

**FRANKFORD TOWNSHIP LAND USE BOARD**  
**JUNE 24, 2020 – 7:00 P.M.**  
**MINUTES OF THE REGULAR MEETING**  
**VIA GO TO MEETING**

**Mr. Romania, the board Chairman gave instructions to the Board and the Public as to the Rules and Regulations of the Virtual Meeting.**

**CALL TO ORDER**

The meeting was called to order by 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, Mr. Civitan, Mrs. Albanese, Mrs. Bell, Mr. Risdon, Mrs. French, Mr. Dolan, Mr. Romania, Mr. Pierson, Mr. Macri. Also present were Mr. Collins, the board attorney, and Mr. Pellow, the Board Engineer.

Those absent: Mr. Wingle, Mr. Kobis (excused), and Mr. Delima (excused).

**MINUTES**

The Minutes of the May 27, 2020 Land Use Board Regular Meeting were reviewed. A Motion was made by Mr. Pierson and seconded by Mr. Macri to approve the Regular Meeting Minutes of the Land Use Board for May 27, 2020. All were in favor. 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.

**PUBLIC**

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

There being no further public participation, a Motion was made by Mr. Risdon and seconded by Mrs. Albanese 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 June, 2020 was reviewed. No formal action was taken.

**RESOLUTIONS**

**SUSSEX COUNTY FARM & HORSE SHOW – 2020 LIST OF EVENTS:**

The Resolution was reviewed. A Motion was made by Mr. Pierson and seconded by Mr. Macri to approve the Resolution of the Sussex County Farm & Horse Show with the 2020 List of Events. Roll Call:

YES: 7 Gstattenbauer, Albanese, Bell, Dolan, Romania, Pierson, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

**Ansbach/Ayers – LUB 09-12 – Block 42, Lots 15, 14.05, 1402 & 14.28 – Minor Subdivision & “C” Variance Extension:**

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Pierson to approve the Resolution for an Extension of a Minor Subdivision & “C” Variance for the applicants Ansbach and Ayers. Roll Call:

YES: 7 Gstattenbauer, Albanese, Bell, Dolan, Romania, Pierson, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

**David & Paula Cammarato – LUB 20-02 – Block 35, Lots 5 & 6 – 69 Haggerty Road Minor Subdivision & “C” Variance:**

The Resolution was reviewed. A Motion was made by Mr. Macri and seconded by Mrs. Albanese to approve the Resolution for a Minor Subdivision & “C” Variance for the applicants David and Paula Cammarato. Roll Call:

YES: 3 Albanese, Romania, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

**EXTENSIONS**

**Howard & Marion Alden – LUB 17-11 – Block 109, Lot 42 – “C” & “D” Variance Extension:**

A letter was received from the applicant requesting an extension of his “C” & “D” Variance due to economic hardship.

A Motion was made by Mr. Risdon and seconded by Mr. Macri to approve a 1 year Extension of the “C” & “D” Variance requested by the applicant. Roll Call:

YES:           7       Gstattenbauer, Albanese, Bell, French, Dolan, Romania, Pierson, Macri

NO:            0

ABSTAIN:    0

The Motion was carried.

**NEW APPLICATIONS**

**Larry and Patricia Crowell – LUB 20-03 – Block 131, Lot 5 – 30 Upper North Shore Road - “C” Variance:**

Appearing before the board was the applicants, the applicant’s attorney, Daniel A. Benkendorf, and the applicant’s architect, Albert Ondar. Mr. Ondar and Mr. and Mrs. Crowell were sworn in by the board attorney. Mr. Ondar gave his qualifications to the board and was accepted as an expert witness.

Appearing before the board was the applicant’s attorney, Daniel Benkendorf. He is before the board for a “C” Variance for side yard setbacks and front yard setbacks.

Mr. Pellow reviewed his report dated June 1, 2020, last revised June 23, 2020 as to completeness:

ITEM 2: Fees and Escrow Deposits. Not included in his packet. The board secretary indicated that the fees and escrow deposits were made.

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

ITEM 28: Existing structures within 200 feet (200’) and distance to property line. Show distances from property line for Lot 4, Block 131; Lot 1, Block 137; and Lot 18, Block 130. Mr. Pellow indicated that these have been shown on the revised map.

ITEM 42: Building envelopes. Show these on the plan. Mr. Pellow indicated that these have been shown on the revised map.

ITEM 84: Floor area ratio of all surrounding residences within 200 feet. To be shown for the lots noted in #28 above. This can be a condition of completeness. Mr. Benkendorf indicated that on Exhibit “A” which is the revised survey dated May 1, 2020, last revised June 22, 2020 it does show the FAR of all the surrounding property owners. Mr. Pellow indicated that it was on the map.

**NEW APPLICATIONS CONT.**

**Larry and Patricia Crowell – LUB 20-03 – Block 131, Lot 5 – 30 Upper North Shore Road - “C” Variance cont.:**

A Motion was made by Mr. Risdon and seconded by Mr. Gstattenbauer to deem the application complete. Roll Call:

YES:           10       Gstattenbauer, Civitan, Albanese, Bell, Risdon, French, Dolan, Romania, Pierson, Macri

NO:            0

ABSTAIN:    0

The Motion was carried.

Mr. Pellow continued to review his report:

Paragraph 1: The applicant is proposing to remove an existing enclosed porch; remove a second-story addition over the porch; and construct the following: a) A new basement; b) New family room and dining room; entry foyer and closet on the first floor, containing 346 sq. ft.; and c) New siding is proposed for the existing dwelling. Architect to explain color, etc.

Paragraph 2: The following variances are required: a) Front Yard Setback: 35’ required and 23.1’ exists; b) Side Yard Setback: 20’ required and 7.8’ proposed; c) Maximum Building Height: 35’ maximum and existing is not shown. Mr. Ondar indicated that the height to the ridge line is 21.3’. He indicated the height was shown on drawing “A-5”.

Paragraph 3: The floor area ratio permitted is 8.7%; and the existing is 5.1% and the proposed is 6.1%.

Paragraph 4: The applicant states that this is a minor site plan, which it isn’t. A minor site plan is only for non-residential use.

Paragraph 5: The lot falls under lots with areas 20,000 sq. ft. to 43,559 sq. ft. This is the small lot ordinance.

Paragraph 7: I assume the number of bedrooms will remain as shown; one on the first floor and two on the second floor. This needs to be verified. Mr. Benkendorf and Mr. Ondar indicated it will still be 3 bedrooms.

Paragraph 8: My architect’s plans have not been sealed. It was noted that sealed plans were delivered to the township. Several board members indicated that there was a seal on their plans.

Paragraph 9: This is a very steep lot where the addition will take place, and elevations and contours are needed in this area--both existing and proposed. Mr. Pellow indicated that Contours have been shown on the revised map.

Paragraph 10: The adjoining street, known as Hill Lane, does not exist. It is overgrown and steep, and can’t be used as a road. Mr. Benkendorf indicated that the adjoining street is non-existent. It is just trees and grass that slopes down the hill. It is not drivable.

**NEW APPLICATIONS CONT.**

**Larry and Patricia Crowell – LUB 20-03 – Block 131, Lot 5 – 30 Upper North Shore Road - “C” Variance cont.:**

Paragraph 11: The Applicant’s lawyer stated that this lot is adjacent to the Culver Lake Community Association and Stokes State Forest, which it is not. All adjoining lots are privately owned.

Paragraph 12: Need to show the existing well. This has been shown on the revised map.

Paragraph 13: Retaining walls encroach on Hill Lane. How will this be resolved? Mr. Benkendorf indicated that this wall has been on the property since the applicant’s purchased it. Mr. Crowell indicated that they did replace the block with precast concrete interlocking blocks.

Mrs. Bell questioned if they repaired the entire wall and she also wanted to know the height of the wall. Mr. Benkendorf indicated that he did not know the height of the wall. He further indicated that when they did this survey, it was the first time they found out that the wall was encroaching on the right of way. Mrs. Bell indicated that a wall based on the height may require a permit from the construction department and the zoning department. She further indicated that the right of way is not the homeowner’s land whether it is useable or unusable.

Mr. Risdon indicated that Hill Lane should be vacated by the Township Committee and added to the applicant’s property. Ms. Bell indicated the height of the retaining wall will need to be furnished to the board and if a building permit is required, one will need to be obtained. The applicant agreed.

Ms. Bell also indicated that at the same time, the applicant is putting an addition on the left side of the house which did not need a variance. She wanted the board to be aware of it because she does not see this new addition included in on the FAR. Mr. Pellow and Mr. Ondar indicated that they believe it is included in the FAR. He further indicated that even if it is not included in the FAR, it is a very small area and he does not believe it would go over the required 8.7% FAR allowed. At the present time, they are at 6.1% proposed. He can confirm this information. Mr. Crowell indicated that the addition on the left side is an existing screened porch and they are putting a basement underneath it and enclosing the screen porch. He indicated that the new addition on the left side is actually smaller than the existing screened porch area. The existing screen porch has windows, but no insulation. Mr. Pellow believes this was included in the FAR.

Mr. Ondar indicated that the screened porch area on the left side will not be treated as a bedroom. There is no closet.

Paragraph 14: Recommend foundation plantings around the new addition. This needs to be shown on the map.

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

**NEW APPLICATIONS CONT.**

**Larry and Patricia Crowell – LUB 20-03 – Block 131, Lot 5 – 30 Upper North Shore Road - “C” Variance cont.:**

A Motion was made by Mr. Risdon and seconded by Mr. Macri to approve the “C” Variance request of the applicant with the conditions in Mr. Pellow’s report. The applicant will obtain any construction permits needed for the wall that was built and the board recommends to the Township Committee to vacate the paper street of Hill Lane. It was also requested to waive the reading of the Resolution so the applicants can obtain a building permit at their own risk.

Roll Call:

YES: 10 Gstattenbauer, Civitan, Albanese, Bell, Risdon, French, Dolan, Romania, Pierson, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

**Donald and Paula Baldwin – LUB 20-05 – Block 105, Lot 1 – 163 East Sore Culver Road – “C” & “D” Variance:**

Mr. Risdon, Mr. Civitan and Mr. Pierson stepped down from this application.

Appearing before the board was the applicants, Donald and Paula Baldwin, their attorney, William Haggerty, and their engineer, Kenneth Wentink. Mr. and Mrs. Baldwin and Mr. Wentink were sworn in by the board attorney. Mr. Wentink gave his qualifications to the board and was accepted as an expert witness.

Mr. Pellow revised his report dated June 1, 2020, last revised Jun 22, 2020 as to completeness:

Paragraph 4: The application can be found complete as long as Tom Collins, Esq. approves #7 of Checklist with regard to the notice. Mr. Collins indicated that the notice was sufficient.

The board deemed the application was complete.

Mr. Haggerty indicated that this is a request for an approval for a detached garage on a property improved with a single family home. The property is a corner lot with Carter Lane. The subject lot is a little larger than most of the lots in the area. The approval would require a number of variances. They do need a Floor Area Ratio Variance (FAR). There was an issue between the township engineer and the applicant’s engineer with regard to the FAR. Mr. Haggerty indicated that there is an issue with the basement. He further states that there is an exception in the Ordinance as to basement areas. In this particular case, the house does not have an exterior door entry into the basement other than a bilco door, it has small windows in the basement. It will function as a basement. Therefore, the basement was not included in the initial application in 2008 when variances were given to construct a replacement house. The other variances, the garage would be constructed in a front yard as defined. Effectively it is, in his view, a side yard. It is closer to Carter Lane as the dwelling house is currently. Based on this interpretation, they agree it is a front yard setback variance and the garage is in the side yard. There is a height variance. The permitted height is 15’ and they are asking for 17.5’ to provide an appropriate pitch for the roof otherwise they would have a

**NEW APPLICATIONS CONT.**

**Donald and Paula Baldwin – LUB 20-05 – Block 105, Lot 1 – 163 East Sore Culver Road – “C” & “D” Variance cont.:**

very flat roof and some winter they will get a snow load and it is just not architecturally attractive or very functional to have a flat roof. It would be more in keeping with the dwelling house and the houses in the area to have an appropriately pitched roof.

Mr. Pellow continued reviewing his report:

Paragraph 1: The applicant is proposing to construct an accessory building containing 1,300 sq. ft.

Paragraph 2: The following variances are required: a) Size of a single-family accessory building can't be larger than 900 sq. ft. and 1,300 sq. ft. is proposed.; b) Height of Accessory Building: Maximum of 15' is permitted and 17.5' is proposed; c) Lot Coverage: 15% allowed and 30.0% proposed; existing 23.9%; d) Floor Area Ratio: 14.8% is allowed, or 2,666 sq. ft.; 25.2% is proposed, or 4,538 sq. ft.; and 19.3% is existing, or 3,488 sq. ft. e) Front setback from Side Street: 35' is required and 18' is proposed. f) Accessory structure can't occupy more than 25% of the rear yard area. The proposed has not been shown; g) Location of an accessory building may be constructed only in side or rear yards, and the proposed is in the front yard. It is in the front yard, as the required frontage is 35 feet and proposed is 18 feet.

Paragraph 3: The original plan from LUB Application 08-03 approved 2,640 sq. ft. and now is 3,488 sq. ft. Need to know why the difference.

Paragraph 5: A driveway permit will be needed at the time of building permit application. The applicant's agreed to this.

Paragraph 6: Vehicles will have to back out into Carter Street, which is dangerous. Carter Street is a dead-end street with only a few houses. Mr. Wentink indicated that there are 3 existing houses on Carter Lane. It is a very low use road. He further indicated that there are no view obstructions.

Paragraph 7: Drive to be paved The existing pavement to be removed. Only pavement to remain is for access to the garage or any back-out area.

Paragraph 8: Does the sewer discharge line run under the garage? If it does, then the County Health Department to approve of this situation. Mr. Pellow indicated that the applicant's stated it will be moved and should be shown on a revised map. Mr. Wentink indicated that he spoke to the County Health Department and their wish would be that the discharge line goes around the garage. He also spoke to Mr. Pellow who agreed and they will revise the plans to show this change.

Paragraph 9: The construction materials and colors to be outlined to the Board, as they may have questions. Mr. Baldwin indicated that the siding and the stone veneer that is currently on the house will be the same material they will be using on the garage.

Paragraph 10: What will be stored in the garage? Will there be electricity in the garage? The applicant's indicated that there will be electricity. Mr. Baldwin indicated that they have a small boat that they would like to store in the garage, their car, bicycles, lawn mower, and a small workshop. At the current time, they have their bicycles stored in the house.

**NEW APPLICATIONS CONT.**

**Donald and Paula Baldwin – LUB 20-05 – Block 105, Lot 1 – 163 East Sore Culver Road – “C” & “D” Variance cont.:**

Paragraph 11: Some pages of the application have not been signed. Mr. Pellow indicated that all the signatures were submitted.

Paragraph 12: The existing shed to be removed. The applicant's indicated that it will be removed.

Paragraph 13: Where do the floor area ratios on the comparison homes list come from? Lot 9, Block 106 is missing and Lot 2, Block 105 has 1,886 sq. ft.; and the Applicant's is 3,488 sq. ft. --- yet Lot 2, Block 105 appears larger on the map.

Paragraph 14: Recommend plantings around the garage. This needs to be on revised map. Mr. Baldwin indicated that the landscaping will be similar to what they have around the house.

Mr. Haggerty questioned the applicant's as to why the height is higher than the ordinance allows. Mr. Baldwin indicated that his contractor explained this is to accommodate the trusses and to create a similar pitch to the house.

Mr. Haggerty indicated that this proposed garage is in keeping with the neighborhood.

Mr. Haggerty further indicated that the variances that the applicants are requesting are essentially attributable to the fact that this is a corner lot and although it is a somewhat larger lot than the lots in the area, it is a narrow lot. Therefore, they cannot put the garage on that lot without needing some type of variance. This would provide the applicants applicable storage area for their personal property. He feels it is an aesthetic and afunctional improvement.

Mr. Haggerty questioned Mr. and Mrs. Baldwin as to the use of the upper level of the garage. Mr. Baldwin indicated that it would be for more storage and possibly a ping pong table in the summer. Mrs. Baldwin indicated that they are not proposing a bathroom or heating and cooling in the garage. Mr. Romania questioned as to why the downstairs of the garage is divided by a wall. Mrs. Baldwin indicated her husband would like to have his wood working shop in the garage and she does not want to have dust all over everything.

Mrs. Albanese questioned why the garage was not built when the house was built. Mrs. Baldwin indicated that at the time they built the house they did not anticipate living there full time, year round. They need a place to put their car in the winter now that they have made the decision to live here full time.

Mrs. Bell questioned as to the length and width of the garage. Mr. Baldwin indicated that it is 30' x 42'. The one side of the garage is a double bay and the other side is his work shop and storage of the bikes and lawn mower. The double side would have their car and the boat.

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



**NEW APPLICATIONS CONT.**

**Donald and Paula Baldwin – LUB 20-05 – Block 105, Lot 1 – 163 East Sore Culver Road – “C” & “D” Variance cont.:**

Appearing before the board was Kathy Walentowicz. Ms. Walentowicz was sworn in by the board attorney. Ms. Walentowicz indicated that she did not receive any notice on this application. Mr. Haggerty and the Board Secretary checked the Affidavit of Service and a Certified Letter was sent to the surrounding owners on June 12, 2020. Mr. Collins explained to Ms. Walentowicz the law of service with regard to Land Use Board applications. Ms. Walentowicz questioned about the sewer discharge under the garage and where will that discharge go. Mr. Wentink indicated that septic line under the garage will be relocated to the rear of the garage in a trench underground as the current and future septic is on the property. Mrs. Walentowicz questioned the height variance and asked if the garage pitch could be lowered 2 feet to meet the height variance. Mrs. Baldwin indicated that she needs the attic space for storage and would prefer to keep the full height of the upstairs of the garage. Mr. Haggerty indicated that it is in keeping with the architecture of the house.

Appearing before the board was Rita Wenning. Mr. Wenning was sworn in by the board attorney. Ms. Wenning indicated that she lives across the street and indicated that the Baldwin's have a beautiful home and she is in favor of the garage.

There being no further public participation, a motion was made by Mr. Macri and seconded by Mrs. Albanese to close this matter to the public. All were in favor. The Motion was carried.

Mrs. Bell expressed her concern with the size of the garage and the height variance. She asked the applicant if they could reduce the size of the garage and lower the height to meet the height ordinance. The applicant's indicated that they would prefer not to because they need the storage space and the pitch of the roof is to match the existing house.

A Motion was made by Mr. Dolan and seconded by Mrs. Bell to approve the “C” & “D” Variance request of the applicants with the following conditions: using the same colors on the garage as on the existing home, moving the septic line to the rear of the garage, no heat and plumbing in the garage, and no habitation in the garage. It was also requested to waive the reading of the Resolution so the applicants can obtain a building permit at their own risk. Roll Call:

YES:           6       Gstattenbauer, Albanese, French, Dolan, Romania, Macri

NO:            1       Bell

ABSTAIN:    0

The Motion was carried.

Mr. Risdon and Mr. Pierson returned to the meeting. Mr. Civitan left the meeting.

**BOARD BUSINESS CONT.**

**Campground Ordinance – Chapter 30, Article II (Definitions) Article X (Zoning):**

This Ordinance was presented to the board to correct some errors that may be in the existing ordinance:

The first paragraph is from the Definitions under Chapter 30, Article II and the second paragraph is from Zoning, Chapter 30, Article X.

Under Article II under definitions indicates that camping can commence from May to October. Under Article X Paragraph L(5) states that camping periods are from April to October.

Also under Article X Zoning, paragraph 6, the last paragraph under I. Home Professional Office reads “No permanent residency shall be allowed within a campground facility”. Mrs. Bell, the Zoning Officer, feels that this does not belong in this section of the ordinance. It should be under “L. Miscellaneous Agricultural/Residential Uses, subparagraph 3a. Campgrounds.”

Mr. Risdon was concerned with the months November – April. His campground is open year round. They do not have people living there, but they do have people who come up on the weekends. He feels this needs to be addressed.

Mr. Risdon also questioned the section that states that “No permanent residency shall be allowed within a campground facility.” He realizes that no one should be living year round in the campground, but his residence is actually within the campground as the owner.

This matter will be carried to the next meeting after Mr. Collins reviews the corrections.

**Invoices:**

A Motion was made by Mr. Dolan and seconded by Mr. Risdon to approve the June, 2020 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 10 Gstattenbauer, Albanese, Bell, Risdon, French, Dolan, Romania, Pierson, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

**ADJOURN**

A Motion was made by Mr. Risdon 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