

FRANKFORD TOWNSHIP LAND USE BOARD
APRIL 23, 2008 – 6:00 P.M.
MINUTES OF THE REGULAR MEETING

CALL TO ORDER

This 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. McDowell, Mr. Bennett, Mrs. Fountain, Mr. Gstattenbauer, Mr. Sutphen, Mr. Larson, Mr. Romania, Mrs. Albanese (arrived at 6:40 p.m.), Mr. Dolan, and Mr. Nadolny. Also present were Mr. Clark, the board attorney, Mrs. Leo, Mr. Clark's Assistant and Mr. Pellow, the board engineer.

Those absent were: Mr. Shelton (excused).

APPLICATIONS CARRIED FROM A PREVIOUS MEETING

Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” Variance:

A letter was received from the applicant's attorney that the newspaper notice was not completed timely; however, the surrounding property owners were noticed correctly. He requested that this matter be carried without further notice to the surrounding property owners and he will re-notice the newspaper for the May 28, 2008 Land Use Board meeting at 6:00 p.m.

A Motion was made by Mrs. Fountain and seconded by Mr. Larson to carry this application without further notice to the surrounding property owners to the May 28, 2008 Land Use Board Meeting at 6:00 p.m. All were in favor. The Motion was carried.

MINUTES

The Minutes of the February 20, 2008 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Larson to approve the Minutes of the February 20, 2008 regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

It was noted that the February 27, 2008, March 19, 2008, and March 26, 2008 Minutes were not yet completed.

RESOLUTIONS

Rudolph & Barbara Sellitti – LUB 08-05 – Block 271, Lot 11 & Block 270, Lot 4 – Blackford Road – “C” Variance:

Mr. Clark indicated that this Resolution was not yet completed and should be placed on the agenda for the May 21, 2008 Meeting.

BOARD BUSINESS

Special Legal Counsel Position:

Mr. Clark indicated that he does not have a conflict with the Ross' Corner project and the need for special counsel is no longer needed.

COMPLETENESS HEARINGS

Flag Associates – LUB 08-07 – Block 16, Lots 1.01 & 1.02 – Route 206 – Use Variance:

Appearing before the board was the applicant's attorney, John Leo.

Mr. Pellow reviewed his report dated April 15, 2008 and revised April 22, 2008 as to completeness:

ITEM 7 – Compliance with legal notice requirements. It was indicated that the notice was not yet done.

ITEM 10 – Copies of all prior resolutions pertaining to this property. A copy of the January 28, 1986 resolution has been submitted.

ITEM 12 – Copy of Sussex County Planning Board Application. The applicant is requesting a waiver depending determination of the use variance application and is acceptable.

ITEM 13 – Copy of Soil Erosion/Sediment Control application. The applicant is requesting a waiver depending determination of the use variance application and is acceptable.

ITEM 15 – Copy of Sussex County Health Department application. The applicant is requesting a waiver depending determination of the use variance application and is acceptable.

ITEM 21 – Applicant's Name, Address, Phone Number and Fax Number. Phone number and fax number were included in Mr. Haggerty's memo of April 17, 2008.

ITEM 28 – Existing structures within 200 feet and Distance to Property Line. The structures are shown, but the distances to the property line are needed. This can be a condition of completeness.

ITEM 42 – Building Envelopes. They are shown on Sheet #3.

ITEM 56 – Provision for Certification and Approvals. The Application is requesting a waiver depending determination of the use variance application and is acceptable.

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

APPLICATIONS FROM A PREVIOUS MEETING

Timothy and Anne Keller – LUB 06-22 – Block 104, Lot 5 – 11 Nook Lane, Culver Lake – "C" & "D" Variance:

Appearing before the board was the applicants, Timothy and Anne Keller. Mr. and Mrs. Keller were sworn in by the board attorney.

Mrs. Keller indicated that they were previously before the board and received approval for renovation to their home. They previously wanted to tear down the home, however, they could not do this because they could not build a new septic to code. She indicated that the Board of Health ordinance has since changed and they are now able to build a septic as close to code as possible if approved by the County and the local Board of Health. Therefore, they are now requesting to demolish the existing house.

APPLICATIONS FROM A PREVIOUS MEETING CONT.

Timothy and Anne Keller – LUB 06-22 – Block 104, Lot 5 – 11 Nook Lane, Culver Lake – “C” & “D” Variance cont.:

Mr. Dolan indicated that the letter submitted by the applicant's attorney is somewhat misleading. In his opinion from the Board of Health standpoint, in the case of remodeling or reconstruction it is the applicant's burden to show that the septic system meets current DEP, County and Township Codes. Failing this, they have to satisfy the township that they have come as close as practical to compliance with those codes. However, it is his understanding with new construction there is no such loop hole, with new construction they have to build a system that complies with County, DEP and Township codes. He further stated that there was some discussion at the Board of Health level that if they choose to reconstruct because it was impossible to build a system on their property that met all the current codes. He indicated that they received approval to build the septic system under the reconstruction language of the code.

Mr. Clark explained to the board that the applicant was before the board for a variance to remodel the existing structure and at that time the house was so close to the street, they informed the applicant if they could get approval for a new septic, they should come back to the board to get an approval to move the house more centered on the lot. Mr. Ayers indicated that the board was concerned with the original application that they were going up with an addition on an old foundation and indicated to the applicant's that they would be granted a variance if they could tear it down and rebuild if they could meet the approvals for a well and septic for new construction.

Mrs. Keller indicated that they did receive a septic approval. Mr. Dolan reviewed the septic approval submitted by Mrs. Keller which states that it is an alteration, not new construction. Mrs. Keller indicated that the septic approval is for new construction in the same location on the lot. Mr. Clark indicated that the this board's decision was for the applicant's to return to the board for approval to center the house on the lot, not rebuild it in the same location.

Mr. Clark reviewed the letter submitted by the applicant's attorney who indicates that they have received septic approval; however, they could not center the house on the lot because there would not be enough room for the septic.

Mrs. Keller indicated that they are building the exact same house as they proposed in the previous application, except the existing house will be torn down and replaced in the same footprint with the exact same house and addition as approved in the previous application. It is a 3 bedroom home and will remain a 3 bedroom home.

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

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

Mr. Clark summarized the application. He indicated that this is a re-application or a request for an amendment to an existing approval to allow a complete new house, new reconstruction at the same location with a foundation. He indicated that the argument remains the same that this is a hardship matter based upon the layout of the lot, the size of the lot and the existing conditions.

APPLICATIONS FROM A PREVIOUS MEETING CONT.

Timothy and Anne Keller – LUB 06-22 – Block 104, Lot 5 – 11 Nook Lane, Culver Lake – “C” & “D” Variance cont.:

A Motion was made by Mr. Ayers and seconded by Mr. Larson to approve the modifications of the previous approval as described by Mr. Clark in his summary and the application will be subject to the septic and well approval by the Board of Health. Roll Call:

YES: 7 Ayers, Bennett, Fountain, Gstattenbauer, Larson, Romania, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS:

Technology Subcommittee:

Mr. Romania appointed Mr. Larson, Mr. Dolan, Mr. Ayers and himself to the Technology Subcommittee to review the possibilities of having the application process for the Land Use Board being submitted to the board electronically.

ADJOURN

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator