

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

CALL TO ORDER

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

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

MINUTES

The Minutes of the May 22, 2019 Land Use Board Regular Meeting were reviewed. A Motion was made by Mr. Delima and seconded by Mr. Kobis to approve the Regular Meeting Minutes of the Land Use Board for May 22, 2019. All were in favor, except Mr. Gstattenbauer, who abstained.

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.

Accessory Structure Ordinances – Hoop Structures:

Mr. Delima stepped down from this issue.

Mr. Carney and Mr. Risdon indicated that the Township Committee returned this proposed Ordinance back to the Land Use Board because they were concerned with the size of the structure allowed and the location. It was also a concern that this was included in the Accessory Structure Ordinance and should be an ordinance of its own. The prior suggested ordinance indicated the size to be the sizes listed in the current Accessory Structure Ordinance (900 sq. ft.), but only allowing 1 Hoop Structure per lot. The prior suggested ordinance indicated that the location was the same as the current accessory structure Ordinance which is allowed in the side or rear yard. The Committee did not want the structure in the side yard, only the rear yard. A lengthy discussion was held with regard to this issue.

BOARD BUSINESS CONT.

Accessory Structure Ordinances – Hoop Structures cont.:

A Motion was made by Mr. Risdon and seconded by Mr. Pierson to amend the ordinance to allow up to an 800 square foot Hoop Structure, to allow it in the rear yard only, and to only allow 1 hoop structure per lot. Roll Call:

YES: 6 Gstattenbauer, Carney, Risdon, Wingle, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Delima returned to the meeting.

PUBLIC

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

ZONING OFFICER'S AGENDA

The Zoning Officer's report dated July, 2019 was reviewed. No formal action was taken.

RESOLUTIONS

Arthur & Stephaine Pierson – LUB 19-07 – Block 95, Lot 2 – 130 East Shore Culver Road – “C” & “D” Variances:

Mr. Pierson stepped down.

The Resolution was reviewed. A Motion was made by Mr. Wingle and seconded by Mr. Delima to approve the Resolution for Arthur and Stephaine Pierson for a “C” & “D” Variance approval. Roll Call:

YES: 3 Wingle, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

Mr. Pierson returned to the meeting.

NEW APPLICATIONS

Frankford Township – LUB 19-11 – Block 46, Lot 2.01 – 31 Perry Road - Capital Review Plan:

Appearing before the board was Mr. Risdon, representing the Township Committee. He indicated that the Department of Public Works is building an additional building on the DPW Garage site. The garage will be 50' x 70' 4 bay garage with heat. The building will be directly behind the existing garage. The building will be primarily used to store the trucks. They had looked at several options. They looked at adding to the rear of the existing garage which would have used the existing heat source. This did not work, because when they added the extra square footage, it would force the township to put a sprinkler system in. By separating the two buildings, they did not have to put in a sprinkler system, which saved a lot of money. Mr. Pellow indicated that the height of the building is 19.9' to mean of the roof which meets the ordinance requirement.

A Motion was made by Mr. Wingle and seconded by Mr. Kobis to approve the Capital Review Plan for the Department of Public Works additional garage and indicated that it was consistent with the Master Plan. All were in favor. The Motion was carried.

Maria & Walter Ekiert – LUB 19-08 – Block 103, Lot 2 – 10 Nook Lane – “C” & “D” Variances:

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

Appearing before the board was the applicant, Walter Ekiert, his attorney, John Dineen, Esq., and his engineer, Mr. Glasson. Mr. Ekiert and Mr. Glasson were sworn in by the board attorney. Mr. Glasson gave his qualifications to the board and was accepted as an expert witness.

Mr. Dineen indicated that the applicants are before the board to add a modest addition and improve and fix structural issues they have with the existing house.

It was noted that the only completeness item was the compliance with legal notice requirements. Mr. Molica indicated that the notice was sufficient and, therefore, the application was complete.

Mr. Ekiert indicated that he has owned the property since the year 2000. There are areas of the house that need some structural repairs. He indicated that the back room and the back porch separated from the main house. The section of home facing the road there is a small structure where the kitchen is that is sinking into the ground. He hired an architect, Charles Schaffer, to help upgrade the improvements. There currently are two bedrooms in the home, but the septic is rated for a 3 bedroom. The size of the home is 1193 square feet. They are proposing to improve the kitchen and improve the structural issues that were stated earlier. They would like to add a loft area above the first floor. They are adding approximately 400 square feet. They will be installing vinyl, cedar shake pattern siding in taupe. They intend to put scallops on the gable portion of the roof. The property only has 6,995 square feet. The 2 properties to the left of the subject property are vacant land and the property to the right has a house. The depth of the property is 112.7 (60' x 112') feet, which limits the applicant to make improvements. Mr. Gstattenbauer questioned the size of the neighbor's home. Mr. Glasson indicated that it is .125%. The applicant's percentage is slightly larger because of the loft area they are proposing. Mr. Dineen submitted to the board Exhibit "A-1" which is a copy of the tax map showing the surrounding properties and their FAR.

Appearing before the board was the applicant's engineer, James Glasson. Mr. Glasson submitted to the board Exhibit "A-2" which was a colorized version of the Existing

NEW APPLICATIONS CONT.

Maria & Walter Ekiert – LUB 19-08 – Block 103, Lot 2 – 10 Nook Lane – “C” & “D” Variances cont.:

Conditions Plan dated January 10, 2019 submitted to the board with the application packet. The property is known as Block 103, Lot 2. The property contains 6,995 square feet which is located on Nook Lane. Nook Lane is a street off of East Shore Culver Lake. It has driveway access to approximately 6 homes. Three of the homes front Nook Lane and East Shore and the others are directly on the lake front. This property is 60' wide and has a right side line of 108' and a left side line of 125' in the AR Zone. It requires a lot width of 50' which they comply with and a lot depth of 150' which is slightly deficient with an average depth of 112.7'. This lot requires a 35' front yard setback, which is currently 39.2'. The current structure is a one story 3 bedroom structure, has a footprint of 974 square feet. The side yard setback on the right side is 4.8' where 15' is the requirement (which is a pre-existing nonconforming condition); the left side yard setback is 28.2, which is conforming to the ordinance. The current rear yard setback is 19.3' to the property line, where 50' is required. Mr. Glasson indicated that along all the lots, there is a thing that shows up on the filed map as Colony Shore Walk, which he believes it was some kind of common access walk to the lots that fronted on Nook Lane, which stretches across about 4 or 5 properties on Nook Lane. He believes it was an access lane for people to come down and get to the waterfront. The actual distance from the house to the waterfront is approximately 42'.

Mr. Glasson indicated that the septic system was installed in 1985, which is a 3 bedroom septic. It is a septic tank and a pump tank to a field area. They had it looked at recently by Inside Septic. They called for some upgrades to the tanks seals and manholes, but the bed was sufficient and in good shape. They have an incased well on the left side of the property even with the rear of the house.

Mr. Glasson indicated to the right of the property is a single family, single story residential home. The left of the property is a vacant lot. Further left, on Lot 6 is another single family, single story residential structure.

Mr. Glasson submitted to the board Exhibit “A-3” which was a colorized version of sheet 3 of 3 of the Variance Plan dated January 10, 2019 as submitted to the board with the packet. He indicated that the footprint is increased to 1100 square feet, where it was 974 square feet. It is an increase of 126 square feet. Basically the footprint increases out the rear corner by 77 feet. There is a 46 square foot addition in the rear by the proposed covered porch and a very modest 10 square foot addition to the actual house in the front of the house. The overall footprint is very small. The FAR that exists at the present time is .17, where the FAR allowed is .18. The first floor has a floor area of 1100, and the second floor has a floor area of 516, that is an increase of the overall floor area of 423 square feet, therefore the FAR they are proposing is .23, which they are requiring a variance. They are also asking for setback variances on the sides only because they are adding a second story, but the setbacks will not be any more then they currently exist of 4.8' on the right side and a 19.3' rear yard setback. The second story is small, and really exists mostly over the lakeside of the house.

Mr. Glasson indicated that they are keeping the same septic system and well for the renovation.

Mr. Glasson referred to the Planning Variance that the applicants are requesting. He indicated that Nook Lane is an 8' to 10' wide gravel road. It is a loop road which is very small. Mr. Pellow indicated that the fire department told him that they cannot access Nook Lane due to the narrow road and sharp turns. Mr. Glasson indicated that it is an existing condition that is there now. He further indicated that is a very small loop road and access to the main road is very close by. He indicated that it is 95' that you travel

NEW APPLICATIONS CONT.

Maria & Walter Ekiert – LUB 19-08 – Block 103, Lot 2 – 10 Nook Lane – “C” & “D” Variances cont.:

down Nook Lane off of East Shore Culver Road. Mr. Molica asked if the road could be widened. Mr. Pellow indicated that it is only a 16’ easement with an 8’ gravel surface. Mr. Glasson feels a fire truck would have to park on East Shore Culver Road in order to access the house on Nook Lane. Mr. Glasson indicated that this is an existing condition.

Mr. Glasson indicated that at the present time this is a house used seasonally and it will remain a seasonal home. Mr. Ekiert indicated that everyone on Nook Lane is seasonal. The only people who are year round are properties that are accessed through East Shore Culver Road. Mr. Molica questioned who maintains the road. Mr. Ekiert indicated that he and the neighbors maintain the road.

Mr. Pellow indicated that the conclusions that Insight Septic requested on its Evaluation dated July 5, 2019 should be conditions of approval to this application. The board engineer should be notified when these conditions are satisfied.

A Motion was made by Mr. Wingle 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. Delima and seconded by Mr. Kobis 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. Pierson to approve the “C” & “D” Variance and Planning requests of the applicants, Maria and Walter Ekiert; the applicant to comply with the conditions of Insight Septic’s report dated July 5, 2019 and to notify the board’s engineer when the conditions are completed; and the applicant to continue to maintain its share of Nook Lane that allows access to his property. Roll Call:

YES: 5 Gstattenbauer, Wingle, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

BOARD BUSINESS CONT.

Invoices:

A Motion was made by Mr. Kobis and seconded by Mr. Delima to approve the July, 2019 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 5 Gstattenbauer, Wingle, Pierson, Kobis, Delima

NO: 0

ABSTAIN: 0

The Motion was carried.

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ADJOURN

A Motion was made by Mr. Wingle 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