

**FRANKFORD TOWNSHIP LAND USE BOARD  
SEPTEMBER 27, 2017 – 7:00 P.M.  
MINUTES OF THE REGULAR MEETING**

**CALL TO ORDER:**

The meeting was called to order by the 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. Tufaro, Mr. Risdon, Mr. Hahn, Mrs. French, Mr. Romania, Mr. Wingle, Mr. Pierson (arrived at 7:25 p.m.), Mr. Kobis and Mr. Delima. Also present were Mr. Collins, the Board Attorney and Mr. Pellow, the Board Engineer.

Those absent: Mrs. Albanese (excused), and Mr. Dolan (excused).

**MINUTES**

The Minutes of the August 23, 2017 Land Use Board Regular Meeting were reviewed. A Motion was made by Dr. Castimore and seconded by Mr. Wingle to approve the Regular Meeting Minutes of the Land Use Board for August 23, 2017. All were in favor, except Mr. Romania and Mr. Delima, who abstained. 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:**

A lengthy discussion was held with regard to allowing the accessory structure in the front yard setback. The board requested that Mr. Pellow and the Zoning Officer, Sharon Tufaro, obtain copies of other township's Ordinances to compare to before proceeding. It was agreed to carry this matter to the next regular meeting of the Land Use Board.

**Correspondence:**

The correspondence was reviewed. No formal action was taken.

**PUBLIC:**

A Motion was made by Mr. Delima and seconded by Mr. Hahn 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 Dr. Castimore 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 Zoning Report dated September, 2017 was reviewed. No formal action was taken.

**RESOLUTIONS**

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

The Resolution was reviewed. A Motion was made by Mrs. Tufaro and seconded by Mr. Kobis to approve the Resolution for Westview Properties, Inc. for an Amended Preliminary & Final Site Plan. Roll Call:

- YES:           6       Gstattenbauer, Tufaro, Risdon, French, Wingle, Kobis
- NO:            0
- ABSTAIN:    0

The Motion was carried.

**EXTENSIONS**

**John M. Wingle – LUB 16-16 – Block 53, Lot 6 - 357 Route 206 – Minor Subdivision:**

A letter was received from the applicant’s attorney requesting an Extension of Time to file the deeds in connection with this application.

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

- YES:           10       Gstattenbauer, Castimore, Tufaro, Risdon, Hahn, French, Romania, Pierson, Kobis, Delima
- NO:            0
- ABSTAIN:    0

The Motion was carried.

**NEW APPLICATIONS**

**James & Kathleen Wolfe – LUB 17-13 – Block 164, Lot 16 – 11 Birch Street – “C” & “D” Variance:**

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

Appearing before the board was the applicants, James & Kathleen Wolfe, their Attorney, William Haggerty, and their Engineer, James Glasson. Mr. Glasson and Mr. and Mrs. Wolfe 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 the application involves a lakefront property at Culver’s Lake. The applicant is proposing to remove the existing one-story home which was built in the 1920’s and replace it with a new home. They installed a new septic and well in 2016. The floor area ratio they are proposing is consistent with floor area ratio percentages in the area.

**NEW APPLICATIONS CONT.**

**James & Kathleen Wolfe – LUB 17-13 – Block 164, Lot 16 – 11 Birch Street – “C” & “D” Variance cont.:**

Mr. Haggerty questioned Mr. Wolfe as to why they would like to do this project. He indicated that they have owned the property for 8 years and the house is in need a lot of repairs and they are looking to move up to this area all year long. A new home would provide them with a more functional home. The proposed new home would be in keeping with the houses in the area.

Mr. Pellow reviewed his report dated September 13, 2017, last revised September 21, 2017 as to completeness:

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

ITEM 11: A recent photograph of the property. Photos have been submitted, but they should be more legible and in color. Mr. Pellow indicated that the additional photographs have been submitted.

ITEM 13: Copy of Soil Erosion/Sediment Control Application. A permit will be needed if over 5,000 sq. ft. is disturbed. Mr. Haggerty indicated that this will be submitted.

ITEM 28: Existing structures within 200 (200') and distance to property line. Some have been completed; others have not. Mr. Pellow indicated that this was shown on the revised map.

ITEM 33: Tax Map Sheet Number. Can't locate this on the map. Mr. Pellow indicated that this is now shown on Sheet #1 of the Variance Map.

ITEM 42: Building envelopes. Probably can't be shown because they overlap.

ITEM 43: Location of existing railroads, bridges, culverts, drainage pipe, water and sewer, utility poles. Where does the pipe outlet from the inlet adjacent to the house on Lot 7, Block 165? Mr. Pellow indicated that this has now been shown on Sheet #2 of the revised map.

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

Mr. Pellow continued to review his report:

Paragraph 1: The map used for review is titled “Variance Plans for Lot 16, Block 164, 11 Birch Street”, dated May 2, 2017 and last revised September 15, 2017, containing four (4) sheets, prepared by Civil Engineering, Inc.

Paragraph 2: An architectural plan prepared by Charles Schaffer, dated August 23, 2017, containing two (2) sheets.

Paragraph 3: The applicant is proposing to demolish a one-story dwelling containing a 2,330 sq. ft. footprint; removal of existing Shed #2 containing 90 sq. ft.; and constructing a two-story frame dwelling with a 2,658 sq. ft. footprint. The existing drive will be extended to meet the garage within a new dwelling.

Paragraph 4: The following variances are needed: a) Maximum Impervious Coverage Permitted: 10% - 21.10% exists and 35.24% proposed – an increase of 14.14%, or 3,392 sq. ft.; b) Side Yard Setback required: 60 ft. – 4.6 ft. right and 60.9 ft. left exists; 12 ft.

**NEW APPLICATIONS CONT.**

**James & Kathleen Wolfe – LUB 17-13 – Block 164, Lot 16 – 11 Birch Street – “C” & “D” Variance cont.:**

right and 35.3 ft. left proposed. Mr. Glasson indicated that there was an error on his map and it is actually 13.6 feet right and 21.9 feet left proposed; c) Rear Yard setback required: 75 ft. – 45.6 ft. exists and 45.4 ft. proposed; d) Minimum Floor Area Ratio: .1273 or 3,053 sq. ft. allowed, .1078 or 2,587 sq. ft. exists and .2007 or 6,839 sq. ft. proposed; e) Open Deck: 360 sq. ft. maximum allowed and 512 sq. ft. proposed.

Paragraph 5: Following are existing non-conforming conditions: a) Lot Area: 5 acres required and 0.55 acre exists; b) Lot Width at Front Setback: 300 ft. required and 109.52 ft. exists; c) Minimum Lot Frontage: 300 ft. required and 100.00 ft. exists; d) Minimum Lot Depth: 300 ft. required and 209.50 ft. exists; e) Maximum Impervious Cover: 10% allowed and 21.10% exists, which needs a Variance; f) Accessory Building #1 (Existing Shed #1) Front Setback: 75 ft. required and 2.2 ft. exists; g) Accessory Building #1 (Existing Shed #1) Minimum Side and Rear Yard Setback: 10 ft. required and 2.0 ft. exists; h) Accessory Building #2 (Existing Shed #2) Minimum Side and Rear Yard Setback: 10 ft. required and 3.3 ft. exists.

Paragraph 7: Zoning. a) The entire structure will be removed; therefore, the 5-acre requirements govern this application; b) Will sight lines to the lake be reduced from Lots 18 and 14, Block 164? Show sight lines before and after construction. Mr. Pellow indicated that this has been shown on the revised plans. The sight from Lot 14 will be greater, and the sight from Lot 18 has been decreased slightly.

Paragraph 8: Well. The well was installed in 2016. What was the flow? Mr. Glasson indicated that the well flow is 5 gpm; Mr. Pellow indicated that this was satisfactory for this dwelling.

Paragraph 9: Septic. The septic was installed in 2016. Need a copy of the certificate of compliance for a three-bedroom house. Mr. Glasson indicated that they will submit this.

Paragraph 10: Driveway: a) A new drive will be constructed from Birch Street down to the garage in the house; b) The drive will be paved to the end of the turnaround-55 ft. +/-; c) A rock wall will be installed just north of the drive and will not exceed 4 feet.; d) A driveway permit will be required at the time of the building permit application.

Paragraph 11: Concrete Sidewalk. Need construction details. Mr. Pellow indicated that this has been shown on Sheet #3 of the Variance map and is satisfactory.

Paragraph 12: Architecture. a) The dwelling is quite large compared to the dwellings within 200 feet, but the lot is larger than the other lots within 200 feet; b) There are three (3) areas within the structure that depict not habitable. This to be explained by the Applicant. Need to be satisfied that they won't be habitable in the future. Mr. Haggerty indicated as follows: 1) Attic area has lower ceilings and will be used for storage; 2) Lower level of home is another storage area for their kayaks, boats, lawn furniture, etc.; and 3) lower level also has a utility room; c) The dwelling height is 27.51 feet on the engineering plans and 25 feet on the architectural plan. Which is correct? Mr. Glasson indicated that the 27.51 ft. is correct.

Paragraph 13: Floor Area Ratio. Minimum Floor Area Ratio: .1273 or 3,053 sq. ft. permitted - .1078 or 2,587 sq. ft. exists and .2007 or 6,839 sq. ft. proposed.

Paragraph 14: Landscaping. The lot has nice trees in the front yard, and there should be landscaping in the side and rear yards if possible. Additional landscaping has been shown on Page #3 of the Variance map.

**NEW APPLICATIONS CONT.**

**James & Kathleen Wolfe – LUB 17-13 – Block 164, Lot 16 – 11 Birch Street – “C” & “D” Variance cont.:**

Mr. Glasson submitted to the board Exhibit “A-1” which is sheet 2 of 4 of the Variance Plans, Existing Conditions last revised September 15, 2017. He indicated the lot is known as Block 164, Lot 16 which contains 23,990 square feet with 100’ of frontage on Birch Street, an average depth of 209 ½’ and approximately 134’ on the lake. Because they are taking down the house, they have to follow the 5 acre zoning which requires a 300’ lot frontage, lot width, lot frontage and lot depth. All of these will be non-compliant because of the size of this lot. They are required to have a 75’ front yard setback, 2 60’ side yard and a 75’ rear yard setback. With a lot this size, there is no building envelope with these setback requirements, they are overlapping.

Mr. Glasson indicated that the existing home is a 3 bedroom dwelling. It is located 4.6’ to the right sideline, 45.6’ off of the lake, left side is 60.9’ and the road setback of 117.7’. With the zoning, at the present time, it has a compliant side yard and front yard. The lot slopes very gradually from Birch towards the lake at approximately 5 to 6 percent. The footprint of the existing home is 2330 square feet. A new septic system has been installed. It is a pressure dosing system with a 1500 gallon septic tank, a 1000 pump tank, pumping up to the system. A new well has been installed in the front yard area. The well is 693’ deep with casing that produces 5 gallons a minute. The adjacent properties around this property are all residential. There are many lots in the area that received the floor area ratio that the applicants are proposing.

Mr. Glasson submitted to the board Exhibit “A-2” which is a colored version of sheet 3 of 4 of the Variance Plans, The Variance Plan. Mr. Glasson reviewed the sight line of the neighboring properties, Block 164, Lots 18 & 14. The property owner on Lot 14 now has a better view with the proposed home. Lot 18 is slightly less in the sight line (by approximately 7’).

Mr. Glasson indicated that there was an error on the plan with regard to the side yard setbacks. The existing Right side yard setback is 4.6’ and they are proposing 13.6’ and the left side yard setback is 60.9’ and they are proposing 21.9’. The front setback changes by .2 from the lake, it goes from 45.6’ to 45.4’. The front setback goes from 117’ to 91.2’. This is conforming. The footprint of the proposed house is 2517 square feet, but it is a 2 story house and it does have a walkout basement. The previous footprint was 2330 sq. ft. The actual proposed footprint of the house is approximately 180 square feet bigger, then what is out there now. However, the existing house is a single story and the applicants are proposing a 2 story house. The proposed house has habitable floor space on the first floor of 2143, the second floor of 1754 and the basement has 913. This is why the requested floor area ratio seems much larger then what previously exists. The existing shed near the house will be removed and the existing shed near the road will be staying. They are paving the first 55’ of the driveway to a turnaround area and extending it with gravel to a 2 car garage. There is a deck that exists off the front of the house (512 square feet). This deck actually has a walkout basement underneath it with a patio. This house has a view of the first floor from the road, but a view from the lake also shows a walk out basement because of the slope of the property. There is a front walkway that runs to a small 64 square foot porch area, the front door. On the left side of the house is 252 square foot screen porch. On the right side there is a small 78 square foot porch overhang for an exit out of the house. The septic and well will tie right into this house and do not have to be moved. The electric will be run underground. The total impervious coverage is increased 35% because they are paving the first 55’ of the driveway. The floor area is a .20 and .1078 is allowed. With regard to the deck, 360 square feet is allowed and they are proposing 512 square feet. They are planting some trees along the side of the yard.

**NEW APPLICATIONS CONT.**

**James & Kathleen Wolfe – LUB 17-13 – Block 164, Lot 16 – 11 Birch Street – “C” & “D” Variance cont.:**

When they installed the septic system, since it was a raised system, they had to remove some trees. They will replace some trees in this area.

Mr. Haggerty submitted to the board Exhibits “A-3” which is a google map photograph of the property. He also submitted Exhibits “A-4”, “A’-5” and “A-6” which were colored photographs of the property.

Mr. Haggerty reviewed the Floor Area Ratios of the surrounding properties as compared to the proposal of the applicant: Lot 18 – 34%; Lot 19 – 27.7%; Lot 11 – 20%; Lot 12 – 31%; Lot 13 – 39%. Mr. Glasson indicated that this lot is one of the largest lots in the area.

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

A Motion was made by Mr. Delima and seconded by Mr. Kobis to approve this application for James & Kathleen Wolfe for a “C” & “D” Variance with the conditions that comply with Mr. Pellow’s review report and recommendations. Roll Call:

YES: 9 Gstattenbauer, Tufaro, Hahn, French, Romania, Wingle, Pierson,  
Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

**BOARD BUSINESS CONT.**

**Invoices:**

A Motion was made by Mr. Hahn and seconded by Mr. Delima to approve the September, 2017 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 9 Gstattenbauer, Tufaro, Hahn, French, Romania, Wingle, Pierson,  
Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

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**ADJOURN:**

A Motion was made by Mr. Gstattenbauer 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