

**FRANKFORD TOWNSHIP LAND USE BOARD
SEPTEMBER 26, 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: Mr. Gstattenbauer, Dr. Castimore, Mrs. Albanese, Mrs. Tufaro, Mr. Risdon, Mrs. French, Mr. Dolan, Mr. Romania, Mr. Kobis, and Mr. Delima. Also present were Mr. Collins, the board attorney, and Mr. Pellow, the Board Engineer.

Those absent: Mr. Hahn, Mr. Wingle, and Mr. Pierson (excused).

MINUTES

The Minutes of the August 22, 2018 Land Use Board Regular Meeting were reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mrs. French to approve the Regular Meeting Minutes of the Land Use Board for August 22, 2018. All were in favor, except Mrs. Tufaro and Mr. Romania, who abstained. The Motion was carried.

BOARD BUSINESS

Subcommittees:

Green Ordinance Committee: Nothing to Report

COAH Committee: Nothing to Report

Open Space Committee for Updates to LUB: Nothing to Report

Master Plan Committee: 5 Acre Zoning. Nothing to Report

Correspondence:

The Correspondence was reviewed. No formal action was taken.

PUBLIC:

A Motion was made by Mr. Risdon 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. Risdon and seconded by Mr. Gstattenbauer 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 September, 2018. No formal action was taken.

RESOLUTIONS

Pitaur, Inc. – LUB 14-16 – Block 73, Lots 6 & 7 – 407 US Highway Route 206 – Minor Subdivision and “C” Variance – Extension Request:

The Resolution was reviewed. A Motion was made by Mrs. French and seconded by Mr. Gstattenbauer to approve the Resolution for Pitaur, Inc. for a Re-approval of the Minor Subdivision and “C” Variance. Roll Call:

YES: 5 Gstattenbauer, Castimore, Risdon, French, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

John Mallon – LUB 18-13 – Block 269, Lot 25.01 – 1 Allen Road – “C” Variance:

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Dr. Castimore to approve the Resolution for John Mallon for a “C” Variance. Roll Call:

YES: 5 Gstattenbauer, Castimore, Risdon, French, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

EXTENSIONS

SCUMA – LUB 18-02 – Block 26, Lot 13 – 178 US Highway Route 206 – Minor Subdivision – Extension Request:

A letter was received from Salvatore Alfieri, the applicant’s attorney, indicating that the applicant would like a re-approval of the above Minor Subdivision in order to have time to file the deeds.

A Motion was made by Mr. Risdon and seconded by Mr. Delima to re-approve the Minor Subdivision for SCUMA. Roll Call:

YES: 10 Gstattenbauer, Castimore, Albanese, Tufaro, Risdon, French, Dolan, Romania, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

NEW APPLICATIONS

Michael and Diane Ruggiero – LUB 18-06 – Block 9, Lots 1.04 & 1.01 – 3 Linn Smith Road & County Route 565 – Minor Subdivision and “C” Variance:

Dr. Castimore stepped down from this application.

Appearing before the board was Vincent Pirone, the applicant’s attorney, and Michael Ruggiero, the applicant. Mr. Ruggiero was sworn in by the board attorney.

Mr. Pellow reviewed his report dated March 12, 2018 last revised July 26, 2018 as to completeness:

ITEM 7: Compliance with legal notice requirement. Mr. Collins indicated that the notice was sufficient.

ITEM 12: Copy of Sussex County Planning Board application. Mr. Pellow indicated that this has been submitted to the County.

ITEM 17: Sheet size 24 x 36. A waiver is needed for the size of this revised map. Mr. Pellow indicated that this waiver is acceptable.

ITEM 25: Zoning district of parcel and surrounding lands. This has been shown on map dated January 10, 2018. No revision date on plans. This needs to be submitted.

ITEM 26: Zoning chart listing existing/proposed requirements for area, setbacks, lot coverage, height, density, floor area, ratio, parking. Mr. Pellow indicated that this has been shown on map dated January 10, 2018. No revision date on plans. This needs to be submitted.

ITEM 28: Existing structures within 200 feet (200’) and distance to property line. Mr. Pellow indicated that these are now shown on the map dated January 10, 2018. No revision date. This needs to be submitted.

ITEM 32: Properties within 200 feet, lot and block number and owner, outline of 200 foot perimeter. Mr. Pellow indicated that this has been shown.

ITEM 33: Tax map sheet number. This has not been shown.

ITEM 42: Building envelopes. This has been shown for Lot 1.01 but not Lot 1.04.

ITEM 83: Copy of current deed and all easements/restrictions. This has not been submitted. They still need the current deed form Lot 1.01. Mr. Pirone indicated that he did submit the deed from Lot 1.01.

Mr. Pellow indicated that this can be deem complete as Items #12, #32, #33 and #42 can be conditions of completeness, as they are minor in nature.

A Motion was made by Mr. Risdon and seconded by Mrs. Albanese to deem the application. All were in favor. The Motion was carried.

Mr. Ruggiero indicated that he is the owner of 3 Linn Smith Road for the past 2 years. This is a subdivision of a piece of property that is abutting his property. Mr. Pirone submitted to the board Exhibit “A-1” which is a colorized version of the subdivision map dated January 10, 2018. He is looking to add 190’ x 73’ to his property from his neighbor’s property. The condition of this piece of property when he purchased it was total disarray. There were numerous items of rusted out construction equipment, other

NEW APPLICATIONS CONT.

**Michael and Diane Ruggiero – LUB 18-06 – Block 9, Lots 1.04 & 1.01 – 3 Linn
Smith Road & County Route 565 – Minor Subdivision and “C” Variance cont.:**

kind of construction debris, piping, tubing, metal posts, etc. It was not manicured, it was all heavy brush. He contacted the neighbor and asked if he could clean up this area and then he offered to purchase this piece. The neighbor indicated that it was his father's property that has just passed and if he wanted to clean it up, he was welcome to it. However, he was selling the property and he would rather he deal with the new neighbors to subdivide it. Mr. Ruggiero indicated that he did clean up the property and manicured it. When Mr. Fennimore purchased the property, he made an agreement to purchase this strip of land.

Mr. Pirone submitted to the board Exhibits “A-2” through “A-5” which are photographs of the property. Prior to the applicant purchasing this piece of property from the neighbor, he has cleaned up the property and maintained it. The contract to purchase this piece of property is contingent upon the board approving this subdivision.

Mr. Pirone submitted to the board Exhibits “A-6” which is a deed for the applicant's property, Lot 1.04 and Exhibit “A-7” which is a deed for the neighbor's property, Lot 1.01, Mr. Fennimore.

Mr. Pellow continued to review his report:

Paragraph 1: The owner of Lot 1.01, Block 9, Michael A. Fennimore, will be conveying 0.25 acre from Lot 1.01, Block 9 to be annexed to Lot 1.04, Block 9, owed by the Ruggieros.

Paragraph 2: The resultant lot area of Lot 1.01, Block 9, will be 1.96 acres.

Paragraph 3: The resultant lot area of Lot 1.04, Block 9 will be 1.17 acres.

The zoning chart shown indicates that all of the area and dimensional requirements are existing, nonconforming except the following:

- a. Rear yard setback for both lots conforms before and after lot line adjustment
- b. Lot depth for Lot 1.01 conforms before and after lot line adjustment
- c. Lot Width – The lot width for Lot 1.04 increases from 197.68 feet to 247.87 feet – 30 ft. required.
- d. Lot Frontage – The lot frontage for Lot 1.04 increases from 174.70 feet to 247.86 feet – 300 feet required.
- e. Lot Area – Lot 1.01 decreases from 2.21 acres to 1.96 acres, and Lot 1.04 increases from 0.92 acre to 1.17 acres – 5 acres is required.
- f. Impervious Cover – Lot 1.01 increases from 4.75% to 5.35% and Lot 1.04 decreases from 14.51% to 11.44% - 10% is permitted.

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

NEW APPLICATIONS CONT.

Michael and Diane Ruggiero – LUB 18-06 – Block 9, Lots 1.04 & 1.01 – 3 Linn Smith Road & County Route 565 – Minor Subdivision and “C” Variance cont.:

A Motion was made by Mr. Delima and seconded by Mr. Risdon to approve the Minor Subdivision and “C” Variance for Michael and Diane Ruggiero. Roll Call:

YES: 9 Gstattenbauer, Albanese, Tufaro, Risdon, French, Dolan, Romania, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

Dr. Castimore returned to the meeting

Edward and Marilyn Thompson, LUB 18-14 – Block 164, Lots 19 & 20 – 3 Birch Street/5 Birch Street – Minor Subdivision & “C” & “D” Variance:

Mr. Risdon and Dr. Castimore stepped down from this application.

Appearing before the board was William Haggerty, the applicant’s attorney, Edward Thompson, the applicant, and James Glasson, the applicant’s engineer. Mr. Thompson and Mr. Glasson 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 Lot Line Adjustment with 2 lakefront properties on Culver’s Lake both improved with single family homes. One of the houses was severe water damage. They intend to replace that home with a new home. They also intend to remove the existing garage and rebuild a new one.

Mr. Pellow reviewed his report dated September 24, 2018 as to completeness:

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

ITEM 15: Copy of Sussex County Health Department application. Septic approval is needed from the health department that the proposed use is satisfactory for the existing septic system.

ITEM 83: Copy of current deed and all easements/restrictions. Copy of Current deed is needed. Mr. Haggerty submitted that to the board.

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

Mr. Glasson indicated that the applicant on Lot 19 is intending to remove the existing 991 sq. foot basement and 991 sq. foot first floor dwelling and replace it with a 2,400 sq. foot home. He indicated that the current home has 3 bedrooms and they would like to replace it with a 3 bedroom home. The septic system is approved for a 3 bedroom home. They would also like to replace the existing garage which is 233 sq. ft. with a 264 sq. foot garage. Lot 20 has a 2 bedroom septic. Mr. Haggerty submitted to the board Exhibit “A-1” which is a colored version of the Variance Map dated July 25, 2018 Existing Conditions. He also submitted Exhibit “A-2” which is Septic Design for Block 164, Lot 19 dated May 2, 2006. He further indicated that the garage is located on Birch Street and the house is

NEW APPLICATIONS CONT.

Edward and Marilyn Thompson, LUB 18-14 – Block 164, Lots 19 & 20 – 3 Birch Street/5 Birch Street – Minor Subdivision & “C” & “D” Variance cont.:

located further back. The septic is located between the garage and the house. The septic for Lot 20 is located in the right hand corner of the lot. He noted that Birch Street is a low traveled Road. The main traffic in this area is Lake View Point by passes Birch. The only traffic on Birch Street are the 3 houses that are on that street. Mr. Glasson indicated that because of the constraints of the septic system on Lot 19, they do not have an area for a turnaround.

Mr. Glasson indicated that Lot 19 is the smaller lot which contains 6,993 square feet. It is 50' wide and has an average depth of 145'. Lot 20, which is the larger lot, which contains 11,507 square feet with a 100' of frontage and has a lot depth of approximately 118'. Both lots are located in the AR Zone. Mr. Glasson analyzed the properties differently. He took the conventional 5 acre for the lot they are taking the house down and he used the lake front lot zoning for Lot 20 which is the lot that the house and garage are remaining on. Both properties have a single family home and detached garage on them. Both of the properties are served by on lot wells both located on the lakeside and both have certified septic systems. The house footprint on Lot 19 is a 991 square foot footprint. The garage is 233 square feet. The floor area ratio right now on this property is .28%, where .18% is allowable. The dwelling footprint on Lot 20 is 1,352 and has a 334 square foot garage. The floor area ratio is .12% and .16% is allowable.

Mr. Glasson submitted to the board Exhibit “A-3” to the board which is a colorized version of Minor Subdivision Plat, Sheet 3 of 5 dated July 25, 2018. This map shows the lot line adjustment that they are proposing from Lot 20 to Lot 19. It has 31 feet of lake frontage and extends 77' to a triangular shaped area. It is 1100 square feet. This increases the lot size on Lot 19 from 6,993 to 8,095, which is not conforming because they need 5 acres, but it makes the new construction much more conforming then it currently is. It reduces the lot size on Lot 20, from 11,507 to 10,405 square feet. More importantly Lot 20 still remains conforming with its side yard setback because of Lake zoning, which is 15' even by taking this piece off of this property, the setback to the house still remains 25'.

Mr. Glasson submitted to the board Exhibit “A-4” which is a colorized version of Proposed Variance Map, Sheet 4 of 5 dated July 25, 2018. This map shows the new proposal of the property line which shows the same existing house that exists on Lot 20. The floor area ratio now is .13% which is slightly higher than the .12%, but the allowable is .16%, so it is still in conformance. The impervious coverage slightly increases from 24 to 27. Everything else remaining conforming with the lake zoning on this lot, except for depth which is non-conforming presently.

Mr. Glasson referred to Lot 19. They are proposing 2 brand new structures. They are proposing a 2 story home on this property which presently is a 1 story. The footprint is only 1,194 compared to the 991 square feet, which is an addition of 203 square feet. They are proposing a garage that is now 264 square feet where it was 233 square feet. That is an additional 31 square feet. The combination of the 2 for floor area ratios (FAR) brings the FAR to .26. It is a smaller FAR that exists now .28 because they have added 1,100 square feet of lot area. The impervious coverage is actually reduced too because of the increase of the lot size. However, they are over the 10% allotted.

NEW APPLICATIONS CONT.

Edward and Marilyn Thompson, LUB 18-14 – Block 164, Lots 19 & 20 – 3 Birch Street/5 Birch Street – Minor Subdivision & “C” & “D” Variance cont.:

Mr. Glasson reviewed with the board the Variances that are required for this application:

Lot 19:

- a. Lot Area 8,095 sq. ft. proposed; 217,800 sq. ft. required (5 acres); current condition is 6,993 sq. feet
- b. Lot Depth 137.45 feet proposed; 300 feet required; existing condition is currently deficient.
- c. Contiguous developable land proposed is 0 because the setbacks overlap each other; 20,000 square feet required.
- d. Impervious Coverage 40.77% is proposed; 10% is required; the existing condition is 42.85%
- e. Front yard setback proposed is 60.5 feet; 75 feet is required; the existing condition is 55 feet.
- f. Left Side Setback proposed 12.1 feet; 60 feet is required; the existing condition is 4 feet. The Right Side setback proposed is 12.2 feet; 60' feet is required; the existing condition is 7.7 feet.
- g. The Lake setback has been reduced by 1 foot. 75 feet is required; they are proposing 29 feet and 30.1 feet is the existing condition.
- h. Garage: Sideyard Setback is 4.7 feet proposed; 10 feet is required; and the existing condition is 4.7 feet.
- i. Garage: Front yard setback proposed is 2.5 feet; 75' feet required.
- j. Deck: They are proposing a 354 square foot deck and steps which is in conformance with the size, but they have added an access ramp which is 145 square feet which makes the coverage for the deck 499 square feet which is over the 360 square feet allowable.
- k. Deck: They also need a variance from the Deck setback from the sideline. They are proposing 8.6 feet from where the ramp starts for the deck; 10 feet is the requirement; the existing condition is 7.7 feet.

Mr. Pellow reviewed the remainder of his report:

Paragraph 9: The FAR on adjoining lots and lots across the street is as follows: a. Lot 18, Block 164: 34%; b. Lot 3, Block 165: 35.54%

Paragraph 10: Deed is needed for both adjusted lots.

Paragraph 11: Vehicles will have to back out into Birch Street. Mr. Glasson discussed this earlier and indicated that a turnaround area is not possible on this lot because of the location of the septic.

Paragraph 12: The proposed garage is 31 sq. feet larger than the existing garage on Lot 19.

Paragraph 13: A soil erosion permit will be required for Lot 19.

Paragraph 14: There is no landscaping proposed and some should be added.

Paragraph 15: How does the height of the proposed dwelling on Lot 19 compare to the height of the building on Lot 18, Block 164? Mr. Glasson indicated that they are proposing a 2 story dwelling where a 1 story existed.

NEW APPLICATIONS CONT.

Edward and Marilyn Thompson, LUB 18-14 – Block 164, Lots 19 & 20 – 3 Birch Street/5 Birch Street – Minor Subdivision & “C” & “D” Variance cont.:

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 Mr. Dolan 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. Gstattenbauer and seconded by Mr. Delima to approve the Minor Subdivision and “C” & “Variance request of the applicants, Edward and Marilyn Thompson. Roll Call:

YES: 8 Gstattenbauer, Albanese, Tufaro, French, Dolan, Romania, Kobis, Delima

NO 0

ABSTAIN: 0

The Motion was carried.

A Motion was made by Mr. Delima and seconded by Mrs. Albanese to Waive the Reading of the Resolution so the applicants may obtain a building permit at their own risk. All were in favor. The Motion was carried.

Dr. Castimore and Mr. Risdon returned to the meeting.

Mr. Pellow left the meeting.

EXECUTIVE SESSION

A Motion as made by Mr. Dolan and seconded by Mr. Delima to go into Executive Session at 7:55 p.m. to have a Seminar for Training to Prevent Land Use Liability Claims form PAIC. All were in favor. The Motion was carried.

A Motion was made by Dr. Castimore and seconded by Mr. Risdon to reconvene the regular meeting of the Land Use Board at 9:10 p.m. All were in favor. The Motion was carried.

BOARD BUSINESS CONT.

Invoices:

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

YES: 10 Gstattenbauer, Castimore, Albanese, Tufaro, Risdon, French, Dolan, Romania, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

Frankford Township Land Use Board
September 26 Minutes
Page 9 of 9

ADJOURN:

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator