

**FRANKFORD TOWNSHIP LAND USE BOARD
MAY 21, 2008 – 7:00 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. Shelton, Mr. Larson, Mr. Romania, Mrs. Albanese, Mr. Dolan, and Mr. Nadolny. Also present were Mr. Clark, the board attorney, Ms. Leo, Mr. Clark's Assistance and Mr. Pellow, the board engineer.

Those absent were: None.

RESOLUTIONS

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

The Resolution was reviewed. A Motion was made by Mrs. Fountain and seconded by Mr. Larson to approve the Resolution for a “C” Variance for Rudolph & Barbara Sellitti.
Roll Call:

YES: 7 Fountain, Shelton, Larson, Romania, Albanese, Dolan, Nadolny
NO: 0
ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS

COAH – Subcommittee:

Mr. Romania appointed Mrs. Fountain, Mr. Ayers and Mrs. Yarosz to the COAH Subcommittee.

TDR – Subcommittee:

Mr. Romania appointed Mr. McDowell and Mr. Gstattenbauer to the TDR Subcommittee.

Plan Endorsement Advisory Committee – Update:

Mr. Romania indicated at the last PEAC meeting it was decided that the head of the PEAC will report monthly to the Land Use Board as to the status of the Plan Endorsement Process. He also indicated that the PEAC voted to rehire H2M as the Planner. It was noted that H2M will be at the next Land Use Board meeting to discuss their contract.

BOARD BUSINESS CONT.

Small Wind Energy Systems Ordinance/Green Ordinance:

Mrs. Albanese questioned the board if they wanted to look at ordinances for both commercial and residential with regard to the Small Wind and the Solar Energy. The board indicated that the ordinance should include both residential and commercial.

Mrs. Albanese indicated in her research of these types of Ordinances, there was a township that gave a tax benefit to people with the wind and/or solar energy. The homeowner's tax assessment did not go up because of the addition of the wind or solar power. Mr. McDowell indicated that this will have to be discussed with the Tax Assessor.

Appearing before the board was Mr. DeWitt who indicated that Galloway Township has passed their Ordinance for Wind and Solar, which he handed out to the board for their review. He informed the board that he was able to get the State to consider extending the grant expiration from 9 months to 12 months; therefore the grants in Frankford Township have until September to install the wind towers. He also submitted to the board a copy of the Autobond letter supporting the Wind Energy Ordinance.

Route 565 C2 Zoning Ordinance:

It was noted by Mr. Sutphen that the board gave their input regarding this Ordinance at the last meeting and it has been changed to meet some of those changes. No comments were made by the board.

COAH – Third Round Rules – Growth Share Ordinance:

Mr. Clark handed out to the board the changes proposed to the COAH Round Three Rules which will be adopted on June 2nd. He further noted that COAH has already proposed changes to these rules which will be posted on June 16th. He further noted that his office has drafted changes to the Growth Share Ordinance based on the new rules that are being adopted in June. Mr. Romania asked that the COAH subcommittee meet with Ms. Leo of Mr. Clark's office to review the changes to Growth Share Ordinance.

Ratables:

Mr. Shelton indicated that he has done a lot of research on ratables and how they affect the township. He would like to have one of these experts speak to the board, the PEAC and the Township Committee to discuss ratables and how they affect the township. Mr. McDowell indicated he will speak to the Township Committee to set up a meeting regarding this.

Mr. Romania indicated that one of the discussions that came up at the PEAC meeting was discussing with Branchville about having a common center. Mr. Romania setup a subcommittee to discuss this proposal with Branchville. The subcommittee will be Mr. Shelton, Mr. Romania and Mr. Larson.

Correspondence:

The Correspondence was reviewed. No Formal Action was taken.

PUBLIC PARTICIPATION

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

PUBLIC PARTICIPATION CONT.

Appearing before the board was the Zoning Officer and he indicated that he was approached by a businessman in the township who now runs a business at Miller's property by Blue Ribbon. He indicated that he is currently running a repair shop and wants to re-open the motorcycle shop again and the boat shop behind it. He indicated the building is in the same condition today as when it closed a few years ago. The motorcycles and boats are still there from when the shop closed 20 years ago. He is concerned about abandonment. Frankford's Ordinance states 12 months, however, the facility was not gutted, taken out, destroyed, etc. He feels this is not an abandonment. Mr. Clark indicated that the State Law rules in this situation and the business owner would have to come to the board for an Interpretation because the Zoning Officer does not have authority to issue a zoning permit. He further stated that the business could come to the board for Section 68 for a Non-Conforming Use Certificate.

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

NEW APPLICATIONS

Sussex County Farm & Horse Show – LUB 08-11 – Block 19, Lot 21 – “C” & “D”
Variances (Sign):

Mr. Sutphen, Mr. McDowell and Mrs. Fountain stepped down from this application. Mr. Pellow also stepped down from this application. Mr. Ken Wentink took over as board engineer for this application. Mr. McDowell left the meeting.

Appearing before the board was the applicant's attorney, Frances McGovern, and Allen Henderson, the Farm and Horse Show's President. Mr. Henderson was sworn in by the board attorney.

Mr. McGovern indicated that the fair was before the board regarding a sign variance for a piece of property on the corner of Augusta Hill Road and Route 206. This is an existing sign which was approved by the board ten years ago. They are before the board for approval to use the sign as approved ten years ago, with the LED aspect of the sign which was never completed by the fair for budgetary reasons. He indicated that because of time requirements of variances, the time lapsed and the fair finally has the money to install the LED portion of the sign and now the variance has lapsed.

Mr. Wentink reviewed his report of April 30, 2008 for completeness:

There are many waivers requested, some of which the information is provided and some which the information requested in the checklist is not necessary for this application:

Number 17, Sheet Size. The sheets that I received are 24" x 36" and therefore should be complete. No waiver is needed.

Number 18, Plan preparer's information and raised seal. The information is there but the raised seal is not. I believe that the sealing of plans is a state rule and I do not believe the board has the right to waive this requirement. Mr. McGovern indicated that they do have one set of plans that are sealed which was shown to Mr. Wentink.

Number 21, Applicants data. All that is not provided are the applicant's telephone and "Fax" numbers. He feels this is acceptable to waive.

Number 22, Name of Project. The plans are titled "Variance Plat" and in my opinion is satisfactory.

NEW APPLICATIONS CONT.

Sussex County Farm & Horse Show – LUB 08-11 – Block 19, Lot 21 – “C” & “D”
Variiances (Sign) cont.:

Number 24, Certification of accuracy by preparer. This is not on the plan. Mr. Wentink feels that this is satisfactory to waive.

Number 30, Scale of map, both written and graphic. There is no graphic scale on Sheet 1 of 2. Mr. Wentink feels that this is satisfactory to waive.

Number 33, Note 1 on Sheet 1 of 2 lists the Tax Map Sheets for the entire Key Map. Mr. Wentink feels that this is satisfactory to waive.

Number 34, the entire lot and 200 feet around it is shown on the Key Map on Sheet 1 of 2. Mr. Wentink feels that this is satisfactory to waive.

Numbers 36, 37 & 38, these items appear to be for a subdivision and in my opinion should be marked N/A. He does not feel a waiver is necessary.

Numbers 39 through 42 of the checklist in my opinion, these waivers are appropriate because the sign is constructed and the information is provided for the area of the lot where the sign is. Mr. Wentink feels this is satisfactory to waive. He indicated that the plan shows the sign 2 feet off the right-of-way line, but the sign is actually approximately 9 to 10 feet off the right-of-way line, which he feels is satisfactory.

Number 56 is complete. Provisions for certifications and approvals are on Sheet 1 of 2. This is done and no waiver is required.

Number 70, the Sign was constructed in accordance with the L.O.I. in existence at that time. Mr. Wentink indicated that this satisfactory to waive. He further stated that even though the sign was moved back a few feet, they are still not in the transition area that was in the L.O.I.

Number 73, 75 & 77 of the Checklist should be marked N/A. No waivers are necessary.

Mr. Clark indicated that the notice was satisfactory.

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

Mr. McGovern indicated to the board that the previous board granted the exact relief that the applicant is requesting this evening and nothing has changed since that approval 10 years ago.

Mr. McGovern questioned Mr. Henderson as to the changes to the fair over the past 10 years. Mr. Henderson indicated that financially the fair now has the money to complete this project. The fair has obviously grown in size over the past 10 years. They are looking forward to using this type of sign to say what is going on at the fairgrounds from mostly April to October. Mr. McGovern indicated that the prior Resolution points out that the sign can also be used for public announcements and questioned Mr. Henderson if this was still the intent of the fair. Mr. Henderson agreed. Mr. McGovern asked Mr. Henderson as to how the sign operates. Mr. Henderson indicated that the sign will be operable from the office. Mr. Romania indicated he remembers the approval to allow public announcements and emergency services. He also remembers a concern by the board at that time that there was someone that was going to carry around the equipment with him and the board was hoping that the operating equipment would be left at the fair office. Mr. Henderson agreed.

NEW APPLICATIONS CONT.

Sussex County Farm & Horse Show – LUB 08-11 – Block 19, Lot 21 – “C” & “D”
Variances (Sign) cont.:

A Motion was made by Mr. Shelton and seconded by Mr. Gstattenbauer to Waive the Reading the Resolution to allow them to begin construction on the sign. All were in favor. The Motion was carried.

Mr. Wentink stepped down as board engineer. Mr. Pellow returned to the meeting as board engineer. Mrs. Fountain returned to the meeting.

Paul Camuti – LUB 08-09 – Block 174, Lot 1 – 35 Lake View Point Avenue – “C” & “D” Variances:

Appearing before the board was the applicant, Paul Camuti, his attorney, William Haggerty, and his engineer, Kenneth Wentink. Mr. Camuti and Mr. Wentink were sworn in by the board attorney.

Mr. Pellow reviewed his report dated May 1, 2008 for completeness:

Item 3 – Certification of taxes, liens, assessments paid. \$2.51 is due for the May 1st payment. Mr. Haggerty indicated that this was taken care of.

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

Item 25 – Zoning district of parcel and surrounding lands. “AR” to be shown on the key map. Mr. Haggerty indicated that this will be revised.

A Motion was made by Mr. Shelton and seconded by Mr. Larson to deem this applicant complete. All were in favor. The Motion was carried.

Mr. Haggerty indicated that the applicant is the owner of a lake front parcel on Culvers Lake improved with a single family home. There is a small shed or garage on the road side of the property. The applicant is proposing a vertical addition and open porch in the front in order to modernize the home. It is currently a 3 bedroom home and it will remain a 3 bedroom home.

Mr. Haggerty submitted to the board Exhibits “A-1” through “A-5” which are photographs of the property. Mr. Camuti indicated that Exhibit “A-1” is a photograph of the existing house with a view from the lake; Exhibit “A-2” shows a photograph of the applicant’s existing home and a vacant lot to the right which appears to be a Right of Way and his neighbor’s home, Fernandez and the left his neighbor, Schmidt; Exhibit “A-3” is a photograph of the front of the home from Lake View Point Avenue; Exhibit “A-4” is a photograph of the side of the house towards the Right of Way. This photograph shows the existing porch will be retained on the block foundation and the main part of the house on the original stone footings; and Exhibit “A-5 are two photographs. One showing the front of the house from Lake View Point Avenue and one showing the small shed or garage in the front of the house.

Mr. Haggerty questioned Mr. Camuti as to what improvements he would like to make to the home. Mr. Camuti indicated that his intention was to build over the existing footprint of the house and bring it up to current building standards. He indicated that the main portion of the house is approximately 100 years old. He noted that there have been additions put on it on the rear and the front. This renovation will modernize the electric and plumbing. He is also proposing an open porch on the lake side of the house. The house is a 3 bedroom home and will remain a 3 bedroom home.

NEW APPLICATIONS CONT.

Paul Camuti – LUB 08-09 – Block 174, Lot 1 – 35 Lake View Point Avenue - “C” & “D” Variances cont.:

Mr. Pellow continued reviewing his report dated May 1, 2008:

Paragraph “1”: The applicant is proposing to expand the existing house vertically as well as adding a covered porch on the lakeside of the house.

Paragraph “2”: The architect has submitted plans for the final house dimension, but it is difficult to determine what is proposed and what exists. The existing house to be shown on the plans. Mr. Pellow indicated that he was concerned with the rooms that are there now and how they are arranged. Mr. Camuti indicated that the layout of the house and the new construction will be very similar to what it is now. He indicated that there are 3 bedroom upstairs with a very small center hall and there are 3 bedrooms upstairs in the new plans. The change is that they moved the bathroom from downstairs to upstairs. He indicated that downstairs there is a kitchen, which will remain. There are also a couple of family sitting rooms downstairs which will remain. He indicated that as shown in the photographs the area towards the lake is an enclosed porch. The area that faces the road is the kitchen in the back of the house. The new design will have 2 bathrooms upstairs. The height of the home will stay the same. He further indicated that this home will be consistent with the surrounding homes in the neighborhood.

Paragraph “3”: As per the architect’s drawing on page A-0, the existing house has 1,115 square feet and after improvements, there will be 2,585.33 square feet. The engineer’s plan indicates 2,230 square feet after improvements. Which one is correct? Mr. Pellow indicated that there was a letter submitted by Mr. Haggerty explaining that the 2,230 square feet is correct, the 2,585.33 square feet includes the open porch, which should not be included in the FAR.

Paragraph “4”: The following variances are needed: a) Side Yard Setback: 15 feet is required and 7.7 feet to the south side of the house is existing; b) This is a corner lot, and the front yard setback of 35 feet is required from Meadow Road, and 3.5 feet is proposed; c) Rear Yard Setback: 50 feet is required and 25 feet is proposed; d) Floor Area Ratio: 17.4% is allowed or 1,662 square feet and 2,230 square feet or 23.3% is proposed as per the engineer’s plan.

Paragraph “6”: The applicant states that a new septic system was recently constructed between the house and the street. A copy of the septic permit and a certificate of compliance to be submitted to the Board for review. Mr. Haggerty indicated that he was mistaken; this septic system was actually done between 1989 and 1990. He did send a follow up letter to amend the reasons to grant the variance to eliminate this statement. Mr. Pellow indicated that in 1990 they did not do certificates of compliance. Mr. Haggerty indicated that he did check the board of health records and there was not a certificate of compliance. There was an approved plan and a bed inspection.

Paragraph “7”: On Sheet A-0 of the architect’s plan, a note depicts: “Township of Hopewell” and it should be “Township of Frankford.”

Paragraph “8”: Lot 3, Block 174, containing 9,700 square feet, was granted a variance for a floor area ratio of 22% or 2,135 square feet, and 1,683 square feet or 17.35% was permitted (Application #06-19- Wefing). Mr. Pellow indicated that this is the house next door to this lot.

Paragraph “9”: The map on Sheet 2 of 2 depicts the drainage installed around the septic system for Lot 1.01, Block 173, but this has not been done so the map should be revised.

NEW APPLICATIONS CONT.

Paul Camuti – LUB 08-09 – Block 174, Lot 1 – 35 Lake View Point Avenue – “C” & “D” Variances cont.:

Paragraph “10”: Lot 16, Block 170 does not show the owner’s list within 200 feet and maybe they were not notified. Mr. Haggerty indicated that he spoke to Mr. Dyksen the Tax Assessor and this is the Fernandez property which was combined with the lot next door, and they were noticed.

Mr. Haggerty referred to item “4b” of Mr. Pellow’s report which refers to a 35’ front yard setback being required from Meadow Road and 3.5 feet is proposed. Mr. Haggerty indicated that Meadow Road is the Right of Way that is shown in the photograph and on the plans. It is a wooded area and the setback from this would not affect a homeowner.

Mrs. Albanese questioned Mr. Camuti if he was going up over the existing enclosed porch. Mr. Camuti agreed.

Mr. Dolan questioned if the enclosed porch was heated. Mr. Camuti indicated that the enclosed porch is now part of the house and it has electric baseboard heating. Mr. Dolan questioned if the enclosed porch is a heated room, how is it excluded from the FAR. Mr. Haggerty indicated that the enclosed porch is part of the FAR; there is a proposed new porch. Mr. Camuti indicated that he feels that the existing house is more than 1,115 square feet. Mr. Haggerty questioned Mr. Camuti if there will be an attic or a basement in the home. Mr. Camuti indicated that there will not be an attic or a basement that you can stand up and walk in. He further indicated that there will be no door from the basement or windows.

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

A lengthy discussion was held with regard to downsizing the house to come closer to the required FAR. Mr. Romania suggested that the board do an on site inspection of this property and carry it to the next meeting.

A Motion was made by Mr. Dolan and seconded by Mr. Larson to carry this application to the June 18, 2008 Land Use Board meeting without further notice to allow the board members to do an on site inspection of the subject property. All were in favor. The Motion was carried.

Mr. Pellow asked the applicant to verify the existing FAR because he agrees with the applicant that the existing FAR is not correct.

Laura Quigley – LUB 08-08 – Block 196, Lots 2 & 3 – Minor Subdivision – “C” Variance:

Mr. Sutphen returned to the meeting.

Appearing before the board was the applicant, Laura Quigley, the applicant’s attorney, William Haggerty, and the applicant’s engineer, James Glasson. Mr. Glasson and Mrs. Quigley were sworn in by the board attorney. Mr. Glasson was qualified as an expert witness on this application.

NEW APPLICATIONS CONT.

Laura Quigley – LUB 08-08 – Block 196, Lots 2 & 3 – Minor Subdivision – “C”
Variance cont.:

Mr. Pellow reviewed his report dated May 1, 2008 and revised May 9, 2008 as to completeness:

Item 7: Compliance with Legal Notice requirements. Mr. Clark indicated that the notice was satisfactory.

Item 15: Copy of Sussex County Health Department Application. A note on the plans states that a septic alteration permit was applied for on February 7, 2008. A copy of the application was not submitted; however, a temporary waiver can be provided to allow for submission of the permit at a later date. Mr. Haggerty indicated that they do have a copy of the septic permit.

Item 70: NJDEP Letter of Interpretation. The applicant is requesting a waiver. Mr. Pellow indicated that they do not need this and it is an acceptable waiver request.

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

Mr. Haggerty indicated that the applicant is the owner of a lake front parcel on East Shore Lake Owassa Road which is improved with a single family home with a small shed type building on the lot. This is a two part application. The proposal is to subdivide a small portion of the adjoining lot owned by Wendy Klein, which is a larger lot and annex this portion to the Quigley lot. The Quigley lot now has a side yard setback on this common boundary with the Klein property of 1.7 feet. By annexing this area, the side yard setback will be increased by 2 feet. There is a small addition proposed to the left and right side of the Quigley home. The applicant meets the FAR requirement and they do not need a variance for this. He indicated that most of the variances needed for this application are pre-existing conditions.

Mr. Pellow continued reviewing his report:

Paragraph “1”: The site plan used for review consist of four (4) sheets dated February 15, 2008, last revised May 6, 2008 and prepared by Civil Engineering, Inc.

Paragraph “2”: Architectural plans were submitted consisting of five (5) sheets dated October 11, 2007 and prepared by Cordasco & Socci, Architects.

Paragraph “3”: A subdivision map was submitted consisting of one (1) sheet dated February 15, 2008 and prepared by Robert D. Poole, P.L.S.

Paragraph “5”: The Applicant is proposing to subdivide 1,105 square feet off of Lot 3 and add it to Lot 2 to increase the side yard and area of the lot. The applicant is also proposing to add 115 square feet to the first floor and a 560 square foot second floor addition to the existing house on Lot 2. The first floor will have an expanded dining room; a stairway to the second floor; and remove and rebuild the existing porch—to be explained by the Applicant. The second floor to be totally new with a balcony.

Paragraph “6”: Both Lots 2 and 3 qualify as existing developed undersized lots. The minor subdivision does not involve the raising of any building or any vacant lots and therefore the pre-existing lot standards still apply. The following variances are required for the minor subdivision: a) Side Yard setback for Lot 2: 12.2 feet and 10.6 feet are proposed, 15 feet is required; b) Minimum Rear Yard setback for Lot 2: 19.9 feet exists and the same is proposed; c) There is an existing accessory building with a 3.9 foot side

NEW APPLICATIONS CONT.

Laura Quigley – LUB 08-08 – Block 196, Lots 2 & 3 – Minor Subdivision – “C”
Variance cont.:

yard that is proposed to stay in the same location; d) Floor Area Ratio Prior to Annexation: 17.2% or 1,716 square feet is allowed and 1,342.6 square feet exists. Floor Area Ratio After Annexation: 16.8% or 1,864 square feet is allowed and 17.5% or 1,945 square feet is proposed. This has been revised on the map to 16.8%. The percentages on the Engineer's map to be revised. Mr. Glasson agreed.

Paragraph “7”: Though it does not appear to be the case, the Applicant should confirm that no new variances are triggered on Lot 3 as a result of the application. Especially, the Floor Area Ratio. Mr. Haggerty indicated that he submitted a letter to the board which stated that he spoke with John Dyksen on May 9th and he advised him that the Floor Area Ratio for the dwelling on Lot 3 (Klein Property) is 1332 square feet.

Paragraph “8”: A copy of the Sussex County Health Department permit for the proposed septic system to be submitted to the Land Use Board. A signed copy is needed along with the number of bedrooms approved. Mr. Haggerty submitted to the board a copy of the Septic Permit to the Board as Exhibit “A-1”.

Paragraph “9”: Taxes will be due for the second quarter prior to the scheduled meeting and a revised proof of taxes paid should be brought to the hearing. The board secretary indicated that this was received.

Paragraph “10”: COAH requirements to be adhered to.

Paragraph “11”: The septic system will be mounded system with walls on three (3) sides.

Paragraph “12”: A new well will be constructed to replace the hand dug well.

Mr. Pellow indicated that the second floor will have a 560 square foot addition. A second floor already exists. The first floor will have a 115 square foot addition. The house will meet the Floor Area Ratio.

Mr. Dolan was concerned with the walls around the septic. Mr. Glasson indicated it is the intent of the applicant to build an attractive stone wall around the septic which will be approximately 3 ½ feet.

Mr. Sutphen questioned if Lot 3 would have enough room to install a well if they desire to install one. Mr. Glasson indicated that they would have room to install a new well.

A Motion was made by Mr. Dolan and seconded by Mr. Sutphen 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. Sutphen 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. This is an application for a Minor Subdivision (Lot Line Adjustment) in order to make the subject property more conforming especially for the side yard setback. The variances were set forth in Mr. Pellow's report dated May 1, 2008 and revised May 9, 2008. The property meets the Floor Area Ratio.

NEW APPLICATIONS CONT.

Laura Quigley – LUB 08-08 – Block 196, Lots 2 & 3 – Minor Subdivision – “C” Variance cont.:

A Motion was made by Mrs. Fountain and seconded by Mr. Shelton to approve the Minor Subdivision (Lot Line Adjustment) and “C” Variances requested by the applicant. Roll Call:

YES: 8 Ayers, Bennett, Fountain, Gstattenbauer, Sutphen, Shelton, Larson, Romania

NO: 0

ABSTAIN: 0

The Motion was carried.

A Motion was made by Mr. Ayers and seconded by Mrs. Fountain to take a 5 minute recess at 9:15 p.m. All were in favor. The Motion was carried.

A Motion was made by Mr. Ayers and seconded by Mrs. Fountain to reconvene the meeting at 9:25 p.m. All were in favor. The Motion was carried.

Todd M. Okeson – LUB 07-26 – Block 160, Lots 1-6, Lower North Shore Drive – Minor Subdivision, “C” & “D” Variances:

Mr. Sutphen and Mr. Shelton stepped down from this application and left the meeting.

Appearing before the board was the applicant, Todd M. Okeson, his attorney, William Haggerty, and his engineer, James Glasson. Mr. Okeson and Mr. Glasson were sworn in by the board attorney. Mr. Haggerty indicated that there are no “D” Variances with this application.

Mr. Clark reviewed his report dated May 1, 2008 and revised May 9, 2008 as to completeness:

Mr. Pellow indicated that the only completeness item is to determine if the notice is satisfactory. Mr. Clark indicated that the notice was satisfactory.

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

Mr. Haggerty indicated that the properties that are currently owned by Steve Okeson are shown on the subdivision map are separated by First Avenue, which is a paper street. Sunken Road is a private road which provides access to homes along the lake front. There is also Lot 5, which a vacant lot. The applicant is proposing to put a septic system on Lot 5 to serve a dwelling house to be located on Lots 1-4 which are all contiguous. They further provide for a subdivision of a Lot that is in front of Lots 1-4 as you focus towards the lake which is improved with a single family home. There is a little cove area that comes in off the lake. The applicant would like to subdivide this and deed restrict so it would become part of the applicant’s property and could not be separately sold from this property. They would also extend the existing line of Lots 1, 2, 3 & 4 by acquiring additional lands out towards the lake. He indicated that First Avenue goes down to a swampy area, which would not be improved. They sought an opinion from the Normanach Association (The Lake’s Homeowner’s Association) whether they would have a problem if the applicant sought to have this road vacated. The association

NEW APPLICATIONS CONT.

Todd M. Okeson – LUB 07-26 – Block 160, Lots 1-6, Lower North Shore Drive – Minor Subdivision, “C” & “D” Variances cont.:

indicated that they did not want to see any access roads vacated, however, they would not have a problem with this vacation. He further indicated that there are a lot of variances because this is a vacant parcel at the present time and this is a five acre zone.

Mr. Gstattenbauer questioned the applicant as to the combined acreage of this subdivision. Mr. Glasson indicated that Lot 6 is owned by Mr. Hutchinson which is a 6.41 acre parcel, with 650' of frontage on Lower North Shore. He indicated that Lot 5, which they are proposing a septic system on, is .17 acres with 117' of frontage on Lower North Shore, 60' of depth on the north side and 75' of depth on the south side. Lots 1, 2, 3 & 4 total 1.27 acres added together. There is also noted on the plans 4 areas of wetlands labeled A, B, C & D. He indicated that areas A & D can be filled in. The areas B & C are intermediate resource wetlands requiring a 50' buffer. It makes the useable area of the property in front on Lots 3 and 4. Mr. Glasson referred to Sheet 5 of the site plan which shows the location of the proposed house on Lots 3 and 4. Mr. Glasson referred to Mr. Hutchinson's remaining property, which will have a two story single family dwelling, a septic and a well. The intention is to subdivide a portion of the right side of the property into a 2.26 acre parcel that contains an existing outbuilding (a barn). There will be no future development of this property and it will also be tied to Lots 1-5. The purpose of this portion of the lot being subdivided off of Mr. Hutchinson's property is to provide Mr. Okeson access to the lake because at the present time he does not have access because of the wetlands. It provides a driveway access to the lake.

Mr. Glasson indicated that the proposed house will be on Lots 3 & 4 which will front on Lower North Shore Road. The house technically has 3 front yards, First Avenue, Lower North Shore and Sunken Road. They meet the setback requirement in the AR Zone from Lower North Shore, which is the more major road. They have 77', 75' is required. They do not meet it towards Sunken Road, which is 42.4'. They do not meet it to the right side off of First Avenue, which is 1', which is the 33' unimproved area. They fall within the FAR for the house. It is a constructed 2 story, 4 bedroom dwelling with a footprint of 3,930 and a Floor Area of 4,930 and a FAR of 6.5% where 7.5% is allowed, this is because they purchased the property to the rear. They do have a well shown on the southern side adjacent to the driveway. The driveway is 55' and it comes off of Sunken Road, thereby, necessitating another variance for access from an improved private road. They have a 300 square foot pool shown in the rear of the house, which is 9.5' off the house, but it is only 1' of the side property line which is First Avenue, and the ordinance requires 25', which is another variance. Mr. Haggerty stated that the applicant does have a "D" variance request because of the accessory building on proposed Lot 6.02. Mr. Glasson further indicated that there is a requirement of 20,000 contiguous Developed Land. They do not have this on this lot because of the wetlands towards the rear and the slopes out front. They have approximately 16,000 or 17,000 contiguous developable land. They require a variance for Lot Frontage; 300' is required. They have the required frontage on Sunken Road and First Avenue, but they do not have the required frontage on Lower North Shore Road which is 145' of frontage.

Mr. Pellow continued reviewing his report:

Paragraph 1: The plans used for review consist of six (6) sheets dated February 2, 2007, last revised May 5, 2008, as prepared by Civil Engineering, Inc.

Paragraph 2: The applicant is proposing to construct a 4,930 sq. ft. house on Lots 1, 2, 3 and 4, Block 160 and 0.472 acres from Lot 6, Block 160 containing 1.742 acres; and to construct the septic system on Lot 5, Block 160 containing 0.170 acres. The following

NEW APPLICATIONS CONT.

**Todd M. Okeson – LUB 07-26 – Block 160, Lots 1-6, Lower North Shore Drive –
Minor Subdivision, “C” & “D” Variances cont.:**

variances are needed for the 5-acre traditional option requirements: a) Lot Area: 5 acres required; 1.742 acres proposed after annexation of 0.472 acres from Lot 6, Block 160; b) Lot Width at Setback Line: 300 feet required; 144.66 feet exists on Lower North Shore Road; c) Minimum Lot Frontage at Right-of-Way Line: 300 feet required; 144.66 feet exists on Lower North Shore Road; d) Front Yard Setback: 75 feet required; 1 foot proposed from First Avenue and 42.4 feet proposed from Sunken Road; e) Minimum Contiguous Developed Land: 20,000 sq. ft. required 0 sq. ft. proposed; f) Floor Area Ratio: 4,149 sq. ft. permitted for Lots 1, 2, 3 and 4, and 5,691 sq. ft. permitted after annexation of 0.472 acres from Lot 6; 4,930 sq. ft. proposed; g) Minimum Setback from Any Lot Line for the Pool: 25 feet required; 1 foot proposed; h) A planning variance may be required, as Sunken Road is an improved private road, 18 feet wide, and access to the proposed house is over Sunken Road.

Paragraph 3: Minor Subdivision. This application has been revised to include a minor subdivision for Lot 6, Block 160:

a) Existing Lot 6 contains 6.243 acres, and it is proposed to annex 0.472 acres to Lots 1, 2, 3 and 4 and create a new Lot 6.02 containing 2.26 acres with a remainder Lot 6 containing 3.67 acres. These three (3) lots total 6.402 acres, and the front sheet lists Lot 6 as 6.243 acres—which is correct. Mr. Glass indicated 6.402 is correct.

b) The following variances are needed for proposed Lot 6.02 and remainder Lot 6: i) Lot Area: 5 acres required and 2.26 acres proposed for Lot 6.02 (which will be deed restricted) and 3.67 acres for Lot 6 proposed; ii) Lot Frontage at the Right-of-way Line: 300 feet required and 292.76 feet proposed for Lot 6.02; iii) Minimum Contiguous Developable Land: 20,000 sq. ft. required and areas not shown on the map for lots 6 and 6.02; Mr. Glasson indicated that he does not believe that Lot 6.02 would have 20,000 contiguous feet because of the wetlands. He believes there is 20,000 contiguous land on Lot 6 but they did not do the topography on this lot. Mr. Pellow indicated that a house already exists on this lot. iv) A variance is needed to have an accessory structure on Lot 6.02 prior to the principal structure. Note #4 has been placed on Sheet 1 that Lot 6.02 will be deed restricted from any lot development including, but not limited to, any habitable building of any kind.

Paragraph 4: The total footprint of both floors to be outlined, excluding the deck and 250 sq. ft. for the garage. The first and second floor footprints have been added to Sheet #5 and depict 5,180 sq. ft.

Paragraph 5: The height of the structure is 32 feet to the mid point of the roofline and is according to the new definitions in the ordinance.

Paragraph 6: Lot 5 where the septic system will be constructed is an existing non-conforming vacant lot in the “AR” Zone and only the septic system can be built on this lot—no other structure.

Paragraph 8: A copy of the wetland map approved by the DEP as prepared by Allen J. Campbell, P.E., dated June 2005, last Revised April 6, 2006, to be submitted to the Land Use Board. An approved map has been submitted.

Paragraph 9: A copy of the Sussex County Health Department application for the proposed septic system to be submitted to the Land Use Board. A copy of the application has been submitted, but a permit has not been issued. The application is for four (4) bedrooms.

NEW APPLICATIONS CONT.

Todd M. Okeson – LUB 07-26 – Block 160, Lots 1-6, Lower North Shore Drive – Minor Subdivision, “C” & “D” Variances cont.:

Paragraph 10: Taxes are due for the second quarter. Mr. Haggerty indicated that they were paid.

Paragraph 11: A 20 foot wide drainage easement is needed for the cross drain at the corner of Sunken Road and Lower North Shore Road. The easement has been shown on Sheets 4, 5 and 6 and will have to be deeded to the Township.

Paragraph 12: First Avenue is a paper street and the setback from the proposed house and pool is 1 foot. First Avenue probably will not be used as a street due to the location of the wetlands and Culver Lake. Who owns First Avenue? Grading is taking place in First Avenue as well as the construction of a sewer line from Lot 4 to Lot 5. An easement may be needed. The revised maps now show a grading and pipe crossing easement in First Avenue. The ownership of First Avenue to be determined before a deed is prepared. Mr. Haggerty indicated that in a law suit, the Judge determined that the streets are dedicated and not accepted. However, the Normanach Association has the right to allow members to access through those paper streets to the lake.

Paragraph 13: It appears that a large excavation took place on this lot in the past, leaving a steep slope between Lots 3 and 4, and this is where the proposed house will be located. An 8 foot excavation will be needed to affect drainage around the northeast corner of the house, which will require excavating into First Avenue, and an easement will be needed. The revised maps now show a grading and pipe crossing easement in First Avenue. The ownership of First Avenue to be determined before a deed is prepared.

Paragraph 14: The house to be staked along with First Avenue for the Board to observe. A site walk is needed by the Land Use Board.

Paragraph 15: COAH requirements to be adhered to.

Paragraph 16: Pool wall grades to be shown. Grades have been shown.

Paragraph 17: Fifty foot (50') buffer to be staked prior to construction commencing if this application is approved.

Paragraph 18: Front yard setback from Lower North Shore Road to be shown on the map. Shown as 77.2 feet and 75 feet is required. This has been done.

Paragraph 19: With the minor subdivision, \$1,900.00 is needed to be deposited in the Road Trust Fund (TD3E).

A Motion was made by Mrs. Fountain and seconded by Mr. Dolan to carry this application to the June 18, 2008 Land Use Board meeting without further notice in order for the board to do an on site inspection. All were in favor. The Motion was carried.

ADJOURN

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator