



Hunterdon County Recording Data Page Honorable Mary H. Melfi Hunterdon County Clerk 	<i>Official Use Only – Bar</i>  20190524000102100 1/5 05/24/2019 11:59:37 AM DOT Bk: 2470 Pg: 13 Mary H. Melfi Hunterdon County Clerk
<i>Official Use Only – Realty Transfer Fee</i>	Record and Return Address: Lavery, Selvaggi, Abromitis & Cohen, P.C. 1001 Route 517 Hackettstown, New Jersey 07840
Date of Document: May 9, 2019	Type of Document: Resolution
First Party Name: Township Committee of the Township of Franklin	Second Party Name:
Additional Parties:	

THE FOLLOWING SECTION IS REQUIRED (DEEDS MANDATED)	
Block: 31	Lot: 4 Q0293
Municipality: Township of Franklin	
Consideration:	
Mailing Address of Grantee:	

THE FOLLOWING SECTION IS FOR MARGINAL NOTATIONS THAT PERTAIN TO THE ORIGINAL FILED/RECORDED DOCUMENT	
Original Book & Page:	Original Instrument Number:

HUNTERDON COUNTY RECORDING DATA PAGE
 Please do not detach this page from the original document as it
 contains important recording information and is part of the permanent record.

RESOLUTION NO. 2019 - 28

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO WAIVE THE REQUIREMENTS OF SECTION 166-7 OF THE TOWNSHIP CODE AND AUTHORIZE THE TOWNSHIP ENGINEER TO ISSUE A DRIVEWAY PERMIT FOR BLOCK 31, LOT 4, Q0293.

WHEREAS, Richard D. Ramalho and Robyn S. Ramalho (hereinafter, the “property owners”) are the owners of Block 31, Lot 4, Q0293 in the Township of Franklin Hunterdon County (hereinafter the “property”); and

WHEREAS, the property owners wish to construct a driveway to service a farm operation on their property; and

WHEREAS, the property is currently farmed as cropland; however, the property owners are planning a more intense farm use by participating in the Rutgers Hazelnut Breeding Program which will require more attention to the farm property; and

WHEREAS, the property owners have no current plans to construct any structures on the property; and

WHEREAS, the property is currently accessed through an unimproved easement over the neighbor’s property; and

WHEREAS, the property owners propose constructing a 12-foot wide gravel driveway with a grade of 13.5% to access the farm property; and

WHEREAS, the property owners filed for a driveway permit pursuant to the Township’s driveway ordinance, Chapter 166; and

WHEREAS, the driveway permit application was reviewed and denied by the Township Engineer because the propose driveway exceeds the maximum grade for gravel driveways (5%) and the maximum grade for paved driveways (12%); and

WHEREAS, the property owners filed an appeal of the driveway permit denial with the Township Committee pursuant to Section 166-20; and

WHEREAS, a duly noticed public hearing was held by the Township Committee on April 11, 2019. At that public hearing several neighbors spoke in favor of the driveway. Only one neighbor expressed concerns regarding the driveway exacerbating the water runoff problem on Spring Hill Road, this resident did not object to the driveway; and

WHEREAS, the Township Committee concluded that the property owners should be granted a waiver from Section 166-7 to allow the driveway to be constructed as proposed in the Driveway Plan prepared by Wayne J. Ingram, P.E. of E&LP dated February 1, 2019; and

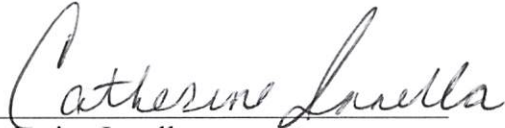
WHEREAS, the Township Committee granted its waiver conditioned upon certain conditions which shall be memorialized in a Resolution that is executed by the Township and the property owners and Recorded in the County Clerk's Office.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Franklin, County of Hunterdon, that the Township Committee hereby waives the requirements of Section 166-7 of the Township Code and authorizes the Township Engineer to issue the driveway permit for the driveway proposed for Block 31, Lot 4, Q0293 conditioned upon the following conditions:

1. The driveway must be constructed in all material respects in accordance with the Driveway Plan prepared by Wayne J. Ingram, P.E. of E&LP dated February 1, 2019, revised April 3, 2019;
2. The property owners agree to clean up and/or correct any "wash-outs" that occur on Spring Hill Road, or the culverts/drainage ditches adjacent to Spring Hill Road, in the vicinity of this driveway, including but not limited to the deposit of any rocks, soil, trees, leaves or other debris, provided such wash-out originates from Block 31, Lot 4, Q0293 as a result of stormwater runoff from the property's driveway.
3. If the property owners fail to clean up and/or otherwise correct such a wash-out condition originating from Block 31, Lot 4, Q0293 in a timely manner upon notice or such condition poses an imminent safety concern, the Township may correct the situation and bill the property owners for the Township's costs, except that township removal of damaged or felled trees caused by Acts of God and/or wash-out debris which are not caused by stormwater wash-out originating from Block 31, Lot 4, Q0293, shall not be at the property owner's expense. The property owners shall pay the Township within 30 days of demand and itemization of costs. Failure to pay within said 30 days will result in the placement of the lien on the property provided, however, that property owners shall not have a lien placed on their property for clean-up expenses related to conditions not caused by wash-out originating from their driveway.
4. In the event that wash-out conditions originating from Block 31, Lot 4, Q0293 and requiring correction become habitual, the Township may require that the property owners improve the driveway and/or associated drainage to the satisfaction of the township engineer, with denial of such engineering approval being subject to appeal as per Ordinance Section 166-20.
5. The property owners agree that prior to the issuance of any building permits for any structures, residential or agricultural, on the property, the driveway must be reviewed by the Township Engineer for sufficiency.
6. The property owners understand and acknowledge that the driveway cannot be paved without first obtaining all applicable permits and approvals.
7. The above listed conditions shall run with the land and will apply to the property owners, and all who succeed the property owners, such as their heirs, successors or assigns. This Resolution shall be executed by the Township and the property owners and recorded in the Hunterdon County Clerk's Office.

ATTESTED:


FRANKLIN TOWNSHIP


Catherine Innella


Mayor Craig Reppmann

WITNESS:



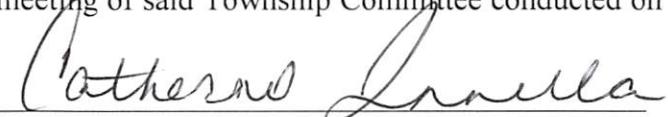

Richard D. Ramalho




Robyn S. Ramalho

CERTIFICATION

This is to certify the above is a true copy of a Resolution adopted by the Township Committee of the Township of Franklin at a meeting of said Township Committee conducted on May 9, 2019.


Catherine Innella, Deputy Municipal Clerk

STATE OF NEW JERSEY
COUNTY OF HUNTERDON

SS.:

I CERTIFY that on May 9, 2019, Catherine Innella, personally came before me and this person acknowledged under oath, to my satisfaction, that she is the Deputy Municipal Clerk of the Municipal Corporation named in the attached document; and that

- (a) She signed, sealed, and delivered the attached document as the Deputy Municipal Clerk of the Township of Franklin, Hunterdon County, the Municipal Corporation named in this document; and
- (b) This document was signed and made by the Municipal Corporation as its voluntary deed by virtue of authority from its Members



An Attorney at Law/Notary Public
of New Jersey

RECORD AND RETURN TO:
Katrina L. Campbell, Esq.
Lavery, Selvaggi, Abromitis & Cohen, PC
1001 Route 517
Hackettstown, New Jersey 07840

KATRINA L. CAMPBELL
An Attorney At Law of
The State of New Jersey

20190524000102100 5/5
05/24/2019 11:59:37 AM DOT
Recording Fee: \$8.00
Tax Fee: \$.00
Consideration: \$.00
Buyers Fee: \$.00
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