

FRANKFORD TOWNSHIP LAND USE BOARD
APRIL 25, 2018 – 7:00 P.M.
MINUTES OF THE REGULAR MEETING

CALL TO ORDER:

The meeting was called to order by Board Chairman, Jay Romania, by announcing that notice appeared in the New Jersey Herald and the New Jersey Sunday Herald in accordance with the requirements of The Open Public Meetings Act.

Flag Salute

ATTENDANCE:

Those Present were: Mrs. Albanese, Mrs. Tufaro, Mr. Risdon, Mrs. French, Mr. Romania, Mr. Wingle, Mr. Pierson, Mr. Kobis and Mr. Delima. Also present were Mr. Collins, the board attorney, and Mr. Pellow, the Board Engineer.

Those absent: Mr. Gstattenbauer (excused), Dr. Castimore (excused), Mr. Hahn and Mr. Dolan (excused).

MINUTES

The Minutes of the March 28, 2018 Land Use Board Regular Meeting were reviewed. A Motion was made by Mrs. French and seconded by Mr. Kobis to approve the Regular Meeting Minutes of the Land Use Board for March 28, 2018. All were in favor. The Motion was carried.

NEW APPLICATIONS

Rainbows of Learning – LUB 18-08 – Block 11, Lot 13.08 – 118 US Highway Route 206 – Amended Pre. & Final Site Plan:

Appearing before the board was the applicant's Attorney, William Haggerty, requesting that this matter to be carried without further notice to the May 23, 2018 Land Use Board Meeting at 7:00 p.m. He indicated that the application was noticed, but was not complete.

A Motion was made by Mr. Risdon and seconded by Mr. Kobis to carry this matter without further notice to the May 23, 2018 Land Use Board meeting at 7:00 p.m. without further notice. All were in favor. The Motion was carried.

John Wingle (Wingle Supply) – LUB 18-01 – Block 1, Lot 2 – 755 Route 565 – Preliminary Site Plan & “D” Variance:

Appearing before the Board was the applicant's Attorney, William Haggerty, requesting that this matter to be carried without further notice to the property owners who already received notice and the newspaper to the May 23, 2018 Land Use Board meeting at 7:00 p.m.. The property owner who was not served will be served with the new date.

A Motion was made by Mr. Risdon and seconded by Mr. Delima to carry this matter without further notice to the property owners already service and the newspaper to the May 23, 2018 Land Use Board meeting at 7:00 p.m. All were in favor. The Motion was carried.

PUBLIC:

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

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

ZONING OFFICER'S AGENDA

The Zoning Report dated April, 2018 was reviewed. No formal action was taken.

APPLICATIONS & RESOLUTIONS

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan:

Mr. Risdon stepped down from this application.

Mr. Romania indicated that this application was approved at the last meeting pending the Architectural Re-design that the applicant was working on.

Appearing before the board was the applicant's Attorney, Debra Nicholson, and their Engineer and Planner, Jeffrey Martell. Mr. Martell was still under oath from the previous meeting.

Mr. Martell submitted to the board revised architectural plans of the proposed Wawa building and canopy on this property. The revised plans were dated April 18, 2018 prepared by Richard W. Linke, Architect. Mr. Martell reviewed the plans with the board.

Ms. Nicholson indicated that she did receive the draft of the Resolution to be presented this evening. He she agrees that the approval is based on Mr. Pellow's Report and his comments, there was some testimony and additional items agreed upon, which the Resolution should also be subject to the testimony at the hearing.

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

Appearing before the board was Mr. Ferruggia. He questioned if the earth tone colors on the exhibit where the proposed colors of the actual building. Mr. Martell indicated that they were the colors proposed.

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

A Motion was made by Mrs. French and seconded by Mr. Kobis to approve the revised architectural plans and approve the Resolution for a “C” & “D” Variance and Preliminary and Final Site Plan. Roll Call:

YES: 6 Albanese, Tufaro, French, Romania, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

EXTENSIONS

Richard Wingle – LUB 17-06 – Block 1, Lots 2, 2.01 & 2.02 – Route 565 – Preliminary Site Plan, Minor Subdivision and “C” Variance – Extension:

Mr. Wingle stepped down from this application.

Appearing before the board was the applicant’s attorney, William Haggerty. Mr. Haggerty indicated that the above applicant is requesting an Extension of time to file the above deeds and a re-approval of the entire application.

A Motion was made by Mr. Pierson and seconded by Mr. Delima to re-approve the Preliminary Site Plan, Minor Subdivision and “C” Variance application of Richard Wingle. Roll Call:

YES: 7 Albanese, Tufaro, French, Romania, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

Mr. Wingle returned to the meeting.

NEW APPLICATIONS

Richard Johnston – LUB 18-07 – Block 87, Lot 8 – 68 East Shore Culver Road – “C” & “D” Variances:

Appearing before the board was the applicant’s attorney, William Haggerty, the applicant’s Engineer, James Glasson, and the applicant, Richard Johnston. Mr. Glasson and Mr. Johnston were sworn in by the board attorney. Mr. Glasson gave his qualifications to the board and was accepted as an expert witness.

Mr. Haggerty indicated that this is an application for a lake front lot. The property was purchased a number of years ago in a deteriorated condition. This is not a knock down; it is an addition to the home. There are 2 outbuildings. The proposal is to not have any residential use for those 2 outbuildings.

The board reviewed Mr. Pellow’s report dated March 22, 2018 and last revised April 3, 2018 as to completeness:

Paragraph 7: The application can be found complete as long as Item #7 (Notice of Hearing) is approved by Mr. Collins the night of the public hearing. Mr. Collins indicated that the notice was sufficient.

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

Mr. Haggerty questioned Mr. Johnston if the property is vacant. Mr. Johnston indicated that the property had been vacant and in disrepair for at least 8 years. He would like to renovate it to be his primary residence. The addition will consist of a living room downstairs and a bathroom upstairs. The 2 out buildings will be used for garages.

Mr. Haggerty indicated that they are seeking a Variance for Floor Area Ratio (FAR) and he did submit with the application an analysis of the FAR for buildings in the area. This application is basically in the middle of the surrounding FAR’s. Therefore, they will be in keeping with the developed lots in the lakefront area and around the parcel.

NEW APPLICATIONS CONT.

Richard Johnston – LUB 18-07 – Block 87, Lot 8 – 68 East Shore Culver Road – “C” & “D” Variances cont.:

Mr. Glasson indicated that the property contains 13,475 square feet and is in the AR Zone with the lake lots with the additions to them, it falls within the category of 7,500 to 20,000 square feet which has a separate Ordinance. This Ordinance requires a minimum of 50', this lot is 84' wide; it requires a minimum lot depth of 150', this lot has a depth of 160'; Principal building setback requirement is a 35' front, this lot has a setback of 68.4'; the side yard setback requirement is 15' and this lot is setback 33' on the right side. The nonconformity is on the left side of the lot where they are proposing their addition, which is 8.3'. The lakeside rear setback has a minimum requirement of 50', this lot has 53'. The garage requirement is 10' off the side yard. The left most garage (#1 on the plan) is 1.2' off the left side; and a requirement of 35' front yard, this garage is 1.7' off the front. The reason for the nonconformity, because it is elevated at the road, the garages are at grade with drive-in garage doors at the road level and then there is a hill with a set of stairs in the center of the property down to a lower level. You would enter the house on the first floor, and the lake front side of the house, you would exit out of the basement floor. On the left side of the house there is a walkout deck from the first floor that overlooks the lake with a set of stairs to go down to the yard area.

Mr. Glasson indicated that the septic system is for a 3 bedroom home which is what the existing dwelling is. The septic system sits between the main houses and the garages. It consists of a 1500 gallon, 2 compartment tank, a 1000 pump tank and a disposal field of 18' x 32'. The septic system was installed in 2005. He did receive a Certificate of Compliance.

Mr. Glasson indicated that the FAR is .33%, where .16% is allowed. He referred to his plans which show the 200' and a 500' radius of the lots surrounding this lot. He indicated that there is not another lot that is the size of this lot. The lots surrounding this lot around the lakefront are much smaller than the subject lot. The footprint of the existing house is only 1,311 square feet with the accessory garage 1 is 351 and the accessory garage 2 is 452.

Mr. Glasson submitted to the board Exhibit “A-1” which is a colorized version of Sheet 2 of 3 of the Variance Plat Submitted dated January 31, 2018 and Exhibit “A-2” which is a colorized version of Sheet 1 of 1 of the Variance Plat Submitted dated January 31, 2018. This Exhibit shows the proposed addition in color on the right hand side showing the addition. The addition is a 604 square foot footprint. There is also a 402 square foot covered deck in place of the area of current covered deck. The addition is 18' wide by about 30' deep. This addition does not add any bedrooms to the septic system. He indicated that in the basement area they have actually lost some floor area, because the basement area has become a crawl space and an unusable basement. This was a reduction of 176 square feet. The first floor addition is an increase of 604 square feet. The second floor is only increased 367 square feet. The total net increase overall is 795 square feet. Therefore, the FAR goes to .39% where it was .33%.

Mr. Collins asked that Mr. Johnston state on the record that he will use the garages only as a garage and they will be converted to be a garage. Mr. Johnston agreed.

The board continued reviewing Mr. Pellow's report:

Paragraph 1: The application is proposing to renovate the easterly side of the existing dwelling and then to add a 1 ½ story addition on the east side. A proposed covered porch is scheduled to be constructed on the lake side of the house.

NEW APPLICATIONS CONT.

Richard Johnston – LUB 18-07 – Block 87, Lot 8 – 68 East Shore Culver Road – “C” & “D” Variances cont.:

Paragraph 2: The following variances are required: (a) Side Yard Setback to the East Side: 15 ft. required, and the distance to the proposed chimney is not shown; (b) Floor Area Ratio: 2,169.5 sq. ft. is allowed or 0.161, 4,520 sq. ft. exists or 0.335, and 5,315 sq. ft. is proposed or 0.394. There is an increase of 3,145.5 sq. ft. over what is allowed and 795 sq. ft. over what is existing.

Paragraph 3: The following are existing, nonconforming conditions: (a) Side Yard Setback #1, Garage on West Side – Front setback required: 35 ft. and 1.7 ft. exists; (b) Accessory Structure #1, Garage on West Side – Side yard setback required: 10 ft. and 1.2 ft. exists; (c) Accessory Structure #2, Garage on East Side – Front setback required: 35 ft. and 8.5 ft. exists; (d) Accessory Structure #2, Garage on East side – Side yard setback required: 10 ft. and 6 ft. exists.

Paragraph 4: Some of the FAR's in the area are as follows: a) Block 87, Lot 9: .226; b) Block 87, Lot 10: .218; c) Block 87, Lot 7: .385; d) Block 87, Lot 6: .429. These were taken from the Applicant's submission on adjoining lots.

Paragraph 5: Both garages have apartments and are not permitted, and the applicant states that their uses will be abandoned. This is to be a condition in the resolution if approved. Will the water facilities remain (bath, toilet, etc.)? They will be removed as per Mr. Haggerty.

Paragraph 6: The side yard setback on Lot 9, Block 87 is 9.0 feet to the Applicant's easterly lot line, and the distance to the chimney to be shown for the applicant's lot.

Paragraph 8: The approved septic permit to be obtained, as three bedrooms exist and three bedrooms are proposed. The Certificate of Compliance has been submitted for three bedrooms.

Paragraph 9: The vehicles will still have to back out into East Shore Culver Road, which is a safety issue, but the garage exists and can't be relocated.

Paragraph 10: The architect to explain what portions of the dwelling will be renovated and what the new and renovated areas will be used for. Also, the materials and colors of the addition to be outlined.

Paragraph 11: The concrete bulkhead encroaches on adjoining lots. Do the neighbors have an issue with these? Mr. Haggerty indicated that they do not as far as he knows.

Mr. Johnston indicated that he has not yet decided what material will be used for the exterior of the home. He indicated that it will be some kind of vinyl or hardboard in earth tones. He will be replacing the siding and roofing on the garages.

A lengthy discussion was held with regard to the office shown on the architectural plans. The office shows a closet which could make it a bedroom. Mr. Glasson indicated that he could have the County Health Department look at the plans and determine if they feel it is a bedroom or not. Mr. Romania indicated the health department may have an issue with this, however, he feels that the board has an issue with the closet in this room which would make it a bedroom. He requested that the applicant remove the closet. Mr. Johnston indicated that this is not a real closet. It actually has the air-conditioner duct work in there. It is basically to hide the duct work. There is partial space in the closet for storage, but it is very small. The board would still like the closet removed. The revised plans should be submitted to the township.

NEW APPLICATIONS CONT.

Richard Johnston – LUB 18-07 – Block 87, Lot 8 – 68 East Shore Culver Road – “C” & “D” Variances cont.:

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

A Motion was made by Mr. Delima and seconded by Mr. Kobis to approve the application for a “C” & “D” Variance as requested by the applicant, Richard Johnston, with the condition to revise the Architectural Plans to remove the closet in the office. The applicant will also comply that the apartments in the garages and the bathrooms in the garages will be removed. Roll Call:

YES:	8	Albanese, Tufaro, French, Romania, Wingle, Pierson, Kobis, Delima
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NO:	0
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ABSTAIN:	0
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The Motion was carried.

Mr. Risdon returned to the meeting.

BOARD BUSINESS

Subcommittee

Green Ordinance Committee: Ordinance 30-606 – Basic On-Site Pavement and Curbing Requirements: Mr. Pellow gave the board some documentation to review for the next meeting with regard to this issue.

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.

Appearing before the Board was Mr. Ferruggia. He would suggest leaving it up to the homeowner whether to pave their driveway or using the alternative pavers as suggested by the Normano Association.

There being no further public participation, a Motion was made by Mrs Albanese and seconded by Mr. Delima. All were in favor.

COAH Committee: Nothing to Report

Open Space Committee for Updates to LUB: Nothing to Report

Master Plan Committee: Nothing to Report

BOARD BUSINESS CONT.

Accessory Building & Structure Ordinance:

Mr. Collins indicated that the Zoning Officer, Mrs. Tufaro, asked him to look at the Accessory Structure Ordinance because in one part of the Ordinance it states that no accessory structures in the front yard and another part of the ordinance it seems a little less clear. In his opinion, he felt the board did not want accessory structures in the front yard. Therefore, he has cleaned up the ordinance to reflect this.

Mrs. Tufaro indicated that the Montague had an Ordinance that allows accessory structures in the front yard setback, but not directly in front of the principal structure; it has to be off to the side. Mr. Collins indicated that we allow 3 accessory structures, is the board going to allow 3 accessory structures in the front yard setback?

It was agreed to carry this matter to the next regular Land Use Board Meeting.

Five Acre Zoning:

Mr. Delima brought up for discussion the 5 Acre Zoning. He is suggesting reducing the minimum 5 Acre Zoning. He feels a 2 Acre Zoning would be beneficial to the Township. Mr. Collins indicated that this is a subject that should be brought up under the Master Plan Review. Mr. Pellow indicated that a 2 Acre option is in the Ordinance now. You can go down to a 2 Acre or 2 ½ Acre lot with the cluster option which is all based on constraints. Mr. Pellow indicated that the reason the township went with the 5 acre zoning was the County development was booming 15 to 20 years ago. All the townships wanted to shut the development down and that is exactly what happened. He feels the 5 acres is too much. Most people cannot take care of 5 acres. Mr. Romania asked Mr. Pellow to make a copy of the Master Plan for the board members to review.

Correspondence:

The correspondence was reviewed. No formal action was taken.

Invoices:

A Motion was made by Mr. Delima and seconded by Mr. Kobis to approve the April, 2018 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 9 Albanese, Tufaro, Risdon, French, Romania, Wingle, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator