are needed:
 - a. Floor Area Ratio (FAR): 15.0% is allowed or $0.15 \times 17,240 \text{ SF} = 2,586 \text{ SF}$ and 2,691 SF exists; 25.05% is proposed, or $4,318 \text{ SF}/17,240 \text{ SF}$.
 - b. Open Deck Area: 360 SF is allowed and 536 SF is proposed.
 - c. Side Yard Setback: 15 ft. is required and 14.4 ft is proposed. Mr. Pellow indicated that this is an existing condition.
 - d. Rear Yard Setback: 50 ft. is required and 26 ft. is proposed. Mr. Pellow indicated that this is an existing condition.
3. A copy of the septic permit was submitted previously that showed the existing septic was approved for four (4) bedrooms. Ms. Pellegrino indicated that there is no change to this.
4. The floor area will be increased approximately 62.3%, whereas the previous proposal increased the FAR by 79%.
5. The proposed floor areas to be shown on the architect's plans. The applicant agreed.

Mr. Haggerty indicated that as discussed at the previous hearing the applicant does have essentially 2 buildings, one of which is used as an apartment seasonally. They would unify this building and make one dwelling house. The board at the last meeting was concerned about the degree of deviation. The applicant feels that they have made the greatest reduction that they could and still kept the architectural integrity of this project attractive to make it look like one home rather than 2 buildings linked by a breezeway.

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 the neighbor, Dave Edsell, who indicated that he was still under oath from the previous meeting. Mr. Edsell was concerned with the run off from this addition to his property. He was not concerned with the size of the house. Mr. Edsell submitted pictures to the board which were marked as Exhibits “O-1”, “O-2”, “O-2A”, “O-3”, “O-4”, “O-5”, and “O-6”. Exhibit “O-1” is from the road towards the lake, the road drain culvert is to the left. This culvert was blocked by gravel so that the

NEW APPLICATIONS CONT.

Linda Pellegrino – LUB 06-05 – Block 187, Lot 3 – 269 East Shore Lake Owassa – “C” & “D” Variance Cont.:

applicant can park an RV and 2 boats there. This culvert was put in at the request of the Board of Health to pull excess water from the road surface off the septic field down to the left and to the drain pipe that goes to the lake. He further stated that since the culvert has been blocked, all the water goes on top of the field, which has no vent pipes which were originally there. Exhibit “O-2” and “O-2A” show at the bottom of the pictures where water has puddled trying to get over to this drainage outlet, but it can’t get across the existing stone. This water runs over the field onto the applicant’s driveway. Exhibit “O-3”: shows a drain at the bottom of applicant’s driveway. This drain drains down along the edge of the applicant’s property and about 10-15 feet from the lake the water turns and water is flowing onto his property. Exhibits “O-4” and “O-5” are both showing from the lake view showing his property on left and applicant’s property on right. The pictures show railroad ties placed to force the water out to the left side of the property onto his property which is destroying his beach. Exhibit “O-6” is a picture standing at the lake up towards the house of the applicant. Ms. Pellegrino indicated that there are 2 sides of the property where water runs down. She further indicated that were the addition is going there is never water running down because it is between the 2 buildings. She further indicated that were Mr. Edsell indicates that she is blocking the drain with her RV, the Board of Health did come and inspect this approximately 4 years ago and indicated that she is not blocking the drain. There is a drain pipe that runs from the road adjacent to this area and runs to the left and it is on the variance map. Ms. Pellegrino further stated that where her property meets Mr. Edsell’s property, there is gravel. Approximately 3 years ago she had substantial landscaping work done and built specifically because there is a drain in the middle of their 2 properties, but for some reason the water never went there. This is why she had gravel put down where the water does flow to make the water run to the lake, and not destroy the beach as Mr. Edsell suggested. Mr. Romania indicated that Mr. Pellow should go out to this property and look at the drainage to resolve this issue. Mr. Pellow agreed.

There being no further public, 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.

A Motion was made by Mr. Gstatenbauer and seconded by Mr. Martin to approve this application subject to Mr. Pellow reviewing the drainage issues. Roll Call:

YES: 6 Ayers, Zappile, Gstatenbauer, Martin, Larson, Dolan

NO: 0

ABSTAIN: 1 Romania

The Motion was carried.

Mr. McDowell returned to the meeting.

Joseph & Diane Fricchione – LUB 06-14 – Block 89, Lot 9 – 7 Fourth Street – “C” Variance:

Appearing before the board was the applicant, Diane Fricchione, her attorney, William Haggerty, and her engineer, William Moran. Mr. Moran and Ms. Fricchione were sworn in by the board attorney.

NEW APPLICATIONS CONT.

Joseph & Diane Fricchione – LUB 06-14 – Block 89, Lot 9 – Fourth Street – “C”
Variance cont.:

Mr. Pellow reviewed his report dated July 20, 2006 and revised July 25, 2006. He indicated that the application was complete. Mr. Clark indicated that the notice was sufficient.

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

Mr. Haggerty indicated that this is an isolated undersized lot. The applicants own the adjacent property upon which they have their existing home. They propose to build a new home on the vacant lot next door to down scale. The properties are similar in size in this area as noted on the key map. In fact, along East Shore, the properties are smaller than the applicant’s property. They do have some adjacent owners and they did notify them of this meeting and inquired if they would be interested in purchasing the property and annexing it to their lot or selling property to the applicants. However, the way the properties line up, it would not work effectively; it would create either an “L” or a “T” shaped lot. Mr. Haggerty submitted copies of these letters as Exhibits “A-1” (to surrounding owner Crouch), “A-2” (to surrounding owner Berg) and “A-3” (to surrounding owner Bears). None of the surrounding owners responded to this request. Mr. Haggerty indicated that the applicant’s do have a septic permit, a copy of which was submitted with this application. He stated that Diane Fricchione is the sole owner of this property and Joseph, her husband, is the co-owner of the resident property.

Mr. McDowell questioned the applicant when she built her original house in 1987 was there any conditions with this lot. Mrs. Fricchione indicated that when they built the house in 1987 they needed a variance for the side yard setbacks.

Mr. Haggerty indicated that one of the items Mr. Pellow addresses in his report is the basement and if it is going to be used for human habitation. The applicants have not included the basement in the FAR. The basement has small ventilation windows with a bilco door. It is not intended for human habitation.

Mr. Pellow indicated that the revised map depicts a variance needed for floor area ratio, but a variance is not needed unless the basement will be used for human habitation. As per the Ordinance, 10.8% of floor area ratio is permitted, or 27,707 sq. ft x 0.108 = 2992 sq. ft. allowed. The first floor has 1400 sq. ft; the second floor has 617 sq. ft.; the open area has 122 sq. ft.; the porch has 55 sq. ft.; and the garage in excess of 250 sq. ft. contains 214 sq. ft. for a total of 2,408 sq. ft. Therefore, a FAR variance is not needed.

Item “3”: The following variances are needed:

Description	Frankford AR Zone	Proposed
Minimum Lot Area	5 Ac.	0.68 *
Minimum Lot Width	300'	100' *
Minimum Lot Depth	300'	300'
Minimum Front Yard Setback	75'	76.8'
Minimum Side Yard Setback	60'	27.4' * & 28.1' *
Minimum Rear Yard Setback	75'	144'
Maximum Building Height	35'	31'
Maximum Impervious Coverage	10%	13% *
Minimum Lot Frontage	300'	100' *
Floor Area Ratio	<u>10.8%</u>	<u>Board Decided No Variance Needed.</u>

* Variance Required

NEW APPLICATIONS CONT.

Joseph & Diane Fricchione – LUB 06-14 – Block 89, Lot 9 – Fourth Street – “C”
Variance cont.:

NO: 0

ABSTAIN: 0

The Motion was carried.

APPLICATION PREVIOUSLY BEFORE THE BOARD:

Culvermere Alliance – LUB 04-08 – Block 181, Lot 2 – Minor Subdivision:

Appearing before the Board was William Haggerty, attorney for the applicant. Mr. Haggerty indicated that the above application was approved in March, 2004 which all of the conditions had been met except for one. As part of the 2004 approval, this applicant was allowed to do a lot line adjustment with Normanoch Association for transference of the portion of the overall tract containing the dam. In addition, there was adjacent Township property which the applicant was authorized to acquire (and did so) and add a portion to the dam property. Culvermere also did this. However, it took considerable time to accomplish these matters including the extinguishment of an easement by negotiating with Normanoch Association. Since the time has technically run as it is long past the 190 days and no other extensions apply, Mr. Haggerty requested that the board re-approve this application in order to file the final deeds for this subdivision. He further indicated that since it was a Minor Subdivision, no notice was required.

A Motion was made by Mr. Martin and seconded by Mr. Ayers to re-approve the Minor Subdivision for Culvermere Alliance. Roll Call:

YES: 4 Ayers, Gstattenbauer, Martin, Romania

NO: 0

ABSTAIN: 0

The Motion was carried.

NEW APPLICATIONS CONT.

Frank Dayon – LUB 04-35 – Block 31, Lots 7 & 7.05 – Amended Preliminary and Final Subdivision and Variance:

Appearing before the board was the applicant, Frank Dayon, his attorney, James LaSala, and Alfred Stewart, Jr., the applicant's engineer. Mr. Dayon and Mr. Stewart were sworn in by the board attorney.

Mr. Pellow reviewed his report dated June 30, 2006 as to completeness:

Item 2 – Fees and escrow deposits. LUB Administrator to confirm receipt of application fee and escrow deposits. The board secretary indicated that the fees were received.

Item 3 – Certification of taxes, liens and assessments paid. LUB Administrator to confirm receipt of certification of taxes paid. The board secretary indicated that the taxes were paid to date.

NEW APPLICATIONS CONT.

Frank Dayon – LUB 04-35 – Block 31, Lots 7 & 7.05 – Amended Preliminary and Final Subdivision and Variance cont.:

Item 7 – Compliance with legal notice requirements. Mr. Clark indicated that the notice was sufficient.

Item 15 – Copy of Sussex County Health Department application. Not provided. The issue of septic approval is at the center of this application and testimony regarding the status of the Sussex County Health Department application will be necessary.

Item 16 – Plan clearly and legibly drawn or reproduced at a scale not smaller than 1 inch equals 50 feet. A waiver is requested to allow a scale of 1" = 60' and that is acceptable.

Item 17 – Sheet size, 24 x 26. A waiver for sheet size is required to allow 30" x 42" sheet size. This is acceptable.

Item 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 structures. Profile shall be at a scale of 1 inch equals 5 feet vertical; 1 inch equals 50 feet horizontal. A waiver is required and this is acceptable.

Item 47 – Road cross sections every fifty feet (50') along centerline at a scale of 1 inch equals 5 feet horizontal and vertical. A waiver is requested and this is acceptable.

Item 49 – Earthwork Summary. A waiver is requested and this is acceptable.

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

Mr. LaSala indicated that test holes were dug on this property and they showed modeling at levels of 24" to a significant amount. He stated that Mr. Stewart will be testifying that the state standard is different than the town standard and if they can deal with the state standard with regard to these lots, then they believe that they will be able to proceed with this subdivision with a minor mound of a system, perhaps about 2 foot down. The lots are consistent with the size of the neighborhood. They do not feel it will be any significant impact to the neighborhood. There are probably a dozen lots within 1000 feet or so of this property that are the same size or largely smaller. These lots will be in conformance if approved. They understand that any approval granted would be conditioned up the applicant obtaining septic permits required by the County.

Mr. Pellow continued reviewing his report:

Paragraph "1": The plans consist of five sheets prepared by Alfred A. Stewart, Jr., P.E., L.S. and are dated February 27, 2004, last revised March 27, 2006.

Paragraph "2": The applicant is seeking an amendment to the previously approved preliminary and final major subdivision on the subject property provide a variance for environmental constraints on proposed Lots 7.05 and 7.06 due to soils with a shallow depth to the seasonal high water table.

Paragraph "4": The Applicant is requesting a variance from showing 20,000 square feet of contiguous non-constrained lands for each lot and for minimum lot area of 2 1/2 acres, with environmental sensitive area calculations. Proposed Lots 7.05 and 7.06 are predominantly covered with soils with a seasonal high water table of less than 3 feet from the surface. Mr. Pellow indicated that this is in the township's ordinance and is not a

NEW APPLICATIONS CONT.

Frank Dayon – LUB 04-35 – Block 31, Lots 7 & 7.05 – Amended Preliminary and Final Subdivision and Variance cont.:

State constraint, which is septic. It has nothing to do with septic. It is a constraint in the township ordinance which has been in affect since 1978.

Paragraph “4” cont.: The Applicant performed test holes on the site on a 50 foot grid and found mottling at less than 36 inches below the surface for all test holes on proposed Lot 7.06 and for all but three test holes on proposed Lot 7.05. For two of the test holes where the mottling was below 36 inches, the engineer questions if there is fill located on the site. (To my knowledge, no fill was placed here.)

Paragraph “5”: The Applicant has not presented any justification for granting of the variances requested. The Board has expressed concern regarding the potential for septic systems on the site. Soil logs were a problem on these lots many years ago.

Paragraph “6: If this application is approved, all conditions of approval from the original approvals should still apply, with the exception of said variances.

Mr. LaSala indicated that in his public notice he applied for 3 or 4 lots because the purpose is to bring this application to completion. One of the items they have not been able to do yet is perfect the subdivision even as to the lots on the top, Lots 7 and 7.07 because it was all a single approval. They are looking for the board to approve either this subdivision with the 2 lots as to lots 7.06 and 7.05 or leave Lot 7.05 and give the applicant the approvals here.

Mr. Stewart indicated that they did provide soil logs within the 2 proposed lots basically in the center of the lots. They did a 50’ grade with approximately soil logs on the site all of which come out some where around 24” to 36”. This is not acceptable per the township’s ordinance; however, they are acceptable per the state code for septic. They can put a septic on these lots. They will have to mound it up slightly due to the depth of seasonal high water and they will abide by state code for the septic. As far as the ordinance states, this is an issue and this is why the applicant is before the board to request this variance.

Mr. Stewart reviewed the grading plan. The applicant does not expect to cut much at all on the site, especially for driveways. It is a gently sloping site from the roadway up to the areas of the proposed dwellings. The dwellings are located on the high point of the area towards the middle of proposed lot 7.05 and on lot 7.06 it is slightly lower. Most of the run off is running towards Hyatt Road and very little run off will be heading towards the house because they are on the high point of the lot. They do not see a problem with the surface run off either. As far as excavating for the basements, they can simply state that they will excavate out and backfill around the foundation with soil so that it will drain properly. They will provide proper water proofing on the basements. They can place footing drains around the basements, they can actually daylight out onto the property somewhere because the properties are sloped properly for this. The footing drains will go around the house and will exit towards the roadway, which is much lower (approximately 10’ difference on both lots between the roadway and the areas of the dwelling).

Mr. LaSala questioned Mr. Stewart that from an engineering point of view is it possible to construct a basement in that area that would be completely water tight. Mr. Stewart indicated it is possible and would not be difficult.

NEW APPLICATIONS CONT.

Frank Dayon – LUB 04-35 – Block 31, Lots 7 & 7.05 – Amended Preliminary and Final Subdivision and Variance cont.:

Mr. LaSala indicated that the driveway to Lot 7 has already been installed and constructed. Mr. Stewart indicated that he has been at the sight with this new driveway and it has no negative impact on the property or neighborhood.

Mr. Stewart indicated that the surrounding lots are equal in size or less than the proposed lots that the applicant is proposing. He also indicated that most of the lots in the surrounding area are developed with houses. There is no detrimental impact to the neighborhood with regard to this application.

Mr. LaSala questioned Mr. Stewart if there is any engineering standpoint that he sees that would be caused to any of the surrounding properties by water conditions on these 2 proposed lots if the subdivision was granted. Mr. Stewart does not feel there would be any detriment to the surrounding owners. He further indicated that the application provides for dry wells on each of the parcels for the roof run off so any increase in roof run off will be directed towards these dry wells.

Mr. Clark questioned the applicant if there would be basements. Mr. Stewart indicated that there would be basements. Mr. Clark questioned the applicant if there would be a difference if there was just a slab. Mr. Dayon indicated it would be less livable space because basements are used for recreational purposes. He also indicated that you can spray these foundations now with fiber glass which will protect the basement. Mr. Dayon indicated that he built the house in the back on Lot 7 which has been up for approximately 1 year which is the same elevation as the front property and there has not been a drop of water in the basement. Mr. Stewart reviewed the soil logs on this property. He indicated that there were modules within the soils, but for the most part they did not hit any water or seepage within the soil logs.

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 Tom Hudak. Mr. Hudak was sworn in by the board attorney. He was concerned with the outdoor furnace being placed on this property. He indicated that the house that was built on Lot 7 has an outdoor furnace which he feels is very unhealthy.

There being no further public. 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. Pellow indicated that the applicant needs 2 variances, one for lot area with constraints and the 20,000 square feet of contiguous land without constraints.

Mr. Gstattenbauer questioned what variances would be needed if the proposed Lots 7.05 and 7.06 were combined. Mr. Pellow indicated that they would need a variance for the 20,000 square feet of contiguous land without constraints.

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

Appearing before the board was Austin and Shirley Meyer who were sworn in by the board attorney. Mr. and Mrs. Meyer were concerned with the outside furnace. Mr. Clark indicated that the board does not deal with this issue and that it would be a board of Health issue. Mr. Meyer submitted to the board some literature regarding the outdoor

NEW APPLICATIONS CONT.

Frank Dayon – LUB 04-35 – Block 31, Lots 7 & 7.05 – Amended Preliminary and Final Subdivision and Variance cont.:

furnaces which were marked as Exhibit “O-1”. Applicant indicated that he would be willing to make this a condition of approval that he will not put in an outdoor furnace.

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

Mr. Pellow indicated that the applicant originally came in under the 5 acre ordinance with the Environment Provision with Constraints. However, they do not meet the constraints. If they make this subdivision 3 lots instead of 4 lots, they will meet the lot area, but not the 20,000 square feet of contiguous developable land.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Martin to approve a 3 lot subdivision with one variance for the 20,000 square feet of contiguous developable land and payment of the COAH obligation. Roll Call:

YES: 6 Ayers, Gstattenbauer, McDowell, Martin, Romania, Dolan

NO: 1 Zappile

ABSTAIN: 1 Larson

This Motion was carried.

EXTENSIONS

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

A Letter was received from the applicant requesting an extension of the Variance approved at the August, 2005 meeting. He is requesting a one year extension.

A Motion was made by Mr. Martin and seconded by Mr. Ayers to approve a one year extension of the Variances previously approved. All were in favor, except Mr. Dolan, who abstained. The Motion was carried.

RESOLUTIONS

Richard & Barbara Cardinal – LUB 06-10 – Block 265, Lot 1.01 & 1.02 – Minor Subdivision and “C” Variance:

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. McDowell to approve the Resolution for a Minor Subdivision and “c” Variance of the applicant Richard and Barbara Cardinal. Roll Call:

YES: 7 Ayers, Zappile, McDowell, Martin, Larson, Romania, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

RESOLUTIONS CONT.

GDS Enterprises/David Licata – LUB 06-13 – Block 11, Lot 3.02 – 124 Route 206N – Amended Site Plan:

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the Resolution for an Amended Site Plan of the applicant GDS Enterprises/David Licata. Roll Call:

YES: 7 Ayers, Gstattenbauer, McDowell, Martin, Larson, Romania,
Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS:

Return of Escrows – LUB 02-15 – High Ridge Subdivision – Preliminary Major Subdivision – Block 10, Lot 1 & Block 4, Lots 2 & 4:

A request was received from the applicant for return of the Preliminary Major Subdivision application escrow monies. A Motion was made by Mr. Martin and seconded by Mr. Zappile to return the escrow money of the above application. Roll Call:

YES: 7 Zappile, Gstattenbauer, McDowell, Martin, Larson, Romania,
Dolan

NO: 0

ABSTAIN: 1 Ayers

The Motion was carried.

Invoices:

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

YES: 8 Ayers (abstained to Bills for LUB 06-07), Zappile, Gstattenbauer,
McDowell, Martin, Larson, Romania, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

Correspondence:

The correspondence was reviewed. No formal action was taken.

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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