

FRANKFORD TOWNSHIP LAND USE BOARD
JULY 18, 2007 – 7:00 P.M.
MINUTES OF THE REGULAR MEETING

CALL TO ORDER

The meeting was called to order by the board Vice Chairman, Mr. Ayers, 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. Gstattenbauer, Mr. McDowell, Mr. Martin, Mr. Larson, Mr. Smolen, and Mr. Dolan. Also present were Mr. Clark, the board attorney, Ms. Leo, the board attorney's assistant, and Mr. Stoner, representing the board engineer.

Those absent: Mrs. Kristensen (excused), Mr. Zappile (excused) and Mr. Romania (excused).

MINUTES

The Minutes of the May 16, 2007 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 May 16, 2007 regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

The Minutes of the May 23, 2007 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mr. Martin and seconded by Mr. McDowell to approve the Minutes of the May 23, 2007 regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

The Minutes of the June 20, 2007 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mr. Martin and seconded by Mr. Smolen to approve the Minutes of the June 20, 2007 regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

RESOLUTIONS

Robert & Gabrielle Bove – LUB 07-07 – Block 25, Lot 10.03 – 74 Fox Mill Road
“C” Variance:

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Dolan to approve the Resolution for Robert & Gabrielle Bove for an approval of a “C” Variance. Roll Call:

YES: 7 Ayers, Risdon, Gstattenbauer, McDowell, Martin, Smolen, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

Candace Moose – LUB 07-09 – Block 7, Lot 5 – 2 Skyline Drive – Minor
Subdivision:

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Risdon to approve the Resolution for Candace Moose for an approval of a Minor Subdivision Roll Call:

RESOLUTIONS CONT.

Candace Moose – LUB 07-09 – Block 7, Lot 5 – 2 Skyline Drive – Minor Subdivision cont.:

YES: 8 Ayers, Risdon, Gstattenbauer, McDowell, Martin, Larson, Smolen, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

Rainbows of Learning – LUB 02-28 – Block 11, Lot 13.08 – Route 206 – Preliminary & Final Site Plan:

The Resolution was reviewed. A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the Resolution for Rainbows of Learning for an approval of a Preliminary & Final Site Plan for the color of the roofing and siding. Roll Call:

YES: 7 Ayers, Risdon, Gstattenbauer, McDowell, Martin, Larson, Smolen

NO: 0

ABSTAIN: 0

The Motion was carried.

Castle Storage, Inc. – LUB 07-10 – Block 48, Lot 26.04 – 9 Cook Road –Appeal of Zoning Officer’s Decision:

The Resolution was reviewed. Mr. Clark indicated that he received a letter this date from an attorney who was not present at the hearing on behalf of Off Shore Marine. Mr. Clark indicated that the records are clear from the Assistant Zoning Officer that, in fact, the owner of Off Shore Marine contacted the Assistant Zoning Officer and indicated that all the boats were removed and requested that the appeal be canceled. The board decided to proceed with the appeal because it was an objector’s appeal. He further stated that the owner of Off Shore Marine had the right to participate and chose not to and sat in the audience the night of the hearing without an attorney. Mr. Clark indicated that they did send out drafts of the Resolution to all the participants. In this case, however, they did also send a copy to Off Shore Marine because they were part of this action. He further indicated that Mr. Hinkes, who represents Morris Coachworks, and Mr. Bryce, who represents the applicant, were in agreement with the form of the Resolution as to what happened. The issue in the subject letter from Off Shore Marine’s attorney is reference to previous violations. Mr. Clark indicated that the attorney did not know, because she was not here, there was the record of his opinion letter and evidence from last year that there was, in fact, a violation last year.

A Motion was made by Mr. Martin and seconded by Mr. Gstattenbauer to approve the Resolution for Castle Storage, Inc. to Reverse the Zoning Officer’s Decision. Roll Call:

YES: 5 Ayers, Gstattenbauer, Martin, Larson, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS

General Ordinance Review:

Mr. Clark reviewed the changes made from the previous meeting to the General Ordinances. He indicated if he receives approval this evening, the ordinances will be sent to the Governing Body for approval and adoption. He further indicated that he stills needs from Mr. Pellow's office a Re-examination report, which is in the process of being prepared. He stated that the changes to the Zoning map were presented at the last meeting and no further changes are being made.

Mr. Clark reviewed the following changes made:

Under definitions:

Automobile service stations – the following was added to the description: servicing and repair of transmissions, mufflers... These service stations may also sell propane and kerosene products as accessory sales only. Excluded from this definition are body work, welding and major painting services. Mr. Paterson indicated that welding should be allowed use under this definition. The board agreed.

Campground, Public – the following was added to the description: During May, June, July, August, September and October, no camping unit, camping vehicle or other camping equipment on a campsite or in a campground shall be lived in or occupied for more than 31 consecutive days. Campgrounds are subject to the New Jersey State Sanitary Code and the New Jersey administrative Code, N.J.A.C. 8:22-1.1 et seq. adopted pursuant to N.J.S.A. 26:1A-7. Mr. Risdon indicated he feels that during the months of June, July and August should be excluded from the above description because people do spend an entire summer at campgrounds, which would be more than 31 days. Mr. Clark indicated that it can state: June, July August can be continuous. The board agreed.

Floor Area Ratio – the following sentence was deleted from the description: Lots over one acre will not have a floor area accessory structure limitation.

Home Professional office – the paragraph now reads: Means partial use of a single-family detached dwelling by a practitioner of a recognized profession or business, including but not limited to attorneys, engineers, architects, medical practitioners, planning consultants, insurance agents, accounts and similar professionals offering a service for a fee. The words "or business" were added. Mr. Paterson indicated that this definition should exclude retail sales. The board agreed.

Under Section 30-604. Street Design: Paragraph "f" now reads: Any major subdivision fronting on an arterial or collector roadway shall be designed so as to limit direct access to such roadway. Access to the lots contained in the proposed subdivision shall be accomplished by an internal road network construction in accordance with the RSIS standards. "In accordance with the RSIS standards" was added to replace "township standards".

Under Section 30-607. Design of Parking Areas. Under paragraph "i". Location of Parking" The first sentence of the paragraph reads: Off-street parking area for six (6) or more vehicles may occupy front, side, and rear yard areas except as noted herein, subject to site plan approval by the Land Use Board. The word "front yard" was removed.

Under Section 30-611. Lighting. Ornamental fixtures with downward illumination shall be provided. Mr. Pellow is to supply Mr. Clark with a sample photograph to attach to the ordinance.

BOARD BUSINESS CONT.

General Ordinance Review cont.:

Under Section 1004. Zoning Map. Mr. Pellow is to supply the revised date of the Zoning Map to Mr. Clark to insert in the Ordinance book.

Under Section 1009. Nonconforming Lots, Structures and Uses. Paragraph "c" The Maximum building footprint sizes were deleted from lots sizes 7,500 sq. ft. to 20,000 sq. ft. and lot sizes 20,001 sq. ft. to 43,559 sq. ft. He further stated under grandfathered lots, instead of the adoption of this section for a period to look back to, they just put in October 2, 2001, if you had a lot or building in as of that date, you were grandfathered. Also under this section the following paragraph was deleted: "PURPOSE: Numerous single family, improved residential lots in lake communities, such as Culver's Lake and Lake Owassa, and elsewhere throughout the Township, are substantially undersized. Minor additions to a home, such as a deck or a porch, will no longer require a variance."

Under Section 1013. Floor Area Ratio. The example was deleted from this paragraph.

Under Section 105. Accessory Buildings and Structures. It was added that a gazebo can be in the front yard. The third paragraph of this section was amended to read: Unless otherwise provided in Schedule C, an accessory building located in a side yard shall not lie closer to the property line than 10 feet. The next paragraph "Unless otherwise provided in Schedule C, an accessory building located in a rear yard shall not be located closer than 5 feet to a side or rear lot line. A farm building or an accessory building used on a farm shall not be closer to a property line than the height of the building or the minimum side yard setback requirement for a principal building in the zone, whichever is greater." This paragraph was deleted.

Under Section 1022. Swimming Pools (Private). The paragraph regarding fencing was revised to read: "The pool shall be completely surrounded by fencing in accordance with the Uniform Construction Code."

Under Section 1027. Conditional Uses. Paragraph "9" Home Professional Offices. The third paragraph was revised to read: "The building shall continue to serve as the principal residence of the professional practitioner or business person."

Mr. Paterson questioned Mr. Clark under the ordinance for temporary trailers, he would like to add something if the house burns down, they do not have to come to the board to set up a temporary structures while they are rebuilding their home. He feels 90 days would be sufficient. Mr. Clark indicated this would be under Section 1028 Special and Temporary Permits. Mr. Clark asked Mr. Paterson to get him some language from another township for this situation. Mr. Paterson indicated this could be for either residential or commercial.

A discussion was held with regard to ECHO housing. The board asked Mr. Clark to draft an Ordinance with regard to permitting ECHO housing as a Conditional Use.

A Motion was made by Mr. Larson and seconded by Mr. Martin to approve the General Ordinances and to send it to the Township Committee for approval and adoption. All were in favor. The Motion was carried.

ZONING OFFICER'S AGENDA

Mr. Paterson reviewed his Zoning report dated June 27, 2007. No formal action was taken.

APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.

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

Based on a 30 mph site distance requirement, this lot would meet the criteria for the 30 mph speed limit.

Mr. Gstattenbauer indicated that there was a discussion with regard to proposed Lot 9.06 and the driveway and the potential of light shining into the neighbor's property. It was discussed to (a) not remove any of the growth that was there or (b) put a couple of trees in. Mr. Ayers indicated that this was supposed to be an area for a conservation easement. Mr. Gaus indicated that as long as they can get to the edge of their necessary grading, they will agree to make a conservation easement from the driveway to the property line. Mr. Stoner indicated that a portion of the area where they are discussing a conservation easement has already been cleared and he feels this is where the concern was. He further stated that it has been cleared where you can see through the trees to the neighbor's property. Mr. Martin indicated that he does not have a problem with this as long as this area is filled in with some plantings. Mr. Masker agreed to install some trees. He further noted that they did not remove any trees, it was mostly brush. Mr. Gaus indicated that this can be worked out between the engineers as a condition of approval. Once this is worked out, they will add the deed restriction in the subdivision deed. The board agreed. Mr. Stoner indicated that no further trees or brush should be cut down until this is reviewed by the engineers. Mr. Clark indicated that there should also be some kind of maintenance requirement for the plantings. Mr. McDowell suggested a red cedar for the plantings. He feels this would be a nice hedge row.

Mr. Gstattenbauer was concerned about the neighbor and his concern with the drainage on to his property. Mr. Stoner indicated that the applicant still has to submit drainage calculations. He further stated that they have to address some stormwater management which they have required this as a conditional of any approval, which was in Mr. Pellow's report.

Mr. Stoner referred to the site distance of Lot 9.07. He indicated that Mr. Pellow felt strongly that the site distance should be set for 35 mph because every other driveway that has come through here in other subdivisions were set at 35 mph. He indicated that at 35 mph they do not meet the site distance requirement, which is 275'. The applicant only has 220'. Mr. Pellow recommended cutting the bank back. Mr. Risdon questioned if the driveway was moved to the left would it correct the problem. Mr. Stoner indicated that they would still need approximately 20 additional feet, which is closer and they would not have cut so much into the side of the hill. The board agreed that the applicant should move the driveway up a little to obtain 275' feet on both sides and cut the bank down in order to meet the site distance for a 35 mph speed limit. This would have to be approved by the board engineer's office.

A Motion was made by Mr. Martin and seconded by Mr. Dolan to open this matter to the public.

William Percey from Lot 9.03 appeared before the board and indicated he was still under oath from the previous meeting. He was concerned with the Width of the Easement. Mr. Stoner indicated it should be at least 10'. Mr. Gloede indicated that the easement is 12' to the property line to their grading.

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. Clark summarized this application as a two lot minor subdivision with certain conditions: 1) The Lot 9.07 meeting the 35 mph speed limit, the 275' site distance will

APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.

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

have to be met which means a portion of the driveway on the property the site distance will have to be cut back. Mr. Clark indicated that there should be a recommendation to the governing body to pass an ordinance to post this street at 35 mph. 2) Regarding Lot 9.06 there will be a conservation area and deed of at least 10' off the property, for a distance to be determined in the field after some construction takes place. The purpose of which is to create and maintain a buffer. Mr. Stoner recommends that it is before construction so there is a statement of the limits of disturbance. Mr. Clark indicated then this should be done before the signing of the deeds. 3) Conditions in Mr. Pellow's report dated April 18, 2007 and revised May 7, 2007 as agreed to by the applicant. 4) COAH obligation. 5) Stormwater Management Plans for these lots. The site distance of 275' does still require a variance.

A Motion was made by Mr. Risdon and seconded by Mr. Larson to approve the Minor Subdivision and Variance with the conditions as stated in Mr. Clark's summary. Roll Call:

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

NO: 0

ABSTAIN: 0

The Motion was carried.

NEW APPLICATIONS

David Cammarato – LUB 07-11 – Block 35, Lot 5 – 69 Haggerty Road – “C” Variance:

Appearing before the board was the applicant, David Cammarato. Mr. Cammarato was sworn in by the board attorney.

Mr. Stoner indicated that the only comment in Mr. Pellow's report dated July 10, 2007 as to completeness was with regard to Item 70 – NJDEP presence/absence Letter or LOI. A pond and brook are shown on the site. Wetlands may be present on the site with associated buffer areas that could encroach into the proposed development areas. Mr. Stoner indicated that the applicant submitted a wetlands investigation report prepared by Dan Kent. The letter indicated that based on their review there are no wetlands that would impact either of the expansions requested with this application. Mr. Pellow had no objection to this letter. He indicated that this is a pond which is considered open waters and there are no buffer zones.

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

Mr. Cammarato indicated that his house is very small and there is no storage space. Therefore, they would like to add a 2 car garage onto the house, a bedroom above, and a laundry room on the first floor. Currently the laundry room is in the basement and it is a damp basement. This will give them more room. He would also like to add to the block garage a garage and level ground storage. When he works on the house, he needs a place to store things while he is working on the house. He will be doing the construction himself.

NEW APPLICATIONS CONT.

David Cammarato – LUB 07-11 – Block 35, Lot 5 – 69 Haggerty Road – “C”
Variance Cont.:

Mr. Stoner reviewed Mr. Pellow's report dated July 10, 2007:

Paragraph 1: The applicant is proposing additions to the existing dwelling and block garage on the above reference site. The proposed additions will require the following variances:

- a. Front yard setback: 41 feet is proposed, 75 feet is required. However with the addition of the Right of Way, the front yard setback will be 39 ½ feet and the existing is 44 feet.
- b. Height of accessory structure: 19 feet is proposed, 15 feet is allowed. Mr. Clark questioned the applicant why 19 feet? Mr. Cammarato indicated that the existing garage is 19' and he would like to keep it in line with the old building.
- c. Maximum size for individual accessory structure: 1200 square feet is proposed, 900 square feet is allowed for one structure.
- d. Maximum size for all accessory structures is 1260 feet, the Applicant to provide proposed size for all accessory structures on the site.

Paragraph 3: The proposed addition on the house will encroach into the existing driveway and turnaround a revised driveway turnaround should be shown on the plans. Mr. Stoner indicated that more detail needs to be submitted for a 20' x 20' turnaround area. Mr. Cammarato agreed to work with Mr. Stoner on the revision.

Paragraph 4: As mentioned above, a pond and brook exist on the property. The applicant should obtain either a presence/absence letter or LOI for the site prior to construction of the proposed addition to the house. The addition to the garage is more than 150 feet from the pond and brook and could move forward should the Board consider approval of the requested variances. Mr. Stoner indicated that Mr. Kent's report was sufficient.

Paragraph 5: Haggerty Road was surveyed and taken over by the County a number of years ago, and this right-of-way line to be shown on the plan. Mr. Stoner indicated that this was done on the revised plan.

Mr. Ayers questioned if there will be a second floor on the garage. Mr. Cammarato indicated that there will be no second floor on the addition. He also indicated that there will be no septic, water or electricity to the garage at this time.

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

Mr. Clark summarized the application as a classic C1 hardship type of application by the shape of the property. He stated that the whole principal residence is in the setback, which an existing condition. The following variances are needed: 1) lot area, which will be recognized because it is an undersized lot, and it can not be changed; 2) A front yard setback, which is the greatest impact; 3) Height of accessory structure to be increased to 19'; and 4) for the floor area ratio for the accessory structures. The conditions of the proposed approval would be as follows: 1) A presence/absence letter from the DEP as to wetlands because of the nearby adjacent pond; and 2) There will have to be a driveway

APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.

North Plains Holdings, Inc. – LUB 07-08 – Block 1, Lot 2 – Route 565 & North Plains Road – Pre. Site Plan, Minor Subdivision & “C” & “D” Variance (“D” Variance Hearing Only) Cont.:

Mr. Haggerty submitted to the board as Exhibit “A-1” a Colored copy of the Site Plan Overall dated August 19, 2005, last revised January 30, 2007.

Mr. MianECKI indicated that the property is 125 acres in size which fronts on Route 565 to the west in the vicinity of Plains Road immediately at its southwest corner. The property is located in the C2 (Commercial) Zone. The front of the property has 600’ in the C2 Zone and the remaining property is within the LI (Light Industrial) Zone. Mr. MianECKI referred to Exhibit “A-1”. The portion of the site they are referring to this evening is the northern most northwestern portion of the property. Along the westerly boundary of Route 565 they have an existing 30’ wide access drive that is presently there. It accesses a prior approval for a golf driving range. There is an asphalt millings parking lot on the site. They also have the club house and pro shop also on the property. They are proposing to utilize this existing driveway and they are proposing a 30’ wide paved driveway coming across the frontage of the property. The primary reason for this is Route 565 sits very high topographically above the site, approximately 20’ to 30’ in some places. He further indicated that bringing the driveway off of Route 565 considering this drop and being able to get a flat landing area at 2% for the first 20 feet and then transitioning into the property, it makes more sense to access the property at this location. He indicated that the areas in green on the exhibit represent a delineated jurisdictional freshwater wetland boundary. He indicated that a formal LOI was not submitted, however, a General Permit #10 was submitted for a minor crossing of some wetlands. As part of this application, the NJDEP walked his wetland line, reviewed it and approved this portion of the wetland line as being accurate. It has a 150’ transition area buffer to the wetland located in the center of the site. They also attached a 50’ transition area buffers to the wetlands essentially on either side of the proposed project on the north and south ends of it. There are two (2) manmade drainage ditches along the frontage of the property in front of the project of which there will be no transition area buffer to this. This would be considered state open waters with no transition area buffer. Mr. Stoner indicated that he would like a copy of the DEP General Permit #10.

Mr. MianECKI continued reviewing the Exhibit “A-1”. He indicated that the C2/LI boundary line is highlighted in red on the exhibit. Based on his review of the zoning map it appears to be approximately 600’ from the Route 565 Right-of-Way. The entire project is located within the C2 Zone, the LI Zone being the remainder of the property to the east. He indicated that moving the project back into the LI Zone would be difficult: 1) They would have to remove all the driving range portion of the project; and 2) The traverse down to the fields and down around the wetlands areas contain transition area buffers attached to them that would also impede access to this back portion. He further stated there would not be any lesser visibility if the facility was located in the LI Zone as compared to the C2 Zone.

Mr. Haggerty indicated that the reason they are presenting this variance this evening is because the applicant is proposing an outdoor storage in connection with this use. Mr. MianECKI indicated that the development will take place in the area on the exhibit in the peach color. They are proposing a 20,000 square foot building. The first 125 feet of it will be retail area. The last 75 feet of it will be warehouse. There will be a maneuvering area behind the building as loading will occur to the rear of the building. They are proposing outdoor storage for outdoor display. On the northern end of this area are storage bins for the storage of various types of materials that the applicant will be selling. In addition to the outdoor display there will be a little loading area in between the 2 front display areas. At the access area, there will be 2 driveways; one straight in that will

APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.

North Plains Holdings, Inc. – LUB 07-08 – Block 1, Lot 2 – Route 565 & North Plains Road – Pre. Site Plan, Minor Subdivision & “C” & “D” Variance (“D” Variance Hearing Only) Cont.:

access the main parking lot for customers; and there will be a sign directing truck traffic to bear to the right to go into the rear of the building for deliveries.

Mr. Haggerty indicated if the board would approve the “D” Variance requested for the outdoor storage, the applicant would still need site plan approval, in which case the board would review lighting, buffering, landscaping, etc.

Mr. Mianeki reviewed sheet 5 of 5 of the site plan which shows the landscaping and lighting plan. The plan shows the main outdoor storage plan, buffered by pine trees along the northern and western side. There are various trees along the frontage. This area will not only be a display area, but passers by will be able to see it, so he did not put a hedge row across this area.

Mr. Wingle explained to the board the proposed use of the property. He indicated that he rents small equipment and sell paving stone, retaining wall product and natural stone. He noted that no processing will be done on this site of the mulch and stone. He is also proposing to have store fronts for people in the trade, such as a landscaper, plumber, electrician, landscape architect, etc. The tenants would also be able to have a bay for their equipment which would also be in the rear of the building.

Mr. Ayers questioned if the small rental equipment will be outside for display. Mr. Wingle indicated that he would have to so people know this is what he is selling and renting. Mr. Haggerty indicated that the road is elevated on Route 565 going towards Sussex and you are looking down into the property. So the equipment will be visible whether you have it in front of the building or in the back.

Mr. Haggerty indicated that they are trying to emphasize to the board that this property is partially in the LI Zone and partially in the C2 Zone. Logistically obviously to get back into the LI Zone is very difficult through the wetlands constraints and not desirable. He further stated even if they could do that it is going to be equally visible. There is a panoramic view of the property as indicated because there is a raised roadway. They do feel this is a good viable use and it can only be viable in the event that he does have outside storage. He can not use the site otherwise for the intended purpose. This is a C2 Zone and other than this area of the C2 Zone, the board has not had any other activity other than the Wingle’s project for the potential driving range. Because of the raised road and the wetland constraints, the property is unique. They will have a natural and dictated buffer because of the wetlands. This works very well for the township and for the applicant. He also submits that there are not any negative impacts because of the uniqueness of this property. He stated that he passed this evening on the way to the meeting 3 businesses that have outside storage.

A discussion was held with regard to parking. It was noted that 40 parking spaces are proposed at this site. A discussion was held with regard to the use of the building. Mr. Mianeki indicated that the septic is designed for a 5000 square feet of retail and 15,000 square feet of office/warehouse.

Mr. Larson questioned how long the driveway to the proposed site is. Mr. Mianeki indicated the driveway is approximately 1000 feet. Mr. Larson indicated that his concern was the surrounding houses.

Mr. Martin questioned if the operation proposed is similar to what he has at the present time on Cook Road. Mr. Wingle indicated it would be the same just on a larger scale.

APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.

North Plains Holdings, Inc. – LUB 07-08 – Block 1, Lot 2 – Route 565 & North Plains Road – Pre. Site Plan, Minor Subdivision & “C” & “D” Variance (“D” Variance Hearing Only) Cont.:

Mr. Ayers questioned as to where the outside storage would be located. Mr. Haggerty indicated that this would be part of the site plan review. At the present time the applicant is requesting the approval for outdoor storage on the site for landscaping materials and supplies. He would also have display areas of the materials that he selling which they are proposing in the front area of the site. Mr. Clark questioned how close the outdoor display would be to the road. Mr. Miannecki indicated that the edge of the display area to the edge of the road is approximately 60 feet and approximately 14 feet down.

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

Ms. Dollar appeared before the board and was sworn in by the board attorney. Ms. Dollar was concerned as to how long this project will take to complete. She was also concerned that if the board approves outdoor storage, can the applicant just start storing items outside without the building. Mr. Clark indicated that this can not happen and the applicant must come back to the board with a site plan application. Mr. Stoner indicated that the board could also request a Performance Guarantee of the applicant to insure the project is completed. She questioned if this operation was sale to the general public and/or contractors. Mr. Wingle indicated that he sells to both. She was concerned with the driveway and if it was going to be paved. Mr. Wingle indicated that the entrance driveway will be paved.

There being no further public, 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. Haggerty summarized the application. He indicated the applicant is looking for a consideration of a “D” Variance for outside storage regardless of whether it is in the front, back or side. The applicant needs a “D” Variance because of the uniqueness and the size of the parcel, the location of the wetlands, the topography and the drop from Route 565. He indicated that the distances from the surrounding homes or residences, there is not going to be anything overlooking the property on the west side of Route 565. They feel this is a good use of the parcel.

A Motion was made by Mr. Risdon and seconded by Mr. Martin to approve the “D” Variance for outdoor storage. Roll Call:

YES: 7 Ayers, Risdon, Gstattenbauer, Martin, Larson, Smolen, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS CONT.

Subcommittee Reports:

Technology Committee: It was discussed to have the engineers submit to the board with an application 11” x 17” set of plans for the board members.

BOARD BUSINESS CONT.

Correspondence:

The correspondence was reviewed. No formal action was taken.

Township of Frankford Salt Shed:

Mr. Ayers questioned Mr. Clark if it is appropriate to ask the township to bring in a site plan for review of the salt shed that Mr. Paterson indicated that they were proposing to build. Mr. Clark indicated that yes it is appropriate. The town is supposed to come in and confer with the Land Use Board with any capital projects. The ordinance does say they are exempt from Zoning and Planning, but they have an obligation to the Land Use Board for input.

Invoices:

Mr. Larson requested that the board secretary submit to the board an amount spent on recent lawsuits.

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

YES: 7 Ayers, Risdon, Gstattenbauer, Martin, Larson, Smolen, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

August 2007 Meetings of Land Use Board:

The board agreed to cancel the August 22, 2007 Land Use Board meeting.

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator