

FRANKFORD TOWNSHIP LAND USE BOARD
APRIL 24, 2019 – 7:00 P.M.
MINUTES OF THE REGULAR MEETING

CALL TO ORDER

The meeting was called to order by Acting Board Chairman, Michael Dolan, 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: Mrs. Albanese, Mr. Risdon, Mrs. French, Mr. Dolan, Mr. Wingle, Mr. Pierson and Mr. Kobis. Also present were Mr. Collins, the board attorney, and Mr. Pellow, the Board Engineer.

Those absent: Mr. Gstattenbauer (excused), Mr. Carney (excused), Mrs. Tufaro (excused), Mr. Hahn (excused), Mr. Romania (excused), and Mr. Delima (excused).

MINUTES

The Minutes of the March 27, 2019 Land Use Board Regular Meeting were reviewed. A Motion was made by Mrs. French and seconded by Mrs. Albanese to approve the Regular Meeting Minutes of the Land Use Board for March 27, 2019. All were in favor, except Mr. Risdon, who abstained. The Motion was carried.

BOARD BUSINESS

Subcommittee

- 1) **Green Ordinance Committee:** Nothing to Report
- 2) **COAH Committee:** Nothing to Report
- 3) **Open Space Committee for Updates to LUB:** Nothing to Report
- 4) **Master Plan Committee:** Nothing to Report

Correspondence:

The correspondence was reviewed. No formal action was taken.

Invoices:

A Motion was made by Mrs. French and seconded by Mr. Wingle to approve the April, 2019 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 7 Albanese, Risdon, French, Dolan, Wingle, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS CONT.

Accessory Structure Ordinances – Hoop Structures (35 Day Review Period):

At the last meeting, the board recommended that the town consider allowing hoop structures as being one of the accessory structures that someone can have. The Township Committee Introduced the Ordinance at their meeting in April. Between the first and second reading of the Ordinance, the Planning Board is supposed to give a finding, a referral report, whether they find that the ordinance is consistent with the Master Plan or not inconsistent with the Master Plan.

Mr. Risdon indicated that one concern that came up at the Township Committee meeting last evening was the hoop structures that exist in front yards. They would like the Zoning Officer do a survey of the hoop structures in the front yard. Mr. Collins indicated that they will not be allowed in the front yard. They have to meet the definition and location of an accessory structure. Mr. Collins indicated that any hoop structures in the front yard are still in violation of the ordinance before and after it is adopted.

Mr. Risdon indicated that the size of the hoop structure was another concern of the Committee. They felt that the size was too big. Mr. Risdon indicated that he explained to the committee that the reason for the allowable size was to be able to fit a boat, etc. and it was better to have the stuff under the cover then be all over the yard. Mr. Collins indicated that the size is the same as the current allowable accessory structure sizes.

A Motion was made by Mr. Pierson and seconded by Mr. Kobis to find this proposed Ordinance is not inconsistent with the Master Plan and it should be considered to be adopted by the Township Committee. Roll Call:

YES: 7 Albanese, Risdon, French, Dolan, Wingle, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

Sign Ordinance:

A Motion was made by Mrs. French and seconded by Mr. Kobis to carry this matter to the next regular meeting of the Land Use Board when more members are in attendance. All were in favor. The Motion was carried.

PUBLIC

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

BOARD BUSINESS CONT.

Updated Checklist for land Use Board – Soil Importation Requirements:

A Motion was made by Mrs. French and seconded by Mr. Kobis to accept the updated Checklist to add a column for the new Soil Importation Requirements for Site Plan. All were in favor. The Motion was carried.

ZONING OFFICER’S AGENDA

There was no report to review this evening.

EXTENSIONS & RESOLUTIONS

Pitaur, Inc. – LUB 14-16 – Block 73, Lots 6.01 & 6.02 – 407 US Highway Route 206 Minor Subdivision & “C” Variance Extension:

Mr. Collins indicated that Mr. Haggerty requested that the Board re-approve the Minor Subdivision and “C” Variance and to adopt the Resolution this evening. They needed more time to comply with the conditions of the approval, which they have met and the deeds need to be signed and filed.

A Motion was made by Mrs. Albanese and seconded by Mr. Wingle to approve the re-approval of the Minor Subdivision & “C” Variance and to Memorialize the Resolution. Roll Call:

YES: 7 Albanese, Risdon, French, Dolan, Wingle, Pierson, Kobis
NO: 0
ABSTAIN: 0

The Motion was carried.

RESOLUTIONS

Judy Hundley & Mark Cummings – LUB 19-02 – Block 109, Lot 33 – 220 East Shore Culver Road - “C” Variance:

The Resolution was reviewed. A Motion was made by Mrs. French and seconded by Mr. Wingle to approve the Resolution for Judy Hundley & Mark Cummings for a “C” Variance approval for the House and a Denial of the driveway. Roll Call:

YES: 4 Albanese, French, Dolan, Wingle
NO: 0
ABSTAIN: 0

The Motion was carried.

RESOLUTIONS

SUSSEX COUNTY FARM & HORSE SHOW – 2019 LIST OF EVENTS:

The Resolution was reviewed. A Motion was made by Mr. Dolan and seconded by Mr. Wingle to approve the Resolution for The Sussex County Farm & Horse Show for the list of Events for 2019. Roll Call:

YES: 4 Albanese, French, Dolan, Wingle

NO: 0

ABSTAIN: 0

The Motion was carried.

NEW APPLICATIONS

Michael Saich – LUB 19-06 – Block 18, Lot 18 – 12 Augusta Hill Road – Minor Site Plan – ECHO Home:

It was noted by Mr. Pellow that the Zoning Officer, the Building Inspector and himself reviewed the Minor Site Plan for an ECHO Home (Elderly Cottage Housing) at the above property. He indicated that the applicants have met all the requirements and a permit may be issued.

Kittatinny Masonic Lodge No. 146 – LUB 19-03 – Block 48, Lots 24 & 25 – 336 US Highway Route 206 – Preliminary & Final Site Plan & “D” Variance:

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

Appearing before the board was the applicant’s attorney, William Haggerty, and their Planner, Wayne McCabe. Mr. McCabe gave his qualifications to the board and was accepted as an expert witness.

Mr. Haggerty indicated that this is an application for variances and site plan approval. The building has been in this location since the 1960’s. They are before the board for an approval to construct a handicapped ramp which does not represent an expansion of the 4 corners of the building; it will not enhance the capacity of the building or parking on the lot. They are making the building ADA compliant. They are also proposing the removal of the landing and steps and reconstruction of them. The property is in the CED-2 Zone and is non-conforming, but it is a pre-existing, non-conforming use. The property has 3.7312 acres and 5 acres is required and this is an existing condition. The front yard setback is required to be 100 feet and they are proposing 69 feet, and 77.7 feet exist.

Mr. Pellow reviewed this report dated March 26, 2019 as to completeness:

ITEM 7: Compliance with legal notice requirements. Mr. Collins indicated that the notice was sufficient. However, although there is proof of the service of the surrounding owners with the green certified mail receipts, an Affidavit of Service should be submitted. Mr. McCabe indicated he will provide this to the board secretary.

ITEM 31 – North arrow giving reference meridian. This was corrected on the map.

ITEM 83 – Copy of current deed and all easements/restrictions. Mr. Pellow indicated that the deed was submitted.

NEW APPLICATIONS CONT.

Kittatinny Masonic Lodge No. 146 – LUB 19-03 – Block 48, Lots 24 & 25 – 336 US Highway Route 206 – Preliminary & Final Site Plan & “D” Variance cont.:

Mr. Pellow indicated that the application was complete.

Mr. McCabe referred to Item #7 of Mr. Pellow’s report: Item #65 can’t be waived, as a landscape plan is needed between the brick paver walkway and the ramp. Mr. McCabe indicated that this was submitted to Mr. Pellow approximately 10 days ago. Mr. Pellow acknowledged that this was received and acceptable. Mr. McCabe explained to the board the landscaping they are proposing. The handicapped access ramp is very low in profile and can be seen by very few points along the highway and it basically blends in with the building.

Mr. McCabe referred to Item 9 of Mr. Pellow’s report: Will the railings be painted or left aluminum? Mr. McCabe indicated that the railing will be painted.

Mr. McCabe further stated that this is a non-conforming use. The building was built in the early 1960’s and pre-dates the zoning that is place today. The need for the “C” Variance where they are going from 77.7’ in the front yard to 69’ feet is simply because the building is set slightly on a skew to the front property line and by extending the baseline of the new handicapped access ramp; it pushes it closer to the front of the property line. This will provide full ADA compliance to the building on the first floor. The goal they would like to achieve is to allow more people from the community to come into the building and use the facility.

Mr. McCabe indicated that the board is not looking at something that is detrimental to the zoning ordinance; it is not detrimental to the intent of the Master Plan. It is providing compliance with Federal Regulations for handicapped access. It is his position that you can grant the use variance for this building without any problems or compliance with the intent of the ordinance.

Mr. Pellow referred to Item 10 of his report: This will be an important attribute for this building and the access will be ADA compliant, and it is not a detriment to the zoning in the area.

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

A Motion was made by Mr. Wingle and seconded by Mr. Kobis to approve the Preliminary and Final Site Plan and “C” & “D” Variances request of the applicant; also to waive the Reading of the Resolution and to allow the applicant to apply for a building permit at their own risk. Roll Call:

YES: 6 Albanese, French, Dolan, Wingle, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

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PUBLIC

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

ADJOURN

A Motion was made by Mr. Wingle and seconded by Mrs. Albanese, to adjourn the meeting. All were in favor. The Motion was carried.

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator