

FRANKFORD TOWNSHIP LAND USE BOARD
AUGUST 26 , 2020 – 7:00 P.M.
MINUTES OF THE REGULAR 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 (via telephone), Mr. Civitan, Mrs. Bell, Mr. Dolan, Mr. Romania, Mr. Kobis, Mr. Macri. Also present were Mr. Collins, the board attorney, and Mr. Pellow, the Board Engineer.

Those absent: Mrs. Albanese (excused), Mr. Risdon (excused), Mr. Wingle, Mrs. French (excused), Mr. Pierson (excused), and Mr. Delima (excused).

MINUTES

The Minutes of the June 24, 2020 Land Use Board Regular Meeting were reviewed. A Motion was made by Mr. Dolan and seconded by Mrs. Bell to approve the Regular Meeting Minutes of the Land Use Board for June 24, 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. Civitan and seconded by Mr. Kobis 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. Gstattnebauer and seconded by Mr. Dolan 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 August, 2020 was reviewed. No formal action was taken.

RESOLUTIONS

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

The Resolution was reviewed. A Motion was made by Mr. Dolan and seconded by Mr. Gstattenbauer to approve the Resolution for an Extension of a “C” & “D” Variance for One year. Roll Call:

YES: 6 Gstattenbauer, Civitan, Bell, Dolan, Romania, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

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

The Resolution was reviewed. A Motion was made by Mr. Macri and seconded by Mr. Civitan to approve the Resolution for a “C” Variance. Roll Call:

YES: 6 Gstattenbauer, Civitan, Bell, Dolan, Romania, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

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

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Macri to approve the Resolution for a “C” & “D” Variance. Roll Call:

YES: 4 Gstattenbauer, Dolan, Romania, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

NEW APPLICATIONS

Kurt & Cindy Gewecke – LUB 20-08 – Block 66, Lot 2 – 20 Center Street – Minor Site Plan (ECHO House):

It was noted by the board secretary that this is a Minor Site Plan for an ECHO Home which was reviewed by the Zoning Officer, Construction Official and Engineer and approved. The ordinance requires that this application be sent to the Land Use Board for their acknowledgment of the approval. The board reviewed the Minor Site Plan and approved same.

NEW APPLICATIONS

Allen and June Bentson – LUB 20-07 – Block 165, Lots 12, 8 & 9.02 – 64 Myrtle Avenue – Minor Subdivision & “C” Variance:

Appearing before the board was the applicant, Allen Bentson, and his attorney, William Haggerty. Mr. Bentson was sworn in by the board attorney.

Mr. Pellow reviewed his report dated July 13, 2020 as to completeness:

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

ITEM 12: Copy of Sussex County Planning Board Application. Mr. Haggerty indicated that this will be furnished to the board.

ITEM 28: Existing structures within 200 feet (200') and distance to property line. Mr. Pellow indicated that this has been done.

ITEM 41: Lot acreage to the nearest tenth. Mr. Pellow indicated that this was on the revised map.

ITEM 42: Building envelopes. Mr. Pellow indicated this was on the revised map for one lot.

ITEM 71: Written confirmation from Tax Assessor that proposed lot numbers are acceptable. Mr. Haggerty indicated that this is a lot line adjustment and no new lot numbers are requested.

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

Mr. Haggerty indicated that the applicant's purchased this property and the lakefront property as a package deal in a deed dated September 27, 2019. They were more interested in the lakefront property. They marketed the home, which is on Lot 8 for sale and received a buyer. It turned out that the septic had to be replaced. The septic was designed and installed. They were not made aware until later that part of that septic is on Lot 12. The lot line shown on the map is a bit strange, there is a part of that intersects and goes into Lot 8 from Lot 12. The purpose tonight is to seek approval to straighten out that lot line which would result in the septic system being located entirely on Lot 8. It would increase the area of Lot 8 and decrease the lot area of Lot 12. If there is any desire to improve Lot 12, which is a vacant lot, then that application would have to come before the board for approval. There is no intension to improve Lot 12 at this time. This application is a matter to clean things up. The Bentson used to own Lot 8 and Lot 12, but sold Lot 8 to a buyer that resides there now. There is an escrow set up to take care of this issue. The revised Map dated August 25, 2020 by Derek J. Kennedy was submitted as Exhibit "A-1" to the board.

Mr. Pellow continued reviewing his report:

Paragraph 1: The Applicant will be subdividing 1,055 SF from Lot 12, Block 165 to be annexed to Lot 8, Block 165. Lot 12, Block 165 will have a resultant lot area of 9,680 SF and Lot 8, Block 165 will have a resultant lot area of 14,429 SF.

Paragraph 2: The following variances are needed for Lot 12, Block 165: a) Lot Area: 43,560 SF required and 8,625 SF proposed; b) Lot Depth: 175 ft. required and 140 feet proposed.

NEW APPLICATIONS CONT.

Allen and June Bentson – LUB 20-07 – Block 165, Lots 12, 8 & 9.02 – 64 Myrtle Avenue – Minor Subdivision & “C” Variance cont.:

Paragraph 3: The following are pre-existing, non-conforming conditions for Lot 12, Block 165: a) Lot Width: 175 LF required and 75 ft. exists; b) Lot Frontage: 150 LF required and 50 ft. exists; c) Front yard, side yard, and rear yard setbacks should be shown graphically if they can be; d) If a dwelling is proposed for this lot, they would have to come back to the Land Use Board for variances. Possibly, a sketch of how a dwelling and septic system can fit on this lot should be submitted. Mr. Haggerty indicated that they do not plan to build at this time for Lot 12. If, in the future, they plan to build, they would have to come before the board at the time for any variances that may be required.

Paragraph 4: The following are pre-existing, non-conforming conditions for Lot 8, Block 165: a) Lot Setback: 100 ft. required and 80 ft. exists; b) Side Yard Setback: 20 ft. required and 3.1 ft. exists; c) Floor area Ratio: To be shown. Mr. Haggerty indicated that there is a lot 9.02 which is 18' wide which actually is being merged with Lot 8. Therefore, the side yard setback will be 21.1'. Mr. Haggerty indicated that they are making the lot bigger, so therefore, the FAR is not an impact on this application. Mr. Collins indicated that since this was part of a prior application for a “D” Variance, he will need the new FAR to be put in this Resolution. Mr. Haggerty agreed.

Since it is a “D” Variance Nick Civitan stepped down from this application and left the meeting.

Paragraph 5: The map states that Lot 9.02, Block 165 should be annexed to Lot 8, Block 165 and has not been shown on the tax map. There is also an overlap with this lot and Lot 9.01, Block 165.

Paragraph 7: The reason for this application is the septic system was partially built on Lot 12, and the encroachment is being subdivided off from Lot 12 to Lot 8. Lots 12 and 8 were owned by the same owner.

Paragraph 8: New Deeds are needed for both lots.

Appearing before the board was Mr. Bentson confirming that everything Mr. Haggerty reported to the board was true and correct.

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

A Motion was made by Mr. Dolan and seconded by Mr. Kobis to approve the “C” & “D” Variance and Minor Subdivision (Lot Line Adjustment). Roll Call:

YES: 6 Gstattenbauer, Bell, Dolan, Romania, Kobis, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

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NEW APPLICATIONS CONT.

Heather Mabie – Wacker’s Great Outdoors, LLC – LUB 20-04- Block 27, Lot 3 – 1 Dickerson Road – “C” Variance – Conditional Use (30-1027):

Appearing before the board was Heather Mabie, the applicant. Ms. Mabie was sworn in by the board attorney.

Mr. Pellow reviewed this report dated June 2, 2020 last revised August 12, 2020 as to completeness. Mr. Pellow indicated that a revised map was not submitted with the conditions of completeness listed below:

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

ITEM 17: Sheet size, 24 x 36. Mr. Pellow indicated that the size submitted is satisfactory.

ITEM 20: Record owner(s)’ name and address. Needs to be shown on revised map. Not yet done,

ITEM 21: Applicant’s name, address, phone number, and fax number. To be shown on revised map. Not yet done.

ITEM 30: Scale of map, both written and graphic. To be shown on revised map. Not yet done.

ITEM 33: Tax map sheet number. To be shown on revised map. Not yet done.

ITEM 56: Provisions for certification and approvals. To be shown on revised map. Not yet done.

ITEM 77: Compliance with ADA requirements. To be submitted. The applicant agreed to install the ADA requirements if necessary.

ITEM 78: Graphic/written description of area surrounding the site so the prevailing zoning and actual uses in the area are clear. To be submitted.

ITEM 79: A description of any alternatives that were considered. To be submitted.

ITEM 80: A statement or legal brief which clarifies why the variance should be granted. To be submitted.

A Motion was made by Mr. Dolan and seconded by Mr. Kobis to deem the application incomplete and to carry the application without further notice to the September 23, 2020 Land Use Board meeting at 7:00 p.m. All were in favor. The Motion was carried.

Lars and Kimberly Hawley – LUB 20-06 – Block 130, Lot 13 – 19 Upper North Shore Road – Interpretation and/or “D” Variance:

Appearing before the board was the applicant’s attorney, William Haggerty.

Mr. Collins indicated that the notice was sufficient.

Mr. Pellow indicated that he did not receive the revisions requested for completeness in his report dated July 14, 2020.

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NEW APPLICATIONS CONT.

Lars and Kimberly Hawley – LUB 20-06 – Block 130, Lot 13 – 19 Upper North Shore Road – Interpretation and/or “D” Variance:

A Motion was made by Mr. Dolan and seconded by Mr. Macri to deem the application incomplete and to carry the application without further notice to the September 23, 2020 Land Use Board meeting at 7:00 p.m. All were in favor. The Motion was carried.

BOARD BUSINESS CONT.

Invoices:

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

YES: 6 Gstattenbauer, Bell, Dolan, Romania, Kobis, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

ADJOURN

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

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator