

FRANKFORD TOWNSHIP LAND USE BOARD
MAY 23, 2007 – 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: Mrs. Kristensen, Mr. Risdon, Mr. Zappile, Mr. Gstattenbauer, Mr. Martin, Mr. Larson (arrived at 7:10 p.m.), Mr. Romania, and Mr. Dolan. Also present were Mr. Clark, the board attorney, Mrs. Leo, Mr. Clark's assistant, and Mr. Pellow, the board engineer.

Those absent: Mr. Ayers (excused), Mr. McDowell (excused) and Mr. Smolen.

MINUTES

The Minutes of the February 21, 2007 Regular Meeting 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 February 21, 2007 Regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

The Minutes of the February 28, 2007 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Dolan to approve the Minutes of the February 28, 2007 Regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

The Minutes of the March 28, 2007 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mr. Martin and seconded by Mrs. Kristensen to approve the Minutes of the March 28, 2007 Regular Meeting of the Land Use Board. All were in favor, except Mr. Gstattenbauer, who abstained. The Motion was carried.

BOARD BUSINESS

Subcommittee Reports:

Technology Committee: Mr. Zappile indicated that they have identified the different areas that they want to focus on. They have reviewed the application packet to see how they can fit it into electronic format. At the next meeting they have invited Ms. Leo from Mr. Clark's office and Mr. Stoner from Mr. Pellow's office to get ideas from them.

TDR Committee: Mr. Risdon indicated that the committee met with the State which gave some of their input. The State was concerned that the sending area was spotty. He further indicated that they did explain that Frankford only chose lots 100 acres and over for the sending zone and this is why it looked the way it did. Mr. Gstattenbauer indicated that when they added the property already preserved, owned by the State and municipality it looked better. Mr. Pellow indicated that the lots that they have chosen came out to approximately 244 credits for the township.

General Ordinance Review:

Mr. Clark reviewed the Zoning Map changes with the board. The following changes will be made to the current zoning map: Take the old Culvermere property out of the CR (Commercial/Recreation Resort) and make it AR. It was also agreed to by the board to leave the 2 other areas that are CR Zone as they are because if they change the zone, the

BOARD BUSINESS CONT.

General Ordinance Review:

existing campgrounds will be existing non-conforming uses. The C3 (Commercial) Zone next to Selective Insurance will be changed to the AR (Agricultural/Residential) Zone.

A question was asked by Mr. Clark if there should be an Open Space Zone. A lengthy discussion was held with regard to this issue. It was agreed that more research has to be done on this issue.

Mr. Clark reviewed the changes to the General Ordinances with the board after his meeting with Mr. Pellow:

- 1) The board reviewed the applications that have been approved over the last 1 ½ years for the FAR Ordinance. It was agreed to leave the FAR Ordinance as it was for another year and review it at that time.
- 2) Driveways and Parking Garages. Permitted Uses: Single family dwellings shall have one driveway access point in a private parking area in any yard area that either (1) meets 50% of the front yard setback distance (which is the troublesome area) or a Minimum of 10 feet in a side or rear yard or (2) Is in a neighborhood where garages are located in the front yard area due to topographic and other conditions as measured in accordance with another section (the setback section) and cannot realistically satisfy the zone setback requirements and otherwise meets the off street parking requirements. Mr. Clark indicated if you are in the neighborhood area and everyone else has a garage up close to the road we have been saying this is permitted. Mr. Pellow indicated according to this ordinance at 25 feet you can have a parking lot. Mr. Pellow indicated that he feels that parking garages should be taken out. Mr. Clark indicated that he will take out the first paragraph of this section and put in a statement that if the garage is uniform to the neighborhood, you can put the garage at that setback.
- 3) Nonconforming Lot Structures and Uses. For any lot zoned residential improved with a single family residence which residence will continue as of October, 2001 (which is the grandfather date) the following area yard bulk requirements apply. On the smaller lot (the 7500 to 20,000 square foot lots) the side yard is 15 feet. He indicated that the 15 foot side yard on a small lot, the house width could only be 20 feet. They have changed it to 10 feet.
- 4) Height Exceptions. Section 1019. They have made exceptions for Chimneys, spires, steeples, and belfries. He would like to add a few more words that they are exempt except for the height of them have to be proportionate in size. He is also adding language where possible that they should be appropriately screened or use of stealth technology.
- 5) Landscaping for automobile service stations, which are now conditional uses. What was in the ordinance is that it has to be screened by dense evergreens all the way around. He would like to change this to: to be screened with landscaping from adjoining lots.
- 6) Conditional Uses. Mr. Clark indicated that there is a use in there for weddings. Part of the conditions is: No overnight stay shall be permitted at wedding receptions. The board agreed to delete this from the ordinance.
- 7) The Exhibit for 20,000 contiguous developable lands has been deleted. They will rely just on the narrative section of the ordinance.

BOARD BUSINESS

General Ordinance Review:

- 8) The Minimum Road Design Standards. This will be deleted since the engineers must follow the RSIS rules. The Minimum Road Design Standards no longer applies.
- 9) Lighting Schedule. Mr. Clark indicated that this was in the Master Plan. This will be attached as an exhibit. Mr. Risdon suggested that the lighting be reviewed. Mr. Clark indicated that they can put in the ordinance "If requested by the board, the board engineer can conduct a light test for any lighting approved to make sure it conforms and does not create a nuisance.

Mr. Clark indicated that Mr. Pellow's office will prepare a Re-examination report of the Master Plan which would state: We are not dealing with the town center or plan endorsement issues specifically, but we have put the ordinance procedurally up-to-date and also re-ordered the existing uses and made some changes that are not necessarily consistent with the Master Plan.

Mr. Paterson indicated that he was having some problems with people coming in and wanting to put up sheds and store their boats on these deeded right-of-ways. Mr. Clark indicated that the ordinance could read: In residential zones only, a single accessory shed for residential storage purposes only may be placed on a lot provided it meets the schedule "c" requirements (setbacks) and is not larger than 100 square feet or 8 feet in height. Such structure shall be deemed a principal structure but become accessory upon construction of a residence.

ZONING OFFICERS AGENDA

The Zoning Officer reviewed his report dated May 23, 2007. No Formal action was taken.

PUBLIC PARTICIPATION

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

NEW APPLICATIONS

Diane Masker – LUB 07-06 – Block 23, Lot 9 – 34 Morris Avenue – Minor Subdivision & Variance:

Appearing before the board was the applicant's attorney, Michael Gaus, and the applicant's engineer, George Gloede, Jr. Mr. Gloede was sworn in by the board attorney.

Mr. Pellow reviewed his report dated March 19, 2007 and revised April 30, 2007 as to completeness:

"2": The application can be found complete as long as Item 9 and 43 are a condition of completeness and a partial waiver granted for Item 16 and a full waiver for item 17:

NEW APPLICATIONS CONT.

Diane Masker – LUB 07-06 – Block 23, Lot 9 – 34 Morris Avenue – Minor Subdivision & Variance cont.:

Item 9: Listing of all variances, design standards and checklist waivers. The 20,000 square feet of contiguous, non-constrained area has not been shown on the Zoning Chart, nor has it been shown on the plans. Mr. Pellow indicated that the zoning chart was revised, however, this area is to be outlined on the plan on Sheet #5. Mr. Gloede agreed to revise the map.

Item 43: Location of existing railroads, bridges, culverts, drainage pipe, water and sewer, utility poles. Mr. Pellow indicated that the existing features are very difficult to read on Sheet 1 of 4 and shall be made legible. He further indicated that the engineer did revise this on the revised map, however, it is still difficult to read. Mr. Gloede agreed to revise the map.

Item 16: Plan clearly and legibly drawn or reproduced at a scale not smaller than 1 inch equals 50 feet. Mr. Pellow indicated that they are requesting a partial waiver, as the first sheet is drawn to scale of 1"=100' to show the entire tract and is acceptable. Sheet 4 is shown at a scale of 1"=50' and meets the Ordinance requirements.

Item 17: Sheet size, 24 x 36. Mr. Pellow indicated that the applicant has requested a waiver, and it is satisfactory, as the 30 x 42 sheet shows the entire tract.

A Motion was made by Mr. Martin and seconded by Mr. Risdon to deem the application complete with the requested waivers and conditions of completeness. All were in favor. The Motion was carried.

Mr. Pellow continued reviewing his report:

"3": Both Lots 9.06 and 9.07 meet dimensional requirements for the AR Zone for the traditional Development Option, except that the 20,000 square feet contiguous non-constrained land has not been shown. Mr. Pellow indicated that the contiguous, non-constrained area to be outlined. Mr. Gloede agreed to revise the map.

"4": The subdivision of Lot 9.06 is very irregular and not good planning with the small 100 foot section of land behind Lots 9.03 and 9.02. What planning reason was this done for? Mr. Gloede indicated that they did look at running the lots straight back. The alternative is the remainder of Lot 9 goes around Lots 9.06 and 9.07 and has the piece around those lots. This seems to make more sense because it straightened out the line across the back for the remainder of Lot 9. They needed this strip to meet the acreage because it was under the 5 acre requirement. Mr. Gaus indicated that this strip of land is a slope and he is not sure anyone could use it for anything anyway if you make it bigger or smaller and it would be the same if you run the proposed lots straight back. A lengthy discussion was held with regard to this issue. Mr. Clark questioned Mr. Gloede as to the future of the remainder lot for development. Mr. Gloede indicated that there are no plans to develop the remainder at the present time. He indicated it would be difficult because they would need to put in a road and there are no other access points around the property. It was agreed that an on-site inspection would be needed to review this issue.

"5": An on-site inspection reveals the driveways will be an issue with the subdivision, and the driveway to be staked for an on-site inspection by the Land Use Board. Mr. Gloede indicated that the driveway is already staked out.

"6": Morris Avenue does not have a posted speed limit; therefore, it is 50 mph. Mr. Pellow indicated the last application for subdivision on this lot, they determined the speed limit to be 35 mph.

NEW APPLICATIONS CONT.

Diane Masker – LUB 07-06 – Block 23, Lot 9 – 34 Morris Avenue – Minor Subdivision & Variance cont.:

“7”:

It appears from the on-site inspection that much bank excavation will be needed to obtain proper sight distance from both driveway locations, looking northeast and southwest. Mr. Pellow indicated when the board does the on-site inspection, they will look at this.

“8”:

Sight distances to be verified in the field by our office with the Applicant’s surveyor at a point starting 10 feet back from the edge of the pavement. Mr. Pellow indicated that this also will be reviewed at the on-site inspection.

“9”:

The bank along Lot 9.07 should be cut back to allow proper sight distance around this curve from the existing roadway. Submit cross sections. Mr. Gaus asked that this be a condition of approval.

“10”:

Stormwater regulations to be adhered to due to the disturbance of land on both of these lots and drainage calculations submitted. Mr. Pellow indicated that what he has been requesting on small subdivisions is to show him typical dry wells. When the applicant submits building plans they can submit the stormwater management plans for the property. Mr. Gloede indicated that he will put the dry wells on the map. Mr. Pellow indicated that this will have to be put into the deed as a condition upon building permit when the applicant’s are ready to build.

“11”:

There is a cross drain under the driveway into the house on Lot 9 which will outlet onto Lot 9.07 and could be a problem in the future. Also, some type of drainage agreement could be made between these two lots. Mr. Gaus agreed to include this language in the subdivision deed.

“12”:

A driveway permit will be needed from the Township Building Department at the time of building permit application.

“13”:

Two thousand five hundred dollars (\$2,500.00) per lot, or \$5,000.00, to be deposited in the Frankford Township Road Trust Fund.

“14”:

COAH obligation to be adhered to.

“15”:

The deed references shall be shown on the plan for all of the road widening dedications. Mr. Pellow indicated that this has been shown on the revised map.

“16”:

Conservation easements for wetland should be prepared for each lot to run with the land. Mr. Gaus agreed.

“17”:

Constrained areas of the property should be shown on the plan by cross hatching or other means of identification. Mr. Pellow indicated that this has been shown on Sheet 5 of 5.

“18”:

I am not sure if there has been sufficient time between the original minor subdivision for Lot 9.04 and 9.05 and this subdivision, as there was an extension of time granted for Lots 9.04 and 9.05. Dick Clark to comment. Does the time start running from the date of the Resolution or from the extension? Mr. Gaus indicted it was January, 2004 when the subdivision was approved. The matter was extended twice for the purpose of perfecting and recording the deeds. Mr. Clark questioned what the extension was for. Mr. Gaus indicated it was from section 47(f) and (g) of the Statute and to only file the deeds, not a re-approval. Mr. Gaus further stated that the township ordinance

NEW APPLICATIONS CONT.

Diane Masker – LUB 07-06 – Block 23, Lot 9 – 34 Morris Avenue – Minor Subdivision & Variance cont.:

defines a minor subdivision as no subdivision within 3 years of the date of approval and the submission of the new application. The date of approval was January, 2004 and the submission date was March, 2007.

“19”: Due to rock encountered in the soil logs, it appears that the septic systems will be mounded.

“20”: The driveway detail depicts some of the driveways being paved and some not being paved. Both driveways will be at the maximum 15% grade, and severe erosion will take place unless they are entirely paved. Mr. Gaus indicated that the applicants are going to pave the driveway the entire length.

“21”: Guide rails will be required in many locations along both driveways. The guide rail to be shown on the plan and a note added on the plan that additional guide rail locations will be determined in the field at the time of construction. Mr. Gloede agreed.

“22”: Erosion is taking place in the gutter line of Morris Avenue in front of Lot 9.06, and these subdivisions will only make it worse. A method is needed to prevent this erosion. Mr. Gloede agreed to supply this information.

It was agreed to have Mr. Gaus contact the board secretary with dates available for an on-site inspection.

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

Appearing before the board was Mr. Percey. Mr. Percey was sworn in by the board attorney. Mr. Percey indicated that he was the owner of Lot 9.03 and he was concerned about the drainage. It was requested that Mr. Percey be contacted when the on-site inspection is going to be conducted so that he can attend it.

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.

A Motion was made by Mr. Martin and seconded by Mrs. Kristensen to carry this application without further notice to the June 27, 2007 Land Use Board Meeting. All were in favor. The Motion was carried.

BOARD BUSINESS

Invoices:

Mr. Larson asked that Mr. Collins give a report to the board as to the status of the lawsuits pending with the township.

A Motion was made by Mr. Dolan and seconded by Mr. Martin to approve the May, 2007 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 8 Kristensen, Risdon, Zappile, Gstattenbauer, Martin, Larson,
Romania, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS CONT.

Correspondence:

The correspondence was reviewed. No formal action was taken.

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator