

FRANKFORD TOWNSHIP LAND USE BOARD
JUNE 28, 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 (arrived at 7:10 p.m.), Mrs. Tufaro, Mr. Risdon (arrived at 7:05 p.m.), Mr. Hahn, Mr. Dolan, Mr. Wingle, Mr. Pierson, Mr. Kobis and Mr. Delima. Also present were Mr. Molica, representing the Board Attorney and Mr. Pellow, the Board Engineer.

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

MINUTES

The Minutes of the May 24, 2017 Land Use Board Regular Meeting were reviewed. A Motion was made by Dr. Castimore and seconded by Mr. Delima to approve the Regular Meeting Minutes of the Land Use Board for May 24, 2017. All were in favor. The Motion was carried.

BOARD BUSINESS

SUB COMMITTEES:

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

Accessory Building & Structure Ordinance:

The Zoning Officer indicated in 2009 the entire Frankford Code Book was being updated. She indicated that there are 2 paragraphs in Section 30-1015, Paragraph 1 and Paragraph 8 that are conflicting. The paragraph's read as follows:

Paragraph 1: No accessory building shall be located closer to a right-of-way line than the principal building except a gazebo not disproportionate to the size of the lot or the principal building and provided a front yard setback equal to the prescribed side yard setback for the corresponding zone is maintained. On corner lots, accessory buildings other than a gazebo shall not be located closer to a street than the minimum front yard requirements for the district.

Paragraph 8: Location. An accessory building may be constructed only in the side or rear yards or behind the actual front yard setback for the principal structure. An accessory structure located on a corner lot shall also be set back from the side street to comply with the setback line applying to the principal building for that side street.

Mrs. Tufaro indicated that Paragraph 1 indicates that an accessory structure cannot be in front of the principal structure. Paragraph 8 indicates that an accessory structure has to be "behind the actual front yard setback for the principal structure". She feels that

CARRIED APPLICATIONS

Richard Wingle – LUB 17-06 – Route 565 – Block 1, Lots 2, 2.1 & 2.02 – Preliminary Site Plan, Minor Subdivision & “C” Variance:

Richard Wingle stepped down from this application.

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

Mr. Haggerty indicated that this is an application for a Minor Subdivision for a new lot, a Lot Line Adjustment and a Preliminary Site Plan Approval to authorize construction of a building to accommodate Mr. Wingle’s septic service and supply office and also an accessory building which would accommodate storage and equipment in connection with that use. The property is in the Commercial Zone and also in the LI Zone.

The board reviewed Mr. Pellow’s report dated May 1, 2017, last revised May 19, 2017 as to completeness:

ITEM 3: Certification of taxes, liens, assessments paid. The taxes for Lot 2.01 have not been paid for the first quarter of 2017. Mr. Haggerty indicated that his client does not own this property and he will look into this to make sure they are paid and is requesting a waiver this evening to proceed.

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

ITEM 10: Copies of all prior resolutions pertaining to this property. Copies were not included in my packet-for all lots involved. Mr. Pellow indicated that this has been provided.

ITEM 12: Copy of Sussex County Planning Board application. All site plans have to go to the County. Mr. Haggerty indicated that this will be provided if this application is approved this evening.

ITEM 13: Copy of Soil Erosion/Sediment Control application. Soil Conservation approval is needed. Mr. Haggerty indicated that this will be provided if this application is approved this evening.

ITEM 15: Copy of Sussex County Health Department application. Permit is needed from the County Health Department for a septic system. Mr. Haggerty indicated that this will be provided if this application is approved this evening.

ITEM 49: Earthwork summary. The summary is needed. Mr. Pellow indicated that this has been provided,

ITEM 56: Provisions for certification and approvals. Left off Land use Board Engineer’s certification. Mr. Pellow indicated that this has been provided.

CARRIED APPLICATIONS CONT.

Richard Wingle – LUB 17-06 – Route 565 – Block 1, Lots 2, 2.1 & 2.02 – Preliminary Site Plan, Minor Subdivision & “C” Variance cont.:

indicated that the site plan will defend the substandard lot size and it will show having access at this location works favorably to the site.

Mr. Pellow indicated that there will be several easements and maintenance agreements that are needed for all of these lots.

Mr. Campbell submitted to the board Exhibit “A-3” which is a colored version Sheet 2 of the Site Plan Map dated April, 2017 last revised May 10, 2017. He also submitted to the board Exhibit “A-4” which is a colored version Landscape Plan dated May, 2017. The landscape plan also shows the complex sign is on Lot 2.02. Mr. Campbell indicated that the landscape plan shows additional landscaping for screening to the adjacent Lot 3 to satisfy some concerns of that neighbor with regard to lights from vehicles coming out of the Wingle Supply facility.

Mr. Campbell indicated that the proposed primary building shown on the site plan is Phase I, which is a multi-unit of flex tenants throughout in addition to Mr. Wingle’s facility. It is approximately 125’ x 70’ building. There is proposed parking in the front of the building with adequate spaces required by ordinance. There is a large lot in the rear of the building. There is a second Phase II building, which is predominately a garage building. This building is intended specifically for housing the vehicles and equipment which is associated with the Wingles home improvement and excavating company. The primary building is in the CED-2 Zone. The Phase II building is in the LI Zone. The parking lot in the rear of Phase I building is that they propose to have flush curbs in order to facilitate the sheet flow for stormwater management. Midway to the rear building they are proposing to go to a gravel surface and have gravel area through the whole rear of the parking lot so that behind the building, there will be concrete aprons at the building, but a gravel area and gravel lot due to the nature of the use with heavy equipment. There will be no customer use of the area behind the building. There could be spaces for the employees to park.

Mr. Campbell indicated that the septic has been designed and approved. The signage is proposed to be on the buildings. Each tenant will have its own identification sign. The tenant signs will be approximately 18” by 6’ for each of the tenants.

Mr. Wingle indicated that the use of his portion of the building will be for his septic service business and excavating and construction business. He possibly may be selling septic supplies. They will need storage for the septic supplies. He further indicated that the building in the back, at this time, would be exclusively for himself. This is to house and store the vehicles and equipment he currently has and to wash and do maintenance and repairs on the vehicles. This is accessory to the principal use of the main building.

Mr. Pellow continued to review his report:

Paragraph 1: The applicant is proposing to subdivide 0.251 acre from Lot 2 to be annexed to Lot 2.02. The resultant lot area for Lot 2 will be 6.480 acres, and a new deed will be needed for resultant Lot 2.02. This lot will need to detail all the access agreements and maintenance agreements for the existing drives that cross this lot, along with the existing sight easement and any other easement. The applicant agreed.

Paragraph 2: The Applicant is proposing to subdivide 1.001 acre from Lot 2 to become annexed to Lot 2.01. The resultant lot area for 2.01 will be 4.288 acres, and a new deed will be needed for resultant Lot 2.01. This lot to describe the access and maintenance easements over the drive into other lots shown on the map. The applicant agreed.

CARRIED APPLICATIONS CONT.

Richard Wingle – LUB 17-06 – Route 565 – Block 1, Lots 2, 2.1 & 2.02 – Preliminary Site Plan, Minor Subdivision & “C” Variance cont.:

Paragraph 3: Resultant Lot 2.01 will require a variance for lot area: 5 acres required and 4.288 acres proposed. This lot is in the CED-2 Zone. It should comply with the CED-2 Zone.

Paragraph 4: The applicant is proposing to subdivide a new lot from Lot 2 containing 3.480 acres, and this will require a variance, as 5 acres is required in the CED-2 Zone. This lot is split zoned-CED-2 and LI.

Paragraph 5: The resultant Lot 2 after subdivision will be 114.162 acres.

Paragraph 7 – PARKING:

- A. Parking lot curb face to be 6”.
- B. The Township ordinance requires curb around parking lots of six (6) spaces or more to have granite curb. The application is for a depressed curb along the northerly parking lot, which is not permitted. Mr. Campbell indicated that he did it this way to meet the stormwater management.
- C. The Township ordinance requires a loading space, and it has not been shown. It was discussed earlier in the meeting that the loading area will be behind the building.
- D. The sidewalk in front of the Phase I building is 5 feet wide but needs to be 6 feet wide, as vehicles hang over 2 feet. The applicant’s agreed to 6 feet.
- E. The uses in both buildings may change the number of parking spaces needed.

Paragraph 8: ZONING:

- A. The lot is split zoned, but Phase I building is in the CED-2 Zone.
- B. The office and retail in the Phase I building is permitted, but he Applicant to explain the use of the building in the rear, as it may not be permitted in the CED 2 Zone. This was discussed earlier, that the building in the rear is an accessory building to the main building.
- C. Building in Phase II is a garage and is located in both zones. I believe the uses in the building have to be as per the CED-2 Zone. Need documentation for this. The applicant’s attorney agreed.
- D. I don’t see where garage/service/storage is permitted use.

Paragraph 9: PAVEMENT:

- A. The applicant does not show paving for the access drive to the building in Phase II, and it has to be paved as per the ordinance. Mr. Pellow indicated that this will require a Variance.
- B. No paving detail has been submitted, and one is needed. Mr. Pellow said this was satisfactory.

CARRIED APPLICATIONS CONT.

Richard Wingle – LUB 17-06 – Route 565 – Block 1, Lots 2, 2.1 & 2.02 – Preliminary Site Plan, Minor Subdivision & “C” Variance cont.:

Paragraph 10: SIGNAGE:

- A. Will these uses be shown on the main sign at County Route 565? The resolution for this sign approval to be submitted to determine if additional signs can be added or if a variance is needed. Mr. Wingle indicated that there are a few spaces left on the main sign which they will use. There will be no additional spaces needed.
- B. In the CED-2 Zone with multiple tenants occupying a single building, one additional sign per tenant is permitted containing 9 sq. ft. and not to exceed 2 feet in height. The signs on Sheet #9 are 1.5' x 6' = 9 sq. feet. The applicant agrees.
- C. There is also a building sign of 3' x 5' on the retail building and 48 sq. ft. is permitted. The applicant agreed.
- D. The garage building does not list any sign. Mr. Wingle indicated that there will be no signage on this building.

Paragraph 11: ARCHITECTURE:

- A. See page 9 for details. The Board to reserve judgement for colors and type of materials. Mr. Wingle indicated this building will match the Wingle Supply building. The front will be cultured stone. The roof will be a metal roof. The sides of the building will be two-toned to break it up.
- B. Need floor plans for all buildings. No internal petitions for Phase II building.

Paragraph 12: LANDSCAPING:

- A. This is satisfactory.
- B. The main sign at County Route 565 to be landscaped. The applicant's agreed to supply a plan.

Paragraph 13: LIGHTING:

- A. The type of fixture is the same as used in the existing retail building just to the north of this site. This needs to be checked at night. The applicant agreed.

Paragraph 14: MISCELLANEOUS:

- A. County approval is need. The applicant agreed.
- B. Soil erosion permit is needed. Mr. Campbell indicated that they have obtained this.
- C. Why is the building on page 9 noted as an accessory structure? It can't be over 1,260 sq. ft. and 4,800 sq. ft. is proposed—this will need a variance. The applicant has requested a variance.

CARRIED APPLICATIONS CONT.

Richard Wingle – LUB 17-06 – Route 565 – Block 1, Lots 2, 2.1 & 2.02 – Preliminary Site Plan, Minor Subdivision & “C” Variance cont.:

- D. Need a copy of the latest line verification from the DEP. The applicant’s agreed to provide this.
- E. County septic approval is needed. This has been supplied.
- F. Need floor plans for both buildings. Sheet #9 depicts floor layout and Phase II building has no internal petitions.

A lengthy discussion was held with regard to the use of the rear building (Phase II). Mr. Wingle said it will be used for storage of equipment and supplies for his business. However, if one of his tenants needs some additional storage in the rear building, could he rent space to them for that? It would not be for public use, just his tenants for additional storage. The board agreed that the rear building would be an accessory use to the main building.

Mr. Campbell indicated that they had their wetlands consultant prepare a report. They indicated that the report demonstrates that the wetlands transition area of 150’ is just marginally touching the property in the back left corner. All of the proposed improvements are in excess of 200 plus feet. Mr. Haggerty indicated that this is the reason why they did not increase the size of the lot.

A Motion was made by Mr. Risdon and seconded by Mr. Dolan 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. Risdon 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. Risdon and seconded by Mr. Hahn to approve the application for Richard Wingle for a Preliminary Site Plan, Minor Subdivision and “C” Variances requested by the applicant. Roll Call:

YES: 10 Gstattenbauer, Castimore, Albanese, Tufaro, Risdon, Hahn, Dolan, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Wingle returned to the meeting.

NEW APPLICATIONS CONT.

Howard & Marion Alden – LUB 17-11 – 172 Culver View Lane – Block 109, Lot 42 “C” & “D” Variances:

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

Appearing before the board was the applicant, Howard Alden, his attorney, William Haggerty, and his engineer, James Glasson. Mr. Alden and Mr. Glasson were sworn in

NEW APPLICATIONS CONT.

Howard & Marion Alden – LUB 17-11 – 172 Culver View Lane – Block 109, Lot 42
“C” & “D” Variances cont.:

by the board attorney. Mr. Glasson gave his qualifications to the board and was accepted as an expert witness.

Mr. Haggerty indicated that the applicant is proposing a small addition of 318 square feet on the south side of the existing dwelling and to construct a 962 square feet deck on the south side and lake side of the existing dwelling.

Mr. Pellow reviewed his report dated June 19, 2017 as to completeness:

ITEM 7: Notice. Mr. Molica indicated that the notice was sufficient.

ITEM 84: Floor area ratio of all surrounding residences within 200 feet. This has been submitted.

ITEM 11: A recent photograph of the property. This was submitted.

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

Mr. Glasson indicated that this lot is located in the AR Zone. It is a lakefront lot. The property has 19515 square feet. They fall in the AR Zone between the 7500 and 20,000 square feet requirement because they are doing an addition. This zone requires a minimum lot width of 50' and this lot has 100' wide. It requires a depth of 150' and this property on the left hand side has a depth of 190' and 197' on the ride hand side. The front setback requirement is 35', the existing front yard setback is 64.6'. The side yard setback requirements are 15'. The existing side yard setback is 30' on the left side and the right side is 22 ½'. The rear setback requirement is 50' and the existing house is 90'.

Mr. Glasson submitted to the board Exhibit “A-1” which is a colored version of sheet 3 of the Variance Map. Mr. Glasson indicated that there is a driveway access from Culver View, but there is also a circular driveway providing circulation to the front of the house. The garage on the lot is pre-existing non-conforming in terms of its location.

Mr. Glasson indicated that he designed the septic system at the end of 2016 and it was installed in February 2017. The septic is located on the lakeside of the house. The well is located on the front side of the house by Culver View Lane. They were able to maintain a setback of 50' from the lake for the septic which they were able to design a conventional system. They did have some water table issues, so they were forced to design a pump system with a slightly raised mound, which is about 2' out of the ground. The deck they have designed is approximately 12' from the house and goes approximately 2' from the septic system. The deck is proposed to run along the width of the front of the house, which is approximately 34' down to the side. They are also proposing a 318 square foot addition. The existing house has a footprint of 1519 feet. The current FAR is 3723, which is a .19. The allowable FAR is a .14. They are slightly increasing the FAR with the 318 square foot addition, which is a single story, which is 4021, or .2%. This is a deminimis increase.

Mr. Haggerty indicated that surrounding lots have FAR's that are .26, .28, .52, .26. Therefore, the application is in keeping with the neighborhood. Mr. Glasson indicated that this lot is larger then most of the lake front lots.

NEW APPLICATIONS CONT.

Howard & Marion Alden – LUB 17-11 – 172 Culver View Lane – Block 109, Lot 42
“C” & “D” Variances cont.:

Mr. Haggerty submitted to the board Exhibit “A-2” which is a photograph of the existing property. Mr. Haggerty indicated that he is submitting this exhibit to show the elevation change with the raised septic on the lakeside of the house. The reason for the location of the deck is for aesthetic reasons and safety reasons because of the raised septic system.

Mr. Haggerty questioned Mr. Alden as to the reason for the addition. Mr. Alden indicated that they do not have a downstairs bathroom and the kitchen is actually a galley kitchen. So they would like to expand the kitchen and add a bathroom. Mr. Glasson indicated that they do still meet the side yard setback, but it will reduce the front yard setback from 64’ to 57’, but it still falls within the required front yard setback.

Mr. Pellow continued reviewing his report:

Paragraph 1: The applicant is proposing to construct a 318 sq. ft. addition on the south side of the existing dwelling and to construct a 962 sq. ft. deck on the south side and lake side of the existing dwelling.

Paragraph 2: The variances needed are as follows: a) Floor Area Ratio: 2,747 sq. ft. is permitted; 3,723 sq. ft. exists; and 4,041 sq. ft. is proposed; b) Open Deck: 360 sq. ft. is allowed: 962 sq. ft. is proposed.

Paragraph 3: Existing Non-Conforming Conditions: a) Accessory Building Front Yard Setback: 75 ft. required; 7.3 exists; b) Accessory Building Maximum Height: 1 story or 15 feet, and existing garage is over 15 feet. The actual height to be shown on revised plan.

Paragraph 4: The plan used for review is titled, “Variance Plan for Lot 42, block 109, 172 Culver View Lake”, dated June 6, 2017, containing three sheets, as prepared by Civil Engineering, Inc.

Paragraph 6: The existing septic system was constructed recently. The date to be provided, and it was for a three-bedroom house. The proposed dwelling will continue to have three bedrooms. Need certification from the health department that the septic system was constructed. Mr. Haggerty indicated that this will be submitted to the board secretary when they receive it.

Paragraph 7: Water supplied by a cased well near the garage.

Paragraph 8: There is a circular drive which is good so cars do not have to back out into the road. Cars still have to back out of the garage into the road. This is a pre-existing condition and cannot be changed.

Paragraph 10: Why does the deck have to be so large? It will be almost three times as large as permitted. Mr. Pellow indicated that this was discussed earlier.

Paragraph 11: Any shrubbery loss due to the house expansion or deck construction to be replaced and shown on a revised plan. Mr. Glasson indicated that the shrubs in front of the house will be removed with the addition. He further indicated that the deck will go right up to the septic system, so they will not be able to put shrubs on the septic. He indicated that there could be some shrubs on the side of the deck. Mr. Glasson indicated that this will be shown on the revised plans.

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ADJOURN:

A Motion was made by Mr. Dolan 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