

**FRANKLIN TOWNSHIP LAND USE BOARD
MINUTES
MARCH 11, 2020
7:30 PM
202 SIDNEY ROAD, PITTSTOWN, NEW JERSEY 08867**

Roger Thomas called the meeting to order at 7:30pm

This is a regularly scheduled meeting of the Franklin Township Combined Land Use Board. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in the Hunterdon County Democrat and the Express Times and the notice of this meeting was posted on the bulletin board in the Municipal Building.

Roger Thomas led the room in the flag salute

Roll Call

Roger Soitys	absent	Mike Chabra	absent	Jennifer Fisher	present
Ken Weiss	arrived 7:35	Dave Dallas	present	John Thonet	absent
Phil Koury	absent	Alan Dilley	present	Lou Moreira	present
Stephen Willis	absent	Eric Blew	present		

Old Business: Approval of February 12, 2020 minutes

Motion to approve: Dave Dallas Second: Jennifer Fisher

All in favor: Aye

Approval of Bills

New Business

- 1. Informal Interpretation: Thomas Devine, Studio Fitness LLC dba Orangetheory Fitness. Seeks clarification from the board on permitted use of other recreational establishments operated for profit in commercially zoned Block 5 Lot 20 (Walmart plaza).**

Roger Thomas swore in Mr. Devine. Mr. Devine stated his name and address 8 Tamarak Dr., Lebanon, NJ. Roger Thomas explained that this is an interpretation application under NJSA 40:55D-70b which authorizes the board to interpret the ordinance in relation to certain activities. Mr. Devine stated that he would like to open a group fitness studio, a franchise Orangetheory fitness. The concept is an hour total body workout, where members work out in groups led by an instructor. It's a studio type gym, not a big box gym. Typically set up in strip malls and retail locations. Mr. Devine currently operates one in Flemington on the circle. He recently signed a lease with the landlord in the Walmart Plaza in Franklin to open one up and

was told by the landlord that his fitness studio was a permitted use in the CN zone. He felt this was accurate since there already exists a taekwondo/yoga studio, and a rehab center that sells gym memberships. When Mr. Devine stopped in the Franklin Township Municipal Building to speak to the zoning officer to find out what permits would be needed he was alerted to the fact that the ordinance doesn't actually spell out a permitted use for a fitness studio. He is here tonight for an interpretation of the ordinance to see if this would in fact be a permitted use and hopefully get an approval. He made reference to Franklin Townships code book chapter 220-10, zone district use regulations, section C, which covers the commercial north permitted principal uses (f) Theaters and playhouses, bowling alleys, driving ranges, miniature golf courses and other recreational establishments operated for profit or (a) Retail stores and shops. He stated that many times his other studios have fallen under the retail stores and shops category. The board asked him to identify on the map exactly where the studio would be in the Walmart Complex and he stated that it was previously a mattress store. Roger Thomas asked if the board had any questions. Dave Dallas asked if his other store was doing well and Mr. Devine answered that yes it is, although the Corona Virus is a bit of a concern right now. Jennifer Fisher asked how the other establishments were able to get approval. Roger Thomas explained that unfortunately the zoning office doesn't have any paper trail for the existing establishments being referred to. Ken Weiss raised the question of how many people on average are working out at one time as parking can be tough. Mr. Devine said that 98% of the members come in their work out gear, work out for the hour and then leave and go shop elsewhere. Parking turns over regularly. The busiest hours tend to be between 6:30-9:30am and then at around 7pm after work. On weekends there are only early morning classes beginning at about 7am and done by 12 noon.

Roger Thomas opened the topic up to the public. There was no public present so no comments.

Roger Thomas then made a few comments. He said that while he understands the thought that maybe this could fit under (f) Theaters and playhouses, bowling alleys, driving ranges, miniature golf courses and other recreational establishments operated for profit. Respectfully he felt it was a bit of a stretch because the nature of the language seems to refer to a different kind of activity than what is being proposed. He did however feel that (a) retail stores and shops would be a better fit. He said that in many towns he works with that language includes retail sales and services and he believes that was most likely the intent and purpose of this as well. He then stated that the Land Use Board clerk made him aware that the Township Committee was introducing an ordinance on 3/12/20 that has some modifications that effect the CN zone, and one of the additions is that of the permitted use "personal services". This doesn't effect this application however it's good to know. He then stated that if the board is inclined he believes a reasonable interpretation is that this is a use that is contained in subsection 1 (a) retail stores and shops. As far as the concerns raised about parking, that is irrelevant to this interpretation.

Dave Dallas made a motion deeming the applicants use as a retail shop and store.

Eric Blew seconded the motion

Roll Call

Roger Soltys	absent	Mike Chabra	absent	Jennifer Fisher	yes
Ken Weiss	yes	Dave Dallas	yes	John Thonet	absent
Phil Koury	absent	Alan Dilley	yes	Lou Moreira	yes
Stephen Willis	absent	Eric Blew	yes		

Roger Thomas will prepare the resolution.

Brief discussion regarding the internal processing of resolutions pertaining to the land use board, construction department, zoning officer, and tax assessor.

Public Comment

Comments from the Land Use Board, Non-Agenda Items, Other Business to come before the board

Adjournment

No new business after 10:00PM unless agreed to by the Board. Any remaining items will be placed on the agenda for the next available meeting. Information pertaining to any item on the agenda is available for public review at the Municipal Building during normal business hours.

Date adopted 4-22-20

Prepared by Catherine Innella, LUB Clerk

Catherine Innella