

**FRANKFORD TOWNSHIP LAND USE BOARD  
DECEMBER 9, 2020 – 7:00 P.M.  
MINUTES OF THE REGULAR MEETING**

**CALL TO ORDER**

The meeting was called to order by Chairman, Mr. 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, and Mr. Kobis. Also present were Mr. Collins, the board attorney, and Mr. Pellow, the Board Engineer.

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

**MINUTES**

The Minutes of the November 23, 2020 Land Use Board Regular Meeting were reviewed. A Motion was made by Mr. Dolan and seconded by Mr. Kobis to approve the Regular Meeting Minutes of the Land Use Board for November 23, 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. Kobis and seconded by Mr. Dolan 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 Mrs. Bell 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 November, 2020 was reviewed. No formal action was taken.

**CARRIED APPLICATIONS**

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

Mr. Civitan stepped down from this hearing and left the meeting.

Mr. Collins indicated that the Interpretation has now been converted to a “D” Variance. This is to add a second house on a lot, which is not allowed.

Appearing before the board was William Haggerty, Attorney for the applicant, the applicant, Lars Hawley, and the applicant’s contractor, Holden Schwabe. Mr. Hawley and Mr. Schwabe were sworn in by the board attorney.

Mr. Pellow reviewed his report dated December 4, 2020 as to completeness:

ITEM 3: Certification of taxes, liens, assessments paid. The Board Secretary indicated that this was submitted and they are paid.

ITEM 5: Affidavit of Ownership/Authorization form. The Board Secretary indicated that this was received.

ITEM 6: Site Inspection Authorization. The Board Secretary indicated that this was received.

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

ITEM 44: Natural features including existing vegetation, wet areas, watercourses, flood plain limit, rock outcrop. Mr. Pellow indicated that these can be a condition of approval.

ITEM 70: NJDEP Letter of Interpretation regarding the presence/absence of wetlands on property and within 150’. If wetlands are present, line verification by NJDEP and Transition Area Established. LOI has not been provided. Mr. Pellow indicated that this can be a condition of approval.

ITEM 75: Building Floor plan, elevation views and first floor elevation with overall building height. Mr. Pellow indicated that this can be a condition of completeness.

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

Mr. Haggerty indicated that he was previously before the board for an application for establishing of a pre-existing non-conforming use of a second residential structure on a property. That structure was severely damaged in a fire. Originally there were three (3) residential structures on the property submitting into evidence various records including tax records that indicates the structures where built in 1935. One of those three (3) structures is no longer used as a residence and is used for storage. There are two (2) structures that are concerned with this property, a house and the structure that was damaged in the fire. The structure was so severely damaged in the fire that it appeared that it really could not be re-built around the remains and it would be removed. Therefore, they are before the board seeking a Use Variance to re-build the structure on the same footprint and a little bit higher. It is not a second story, but it will provide a foundation which would be appropriate for the home.

**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.:**

Mr. Haggerty submitted to the board Exhibit “A-1” which is an Aerial view of the property. Mr. Hawley indicated that the building circled in red on the exhibit is the storage building and the one below it is the burned-out building. The one circled in blue is the neighbor’s residence.

Mr. Pellow continued reviewing his report dated December 4, 2020:

He indicated that Item 1 describes the maps that were reviewed, the last revision date being November 16, 2020.

Item 3: The following variances are needed: (a) Use Variance: Only one principal building may be built per lot; (b) Minimum Side Yard: 60 ft. required and 28.7 ft. proposed.

Item 4: There are also a number of pre-existing non-conforming conditions on the site that should be noted: (a) Number of Accessory Structures: A maximum of three accessory structures are permitted on the site. Mr. Pellow indicated that new photographs were submitted last evening. The applicant will have to discuss with the board which ones are permanent; (b) Distance from adjacent building: minimum distance is 10ft. and 4 ft. exists.

Item 5: Mr. Pellow indicated that these items were reviewed earlier for completeness, however, Item 75 Building Floor Plans were not submitted. Mr. Haggerty indicated that he has the floor plans to present this evening.

Item 6: Since the architectural plans have not been submitted, I am unable to make any comments regarding the proposed building.

Item 7: Applicant to confirm that the footprint of the proposed building matches what existing today.

Item 8: Applicant to confirm that there are no other improvements being proposed anywhere on the property.

Item 9: Is the septic system acceptable for the continued use of this building? Need opinion from the health department. Mr. Haggerty indicated that the septic design was part of the package. Mr. Hawley indicated that the septic was for both houses which was installed in 2005 for a 3 bedroom. Mr. Dolan indicated that he looked on the County records and it confirms that the septic is for a 3-bedroom approved in 2005, 2 bedrooms for the main home and 1 bedroom for the house that burned down. Mr. Haggerty submitted to the board Exhibit “A-2” which was a septic plan prepared by Careaga Engineering, Inc. Mr. Collins indicated that Mr. Haggerty will have to prove to the board that this septic is sufficient for a new building. This is no longer an existing structure. Mr. Haggerty indicated that he handled an application for his neighbor who had a 6-bedroom house and built a bungalow and connected the bungalow into the 6-bedroom septic system. It was before the board approximately 5 years ago. He feels that this is the same situation. He further stated that any relief approved by this board is always subject to approval by the County Health Department, they do not dispute that. They are indicating this evening that the septic was designed for 3 bedrooms and that is what they propose to continue.

Mr. Haggerty submitted to the board Exhibit “A-3” which is a photograph of the accessory structures currently on the property. Mr. Hawley confirmed that these

**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.:**

photographs are accurate. The top right photograph is pop up sheds, which are basically tarps with frames. The top left photograph is his well house which has a well that is above ground and it is necessary to have the structure. The bottom left photograph is a plastic shed. Mr. Haggerty indicated that this is being submitted because there was a concern about the number of accessory structures. His client has offered to remove the vinyl tarp structure if necessary, but it provides weather protection. By looking at the survey, these structures are remotely on the property. Mrs. Bell indicated that the sheds Mr. Haggerty is referring to is what the township refers to as hoop or claim shell structures that do require zoning and the building permits for these. She does not believe that the township has any approvals for those buildings on file. She further indicated that based on the location to the property line, one of the hoop structures would not meet the setbacks and the one in the front certainly would not either. Mr. Haggerty indicated that the one in front of the house is the well house and that has been there and is historic and necessary. Mr. Romania questioned that there are other accessory structures shown on the plan. Mr. Hawley indicated that the other structure behind the house is a root cellar that has been there longer than he has. The structure is buried underground. He further stated it has a stone face with a door and you walk underground when you enter it. He indicated that he does not use this structure for anything because it is very damp.

Mr. Haggerty submitted Exhibit “A-4” which is a photograph looking into the property showing the well house, the vinyl shed, the burned-out structure and the main house.

Mr. Haggerty indicated that the applicant is asking the board to re-construct the building that partially burned down on the same footprint. They are asking the board for additional height on the structure. Mr. Hawley indicated that the existing house is on a slab and partially below grade and creates moisture issues for the structure. Therefore, if they raise the foundation up above grade it should correct that issue. They are not adding a second floor to the building.

Mrs. Bell questioned if the burned-out building has its own electrical service or does it come from the main house. Mr. Hawley indicated it has its own electrical service and it always had a separate service. Mr. Hawley indicated that the water source is shared with the main home. He further indicated that the burned-out building has always been used a rental. Mrs. Bell questioned Mr. Hawley that the third structure that has now been turned into a shed if it has its own electric and plumbing. Mr. Hawley indicated that it does have its own electric and there is no plumbing in that building.

Appearing before the board was Mr. Schwabe who indicated that he is a licensed general contractor for 15 years. He indicated that he was familiar with the site. He stated that they are keeping the footprint and the existing floor print the same. The only difference is they want to raise the foundation above ground a few feet. The house is sitting on a steep hill and there is a lot of moisture in the current building. They are raising it approximately 3’. The existing roof is a shed roof and a very small gable roof. The applicants want to make that a little steeper. The total height of the structure from the average of the grade will be approximately 16’6”. Mr. Schwabe prepared floor plans and front left corner, left side, front right corner, and right-side elevations of the proposed building, and it includes the roof height. He indicated that these are not architectural plans. Mr. Haggerty submitted this document as Exhibit “A-5”. Mr. Schwabe indicated that this building currently is a one-bedroom structure and will remain a one-bedroom structure.

**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.:**

Mr. Collins questioned Mr. Schwabe about the elevation. It looks like there is a higher elevation on one side of the building. Mr. Schwabe indicated that the rear of the house is where the grade is the highest and that will be approximately 3’ and the front of the home will be approximately 4’ to 5’. This will be a concrete foundation. They intend to put lattice around the foundation so it will not be so visible.

Mrs. Bell questioned Mr. Hawley if he intends to use this structure as a rental. Mr. Hawley indicated that he does want to use it as a rental, as it always has been. Mr. Haggerty indicated that there is a need for rentals that are one bedroom.

Mrs. Bell questioned Mr. Hawley if he could repair the existing 3<sup>rd</sup> structure that is now an accessory structure to be the rental since it is already an existing structure. Mr. Hawley indicated that there would be additional costs because of the septic. The septic is already existing to the other structure. Mr. Pellow indicated that this would be a totally new septic because of the difference in the grade.

Mr. Haggerty indicated that their position is that simply this is a restoration of what existed which has been there since 1935. There is no substantial detriment to the public good. Since it is currently connected to the septic and well. They are not changing anything in terms of the footprint except that they are making it a little higher to protect the home from the dampness.

A Motion was made by Mr. Dolan and seconded by Mr. Kobis to open this matter to this 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. Dolan 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 grant a “D” Variance to the applicant to authorize him to construct the proposed one-bedroom (1) house as set forth in the exhibits as presented with the condition to remove the 2 hoop structures, no additional sheds will be constructed on the property, a demolition permit is obtained for the existing structure and the building will be in earth tones. It is also subject to the County Health Department and, if necessary, NJDEP approvals.

Mrs. Bell indicated that she is not ready to make a decision on this application this evening and would like to carry this matter to another meeting.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Kobis to carry this matter to the February 24, 2021 Land Use Board meeting without further notice. All were in favor. The Motion was carried.

**ADJOURN**

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

Respectfully submitted,

SHARON M. YAROSZ  
Land Use Administrator