

**FRANKFORD TOWNSHIP LAND USE BOARD**  
**FEBRUARY 21, 2007 – 7:00 P.M.**  
**MINUTES OF REGULAR MEETING**

**CALL TO ORDER:**

The meeting was called to order by 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, Mrs. Kristensen, Mr. Risdon, Mr. Zappile, Mr. Gstattenbauer, Mr. McDowell, Mr. Martin, Mr. Larson, Mr. Romania, Mr. Smolen and Mr. Dolan. Also present was Mr. Clark, the board attorney, and his assistant, Ursula Leo, Esq. and Mr. Pellow, the board engineer.

Those absent: None.

**BOARD BUSINESS:**

**General Ordinance Review:**

Mr. Clark indicated that he would have the Ordinances for the next regular meeting of the land use board.

**Agriculture Commercial District Ordinance:**

A lengthy discussion was held with regard to the Agriculture Commercial District Ordinance along Route 565. There was also a discussion about changing the Commercial zoning along Route 206. Mrs. Kristensen indicated that the State just did not want strip malls in this area. Mr. Pellow indicated that the properties that are left for development were not big enough for strip malls. The board felt that Route 206 should not be re-zoned and left as is. It was discussed that strip malls should not be allowed along Route 206. Mr. McDowell indicated that in order to obtain Plan Endorsement this is one of things that the State was requesting. Mr. Clark indicated that the board, right now, should leave all the commercial in, with the exception of Route 565, and be ready to defend it and see where it goes if the issue comes up from the State during Plan Endorsement.

**County Plan Endorsement – Strategic Growth Plan:**

Mrs. Kristensen advised the board that the Sussex County Strategic Growth Plan has been approved by the State. The only outstanding issue is the Highlands. When the Highlands get their Master Plan together, the State will revisit the Sussex County's Strategic Growth Plan and there may be some changes made.

**PUBLIC:**

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

Warren Blakney appeared before the board with a question with regard to the Agricultural/Commercial Ordinance.

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



**NEW APPLICATIONS CONT.:**

**Clifridge Greenville LLC – LUB 07-04 – Block 2, Lot 3 – Davis Road, Plains Road & County Route 565 – Preliminary Major Subdivision Cont.:**

Also appearing before the board was Mr. Howe, Jr. who is the owner of the lots referred to as Lots 7 and 1 in Wantage Township. He also did not receive notice and has no objection to the hearing this evening.

The board agreed to accept the authorization from the surrounding owners, the Howe's, and to proceed with this application.

Mr. Dykstra indicated that the applicant has made a submission to the County of Sussex Planning Board and received a report dated February 13, 2007 which essentially approved the project with conditions, which are minor.

Mr. Pellow reviewed his report dated February 15, 2007 as to completeness:

1. County approval is needed. As indicated by Mr. Dykstra this will be obtained.
2. If the following items from the Frankford Township Checklist are provided and/or checklist waivers are granted by the Board, the application can be deemed complete:

Item 3: Certification of Taxes, Liens, Assessments paid. A copy of the certification is not provided. Ms. Nicholson indicated that they did receive a certified list from the tax collector that the taxes were paid, however, this was earlier on and it was a different quarter. They did not obtain a current Certification for this evening's meeting. Mr. Clark indicated as long as they can provide this to the board before the next meeting, this would be acceptable.

Item 7: Compliance with Legal Notice Requirement. Mr. Clark indicated that the notice was sufficient.

Item 13: Copy of Soil Erosion/Sediment Control application. The applicant is asking for a waiver and is acceptable, as plans do not get submitted to the Soil Conservation Service until the application is decided by the Land Use Board.

Item 14: Copy of NJDOT/NJDEP applications. A copy of the application for the L.O.I. is needed along with any stream encroachment permit application when it is submitted. This information can be provided prior to the hearing. Mr. Dykstra indicated that this application was submitted and a copy was submitted to the Land Use Board Secretary.

Item 15: Copy of Sussex County Health Department application. Not provided. The soil logs were completed. Mr. Pellow indicated this is acceptable at this time.

Item 16: Plan clearly and legibly drawn or reproduced at a scale not smaller than 1 inch equals 50 feet. The scale submitted is 1" = 100'. A waiver is appropriate as it allows the proposed subdivision to be shown on fewer sheets.

Item 27: Proposed developer's agreement. A temporary waiver has been requested by the Applicant, and is acceptable as the developer's agreement is typically drafted following an approval by the Land Use Board.

Item 53: Existing/proposed driveway locations with sight distance profiles. Sight distance profiles for the proposed road and driveway on Davis Road have been provided. The applicant is requesting a waiver from providing the remainder as driveway locations are conceptual. A temporary waiver is acceptable and driveways will be staked in the field for inspection prior to issuance of building permits.

**NEW APPLICATIONS CONT.:**

**Clifridge Greenville LLC – LUB 07-04 – Block 2, Lot 3 – Davis Road, Plains Road & County Route 565 – Preliminary Major Subdivision Cont.:**

Item 54: Road locations, Names, Width of Right-of-Way. The name for the proposed road has not been provided. A temporary waiver can be granted until the time of the filing of the final plat for subdivision. Mr. Pellow indicated that this is obligation of the Township Committee to approve the Road names.

Item 69: Copies of Stream Encroachment Permit Applications. The applicant has requested a temporary waiver to provide the permit as a condition of any approval the board may consider. Mr. Pellow indicated that this is acceptable.

Item 70: NJDEP Letter of Interpretation regarding the presence/absence of wetlands on property and within 150'. If wetlands are present, line verified by NJDEP and transition area established. NJDEP reference number on plan. For minors only, a delineation is needed and an absence/presence letter to determine buffer width. Applicant is requesting a temporary waiver as an application has been filed but an L.O.I. has not yet been issued. An L.O.I. should be provided as a condition of any approval the Board may consider.

Item 73: Four (4) soil logs and four (4) Permeability Tests per Proposed Lot. The applicant is requesting a waiver to provide two (2) test pits per lot and one (1) permeability analysis as required by the Sussex County Health Department. This is acceptable and our checklist should be revised.

A Motion was made by Mr. Martin and seconded by Mr. Risdon to deem this application complete subject to the applicant providing proof that the taxes were paid by the next regular meeting of the Land Use Board. All were in favor. The Motion was carried.

Mr. Dykstra provided to the board Exhibit "A-1" which is a 200 scale version of the plan with the houses shown on it. The Exhibit shows the proposed roadway and the 14 proposed homesites. The property is 98.2 acres in total and is in AR Zone. They are proposing the Traditional Development Option, which means 5 acre minimum lot size. The lot sizes vary from 5 acres up to 13.4 acres. Overall, they have a gross density (not applying any constraints) of 1 lot for every 7 acres on the tract. Each of the lots has 20,000 square feet of contiguous non-constrained land within the building envelope. He indicated that Mr. Pellow mentions in his report that there is one lot that needs some additional testing to prove this, which they agree to do. He indicated that the proposed roadway is approximately 3100 feet in length with a cul-de-sac. The first 150' of the road, they plan to build 28' wide and curb it; from this point they plan to transition down to a 24' uncurbed road. He indicated during the concept hearing a few years ago, the board preferred the road without the curbing.

Mr. Romania questioned how many of the houses are accessing this proposed road. Mr. Dykstra indicated that all the houses proposed, except for one which will have a driveway out onto Davis Road. He further indicated that no access is permitted from the County Road, based on their standards.

Mr. Dykstra further stated that all the homes will be served by Well and Septic Systems. He stated that they have done over 50 test pits over the last 2 years. They are proposing 2 stormwater management basins and have designed the project to conform with all the latest stormwater requirements in terms of they have to infiltrate a certain amount, they have to reduce runoff rates, etc. The applicant's proposal is that Frankford ultimately own the basins and maintain them, which will be discussed with the board and the governing body.

**NEW APPLICATIONS CONT.:**

**Clifridge Greenville LLC – LUB 07-04 – Block 2, Lot 3 – Davis Road, Plains Road & County Route 565 – Preliminary Major Subdivision Cont.:**

Mr. Clark questioned Mr. Dykstra if there are any variances with this application. Mr. Dykstra indicated that there is one variance. One of the homes is in a mild sloped area slightly over 15%. They can move it out of there; however, they would like to obtain a variance because he feels it is in a better location where they are proposing.

Mr. Pellow continued reviewing his report:

“3”: The applicant is proposing to subdivide 14 lots from the 98.244 acre tract known as Lot 3, Block 2.

**ZONING:**

“4a”: The subject property is located in the AR Zone and the subdivision is proposed under the traditional development option. The average density on the site is one unit per seven acres. All lots are 5.0 acres or larger.

“4b”: Test pit number 16 on proposed Lot 3.05 revealed a depth to the average seasonal high water table of 20 inches, less than the allowable 24 inches. Additional test pits must be conducted on a 50 foot grid to confirm the 20,000 square feet of contiguous developable land on Lot 3.05. Mr. Dykstra agreed to do the additional test pits.

“4c”: On Sheet 11 of 32, Environmental Plan “B”, the proposed dwelling on proposed Lot 3.08 is shown partially constructed outside of the contiguous developable land. The proposed footprint of the building to be moved. Mr. Dykstra indicated that this is the last lot on the right before the Cul-de-sac. He stated that there is a contiguous/non-constrained area on this lot of 31,590 square feet. However, just because of the configuration of it, there is a couple areas within the flat area that are actually slightly steeper. They have a 2 foot contour where it is 12’ apart instead of 13.3 feet apart, which is an isolated condition. They have this is a couple of spots in the non-constrained area where they show the house. They could move the house back further, but he does not see the benefit of this. This is an open field, which is presently a corn field. Visually you can not notice the difference between the area that is constrained and non-constrained. They are not in a vegetated area where there are any trees. If they did move the house back, it will increase the length of the driveway and the impervious surfaces. They would prefer to keep it where it is. Mr. Pellow indicated that he does not have a problem with this. He also indicated if the house was moved back it would much further back than the rest of the houses.

Mr. Romania questioned as to why the house is angled more than the other houses. Mr. Dykstra indicated that the lot is shaped this way and it was drawn to the design of the lot. Mr. Ayers was concerned with one house facing the other houses. Mr. Dykstra indicated that the houses are well spaced and this should not be an issue. He can square the house up with the road more if the board requests.

“4d”: Pending confirmation of 20,000 square feet of contiguous non-constrained land on proposed Lot 3.05, no bulk standard variances are needed.

**ROAD & TRAFFIC CIRCULATION:**

“5a”: The proposed road name to be provided. Mr. Pellow indicated that this would be subject to the Governing Body approval

“5b”: Snow plow easements are required along the cul-de-sac. Mr. Dykstra will add this.

**NEW APPLICATIONS CONT.:**

**Clifridge Greenville LLC – LUB 07-04 – Block 2, Lot 3 – Davis Road, Plains Road & County Route 565 – Preliminary Major Subdivision Cont.:**

“5c”: Sight triangle easements to be dedicated as shown at the intersection of the proposed road and Davis Road. Mr. Pellow indicated that this is shown on the map.

“5d”: The roadway will be 28 feet (R.S.I.S. requirements), and granite block curb will be used. Curb to be jumbo blocks as per the Ordinance. Mr. Dykstra agreed.

“5e”: The proposed road crosses a stream/wetlands and wetland buffer. A portion of the driveway to proposed Lot 3.03 and the access drive to the detention basin on Lot 3.03 cross wetland buffer areas as well. NJDEP wetlands permits and L.O.I. are needed. Mr. Dykstra indicated that this was applied for.

“5f”: On Sheet 11 of 32, Environmental Plan “B”, there is a dark shaded area adjacent the wetland transition area. The plans should indicate if this is a buffer averaging area. Mr. Dykstra indicated that this is incorrect and he will correct the map. He further indicated that this is not a transition averaging area.

“5g”: Guide rail type to be determined by the Land Use Board. The board requested the wood guide rails.

“5h”: Special slope treatment will be needed from 16+50 to 20+50 and from 25+00 to 32+00 due to the deep cuts and mottling. Water will bleed from the slopes and cause drainage problems. Need to intercept this runoff and tie it into the storm drains. Mr. Pellow indicated this is something the applicant’s engineer will have to work out with his office. Mr. Dykstra agreed.

“6. Vertical Curves”. The vertical curve lengths are acceptable.

“7. Water.” Individual wells are proposed, and well testing needs to be completed as per Section 616, Aquifer and Wellhead Protection. Mr. Dykstra agreed to do these tests.

“8. Septic Systems”. Approximately 40 percent of the soil logs provided have a seasonal depth to ground water of 36 inches or less. Special septic system designs may be required. The type of design to be detailed to the Land Use Board by the Applicant’s engineer. Mr. Dykstra indicated that the septic systems will be a typical mounted soil replacement system. He further stated that on large lots it is not difficult to blend them into the topography so they do not appear as turkey mounds.

**STORMWATER MANAGEMENT:**

“9a”: The proposed stormwater management measures are subject to NJDEP review and approval of all necessary permits.

“9b”: The maintenance manual references Frankford Township as the responsible agency for the operation and maintenance of the stormwater management facilities. The Board should comment on this. Need dollar amount for a 20-year period. A lengthy discussion was held with regard to this issue. This issue needs to be worked out with the applicant and the township committee.

“9c”: Time of concentration worksheets should be submitted for all proposed drainage areas. Mr. Dykstra agreed.

“9d”: Information of infiltration basin B provided on page 29 of the stormwater management report should be revised to match the plans and resubmitted for review.

**NEW APPLICATIONS CONT.:**

**Clifridge Greenville LLC – LUB 07-04 – Block 2, Lot 3 – Davis Road, Plains Road & County Route 565 – Preliminary Major Subdivision Cont.:**

“9e”: A seasonal high water table elevation has been provided for infiltration basin B based on test pit number 34. However, test pit nos. 47, 48 and 49 should also be taken into account. Sheet 55 of the stormwater management report should be revised accordingly and resubmitted for review. The depth to bedrock should also be provided. Mr. Dykstra agreed.

“9f”: The mottling will cause problems when the storm drains are constructed, and they should be converted to combination drains-show detail. Mr. Dykstra agreed.

“9g”: Too much runoff is directed to the basin on Lot 3.04 which is located directly behind the house on Lot 3.01. Need an alternate design. Possibly, direct runoff and basin to proposed Lot 3 or some other area. There is a 13 foot cut in the proposed basin. Mr. Dykstra indicated that he did review this situation. He indicated that there is a possibility of taking the outlet and redirecting it to make sure it gets into the cornfield and goes to the 36” pipe onto Plains Road. Mr. Pellow indicated that there should be an on site inspection of this property. He requested that Mr. Dykstra should stake out the basins, the roads and the proposed house location for the house that needs a variance.

“9h”: All inlets to be precast.

“9i”: Due to mottling being located from 27” to 38” on most lots, foundation drains will be critical so that flooding of basements will not occur. The applicant to prepare a detail on how this will be accomplished. Where will the foundation drains outlet? Mr. Dykstra agreed to provide the details to Mr. Pellow for review.

“10. Environmental Impact Statement.” Impacts to slopes over 15 percent and to the wetlands and stream on the site will occur as a result of the proposed subdivision. No mitigation is proposed beyond compliance with local and state statutes. Wetlands and transition areas outside of the proposed encroachment areas should be preserved in conservation easements that run with the land and name the Township for third party enforcement purposes. Mr. Dykstra agreed.

**MISCELLANEOUS**

“11a”: An area of deed overlap is shown on proposed Lots 3.09 and 3.10. How does the applicant propose to address this area. Mr. Dykstra indicated that this is shown on the map and it is 2.8 acres which is basically in the wooded wetlands area. What he did from a design standpoint, they made sure that proposed lot 3.09 and 3.10 had plenty of land excluding the overlap area. He noted that lot 3.09 without the overlap is 11.4 acres and lot 3.10 with the overlap area is a 5 acre lot. Mrs. Nicholson indicated that they have done the deed research as to how this overlapped happened and it dates back to the 1800’s to rod’s and links descriptions that went to the center line of a stone row. She further indicated that apparently at some point in time that row got moved and this why the discrepancy is there. Mr. Clark suggested a common boundary line agreement. Mr. Dykstra indicated that they are working on this situation to resolve it.

“11b”: The proposed subdivision is in Traffic Development District #1 and a contribution of \$2,500 per new lot or \$32,500 (\$2,500 x 13) to the Township Road Trust Fund is required.

“11c”: COAH requirements to be met. One COAH unit to be constructed and \$17,750 contributed for each of the other six units. A lengthy discussion was held with regard to

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this issue. The applicant's suggested the lot on Davis road could be a duplex for a COAH home.

"11d": The board should schedule a site visit.

Mr. Pellow indicated that there was one item he did not put on the report, which is at the intersection of Plains and Davis the applicant's need a return there, a sight easement in the deed for Plains Road.

Mr. Clark questioned Mr. Dykstra if someone on Block 2, Lot 5, which is not part of this subdivision could theoretically build a house on that lot that could front on the new proposed road. Mr. Dykstra indicated that there is already a home on that lot which has a driveway off of Plains Road. Mr. Clark was concerned if Block 2, Lot 5 may have a subdivision sometime in the future that could possibly front on the new proposed road. Mr. Dykstra indicated that there is a nice tree row on the other side of the new proposed road, this is why they did not place the road against the property line. Also there is no frontage from Block 2, Lot 5 on the new road. Mr. Clark indicated that there is a planning point that you are not supposed to create roads close to property lines where they do not touch. Mr. Romania questioned why the road dips down so far to the next property line. Mr. Dykstra indicated that the reasoning for this was the positioning of the houses on proposed lots 3.13 and 3.12. On the small portion on the other side of the proposed road is the tree row he mentioned and wetlands. Mr. Romania indicated that if you push the road up on the other side of proposed lots 3.13 and 3.12, there would not be an issue here. Mr. Dykstra indicated that this would be another potential alignment and he does not feel this is a problem the way it is proposed. Mr. Romania indicated that if the road is moved, then the applicant would have less than 5 acres for those two lots and the potential lots would have very long driveways. It was agreed that an on-site inspection must be done in order to review this application.

A Motion was made by Mr. Ayers and seconded by Mr. Martin to schedule March 8, 2007 at 4:00 p.m. for an on site inspection. All were in favor. The Motion was carried.

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

Tom Spring appeared before the board. Mr. Spring was sworn in by the board attorney. He indicated that he works for a road department and there are retention basins that are underground so you don't have a basin that needs to be maintained. He also had concerns regarding the proposed duplex for the COAH unit. He was also concerned with the runoff flowing into the township pipe which goes into the stream, which could cause flooding. He feels it would be good to keep it on the property and recharge. Mr. Pellow indicated that this would just be the overflow, the applicant's are proposing to recharge on the property. Mr. Romania questioned if Sparta Township maintains the retention basins. Mr. Spring indicated that they do. He further noted that they have an easement that goes through the homeowner's property.

Wolfgang Gstattenbauer appeared before the board. Mr. Gstattenbauer was sworn in by the board attorney. He indicated he was concerned with the drainage from this property onto his property.

Andrew Coccio appeared before the board. Mr. Coccio was sworn in by the board attorney. He is concerned with the access road to the development and the lights shining into his house.

**NEW APPLICATIONS CONT.:**

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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.

A Motion was made by Mr. Ayers and seconded by Mr. Dolan to carry this application to the March 28, 2007 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

**ADJOURN:**

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

Respectfully submitted,

SHARON M. YAROSZ  
Land Use Administrator