



**Frankford Township Land Use Board**  
**August 23, 2017 Minutes**  
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**PUBLIC:**

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

**ZONING OFFICER'S AGENDA**

The Zoning Report dated August, 2017 was reviewed. No formal action was taken.

**RESOLUTIONS**

**John Wingle – LUB 17-08 – 357 US Highway Route 206 – Block 53, Lot 6 – Preliminary Site Plan:**

The Resolution was reviewed. A Motion was made by Mr. Dolan and seconded by Mr. Kobis to approve the Resolution for John Wingle for a Preliminary Site Plan. Roll Call:

YES: 4 Gstattenbauer, Tufaro, French, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

**Robert & Claire Ceru – LUB 17-10 – 164 Culver View Lane – Block 109, Lot 46 “C” Variance:**

The Resolution was reviewed. A Motion was made by Mrs. Tufaro and seconded by Mrs. French to approve the Resolution for Robert and Claire Ceru for a “C” Variance. Roll Call:

YES: 6 Gstattenbauer, Tufaro, French, Dolan, Wingle, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

**NEW APPLICATIONS**

**Westview Properties, Inc. – LUB 17-12 – 553 County Route 565 – Block 12, Lot 1 Amended Preliminary & Final Site Plan:**

Appearing before the board was a representative of the applicant, Tico Lin, their Planner, Eric K. Snyder, and their attorney, Megan Ward. Mr. Snyder and Mr. Lin were sworn in by the board attorney. Mr. Snyder gave his qualifications to the board and was accepted as an expert witness.

Mr. Collins indicated that the applicant provided the Affidavit of Notice and the Affidavit of Publication in accordance with the Municipal Land Use Law and the board can hear the application as an Amended Preliminary Site Plan & Final Site Plan and any necessary “C” Variances and Site Plan Extensions.

**NEW APPLICATIONS CONT.**

**Westview Properties, Inc. – LUB 17-12 – 553 County Route 565 – Block 12, Lot 1**  
**Amended Preliminary & Final Site Plan cont.:**

Appearing before the board was the applicant's attorney, Megan Ward. The business on this property is Roselin Farm & Bakery. Mr. and Mrs. Lin are the owners and operators of the business. There was a 2011 approval for this applicant on this existing site, which is a farm stand, bakery and breakfast and lunch service. They are here this evening for an Amended Preliminary and Final Site Plan approval. Overall what is proposed for the site is essentially the same as what was approved in 2011. The property is large, it is almost 54 acres. The changes from the 2011 approval and this application are to the driveways and what was required along the County Route 565. They do have County approval from this year. The other change is some additional additions, changes to the building and around the building to the side, which will be explained during testimony. This application also requires re-location of the sign as required by the County

Ms. Ward reviewed Mr. Pellow's report as to completeness dated August 15, 2017, last revised August 22, 2017.

ITEM 3: Certification of taxes, liens, assessments paid. The August 1<sup>st</sup> taxes are due. The board secretary indicated that they were paid.

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

ITEM 15: Copy of Sussex County Planning Board application. Application was approved by the County and the Resolution attached. Mr. Pellow indicated that he did not receive the Resolution with the submission; however, he did receive it from the Board Secretary this evening.

ITEM 31: North arrow giving reference meridian to be shown. They have agreed to show the North arrow on revised plans.

ITEM 36: Metes and bounds of proposed lots. The application should request a waiver.

ITEM 37: Area and frontage of proposed lot. The applicant should request a waiver.

ITEM 39: Property lines to the nearest hundredth. The applicant should request a waiver.

ITEM 40: Bearings to the nearest second. The applicant should request a waiver.

ITEM 42: Building envelopes to be shown. The applicant agreed to show these.

Ms. Ward indicated that they have requested Waivers to Item 36, 37, 39 & 40 because this is the very front part of a very large piece of property. They are dealing with a few hundred feet off of Route 565. As far as the building envelope, they would request to show the building envelope along the frontage, but not for the entire 54 acres.

ITEM 57: Letter itemizing all elements covered under performance bond. Not needed at this time, as a bond will be needed at the final approval for all items not completed prior to the Certificate of Occupancy being obtained.

ITEM 58: Letter of approval and certification from Township Engineer. Not needed until the final as-built have been submitted.

**NEW APPLICATIONS CONT.**

**Westview Properties, Inc. – LUB 17-12 – 553 County Route 565 – Block 12, Lot 1**  
**Amended Preliminary & Final Site Plan cont.:**

ITEM 66: Lighting plan, including fixture and footing details, wattage, height, isolux patterns. What are the hours of operation? The light plan is very minimal. Mrs. Ward indicated that they will discuss this during testimony of the hearing. Requesting a waiver just for completeness only.

ITEM 75: Building floor plan, elevation views and first floor elevation with overall building height. Revised plans have not been submitted with my packet showing the increase in the addition. Mrs. Ward again indicated that they will discuss this during testimony of the hearing. They are requesting a waiver just for completeness only.

A Motion was made by Mrs. Albanese and seconded by Mr. Risdon to deem this application complete with the waivers and temporary waivers requested. All were in favor. The Motion was carried.

Mrs. Ward referred to Sheet SP11, Existing Conditions submitted to the board. This property is in the Center Enhancement District – 2 (CED-2) Zone. This is an existing business that has been closed in 2016 and 2017. Mrs. Lin has been perfecting and actually has FDA approval to sell some condiments and hot sauce. Mr. Snyder indicated these plans have been approved by the County. The northern driveway has been reconfigured so that it is a 90 degree angle. The traffic pattern is now one way through the site. The fence that currently runs parallel the County Road has been brought back to avoid some site distance issues that the County identified. The sign will be located 2' off the property line and 25 feet is required by ordinance. This will require a variance. Mr. Snyder indicated that with people traveling 50 to 60 miles per hour, a small sign set back from the road will not do the job that is necessary for signage. If the sign was setback 25', it would not be visible to anyone coming north. Even coming south, it will be difficult.

Mr. Snyder indicated that the existing building was part of the original approval. The parking and the parking lot were also part of the original approval and they do not propose any changes to the parking with this application.

Mr. Snyder referred to Mr. Pellow's report Paragraph 6. Parking. (a) In the original application, 14 spaces were proposed, with one handicap space. It will have to be determined if this is sufficient for the increase in the addition to the rear of the building. The parking requirement for a restaurant is 1 space for 3 seats, plus 1 space per bar stool and 1 space per employee. This information should be provided in order to verify the parking requirement. Mr. Snyder indicated that nothing has changed. (b) If the parking area is over six spaces, it must be paved and curbed with Belgian block curbing. A waiver is required to permit the parking area to remain as gravel. Mr. Snyder indicated that the applicant will, in the future, consider paving this lot. It is a matter of economics at this point. They would like to get back up and running. For the time being, the waiver that was originally granted for gravel in the parking, they are requesting that remain. They are paving the entrance for the first 25' to stabilize the access ways to make them more maintenance friendly. There is also curbing and all the required signage.

Mr. Snyder indicated that they have moved the dumpster farther away from the building. He indicated that this is a food establishment and the dumpster attracts flies, so they moved it away from the building, which has a gravel access way to get to it.

**NEW APPLICATIONS CONT.**

**Westview Properties, Inc. – LUB 17-12 – 553 County Route 565 – Block 12, Lot 1**  
**Amended Preliminary & Final Site Plan cont.:**

Ms. Ward referred to Mr. Pellow's report paragraph 4b which indicates that there is a requirement of 100' for front parking area setback and the applicant is proposing 75.3 feet. Mr. Snyder indicated that this is an existing condition. This was previously approved and no changes are proposed this evening. Mr. Pellow's report indicated that this is a design standard requirement, so it is a waiver not a variance.

Ms. Ward referred to Mr. Pellow's report paragraph 5a: The proposed freestanding sign is 6' x 8', and 48 sq. ft. is permitted, but the sign does not show any construction details or how it will be landscaped..... Did the county approve this location for sight distance? Mr. Snyder indicated that minimal landscaping will be added so as to allow the sign to be seen. He further indicated that the County approved the sign.

Ms. Ward submitted to the board Exhibit "A-1" which is a photograph of the existing building showing the existing signage on the building. Ms. Ward referred to Mr. Pellow's report paragraph 5b: "One building-mounted sign is permitted for each tenant, and there is one tenant in this building right now. The tenant sign permitted is 9 sq. ft. with a maximum height of 2 feet. What is the sign area as it exists, as only one freestanding or building sign is permitted. The sign is 69 ft. x 2 ft. and a variance is needed. Mr. Snyder indicated that this building is setback a significant distance from the road. He further stated it is the same reasoning as his earlier testimony with the freestanding sign. It will not be visible to people driving by at 50 miles per hour. This will work against the applicants running a sustainable business. The objects of the Municipal Land Use Law is that appropriate economic development be located in an area where they will do well and in accordance with a municipalities zoning, which they have, it is a permitted use. In order for this permitted use to meet the objectives that the township set forth in its Master Plan and the State has set forth in its references of Planning and Zoning, a sign of this size as it is proposed and as it exists is really necessary to make this business work. This is a C1 and a C2 argument because of the setback of the building, as is required. And because of the appropriateness of this particular business in this particular location, there are good reasons to approve this. As to the negative criteria, there are none. There is no negative impact on the neighborhood. They are the only business in the neighborhood. Even if there were other businesses in the neighborhood, there would be not be a negative impact. There is not a negative impact on the Zone plan, because the township Master Plan specifically looks for this kind of business in this area. This is an agriculturally based business, which goes even beyond the CED-2 Zone objectives. Mr. Snyder further stated that this is an existing sign and no changes are proposed. The sign is in keeping with the agricultural use and character of the township. This issue was not spelled out in the previous Resolution, therefore, they are asking for the Variance with this application.

Mr. Snyder referred to the Exhibit "A-2" which is a floor plan of the building. What they are proposing are some additions to the existing building. The addition to the rear of the building is to allow for a substantial kitchen to be constructed. The whole idea to prepare value added products from produce that is locally grown, requires that there be a kitchen that complies with Health Department requirements as well as the requirements to get the certification to make these kinds of ingredients like hot sauces, etc., but also to ship them UPS in any state in the Country. The front area of the building, which is the seating area and so forth, is unchanged. They are also proposing to sell ice cream. No Additional seating will be added to this building. To the right area of the building is currently storage, which will stay storage. The area shown on the site plan as the concrete loading area which is the area for the outdoor high pressure washer, clear rack storage area, floor pallets and shipping and receiving area. There are 2 other addition areas being proposed in the rear. The first addition is for dry storage (paper goods, etc.) The second area is for

**NEW APPLICATIONS CONT.**

**Westview Properties, Inc. – LUB 17-12 – 553 County Route 565 – Block 12, Lot 1**  
**Amended Preliminary & Final Site Plan cont.:**

wet storage (vegetables); storage and sale of produce will take place in this addition. These will be enclosed buildings. The current building is an architectural style building, it appears to have vertical wood siding and enamel roof. The proposed additions will be consistent with the existing siding and roofing. There will be no change to the roof line as it is visible from the front. The new roof will be the same height as the existing roof.

Mr. Snyder submitted to the board Exhibit “A-3” which is a drawing prepared by Eric Snyder showing the existing 1 story-framed structure, as well as the existing concrete patio areas that are covered now by the overhanging roof. Mr. Snyder indicated that they are proposing a change to this area. The idea here is because the wind blows in through the doors as they stand right now, someone sitting inside will be discomforted by the wind blowing in. They are providing a wind break. The door will be on the southern side to block the north wind. This will be on top of the existing concrete patio underneath the existing overhang. The wind break will be mostly glass and the siding will match the existing building. It will not increase the footprint of the building. It is a structural addition and will be permanent.

Ms. Ward referred to Mr. Pellow’s Report with regard to Parking, paragraph 6. She indicated that this proposal will not increase the seating in the restaurant; it will not increase the number of employees. They are proposing 14 parking spaces, including 1 handicapped space. This is what was approved in the previous application. Ms. Ward indicated that the local requirements as stated in Mr. Pellow’s report are for Belgian block curbing and the parking area to be paved. The 2011 approval was for the parking area to remain gravel and not be curbed to facilitate sheet flow drainage. This parking lot will not have any impact on sheet flow drainage. The only reason there are any County required curbs is because they were concerned about a creeping widening of the driveway, which sometimes happens when you have a driveway that is flat and not constrained by the curbing.

Ms. Ward referred to Mr. Pellow’s Report, paragraph 6c, which refers to loading spaces and truck deliveries. Mr. Snyder indicated that the loading area will come around the back of the building, which is a proposed gravel driveway.

Mr. Snyder referred to Paragraph 7 of Mr. Pellow’s report regarding landscaping. Mr. Snyder indicated that they will consult with Mr. Pellow’s office with a landscape plan for his review. He further indicated that this is a farm stand and is intended to look rustic and not dressed up as a formal site.

Ms. Ward questioned Mr. Lin that with regard to the beehive on the site, is his intension to sell the honey on the site. Mr. Lin indicated that it is. He also stated that they grow some of the produce on this property for sale on this site. He indicated that this is a year round business which will be open 7 days a week. Primarily the operation will be during daylight hours. During the winter the approximate hours will be 7 a.m. to 5 p.m. and during the summer hours will be approximately 7 a.m. to 9 p.m. Basically the hours are from sun up to sun down.

Ms. Ward indicated that they do have Sussex County Planning Board Approval and they have indicated that they will comply with requirements and obtain whatever permits are necessary with regard to the Conservation District.

Ms. Ward referred to paragraph 10b of Mr. Pellow’s Report “There are numerous accessory buildings on this property. What is their use and will they remain or be removed.” The buildings are used for the operation of this business. Some of the

**NEW APPLICATIONS CONT.**

**Westview Properties, Inc. – LUB 17-12 – 553 County Route 565 – Block 12, Lot 1**  
**Amended Preliminary & Final Site Plan cont.:**

buildings are to store the produce so they can be cleaned. He also has a chicken coop, which houses his chickens.

Mr. Snyder reviewed the lighting plan with the board. He indicated as provided in testimony, this is basically a daylight operation, therefore, the lighting plan is minimal. There is no new lighting proposed from the 2011 approval

Mr. Collins referred to Mr. Pellow’s report which stated “The existing parking areas is rough and it is gravel and now has many weeds growing through the gravel base.” He further stated that Exhibit “A-1” shows that also. On the plans, it shows the edge of dirt road leads to a gravel road. He questioned the applicant if they would be prepared to renew the gravel on the parking lot, regrade it, and make the dirt road gravel which leads to the gravel road in the rear. The applicant agreed.

Mrs. French questioned if the sign was going to be lit. Mr. Snyder indicated that it will not be a lit sign.

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. Risdon and seconded by Mr. Wingle 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 Mrs. Albanese to approve the Amended Preliminary Site Plan and Final Site Plan and Variances requested and site plan exceptions as explained this evening and the following conditions to regrade the gravel parking lot and remove the weeds and grass in the parking area and place gravel on the dirt road which leads to a gravel road in the rear of the building; they will comply with the County requirements for the relocation of the sign, changes to the driveway for ingress and egress. They also have variances for existing signage on the building. Roll Call:

YES: 7 Gstattenbauer, Albanese, Tufaro, Risdon, French, Wingle, Kobis

NO: 0

ABSTAIN: 1 Dolan

The Motion was carried.

**ADJOURN:**

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

Respectfully submitted,

SHARON M. YAROSZ  
Land Use Administrator