

**FRANKFORD TOWNSHIP LAND USE BOARD
DECEMBER 12, 2018 – 7:00 P.M.
MINUTES OF THE REGULAR MEETING**

CALL TO ORDER:

The meeting was called to order by Board 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. Tufaro, Mr. Risdon, Mr. Hahn, Mr. Wingle, Mr. Pierson, Mr. Kobis, and Mr. Delima. Also present were Mr. Collins, the board attorney, and Mr. Pellow, the Board Engineer.

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

MINUTES

The Minutes of the September 26, 2018 Land Use Board Regular Meeting were reviewed. A Motion was made by Mr. Delima and seconded by Mrs. Tufaro to approve the Regular Meeting Minutes of the Land Use Board for September 26, 2018. All were in favor. The Motion was carried.

The Minutes of the September 26, 2018 Land Use Board Executive Session Meeting were reviewed. A Motion was made by Mr. Delima and seconded by Dr. Castimore to approve the Executive Session Meeting Minutes of the Land Use Board for September 26, 2018. All were in favor. 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.

Return of Escrow Money:

The board secretary indicated that the following applications were complete and the applicants are requesting the balance of the escrow money be returned:

LUB 12-07, 13 Newton LLC - \$3,972.12 and LUB 18-07, Johnston - \$364.00

The board secretary also indicated that Mr. Pellow and Mr. Collins have indicated that the files are complete.

BOARD BUSINESS CONT.

Return of Escrow Money cont.:

A Motion was made by Dr. Castimore and seconded by Mr. Hahn to return the above escrow money to the applicants. Roll Call:

YES: 9 Gstattenbauer, Castimore, Tufaro, Risdon, Hahn, Wingle, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

PUBLIC:

A Motion was made by Mr. Risdon and seconded by Mr. Delima 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 Board reviewed the Zoning Officer's Report dated December, 2018. No formal action was taken.

RESOLUTIONS

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:

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

YES: 5 Gstattenbauer, Tufaro, Risdon, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

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

The Resolution was reviewed. A Motion was made by Mr. Delima and seconded by Mr. Kobis to approve the Resolution for Edward & Marilyn Thompson for a Minor Subdivision & “C” & “D” Variance. Roll Call:

YES: 4 Gstattenbauer, Tufaro, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

RESOLUTIONS CONT.

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

The Resolution was reviewed. A Motion was made by Mrs. Tufaro and seconded by Dr. Castimore to approve the Resolution for SCMUA for a Minor Subdivision & “C” Variance. Roll Call:

YES: 6 Gstattenbauer, Castimore, Tufaro, Risdon, Kobis, Delima

NO 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS CONT.

Open Space Plan:

A letter was received from Bob Canace with regard to The Greater Culver Lake Watershed Foundation, a nonprofit organization with a mission to protect, preserve and restore the viability and integrity of Culver Lake, Lake Owassa, Owassa Brook, Culver Brook, and feeder streams in the Upper Paulins Kill Watershed. In the letter he indicated that he is working with the foundation in applying for state funding to acquire and permanently protect the Ciraldo property on Upper North Shore Road, adjacent to Culver Lake. Protection of this property would have a beneficial long-term impact on the lake, provide recreation for township residents in the form of nature trails, and provide a place for community programs. He further stated in the letter that the application to the New Jersey Green Acres Program requires that the Township Land Use Board confirm that the project is consistent with the Frankford Open Space Plan. He submitted a draft letter for the Board Chairman to sign acknowledging that the property is consistent with the Open Space Plan.

Mr. Pellow indicated that it is consistent with the Master Plan. He further stated that there is a lot of wetlands on this property.

A lengthy discussion was held with regard to this issue. The board had several questions: How much of the property is buildable; what is the value of the property; and what is being offered to the property owners by Green Acres. The board would like to speak to Bob Canace, their Open Space Consultant, before moving forward.

A Motion was made by Mr. Risdon and seconded by Mr. Delima to carry this matter to the Next regular meeting of the Land Use Board. All were in favor. The Motion was carried.

NEW APPLICATIONS

Eugene & Lisa Fox – LUB 18-17 – Block 100, Lot 4 – 152 East Shore Culver Road – “C” & “D” Variances:

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

Appearing before the board was William Haggerty, the applicant’s attorney, Allen Campbell, the applicant’s Engineer, and Mr. Wingle, the applicant’s contractor. Mr. Campbell and Mr. Wingle were sworn in by the board attorney.

NEW APPLICATIONS CONT.

Eugene & Lisa Fox – LUB 18-17 – Block 100, Lot 4 – 152 East Shore Culver Road – “C” & “D” Variances cont.:

Mr. Haggerty indicated that this is an application for a lakefront property. The house and garage are in a deteriorating condition. They replaced the septic system on the roadside of the property. They replaced the garage on the former location. They do not have a Certificate of Compliance for the septic because they do not have a new house to connect it to. The lot is approximately 100’ wide. The lot is adjacent to a right-of-way.

Mr. Pellow reviewed his report dated November 26, 2018 last revised December 4, 2018 as to completeness:

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

ITEM 15: Copy of Sussex County Health Department application. A letter is needed from the health department that the current septic system is satisfactory for the proposed dwelling. Mr. Campbell indicated that the new septic system was designed by him and approved by the County Health Department for a 4 bedroom dwelling. The system was installed by Mr. Wingle. He will provide to the board a certification that he provides for a septic system. Mr. Haggerty requests that this be a condition of completeness and approval.

A Motion was made by Mr. Delima and seconded by Mr. Hahn to deem the application complete subject to the condition of the Certificate of Compliance with regard to the septic system. Roll Call:

YES: 6 Gstattenbauer, Tufaro, Hahn, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Campbell indicated that he was just informed by Mr. Wingle as to why they do not have the Certification of Compliance from the County Health Department. He indicated that the pressure test that they did on the septic was run by a generator and currently they do not have power to the house in order to get the final certification.

Mr. Campbell indicated that the property is identified as Block 100, Lot 4, 152 East Shore Culver Road. The property is 100’ wide by 200’ deep on approximately .48 +/- acres. There does currently exist a 4 bedroom house on the property, there is a driveway on the left side of the property, a new septic system to the right of the driveway, and an existing driveway to the right of the septic system. The existing garage had alterations done to the foundation in order to address conditions that were necessary for grading and re-grading of the septic area in proximity to that garage. There are other alterations to improve the appearance of that garage which are in progress. The driveway that exists does not have a turnaround area. It is strictly a pull in driveway on the left hand side off the roadway as well as the access to the garage which is used for storage. Mr. Campbell submitted to Board Exhibit “A-1” which is a highlighted version of the Site Plan last revised November 29, 2018 and Exhibit “A-2” which is a highlighted version of the Site and Grading Plan last revised November 29, 2018. Mr. Campbell indicated that they plan to extend the driveway onto the property, put an access into a proposed garage attached to the proposed new house and have an onsite turnaround which will be on the west side of the property from East Shore. They are also proposing to maintain access off the East

NEW APPLICATIONS CONT.

Eugene & Lisa Fox – LUB 18-17 – Block 100, Lot 4 – 152 East Shore Culver Road – “C” & “D” Variances cont.:

Shore Road to the primary door of the detached garage. This garage is mainly for storage and there will not be regular access to this garage.

Mr. Campbell indicated that the septic system is to the left of the garage approximately 10' off of the right-of-way. He indicated that it is not a mound system from the roadway. It is actually level from the road.

Mr. Campbell indicated that this lot is a 100' lot, which is larger than most lots around the lake, and it also has the benefit of a 50' strip paper street to the right side.

Mr. Campbell indicated that the proposed new home will be a 4 bedroom home as it is with the current home on the property.

Mr. Haggerty asked Mr. Campbell to explain any additional runoff from this project. Mr. Campbell indicated that on his site plan he evaluated the prior impervious coverage and proposed impervious coverage. He noted that it is not an extreme increase, but he felt that in order to mitigate the roof water, they would employ rain guard on the back right side of the building so that the roof water could be routed into the rain guard and he provided the applicable calculations. After Mr. Pellow's report, he incorporated a second rain guard which they will be able to route after they collect water from the driveway and any of the other infustructure, i.e. the drains for walls and/or footing drains or anything that needs a drain, they designed a secondary rain guard. They will benefit from having landscape and also mitigate the runoff by these rain guards. With the rain guards there is significant maintenance for the first year or two, however, once they are established they are esthetically pleasing with proper maintenance. Mr. Fox, the owner, is a landscape contractor and has indicated that this will be a well maintained property.

Mr. Campbell indicated that the proposed dwelling by footprint is slightly larger than some of the surrounding properties, but by the FAR it is not out of character with the property to the right. We propose a FAR of 21.8%, the property to the right of them is approximately 29%, the one to the left is 19%. In general, around the lake, what they have seen in his numerous applications, is this type of footprint is not out of character of what they are seeing in history of renovations throughout this area. Mr. Haggerty indicated that based on the tax assessor's records, the house size, itself, is consistent with the surrounding properties.

Mr. Haggerty referred to the architectural plans submitted with the application. He stated that the style that they are proposing is certainly in keeping with lakeside housing. The character of the house is very pleasing.

Mr. Pellow continued to review his report:

Paragraph 1: The applicant is proposing to demolish the existing 1 ½ story framed dwelling. As per the ordinance for a 20,168 square foot lot, 14%, or 2,824 square feet is permitted. The existing sq. ft. is 2,500 with a floor area ratio of 12.4%.

Paragraph 2: The proposed sq. ft. of buildings is 4,402 with a floor area ratio of 21.8%. The floor area ratio for adjoining Lot 3 is +/- 14% and for Lot 1, it is +/- 29%.

NEW APPLICATIONS CONT.

Eugene & Lisa Fox – LUB 18-17 – Block 100, Lot 4 – 152 East Shore Culver Road – “C” & “D” Variances cont.:

Paragraph 3: Since the entire dwelling will be demolished, the zoning falls under the 5-acre requirements, and the following variances are needed:

- a. Lot Area: 5 acres required and 0.463 acre exists.
- b. Minimum Lot Width: 300 feet required and 100 feet exists.
- c. Minimum Lot Depth: 300 feet required and 200 feet, plus or minus, exists.
- d. Front Yard Setback: 75’ required and 66.5’ proposed; and 99.6’ exists.
- e. Rear Yard Setback: 75’ required and 58.8’ proposed. The plan depicts 59.0 feet and 61.7 feet exists. 59.0 feet is correct.
- f. Side Yard Setback: 60 feet required and 18.3 feet right and 18.8 feet left proposed and 32.4 feet right and 32.3 feet left exists.
- g. Accessory Building in the front yard is not permitted, but one is under construction in the front yard with a 7.2 foot +/- setback.
- h. Rear Yard Setback for Accessory Building: 10 feet required and 12.7 feet exists.
- i. Side Yard Setback for Accessory Building: 10 feet required and 5.1 feet exists. The map depicts 4.5 feet. Mr. Campbell indicated that 5.1 feet exists.
- j. Maximum Impervious Coverage: 10% maximum permitted and 28.10% is proposed and 18.70% exists.

Paragraph 5: The garage next to the road is under construction. Will this garage be used for the new dwelling. It is dangerous to back out into East Shore Culver Road. Mr. Pellow indicated that this was discussed earlier in the meeting.

Paragraph 6: A new drive and back-out area are proposed, and a driveway permit will be needed at the time of building permit application. How will the runoff be controlled from this driveway. This will be a second driveway for this lot, and a variance is needed, as only one is permitted. Mr. Pellow indicated that the runoff will be directed to the rain garden.

Paragraph 7: A soil erosion control permit will be needed from the Sussex County Soil Conservation District. This will be obtained a condition of approval.

Paragraph 8: A rain garden is proposed, and roof runoff will be directed to this rain garden.

Paragraph 9: A wall plan and profile are required. This will be done as a condition of approval.

Paragraph 10: Where will the wall rain outlet. This will be directed to an additional rain garden shown on the revised plans.

Paragraph 11: Care to be undertaken when constructing the driveway due to the existing well location.

Paragraph 13: Grading is critical in this area, and the existing large trees to be shown on the plan, as it appears that some of these large trees will be removed. If any trees are removed, landscaping is required. Mr. Pellow indicated that Mr. Campbell stated the trees to be removed have been shown—seven large trees are to be removed. A landscape plan is needed prior to a building permit application. The applicant is willing to comply.

NEW APPLICATIONS CONT.

Eugene & Lisa Fox – LUB 18-17 – Block 100, Lot 4 – 152 East Shore Culver Road – “C” & “D” Variances cont.:

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

Appearing before the board was the applicant’s contractor, Richard Wingle. The board is requiring a Certificate of Compliance for the septic prior to obtaining a building permit. He stated that the telephone pole had to be relocated for the well on this project. The well rig had to drill the well, but the well rig could not drill the well with the wires up, so the wires were disconnected from the house. They do not want to go through re-hooking the power up to a house that will be torn down. In order to get a Certificate of Compliance from the County Board of Health, they have to get an alarm inspection for the septic and a power inspection hooked up to the septic pump tank which requires power. The service that exists is inadequate which would require a new service to the existing house. They would prefer to wait until the new house is built and then they will get the Certificate of Compliance on the septic.

Mr. Collins indicated that generally this board only requires a septic permit. Mr. Pellow agreed.

A Motion was made by Mr. Delima and seconded by Mr. Kobis to approve the application for a “C” & “D” Variance with the conditions stated in Mr. Pellow’s report and that the applicant will provide the septic permit to Mr. Pellow and the board. The application will be effective this evening, therefore, the applicant is requesting a Waiver of the Reading of the Resolution in order to obtain a building permit at their own risk.
Roll Call:

YES: 6 Gstattenbauer, Tufaro, Hahn, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Wingle returned to the meeting.

Homestead Rehabilitation & Health Care Center – LUB 18-16 – Block 21, Lot 4.01 – Amended Site Plan & “D” Variance:

A letter was received from the applicant’s attorney requesting that the application be carried to the next regular meeting of the Land Use Board without further notice.

It was noted that this application will be carried without further notice to the January 9, 2019 Regular Land Use Board Meeting.

**Frankford Township Land Use Board
December 12, 2018 Minutes
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BOARD BUSINESS CONT.

Invoices:

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

YES: 7 Gstattenbauer, Tufaro, Hahn, Wingle, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

ADJOURN:

A Motion was made by Mr. Delima 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