



**BOARD BUSINESS CONT.:**

**Correspondence:**

The Correspondence was reviewed. No formal action was taken.

**PUBLIC:**

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

**ZONING OFFICER'S AGENDA**

The Board reviewed the Zoning Officer's Report dated June, 2018. No formal action was taken.

**SUSSEX COUNTY FARM & HORSE SHOW – 2018 Updated List of Events:**

The Board reviewed the updated list of Events submitted by the Sussex County Farm & Horse Show. No formal action was taken.

**RESOLUTIONS**

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

The Resolution was reviewed. A Motion was made by Mr. Pierson and seconded by Mr. Kobis to approve the Resolution for Rainbows of Learning for an Amended Preliminary and Final Site Plan. Roll Call:

YES: 6 Gstattenbauer, Tufaro, Risdon Dolan, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

**Christopher Keller – LUB 18-09 – Block 101, Lot 2 – 151 East Shore Culver Road – “C” & “D” Variance:**

The Resolution was reviewed. A Motion was made by Mr. Pierson and seconded by Mr. Kobis to approve the Resolution for Christopher Keller for a “C” & “D” Variance. Roll Call:

YES: 5 Gstattenbauer, Tufaro, Dolan, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.



**NEW APPLICATIONS CONT.**

**Kyle and Sarah Drew – LUB 18-10 – Block 47, Lot 3 – 66 Phillips Road – “C”**  
**Variance cont.:**

Mrs. Drew indicated that they are before the board to construct an addition to their house. They are proposing an addition of 24' x 38'-8" on the left side of the existing home and a 32' x 33' addition on the right side of the home. The proposed addition on the left side of their home comes too close to their neighbor's house by 10'. The existing house is too close to the road currently and they plan to come out 2' closer to the road with the proposed addition.

They have chosen the proposed layout of the renovation because they would like to stay in Frankford Township for the rest of their lives. The layout has everything on one floor. It is a ranch layout so they do not have to go upstairs as they get older. They could not go behind their house because of the elevation.

Mrs. Drew referred to paragraph 6 of Mr. Pellow's report which stated: "There are two existing drives into this lot, and only one is permitted. Will the drive into the left side addition be eliminated? Then, the existing drive up to the new garage should be paved 50' long to conform to the driveway ordinance." Mrs. Drew indicated that there were 2 driveways. To the right of her house there is an existing farm road that goes to their pole barn. They are hoping to use that farm road to access the garage. The other driveway is the current driveway for the house. They did not plan on getting rid of this driveway. The reason for this is because the way the property is set up. They own the property across the street as well. With the tractors for the farmland assessment and the equipment it is much easier to go straight across the road. They are very conscious when they cross the road, if they bring dirt or mud, they do sweep off the road. Therefore, if they had to come from the other driveway to get access to the other end of their property, then they would have to go down the road a lot farther. The kids help her out and she feels it is much safer to keep both the driveways. This driveway also gives them better access to the upper end of the farm.

Mrs. Drew referred to paragraph 9 of Mr. Pellow's report which stated: "A report from Wade Wander indicates that the 50' wetland transition area and the 50' riparian zone do not encroach on the addition of the left side of the house. If any work is done on the left driveway is contemplated, a DEP permit will be required." They do not intend to change or doing anything with this driveway because they will need a DEP permit.

Mrs. Drew referred to paragraph 8 of Mr. Pellow's report which stated: "The accessory structures on the property exceed ordinance requirements unless they have qualified under the Farmland Assessment Act." Mrs. Drew indicated that they are under Farmland Assessment.

Mrs. Drew referred to paragraph 7 of Mr. Pellow's report which stated: "A permit for the new disposal system to be submitted to the Land Use Board." Mrs. Drew indicated that the permit for the new disposal system has been applied for, but they have not received it from the County at this time.

Mr. Pellow indicated that the following variances are need: a. Front Yard Setback: 75' required; 45.7' proposed; and 53.5' exists; b. Side Yard Setback: 60' required and 50.1' proposed on the left side of the dwelling.

Mrs. Drew indicated that the neighbor that the side yard setback variance is affecting is here this evening and she does not have an objection to the plans.

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



**NEW APPLICATIONS CONT.**

**McNamara Investments II, LLC – LUB 17-09 – Block 81, Lots 1 & 6 – 25 & 32**  
**Longview Trail – “C” Variance cont.:**

Mr. Haggerty referred to paragraph 6 of Mr. Pellow’s report which states: “It appears that access to Lot 3, Block 81 is through Lot 1, Block 81. Need access agreement.” Mr. Haggerty indicated that this driveway goes all the way down to Route 206. Therefore, Lot 3’s access is directly from Route 206 and not through the McNamara’s property. The driveway goes into the McNamara’s property for convenience, however, it is not his driveway, and his driveway goes directly to Route 206.

The applicant is proposing to combine Lots 1 and 6 together with a single ownership which variances are required. They are not proposing any new improvements. The nonconforming existing conditions will be helped. They would have a larger lot and greater compliance with the floor area requirement. They would require a variance for the size of the storage building. It is oversized for the Township ordinance. The accessory building cannot exceed 900 sq. ft. and the existing accessory building is 1,612 sq. ft.

Mr. Haggerty indicated that the subject property is not visible from Route 206. He questioned Mr. Greenaway if the access from the driveway is safe for emergency vehicles. Mr. Greenaway indicated that emergency vehicles can access the subject property and turn around.

Mr. Pierson questioned Mr. Haggerty as to the size of the combined lot. Mr. Haggerty indicated that the combined lot will have an area of 51,000 square feet or 1.171 acres.

Mr. Pellow indicated that there are several variances with this application: i. Lot Area: 5 acres required; 1.171 acres proposed; ii. Lot Frontage: 300 ft. required; 100 ft. exists; iii. Lot Depth: 300 ft. required; 300 ft. exists; iv. Front Yard Setback: 75 ft. required; 124.3 ft. exists; Side Yard Setback: 60 ft. required; 2.8 ft. and 58.2 ft. exist; vi. Rear Yard Setback: 75 ft. required; 155.6 ft. exists; vii. Minimum Lot Width at Setback Line: 300 ft. required; 100 ft. exists; Lots are located on a private road where the right-of-way is only 20 ft. wide; size of the accessory building 900 sq. ft. allowed, 1,612 proposed. Mr. Haggerty indicated that the nonconformity exists at the present time. They are making it more conforming by combining the lots. He further indicated by combining the lots, they will need the variance for the size of the accessory building. Mr. Pellow indicated that a Planning Variance is needed because it is on an unimproved road. Mr. Haggerty indicated that the home exists already and they do not intend to change anything.

Mr. Pellow indicated that the Driveway on Lot 5 also encroaches on Lot 6. Mr. Haggerty indicated that the driveway off of Lot 5 comes off of Route 206 and agrees that the encroachment exists, but can be removed. At the present time it is a family member. It was also noted that the shed on Lot 6 encroaches on Lot 5.

Appearing before the board was the property owner of lot 6, Mr. McNamara. Mr. McNamara was sworn in by Mr. Haggerty. He indicated that he owns the shed that is partially on Lot 5. His daughter is the owner of Lot 5. He indicated that the shed will be coming down soon because it is in bad shape. Mr. Collins indicated that this will be a condition of approval. The applicant agreed.

Mr. Pellow indicated that the septic system is not shown on the map. Mr. Greenaway indicated he checked with the County and there was none on file. It would have to be dug up to locate it on the map. He indicated that it was in the rear of the property with the house.

**NEW APPLICATIONS CONT.**

**McNamara Investments II, LLC – LUB 17-09 – Block 81, Lots 1 & 6 – 25 & 32**  
**Longview Trail – “C” Variance cont.:**

Mr. Gstattenbauer questioned as to what was stored in the accessory building. Mr. McNamara indicated that there were loan mowers, work shop, etc.

Mr. Pellow questioned if there will be an easement prepared for Lot 3 to use the driveway on Lot 1. Mr. Haggerty indicated that the driveway on Lot 3 actually goes straight through to Route 206 and there is no need to do an easement. The driveway exists, but it can be blocked off if they need to. Mr. McNamara indicated that he lets his neighbor use the driveway because it is easier for him to move his machines and trailers through his property as opposed to doing a K turn and going out through Route 206. He is just trying to be a nice neighbor.

Mr. Pellow referred to paragraph 2d of his report: “Height of Accessory Building: 15 ft. permitted; no height has been given on this existing building” Mr. Greenaway indicated the height of the accessory building is 20’ which will need a variance.

Mr. Pellow referred to paragraph 2e of his report: “On corner lots, accessory buildings shall not be located closer to the street than the minimum front yard requirements, or 75 ft., and 22.0 ft. exists.

Mr. Haggerty indicated that Mr. McNamara owns Lot 6 individually and Lot 1 is owned by his LLC, but he is managing member of the LLC. They may be combining it into Mr. McNamara’s individual name. However, they have not worked that out yet.

Mrs. Tufaro asked as to when Mr. McNamara will come in to get permits for the accessory structure. Mr. McNamara indicated that he obtained the property from his father and does not know when the garage was built. He thinks the accessory structure was there for 10 or 12 years.

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

A Motion was made by Mr. Risdon and seconded by Mr. Delima to approve the “C” Variance and Planning Variance request of the applicant for combining lots 1 and 6 into lot 6 to ensure that the accessory storage building is located on the same lot as the existing framed dwelling on lot 6 with the condition that the shed that is encroaching on Lot 5 will be removed. There is also a Variance to allow the accessory structure to remain at 20’. They will have to obtain applicable permits for construction and electric and it will not be used for human habitation only for accessory storage and work shop. A deed of merger shall be prepared to be reviewed by the board professionals. Roll Call:

YES: 9 Gstattenbauer, Castimore, Albanese, Risdon, Hahn, French,  
Pierson, Kobis, Delima

NO: 0

ABSTAIN: 1 Tufaro

The Motion was carried.

Mr. Dolan returned to the meeting.

**CARRIED APPLICATIONS**

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

Dr. Castimore and Mr. Risdon stepped down from this application and left the meeting.

Appearing before the board was the applicant’s attorney, William Haggerty, the applicant, John Wingle, and his engineer and planner, Allen Campbell. Mr. Wingle and Mr. Campbell were sworn in by the board attorney. Mr. Campbell gave his qualifications to the board and was accepted as an expert witness.

Mr. Pellow reviewed his completeness report dated January 2, 2018 last revised April 3, 2018:

Item 3: Certification of taxes, liens, assessments paid. Taxes have been paid through the fourth quarter of 2017. It was noted that the taxes were paid.

Item 7: Compliance with legal notice requirements. Mr. Collins indicated that the notice was sufficient.

Item 8: Corporation or partnership form. The owner is a corporation; therefore, the form is needed. Mr. Haggerty indicated that he submitted this to the board on April 4, 2018. Mr. Pellow agreed

Item 10: Copies of all prior resolutions pertaining to this property. Mr. Haggerty indicated that this was submitted to the board on April 4, 2018. Mr. Pellow agreed.

Item 12: Copy of Sussex County Planning Board Application. Mr. Haggerty to supply this item.

Item 13: Copy of Soil Erosion/Sediment Control application. This is a request to be a condition of approval.

Item 14: Copy of NJDOT/NJDEP Applications. The LOI is 10 years old and will have to be renewed. The applicant’s wetland professional to certify that the wetland points are the same as they were in 2008. This will be done by J. Mianecky, P.E. Mr. Pellow indicated that they do have this and it is sufficient.

Item 27: Proposed developer’s Agreement. This is will be submitted.

Item 28: Existing structures within 200’ feet and distance to property line. This has been added.

Item 39: Property lines to the nearest hundredth. They have requested a partial waiver to show these items in the project area and is accepted.

Item 40: Bearings to the nearest second. They have requested a partial waiver to show these items in the project area and is accepted.

Item 44: Natural features including existing vegetation, wet areas, watercourse, flood plain limit, rock outcropping. This has been taken care of with the LOI

Item 62: Fire protection details include number of proposed units, available water supply, water main size, flow hydrant location. This will be outlined by Allen Campbell at the Land Use Board Meeting.

Item 64: Environmental Impact Statement. This has been taken care of in the LOI.

**CARRIED APPLICATIONS CONT.**

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

Item 66: Lighting plan, including fixture and footing details, wattage, height, isolux patterns. No lighting is shown but should be needed along access drive and adjacent to proposed building. This will be discussed at the Land Use Board Meeting.

Item 72: Facility Impact Report. This will be supplied by the applicant's attorney.

Item 74: Copies of protective covenants, deed restrictions or homeowner association documents. Mr. Haggerty submitted these documents.

Item 75: Building floor plan, elevation views and first floor elevation with overall building height. The applicant will present plans at the meeting or state colors will match the existing building. This is up to the board to decide.

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

Mr. Haggerty indicated that this is an application for a Preliminary and Final Major Site Plan. This is a large lot which is 113+ acres. Currently there is a 20,000 square foot building on the parcel that is used for retail warehouse and outdoor storage. This received approval July 18, 2007 for a Use Variance. The property is in a split zone, the LI and Commercial Zone. The Warehouse use is not permitted in the C2 Zone and, therefore, they need the Use Variance. The position that he is taking is that this would be an expansion of a Non-Conforming use rather than a new use. In a sense that this would be an essentially an accessory structure to the main 20,000 square foot building that exists. This building is proposed to be used for storage of inventory. What will happen if this is approved, the applicant can take in larger loads rather than split loads and it will reduce truck movements in and out of the site. It will enhance the efficiency of the site. It is not proposed to create new product lines. It is accessory to the operation that exists now. The new building is proposed to be a 9800 square foot building. It would match the exterior of the existing building. There will be 3 rain gardens proposed to assist with stormwater management.

Mr. Collins indicated that he understands Mr. Haggerty's argument that this is an accessory to the principal use, but since the original approval was approved by a Use Variance, it is a D1 Variance because it was not a pre-existing non-conforming use that they are enlarging, it is a D1 Variance that the applicant is amending to have an accessory storage building. Mr. Haggerty agreed.

Mr. Campbell indicated that the property is 114 acres. In the CED2 Zone of the property is where the improvements are, both existing and proposed. The rear of the property is in the LI Zone. The development on the site is essentially in the center of the 114 acres. The reason he noted this is because essentially they are buffered by their own property. It is also buffered by the wetlands. He indicated that the wetlands lock them in to where the development is currently and where they are proposing the new development.

Mr. Campbell indicated that the existing site is a building that was built in 2007. It has been occupied for the past 5 to 6 years. There is outdoor storage and numerous tenants with different types of trades, retail sales and service businesses that are used throughout the building. Wingle supply is the more dominant occupant of the facility. The proposal is to go to the rear of the first primary existing building (which is called Building A). In the back of the building, there is the larger parking area which houses access to the rear garage doors. Building A has the brown tones to it, the dark brown roof, the brown metal siding on the soffits and some green accent throughout. Behind this building is where the

**CARRIED APPLICATIONS CONT.**

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

loading zones are, the garage phase, the employee parking and a large area which is used for storage at the present time. They are proposing to put a 70' x 140' building in the back of this parking area in order to facilitate storage. This would be storage for whatever the existing inventories are. By doing this, they are able to maintain most of the drainage features that are existing from the first site plan. They do have some improvements with collecting the drainage going into an infiltration type device prior to being discharged into the existing basin. They will be re-locating one of the two existing lights. Therefore, the lights will be essentially the same in the rear. The grading is not going to have adverse impacts on the facility in the rear. They have addressed most of the questions Mr. Pellow had in his report regarding the drainage, the slope around the building and the lighting in this particular location. Architecturally, the proposed building will be a look-a-like building as Building A. It will have metal siding with the same colors, the roof will match Building A. It will be essentially hidden behind Building A. It will only be visible from a distance from the southwest. This location does not interfere with any of the ingress or egress or the common customer usage that goes to the back of the building.

Mr. Campbell further stated that this impacts the parking that was originally designed at the rear of this lot for employees. Under the current parking requirements he will demonstrate how this site conforms to the current ordinance with today's parking requirements versus when it was originally designed. He indicated that the retail building is 5,000 square feet which requires 25 spaces for that retail portion. The Ordinance refers to a practical requirement for warehouse use. With the practical requirement, the applicant is to provide one parking space for each employee and one owned vehicle. They assessed the various tenants throughout the building and they took an average of 2 to 3 employees per each unit other than Mr. Wingle's Wingle's Supply. They used 2 ½ employees per unit as an average, take the five units and add one vehicle for each unit, which implies that each tenant has a business vehicle. They would be required to have 18 spaces for those 5 tenants in the warehouse portion. They have already accommodated the retail portion in the front by 1 space for every 200 square feet. With the Wingle Supply use, they have 7 employees and 6 owned vehicles. In his calculation, they are required to have 56 spaces. The existing site has 39 parking spaces in front of the building for the general public and actually most of the tenants are using. There is 13 spaces in overflow. There is 6 of the garage spaces, which ultimately house those owned vehicles of each tenant. Therefore, they exceed the 56 spaces required by the ordinance. In addition to this, they have the entire back lot, which is behind the building and in front of this new proposed building. This area is currently used for many of the tenant's employees directly up against Building A. There is additional parking against Building B in the back. There are 24 spaces in the back available.

Mr. Haggerty questioned Mr. Wingle as to how many years he has operated his business in this location. Mr. Wingle indicated 4 years. Mr. Haggerty questioned Mr. Wingle as to how long he has had full occupancy of the building. Mr. Wingle indicated that full occupancy has been 3 ½ years. Mr. Haggerty questioned Mr. Wingle if he has had any parking problems on this site. Mr. Wingle indicated that there has never been any parking issues with this site.

Mr. Pellow referred to Paragraph 5a of his report: "The original building required 100 spaces, and 59 were approved, and a variance was granted for 41 spaces. Usage in the rear of the building will be by tenants and employees. Fifty-six (56) spaces are required and 82 spaces are proposed, and this is satisfactory.

**CARRIED APPLICATIONS CONT.**

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

Mr. Haggerty indicated that the applicant has other improvements proposed for the rain garden and for the exterior storage. Mr. Campbell indicated that the other aspect of this application is to expand the area of the outdoor display. He indicated as you come down the driveway there is a large field on the left hand side which lies between the access drive and Route 565. From Route 565 this area is a significant grade drop off from the roadway. It is approximately 8 to 10 feet lower. On this grass field, they are proposing to have additional outdoor display and outdoor inventory similar to what they have currently directly opposite existing Building A. He has labeled the areas “E”, “F”, “G” and “H” which all are plus or minus .3 acres in area that maintain for more inventory, better control of the existing inventory and display areas. This area is identical to what was previously approved on the existing site. In conjunction with this, they are proposing 3 rain gardens, which are strategically designed to accommodate any change in the runoff characteristics, achieve more quality, and also give them an enhanced landscape. The approach is to have from the edge of the driveway, it drops off shallow maybe a foot to a foot and a half over six or seven feet into a shallow swale. This swale conveys the water to a rain garden area, which is approximately 9” deep, and then the rain garden with the appropriate vegetation meets the requirements under the stormwater rules. They are proposing one on the north corner which abuts the transition area of the adjacent wetlands. This will further provide a buffer as they are going to be putting vegetative component of landscape next to the buffer of wetlands. They have one in the center and one as you first come in to the Wingle Supply new display areas. The objective with these rain gardens is one it is a great location for a landscape supply company to have these landscape features as part of their stormwater features and a landscape features simultaneously. Mr. Pellow indicated that the maintenance is the issue with the rain gardens. He further stated that there needs to be a plan in place for maintenance.

Mr. Campbell referred to the lighting on the site. He indicated that there were 2 lights on the rear parking lot building B which was centered on the building. They are proposing to move it approximately 50’ to the edge of the parking lot. It will illuminate the lot and the front of the proposed building. Mr. Pellow referred to paragraph 9b of his report: “Lights are needed down the entrance road now that product will be stored in these areas. These were required as part of Application #LUB -07-08. They don’t want to do this, but it was part of the original application. The plans the engineer has from the prior application do not clearly indicate the requirement of lighting along the driveway; the outdoor areas are used only during the daylight hours.” Mr. Campbell indicated he reviewed the prior site plan and the prior lighting plan. From the records that he could find of the prior site plan, there was not lighting required or proposed along the access drive. The lighting started on the onset where you start to see the building and where the road breaks off at the “y” as you come up to the outdoor display of hardscape areas. The applicant has been operating for many years without lights on this access corridor. To his knowledge there is no operation in the dark in any of these outdoor display areas. Mr. Wingle indicated that his business hours are from 7 to 5. Mr. Campbell indicated that they are not proposing with this application to put lights on access corridor.

Several board members indicated that the lighting up the access drive was not needed. That the lighting that is being proposed and the lighting that currently exists is sufficient.

Mr. Haggerty referred to paragraph 4a of Mr. Pellow’s report: “There is considerable outdoor storage all across the rear of the property in the area of 20 parking spaces. Mr. Wingle indicated that this is hay, rock salt, and wood pallets.

Mr. Haggerty referred to paragraph 4b of Mr. Pellow’s report: “There are storage units at the northeast corner of the rear parking lot. What are these used for? Mr. Wingle

**CARRIED APPLICATIONS CONT.**

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

indicated these are storing products for sale and to keep them out of the weather and keep the lot so it looks nice. These units are not open to the public.

Mr. Haggerty referred to paragraph 4c of Mr. Pellow’s report: The vegetated water quality strip has been disturbed. This strip runs all along the easterly side of the access drive. This strip has to be restored, as it was part of the original approval and is needed for this application. Mr. Campbell indicated that this will be restored.

Mr. Haggerty referred to paragraph 4d of Mr. Pellow’s report: There are additional storage bins to the north of the existing building. Mr. Wingle indicated that these storage bins were approved with the last application. Mr. Pellow agreed.

Mr. Haggerty referred to paragraph 4e of Mr. Pellow’s report: The wooden guide rail along the east parking lot is missing. The applicant agreed that it is missing, but it will not be needed with construction of the new building.

Mr. Pellow referred to paragraph 6 of his report: No new signs are being proposed. It was stated in the last application that the applicant was going to paint the silo. Mr. Wingle indicated that this is still his intension when the funds are available.

Mr. Haggerty referred to Paragraph 7 of Mr. Pellow’s report: County approval is needed and County soil erosion permit is needed. Mr. Haggerty indicated that they will submit an application to the County and the County soil erosion.

Mr. Haggerty referred to Paragraph 10a of Mr. Pellow’s report: No fence was installed from the previous application behind the existing building. Mr. Campbell indicated that it will not be needed due to the proposed building.

Mr. Pellow referred to Paragraph 10b of his report: The long water quality swale is missing behind the existing building. Mr. Campbell indicated that the water quality swale, majority of it is being addressed by the infiltration pipe system.

Mr. Pellow indicated that a pre-construction meeting will be needed prior to building.

A Motion was made by Mr. Dolan 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 Mrs. Albanese 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. Dolan and seconded by Mr. Delima to approve the Amendment to the Use Variance and proposed Preliminary Site Plan request of the applicant with the conditions offered by the applicant and discussed this evening. Roll Call:

YES: 9 Gstattenbauer, Albanese, Tufaro, Hahn, French, Dolan, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

**NEW APPLICATIONS CONT.**

**William and Vicki Haggerty – LUB 18-11 – Block 109, Lots 35 & 35.01 – 188 Culver View Lane – “C” & “D” Variances:**

Appearing before the board was the applicant, William Haggerty. Mr. Haggerty was sworn in by the board attorney.

Mr. Collins indicated that the notice for this application was sufficient. This was the only completeness item in Mr. Pellow’s report dated June 4, 2018, last revised June 13, 2018.

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

Mr. Haggerty indicated that his father built this house in the early 50’s. There is currently a crawl space that you have to lay down to get into which is very inconvenient. They were able to secure a subdivision in 2005 across the street on Culver View Lane for their septic. They currently have a 4 bedroom home. They had a well drilled on Lot 35. They propose to remove the home and construct this 3 bedroom log cabin home which is approximately 2200 square feet. Mr. Haggerty also indicated that they are proposing a 10’ x 20’ accessory garage in the front yard. This would be a one car garage

Mr. Pellow reviewed his report:

Paragraph 2: The applicant is proposing to demolish the existing 1 ½ story, 4 bedroom dwelling and construct a 2-story, 3-bedroom dwelling. The existing deck on the current home would remain (with a reduction in size) and be tied to the new home with additional decking. Also, a proposed 10’ x 20’ accessory garage is proposed in the front yard. The following variances are needed for the principal dwelling based on 5-acre zoning, as the existing house will be removed:

- a. Maximum Impervious Cover: 10% allowed; 28.58% proposed for Lot 35; and 20.93% with combined Lots 35 and 35.01.
- b. Side Yard setback: 60’ required; and 56’ proposed on the left and 10.6’ on the right, but 11.5’ is depicted in the chart on Page No. 1. Mr. Haggerty indicated that it is 11.5’.
- c. Rear Yard setback: 75’ required and 22.1’ is proposed to the dwelling.
- d. Floor Area Ratio: 1,938 SF is permitted, or 16.75%; and 15.42% exists for Lot 35 only and 11.09% for combined Lots 35 and 35.01

The following variances are needed for the accessory structure:

- a. Front Yard Setback: 75’ required and 10’ proposed
- b. Side Yard Setback: 10’ required and 3.6’ proposed
- c. The existing shed is a non-conforming structure

Variance of the Open Deck:

- a. Maximum Size: 360 SF; proposed is 655 SF, and the existing deck is 594 SF.

Paragraph 6: An additional driveway addition has been proposed to match the existing paver driveway and a variance is needed, as the drive to be 10’ off a property line, and 3.6’ is proposed. Driveway pavers are not permitted by our driveway ordinance, but it could be a waiver or variance and comply to the spec.

Paragraph 8: A soil erosion permit will be need at the time of building permit application.



**Frankford Township Land Use Board**  
**June 27, 2018 Minutes**  
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**ADJOURN:**

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

Respectfully submitted,

SHARON M. YAROSZ  
Land Use Administrator