

**FRANKFORD TOWNSHIP LAND USE BOARD  
FEBRUARY 22, 2017 – 7:00 P.M.  
MINUTES OF THE REGULAR MEETING**

**CALL TO ORDER:**

The meeting was called to order by the Vice Chairman, Wolfgang Gstattenbauer, 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. Gstattenbauer, Dr. Castimore, Mrs. Albanese, Mr. Risdon, Mr. Hahn, Mr. Wingle, Mr. Pierson, and Mr. Delima (arrived at 7:20 p.m.). Also present were Mr. Collins, the Board Attorney and Mr. Pellow, the Board Engineer.

Those absent: Mrs. French (excused), Mr. Dolan (excused), Mr. Romania (excused), and Mr. Kobis (excused).

**MINUTES**

The Minutes of the January 25, 2017 Land Use Board Re-organization and Regular Meeting were reviewed. A Motion was made by Dr. Castimore and seconded by Mr. Risdon to approve the Re-organization and Regular Meeting Minutes of the Land Use Board for January 25, 2017. All were in favor. The Motion was carried.

**BOARD BUSINESS**

**Green Ordinance Committee:** Nothing to Report.

**COAH Committee:** Nothing to Report.

**Open Space Committee for Updates to LUB:** Nothing to Report.

**Master Plan Committee:** Nothing to Report

**Correspondence:**

The correspondence was reviewed. No formal action was taken.

**Annual Review of Land Use Board Applications – 2016:**

The board reviewed the Annual Report of Applications before the Land Use Board for 2016. No formal recommendations were made to forward to the Township Committee. A Motion was made by Mr. Risdon and seconded by Dr. Castimore to approve the Resolution of the Report on Variances, Site Plans and Capital Improvement Plans for 2016 and forward same to the Township Committee for their review. Roll Call:

YES:           6       Gstattenbauer, Castimore, Albanese, Risdon, Hahn, Wingle

NO:            0

ABSTAIN:    1       Pierson

The Motion was carried.









**NEW APPLICATIONS CONT.**

**SHARON & RICHARD TUFARO – LUB 17-03 – 446 US Highway Route 206 - Block 64, Lot 3 – “C” & “D” Variances cont.:**

Paragraph 7: Compliance with legal notice requirements. Mr. Collins indicated that this was sufficient.

Paragraph 28: Existing structures within 200 feet (200') and distance to property line to be shown. Mr. Pellow indicated that they are now shown.

Paragraph 30: Scale of map, both written and graphic. Two hundred foot (200') outline to be shown. Mr. Pellow indicated that the 200 foot outline is shown on Sheets #1 and #2.

Paragraph 34: Key map showing location of tract to be considered in relation to surrounding area, within 200'. Scale not less than 1 inch equals 400 feet and north arrow. Key map is required to show all lots within 200 feet and to agree with the property owners' names. Mr. Pellow indicated that this has been shown on Sheet #1.

Paragraph 75: Building floor plan, elevation views and first floor elevation with overall building height. Plans are required. Mr. Pellow indicated that this has been shown.

The board deemed the application complete.

Appearing before the board was Sharon Tufaro, the owner of the property. She indicated that she has owned the property since 2003. She stated that she is the Zoning Officer of Frankford Township and has been employed by Frankford Township for 13 years. This property is located in the CED-1 Zone. The single family home has existed on this property for over 60 years. There are wetlands on the property in the side and rear. There is an existing accessory structure on the property which they presently use for storage. They are proposing to use the garage for storage of their vehicles and equipment. They propose to have the garage in the front yard setback. They decided to locate the garage in this location because it is the only area that they could build it which is not affected by wetlands. The garage will not increase the use of the existing home and it will not provide additional housing for the home. The garage is strictly for storage for the vehicles and equipment as an accessory use for the home.

Mrs. Tufaro indicated that when she started the project, she researched it herself before going forward with the project as to whether or not she needed a variance. She also discussed it at length with another Zoning Officer, who advised her that she would not need a variance. Being the Zoning Officer of the Township, she decided to seek a Zoning Permit and Building Permit from another Township. She was advised to use the Zoning Officer and Building Department from Sandyston Township for the permitting. She indicated that she had no affiliation with the Zoning Officer either personal or professional. She provided the Zoning Ordinances, Zoning Application and map of the subject property showing the proposed garage to the Zoning Officer, Beth Brothman, of Sandyston Township, which she obtained a Zoning Permit for this building. Mr. Haggerty submitted to the board Exhibit "A-1" which was a copy of the Zoning Permit and Building Permit which consists of 5 sheets. Mr. Haggerty indicated that he is submitting these documents because he does not want this applicant to be perceived as a situation where someone comes in and asks for forgiveness after the fact and hope that they can get away with it. The applicant acted proactively to submit a Zoning Application to get a building permit so that she could build a garage. It was not neglectful or a willful violation. Mr. Collins asked as to who approved the building permit. Mrs. Tufaro indicated that Bob Huber, the Construction Code Official of Sandyston Township approved the building permit.

**NEW APPLICATIONS CONT.**

**SHARON & RICHARD TUFARO – LUB 17-03 – 446 US Highway Route 206 - Block 64, Lot 3 – “C” & “D” Variances cont.:**

Mr. Gstattenbauer questioned as to why no one caught the difference with the 900 square feet building allowed and the 1728 square foot that was constructed. Mrs. Tufaro indicated that we are allowed 900 square feet for one building. With 3 or less buildings, the combined square feet cannot exceed 1250 square feet. The proposed garage is actually 864 square feet, but her engineer has added the overhangs, which increased the square footage of the buildings. She indicated that she has never calculated the overhangs as square footage.

Mr. Haggerty submitted to the board Exhibit “A-2” which was an Extension of the applicant’s LOI dated July 20, 2012. He questioned Mrs. Tufaro as to why they applied for an LOI at that time. Mr. Careaga indicated that at the time the applicant was applying for miscellaneous site work relating to modifications to the house, such as the septic and the driveway. Mr. Haggerty indicated that the LOI was still effective when the applicant applied for the building permit to build the garage. Mr. Haggerty indicated that at some point during the construction of the garage, a complaint was made to the DEP with regards to this project. Mr. Haggerty submitted to the board Exhibit “A-3” which was an e-mail from the DEP stating that “no violation was detected on your property in regards to the construction of the pole barn and storage of soil/rocks as observed during our site meeting on Wednesday, January 25, 2017”.

Mr. Careaga explained to the board the area of wetlands and transition areas on the property as determined by the LOI. He indicated that along the southern property line, the entire length of the property is wetlands until you get to approximately 100’ from the road. The actual wetland’s line is shown with metes and bounds on the map. They also show the associated buffer areas for the wetlands on the map. The building in question is in the front of the property with very limited grading along the building. All the grading is outside of the wetland’s buffer which is shown. Mr. Haggerty questioned Mr. Careaga if the garage could be located in the rear of the property or on the side of the home without interfering with the wetlands. Mr. Careaga indicated that the it could not. He further indicated that the only place you can construct a building is in the front yard. He feels this is the best place for the garage giving the existing location of the driveway and the home. They could have placed it in front of the house, which did not make any sense. They feel this was the best location for the garage. He further stated that the wetlands on this property limits the viability of this property for commercial use. The home and accessory structures are an appropriate use for this type of property.

Mr. Collins questioned Mr. Haggerty if there was a request or proposal to use this garage or the overhang for any commercial use. Mr. Haggerty indicated that there was no proposal for commercial use.

Mr. Pellow indicated that he did review the LOI and this should be included on the Variance map. Mr. Careaga agreed to add this to the map.

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

**NEW APPLICATIONS CONT.**

**SHARON & RICHARD TUFARO – LUB 17-03 – 446 US Highway Route 206 -  
Block 64, Lot 3 – “C” & “D” Variances cont.:**

Mr. Collins indicated that the application before the board is for variances to build a garage. This is an expansion of a single family non-conforming residence. New homes are not allowed to be built in the zone. In the CED-1 Zone, you are allowed to have an accessory residence as part of a store. This property just has a single-family home with a request for a garage. Normally you do not have garages in the front yard, which is the space between the right-of-way line of Route 206 and the closest corner of the single family house. Therefore, this is a variance because it is in the front yard. There is a variance for the size of the building. The ordinance states that no accessory building exceeds 900 sq. ft. and 1,728 square feet was constructed.

Mr. Pellow indicated that the applicant requested a waiver for the landscaping at this time. The applicant agreed to do landscaping when the weather is good.

A Motion was made by Mr. Delima and seconded by Mr. Wingle to approve the Variances requested. Roll Call:

YES: 6 Gstattenbauer, Albanese, Hahn, Wingle, Pierson, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Risdon returned to the meeting.

**BOARD BUSINESS CONT.**

**Invoices:**

A Motion was made by Mr. Delima and seconded by Mrs. Albanese to approve the February, 2017 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 7 Gstattenbauer, Albanese, Risdon, Hahn, Wingle, Pierson, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

**ADJOURN:**

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

Respectfully submitted,

SHARON M. YAROSZ  
Land Use Administrator