

**FRANKFORD TOWNSHIP LAND USE BOARD  
JANUARY 24, 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, Mrs. Tufaro, Mr. Risdon, Mrs. French, Mr. Romania, Mr. Kobis and Mr. Delima. Also present were Mr. Collins, the board attorney, and Mr. Pellow, the Board Engineer.

Those absent: Dr. Castimore (excused), Mrs. Albanese (excused), Mr. Hahn, Mr. Dolan (excused), Mr. Wingle, Mr. Pierson (excused).

**MINUTES**

The Minutes of the January 10, 2018 Land Use Board Re-organization and Regular Meeting were reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Delima to approve the Re-organization and Regular Meeting Minutes of the Land Use Board for January 10, 2018. All were in favor. The Motion was carried.

**BOARD BUSINESS**

**Subcommittee Appointments by the Board Chairman**

**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

**Annual Review of the Land Use Board Applications – 2017:**

The Resolution was reviewed. A Motion was made by Mr. Delima and seconded by Mr. Kobis to approve the Resolution of the Annual Review of the Land Use Board for 2017.  
Roll Call:

YES:           7        Gstattenbauer, Tufaro, Risdon, French, Romania, Kobis, Delima

NO:            0

ABSTAIN:    0

The Motion was carried.

**Correspondence:**

The correspondence was reviewed. No formal action was taken.

**BOARD BUSINESS CONT.**

**Accessory Building & Structure Ordinance:**

Mr. Collins indicated that the Zoning Officer is having an issue with an accessory structure being in the front yard. The Ordinance currently reads that you cannot put it in the front yard between the right of way of the road and the front corner of the main principal structure. The main issue is if someone's house is setback further then the required front yard setback and they want to put a shed that meets the current setback. The ordinance does not allow that. The shed has to be equal to or behind the principal structure no matter where it is located. A lengthy discussion was held with regard to this issue. It was decided that Paragraph 1 and Paragraph 8 of our current Ordinance are contradicting.

Paragraph 1 reads: 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 reads: Location. An accessory building may be constructed only in the side or rear yards or being 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.

Mr. Collins indicated that he could revise Paragraph 8 so that it does not contradict with Paragraph 1. The board decided that no accessory structure should be in front of the principal structure no matter where the principal structure is located.

**PUBLIC:**

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

**ZONING OFFICER'S AGENDA**

The Zoning Report dated January, 2018 was reviewed. No formal action was taken.

**RESOLUTIONS**

**SUSSEX COUNTY FARM & HORSE SHOW – 2018 LIST OF EVENTS:**

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Risdon to approve the Resolution for the Sussex County Farm and Horse Show for their 2018 List of Events. Roll Call:

YES:           6           Gstattenbauer, Tufaro, Risdon, French, Romania, Delima

NO:            0

ABSTAIN:    0

The Motion was carried.

**NEW APPLICATIONS**

**Michael & Kimberly Staerker – LUB 18-03 – Block 18, Lot 12.02 – 139 US Highway Route 206 – “C” Variance:**

Appearing before the board was the applicant, Kimberly Staerker. Mrs. Staerker was sworn in by the board attorney.

The board reviewed Mr. Pellow’s report dated January 8, 2018, last revised January 15, 2018 as to completeness:

Paragraph 2, Item 3: Certification of taxes, liens, assessments paid. The board secretary indicated that the taxes were paid.

Paragraph 2, Item 7: Proof of Publication. Mr. Collins indicated that the notice was sufficient.

Paragraph 2, Item 25: Zoning district of parcel and surrounding lands to be shown on map. Mr. Pellow indicated that this has been shown on the revised map.

Paragraph 2, Item 28: Existing structures within 200 feet (200’) and distance to property line. Not shown. Mr. Pellow indicated that this has been shown on the revised map.

Paragraph 2, Item 32: Properties within 200 feet, lot and block number and owner, outline of 200 foot perimeter. Not shown. Also, the 200 foot line has not been shown. Mr. Pellow indicated that this has been shown on the revised map.

Paragraph 2, Item 42: Building envelope. Not shown. Mr. Pellow indicated that this has been shown on the revised map.

Paragraph 2, Item 56: Provisions for certification and approvals. Mr. Pellow indicated that this needs to be completed.

Paragraph 2, Item 75: Building floor plan, elevation views and first floor elevation with overall building height. Not submitted. The applicant has requested a waiver, as photos depict elevations and overall height is 10’6”. Mr. Pellow indicated that this was sufficient.

Paragraph 2, Item 78: Graphic/written description of area surrounding the site so the prevailing zoning and actual uses in the area are clear. Not submitted. Mr. Pellow indicated that this has now been submitted and it is up to the board to accept it for completeness.

Paragraph 2, Item 79: A description of any alternatives that were considered. Not submitted. Mr. Pellow indicated that this has now been submitted and it is up to the board to accept it for completeness.

Paragraph 2, Item 80: A description of any alternatives that were considered. Not Submitted. Mr. Pellow indicated that this has now been submitted and it is up to the board to accept it for completeness.

Paragraph 2, Item 83: Copy of current deed and all easements/restrictions. Not submitted. Mr. Pellow indicated that this has now been submitted.

**NEW APPLICATIONS CONT.**

**Michael & Kimberly Staerker – LUB 18-03 – Block 18, Lot 12.02 – 139 US Highway Route 206 – “C” Variance cont.:**

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

Mr. Staerker indicated that she submitted a photograph with her application showing the pre-existing shed they purchased and placed on their property from Home Depot on the side of their yard. She indicated by looking at her property survey, the lot is very small. In order to make the shed look nicer, they put it to the side of the house in the rear. They were not aware of the 10' setback. They placed the new shed where the existing Home Depot shed was. They would like to keep the shed where it is because they have very little land and they would have no backyard. The shed would have to go directly in the middle of the lot in order to make it conforming.

Mr. Pellow continued reviewing his report dated January 8, 2018, last revised January 15, 2018:

Paragraph 1: The applicant is seeking the following three (3) variances to approve a 11.5' x 20.25' shed already constructed in the rear yard: a. Side yard setback: 10 ft. required and 5.0 ft. proposed; b. Impervious Lot Coverage: 10% permitted and 18.8% proposed; and 15.7% exists; c. No accessory building can be located closer than 10' to any other building, and this shed is located 5.67' from the neighbor's shed.

Paragraph 3: Where is the well located? It is a shared well with the neighbor to the north, and the waterline runs from the dwelling on the north to the Applicant's dwelling as per the Sussex County Health records.

Paragraph 4: Is there a wetland buffer or riparian buffer from the Palins Kill? Need certifications from the engineer that these don't encroach on the shed. The applicant indicated that this is currently being worked on by her engineer. Mr. Pellow indicated that they are not digging anything up and no ground is disturbed, he is not concerned.

Paragraph 5: When was the shed constructed? The shed was installed in October, 2016.

Paragraph 6: The application states a 20' x 11' shed, and the map depicts an 11.5' x 20.25' shed. Which is correct? The applicant indicated that 11.5' x 20.25' is correct.

Paragraph 7: The shed could have been moved to the rear slightly, and a side yard variance wouldn't be needed. The applicant has already explained in testimony as to why this could not be done.

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

**NEW APPLICATIONS CONT.**

**Michael & Kimberly Staerker – LUB 18-03 – Block 18, Lot 12.02 – 139 US Highway  
Route 206 – “C” Variance cont.:**

A Motion was made by Mr. Delima and seconded by Mr. Risdon to approve the Variance request of the applicant, Michael and Kimberly Staerker with the condition to obtain a building permit. Roll Call:

YES:           6       Gstattenbauer, Risdon, French, Romania, Kobis, Delima

NO:            0

ABSTAIN:    1       Tufaro

The Motion was carried.

**BOARD BUSINESS CONT.**

**Invoices:**

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

YES:           7       Gstattenbauer, Tufaro, Risdon, French, Romania, Kobis, Delima

NO:            0

ABSTAIN:    0

The Motion was carried.

**ADJOURN:**

A Motion was made by Mr. Risdon 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