



**PUBLIC PARTICIPATION CONT.**

**Frankford Township Fire Department** – Mr. Collins indicated that Frankford Township Fire Department is part of the Frankford Township’s Government. The Frankford Township Fire Department is having a Corn hole Tournament, Food Truck and a Drive thru Fish Fry which apparently is not allowed in the CED-1 Zone. Mr. Collins indicated that the fire department is a government agency and does need to get use approval or site plan approval. The Fire Department has a Capital Improvement Plan Resolution that authorizes them to build a new firehouse on this property. As a fire department they are allowed to do things that are customarily and incidental to fire department use of the property. Therefore, there is no need for them to come to the board for an approval and no need to amend a Resolution. There is no need to have a Resolution for each event. This is not something the government regulates. The board does wish them luck. The Fire Department does have to comply with Construction Code rules and regulations and obtain a Certificate of Occupancy and any conditions. This is for life safety and construction code requirements, which the Land Use Board has no control over.

There being no further public participation, a Motion was made by Mr. Gstattenbauer 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 Zoning Officer’s report dated September, 2020 was reviewed. No formal action was taken.

**RESOLUTIONS**

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

It was noted by Mr. Collins that the applicant’s did not need the Variance because with the additional land, they are now under the Floor Area Ratio. The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Kobis to approve the Resolution for a Minor Subdivision (Lot Line Adjustment). Roll Call:

YES: 4 Gstattenbauer, Dolan, Kobis, Macri

NO: 0

ABSTAIN: 0

The Motion was carried.

**CARRIED APPLICATIONS**

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

A letter was received from the applicant’s attorney requesting that this matter be carried to the October 28, 2020 Land Use Board meeting without further notice. Mr. Collins indicated since this letter was submitted, Mr. Haggerty confirmed with him on the telephone today that the Hawley’s will not seek to contest the Construction Code Official’s determination that the accessory housing unit was destroyed totally by fire and they will decide whether they will continue to go forward and if they do, they will not contest that it was a pre-existing non-conforming structure and use that was not totally destroyed. They will accept that it was totally destroyed. They may continue to seek an

**CARRIED APPLICATIONS CONT.**

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

application which they will ask in the alternative to have a use variance to have a second unit. They may also consider making the unit a garage.

A Motion was made by Mrs. French and seconded by Mrs. Albanese to carry this matter without further notice to the October 28, 2020 Land Use Board Meeting. All were in favor. The Motion was carried.

**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 indicated as stated in his report last dated September 21, 2020 all of the completeness items have been done. Mr. Collins indicated that the notice was also sufficient for this application

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

Mrs. Mabie indicated that in 2017 she applied for a Zoning Permit to operate an on-line sporting goods store with some special pickups for mainly friends, family or neighbors. At that time the prior Zoning Officer gave her a Zoning Permit. She never mentioned at that time that she needed a Variance. Recently she decided to add Fire Arms to her sales. She contacted the State Police and fulfilled all of their requirements as far as gun safety and how guns have to be stored, how they have to be handled and back ground checks. Her next step was ATF. ATF informed her that she had an issue with her Zoning Permit based on their conversation with the Township Zoning Officer. At that time she was notified that she was supposed to appear before the board for a Variance to operate this business.

Mr. Collins indicated that the reason she is before the board this evening is that any prior approval did not include any retail or personal attendance at her home. He further indicated that she needs a “D” Variance for other than mail order or UPS or that kind of delivery. People to come to your home to buy the materials she sells in the form of archery and fire arms in person at your home requires approval. Mr. Collins further stated that she does need site plan approval for the online business even if she does not get the Use Variance.

Mrs. Mabie does not want to be commercial and full retail. She stated that 99% of the time she is selling on the website and eBay and things are drop shipped. She does not even touch the items. She indicated that she has neighbors, friends and herself who would like to purchase in person. She would like to continue this if she is allowed. Having a full retail business and having items on the shelves is not her intension.

Mr. Dolan questioned Mrs. Mabie the impact of not having an in person pick up at her home. Mrs. Mabie indicated that it is not a major impact for some items, but for certain items. If it is something big and bulky, like a ladder tree stand, and she buys a bunch and put them on a pallet, she can ship them cheaper, which is savings to her customer. However, this is rare and only happens once a year. The major issue is with the Fire Arm transfers this is the only time that someone needs to come and physically do a transfer. Mr. Dolan questioned as to how the transfer works. She indicated that she will receive the fire arm from the manufacturer or distributor. She logs the purchase into her book.

**CARRIED 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) cont.:**

At that time the purchaser will come in and fill out a form transferring it from Wacker’s Outdoor to them. At that time they need to show her proper ID, she then has to enter the information into the computer (ID and serial number). They will either get an approval or a denial. She then writes the confirmation number down and the customer can then take their fire arm and leave. If she is not able to make the transfer at her home, then she will have to take it to another local sports shop because she will not be able to transfer the fire arm to the customer directly. The ATF will only give her approval to sell to another federally licensed dealer. This would be another charge for the customer.

Mrs. French questioned Mrs. Mabie as to how many guns does she think she will be selling at her home. Mrs. Mabie indicated that she could not give her a set number, but she does not expect it to be a lot. She would like it for her family, friends and herself.

Mr. Collins indicated that selling it to herself is not the issue. The issue this evening is the 3<sup>rd</sup> party coming to the house.

Mr. Collins asked Mrs. Mabie to explain her site plan to the board. She indicated that she does not want to bring people directly into her home. She would like to keep it separate. She intends to use her shed as the area to make transfers. She provided a handicapped parking area. She had to make the shed compliant with the State Police and she passed with them.

Mr. Macri questioned if there will be power in the shed. He was concerned about the lighting. Mrs. Mabie indicated that there is power and she does have lights around the entire area of the shed for customers to see from the driveway to the shed.

Mrs. Albanese questioned Mrs. Mabie about the inventory in the shed. Mrs. Mabie indicated that most of her sales are drop shipped. There will be no display in the shed. She will only have the actual orders for people who purchased and are coming to the home.

Mr. Macri questioned Mrs. Mabie about signage. Mrs. Mabie indicated at the present time she has no signage but she would like to have a small sign to show people where to go. Mr. Pellow indicated that she would be allowed a 4 square foot sign (2’x2’).

Mr. Pellow indicated in his report that the construction detail of the handicapped ramp will have to go to the construction department for approval.

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

Appearing before the board was Robert Mitchell who was sworn in by the board attorney. He questioned the board if the Variance would travel with the Deed. The board attorney indicated that it would and it would be limited to the proposed Use Variance approval. Mr. Mitchell expressed his concern with this. He indicated that she is a good neighbor, but he is still concerned about someone new coming in if the variance travels with the land.

Appearing before the board was Dennis Bergman who was sworn in by the board attorney. Mr. Bergman indicated that he was in favor of this application.

**CARRIED 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) cont.:**

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

Mrs. Mabie indicated to the board that if the board does not allow on site sales and visitors, she would like to keep the on line sales as the alternative.

Mrs. Mabie indicated that the hours of operation, if allowed, the onsite sales would be from 10 a.m. to dusk.

A Motion was made by Mr. Kobis and seconded by Mr. Delima to approve the site plan as presented with hours of 10 a.m. to dusk and a “D” Variance from the uses to allow proposal for fire arms and other products to visitors to her property in her shed and to install ADA accessible ramp to be installed, the handicapped parking space should marked with a handicapped parking sign as shown on the site plan and also to allow a 2’ x 2’ or 4’ square foot sign. Roll Call:

YES: 4 Gstattenbauer, Albanese, Dolan, Kobis

NO: 3 Bell, French, Pierson

ABSTAIN 0

The Motion was denied.

A Motion was made by Mr. Delima and seconded by Mr. Kobis to approve the on line sales as a conditional use approval with no on site sales and a handicapped parking space is not needed. Roll Call:

YES: 7 Gstattenbauer, Albanese, Bell, French, Dolan, Pierson, Kobis

NO: 0

ABSTAIN 0

The Motion was carried.

**ADJOURN**

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

Respectfully submitted,

SHARON M. YAROSZ  
Land Use Administrator