

**FRANKLIN TOWNSHIP COMBINED LAND USE BOARD**  
**2022 Reorganization Meeting**  
**Minutes**  
**Wednesday, January 12, 2022**  
**7:30 PM**

**This meeting will be held remotely on Zoom. Information is below**

**Roger Thomas, Board Attorney, called the meeting to order at 7:34pm.**

**Open Public Meeting Statement**

This is the reorganization 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 all present in the Pledge of Allegiance**

**Swearing in of Newly Appointed/Reappointed Members:** Roger Thomas swore in Mike Chabra, Philip Koury and Alan Dilley to their new terms of office.

| Name           | Position        | Term                       |
|----------------|-----------------|----------------------------|
|                | Class I         | 1/1/22- 12/31/22 (1 Year)  |
|                | Class II        | 1/1/22-12/31/24 (3 Year)   |
| Philip Koury   | Class III       | 1/1/22-12/31/22 (1 Year)   |
| Mike Chabra    | Class IV        | 1/1/22-12/31/25 (4 Year)   |
| Stephen Willis | Class IV Alt. 1 | 1/1/22 – 12/31/23 (2 Year) |
| Alan Dilley    | Class IV Alt. 2 | 1/1/22 – 12/31/23 (2 Year) |
|                | Class IV Alt. 3 |                            |

**Roll Call of the 2022 Franklin Township Land Use Board**

|              |         |             |         |                 |         |
|--------------|---------|-------------|---------|-----------------|---------|
| Roger Soltys | Present | Mike Chabra | Present | Jennifer Fisher | present |
| Ken Weiss    | absent  | Dave Dallas | present | John Thonet     | present |
| Philip Koury | Present | Alan Dilley | present | Stephen Willis  | absent  |

**Nominations and Election of Board Officers**

**1. Selection of Combined Land Use Board Chair**

Dave Dallas nominated Roger Soltys

John Thonet seconded the nomination

There were no other nominations

|              |        |             |     |                 |        |
|--------------|--------|-------------|-----|-----------------|--------|
| Roger Soltys | yes    | Mike Chabra | yes | Jennifer Fisher | yes    |
| Ken Weiss    | absent | Dave Dallas | yes | John Thonet     | yes    |
| Philip Koury | yes    | Alan Dilley | yes | Stephen Willis  | absent |

**FRANKLIN TOWNSHIP COMBINED LAND USE BOARD**  
**2022 Reorganization Meeting**  
**Minutes**  
**Wednesday, January 12, 2022**  
**7:30 PM**

**This meeting will be held remotely on Zoom. Information is below**

**2. Selection of Combined Land Use Board Vice-Chair**

John Thonet nominated Dave Dallas

Mike Chabra seconded the nomination

There were no other nominations

|              |        |             |     |                 |        |
|--------------|--------|-------------|-----|-----------------|--------|
| Roger Soltys | yes    | Mike Chabra | yes | Jennifer Fisher | yes    |
| Ken Weiss    | absent | Dave Dallas | yes | John Thonet     | yes    |
| Philip Koury | yes    | Alan Dilley | yes | Stephen Willis  | absent |

**3. Selection of Combined Land Use Board Secretary**

Dave Dallas nominated Jennifer Fisher

John Thonet seconded the nomination

There were no other nominations

|              |        |             |     |                 |        |
|--------------|--------|-------------|-----|-----------------|--------|
| Roger Soltys | yes    | Mike Chabra | yes | Jennifer Fisher | yes    |
| Ken Weiss    | absent | Dave Dallas | yes | John Thonet     | yes    |
| Philip Koury | yes    | Alan Dilley | yes | Stephen Willis  | absent |

**Appointments of Board Administrative and Professional Service Consultants:**

**1. Selection of Land Use Board Clerk**

Alan Dilley nominated Catherine Innella

John Thonet seconded the nomination

There were no other nominations

|              |        |             |     |                 |        |
|--------------|--------|-------------|-----|-----------------|--------|
| Roger Soltys | yes    | Mike Chabra | yes | Jennifer Fisher | yes    |
| Ken Weiss    | absent | Dave Dallas | yes | John Thonet     | yes    |
| Philip Koury | yes    | Alan Dilley | yes | Stephen Willis  | absent |

**2. Selection of Land Use Board Attorney**

John Thonet nominated Roger Thomas of Dolan and Dolan

Alan Dilley seconded

There were no other nominations

|              |        |             |     |                 |        |
|--------------|--------|-------------|-----|-----------------|--------|
| Roger Soltys | yes    | Mike Chabra | yes | Jennifer Fisher | yes    |
| Ken Weiss    | absent | Dave Dallas | yes | John Thonet     | yes    |
| Philip Koury | yes    | Alan Dilley | yes | Stephen Willis  | absent |

**3. Selection of Land Use Board Engineer**

John Thonet nominated Paul Sterbenz of Colliers

Dave Dallas seconded

There were no other nominations

|              |        |             |     |                 |        |
|--------------|--------|-------------|-----|-----------------|--------|
| Roger Soltys | yes    | Mike Chabra | yes | Jennifer Fisher | yes    |
| Ken Weiss    | absent | Dave Dallas | yes | John Thonet     | yes    |
| Philip Koury | yes    | Alan Dilley | yes | Stephen Willis  | absent |

**FRANKLIN TOWNSHIP COMBINED LAND USE BOARD**  
**2022 Reorganization Meeting**  
**Minutes**  
**Wednesday, January 12, 2022**  
**7:30 PM**

**This meeting will be held remotely on Zoom. Information is below**

**4. Selection of Land Use Board Planner**

John Thonet nominated Darlene Green of Colliers Alan Dilley seconded

|              |        |             |     |                 |        |
|--------------|--------|-------------|-----|-----------------|--------|
| Roger Soltys | yes    | Mike Chabra | yes | Jennifer Fisher | yes    |
| Ken Weiss    | absent | Dave Dallas | yes | John Thonet     | yes    |
| Philip Koury | yes    | Alan Dilley | yes | Stephen Willis  | absent |

**Adoption of 2022 Meeting Calendar and first meeting of 2023**

| Month    | Regular Session | Work Session | Month     | Regular Session   | Work Session |
|----------|-----------------|--------------|-----------|-------------------|--------------|
| January  | 12              | 26           | July      | 13                | 27           |
| February | 9               | 23           | August    | 10                | 24           |
| March    | 9               | 23           | September | 14                | 28           |
| April    | 13              | 27           | October   | 12                | 26           |
| May      | 11              | 25           | November  | 9                 | 23           |
| June     | 8               | 22           | December  | 14                | 28           |
|          |                 |              | January   | 11, 2023 (+reorg) |              |

Dave Dallas made a motion to adopt the 2022 Meeting Calendar Alan Dilley Seconded the motion. All members present voted in favor, none opposed.

**Adoption of Official Newspapers for Publication of Legal Notices**

1. The Hunterdon County Democrat
2. The Express Times

John Thonet made a motion to adopt the official newspapers. Alan Dilley Seconded the motion. All members present voted in favor, none opposed.

**Public Comment-** no public present

**Comments by the Chairman:** Roger Soltys thanked the board. He stated that it is an honor to serve as the chairman and he finds there to be great cooperation and is happy that everything is moving smoothly.

**Adjournment:** Dave Dallas made a motion to adjourn at 7:49 Jennifer Fisher seconded the motion.

Topic: Franklin Township Land Use Board

**FRANKLIN TOWNSHIP COMBINED LAND USE BOARD**

**2022 Reorganization Meeting**

**Minutes**

**Wednesday, January 12, 2022**

**7:30 PM**

**This meeting will be held remotely on Zoom. Information is below**

Time: Jan 12, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83473026064?pwd=YzM5S3JDb1dxejRnaWp5V1pkbXovQT09>

Meeting ID: 834 7302 6064

Passcode: 562684

One tap mobile

+16465588656,,83473026064#,,,,\*562684# US (New York)

+13017158592,,83473026064#,,,,\*562684# US (Washington DC)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 720 707 2699 US (Denver)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 834 7302 6064

Passcode: 562684

Find your local number: <https://us06web.zoom.us/j/83473026064>

Prepared by Catherine Innella, LUB Clerk

Adopted 2-9-22

**FRANKLIN TOWNSHIP LAND USE BOARD**

**MINUTES**

**REGULAR MEETING**

**JANUARY 12, 2022**

**7:30 PM**

**202 SIDNEY ROAD, PITTSTOWN, NEW JERSEY 08867**

**This meeting will be held remotely on Zoom**

**Zoom Meeting Information is below**

**Roger Soltys called the meeting to Order at 7:49PM & read the Open Public Meeting Statement**

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.

**Roll Call**

|                |         |                 |         |             |         |
|----------------|---------|-----------------|---------|-------------|---------|
| Roger Soltys   | present | Mike Chabra     | present | John Thonet | present |
| Ken Weiss      | present | Dave Dallas     | present |             |         |
| Philip Koury   | present | Alan Dilley     | present |             |         |
| Stephen Willis | absent  | Jennifer Fisher | present |             |         |

**Old Business: None**

**Approval of December 8, 2021 minutes:** Carry until February meeting

**Approval of Bills:** none

**New Business**

- 1. Consistency review:** Ordinance 2022-01: "An Ordinance Amending the Revised General Ordinances of the Township of Franklin in the County of Hunterdon to Amend Chapter 220, "Land Use," to Create Article XV "Cannabis Related Businesses", and to Amend Chapter 322, "Taxation," to Create Article II "Cannabis Transfer Tax"

Roger Thomas stated that he had a chance to review the ordinance and the map that was supplied that showed the sites which the facilities could occur, taking into account the limitations which are contained in the ordinance with regard to each of them are a conditional use and they have certain conditions. It is his understanding that Darlene Green, Township Planner has looked at the sites within the town to identify the areas where these activities may be taking place. Some areas were considered however they were too close to a school, so language was added to prohibit that. Each of the types of facilities are a conditional use. They

not only have to meet all the conditions, but they would also have to come before the land use board for a site plan. Roger Thomas stated he thought this was an excellent idea that way the board has a clear understanding of what is going on. The land use board are the experts of the town and therefore it is appropriate that a site plan is reviewed particularly in this area. It takes into account some of the things that are in the ordinance. An example is on page 5, paragraph 2 I it discusses that a site plan is required and one of the things that the board will be looking at is that the look and design of the facilities should be in keeping with the agricultural nature of the region. It is difficult to put this into a specific language given that there are different kinds of facilities. Given this it makes sense that a site plan is required.

Roger Thomas also stated that the only comment he had that he mentioned to the chair was regarding the definitions. He stated he had the opportunity to speak to the Township Attorney as well as the Township Planner regarding his concern. When you look at the ordinance it has a definitional section which has definitions. But then you look at the ordinance section which talks about the areas where certain activities can be authorized thru a conditional use. Some of them are not defined, specifically, distributors and wholesalers and micro cannabis cultivation. They are part of the ordinance however they are not defined in the ordinance. These items are however defined in the statute. Roger Thomas felt the appropriate way to handle this would be to provide a suggestion to the township committee that the following language, or something similar be incorporated into the ordinance, the definitions contained in the statute will be incorporated by reference into the ordinance as if set forth here and in length. This would then satisfy the concern regarding specific definitions. Roger Thomas stated that he had no questions with the policy of the ordinance. Each town has their own way of dealing with Cannabis, so this is just procedural. Roger Thomas stated that he feels the ordinance is consistent with the Master Plan subject to the recommendation he made which is just procedural.

Phil Koury mentioned that at the committee meeting it was suggested that when the board does a site plan, and if there is an agreement, can there also be a developer's agreement so that legally the applicant can be held to the letter of the agreement. Roger Thomas agreed that this was a great idea, and it was certainly something that could be added as on the conditions of an approval.

Dave Dallas asked if Phil Koury was comfortable with Roger Thomas's suggestion regarding the definitions. Phil Koury stated that he was comfortable with this, that it was procedural. Roger Thomas stated that it would be up to the Township Attorney where the statement would be added within the ordinance however, he would offer a suggestion as to what the wording should be.

Phil Koury stated that the committee took it a step further and asked the planner for a map that shows where the possible locations could be. Jennifer Fisher asked about the map. She said that she saw some of the properties were owned by Rutgers and would not be able to be used. She asked if this map was going in the ordinance. Roger Thomas said that he would think

it would not be. It is just a helpful visual. From a Land Use standpoint, the map is a gross overview. It does not consider if these properties are all developable. For instance, there may be steep slopes, wetlands, flood plains, water issues, etc. that would prevent the ability to develop. The map simply shows blocks and lots that generally meet ordinance standards. There is a section in the ordinance that clearly states, all other provisions of the ordinance will apply. If an application comes in and the board gets the site plan, then it will be determined if the property works with the ordinance.

Jennifer Fisher asked if the map included any preserved farms. Roger Thomas stated that preserved farms were off the table.

Phil Koury stated that they asked Darlene to show properties that were at least 20 acres and had at least 50' of road frontage on a county or state road.

Dave Dallas asked for confirmation that the map would not bind the township to a particular property. Roger Thomas confirmed this. Roger Thomas went on to explain that the map was looked thru and for instance there was a large parcel that was next to a school, therefore there was an addition to the ordinance that said the facilities should not be within 1000 feet of a school, therefore eliminating this parcel.

Dave Dallas asked if anyone has approached the township regarding where we stand or pertaining to the fact that we don't have this type of ordinance and are anxious for us to develop it?

Phil Koury stated that 3 years ago a group came to the township however the township wasn't going to be on someone else's timetable. The township wanted to do this methodically and take the time to think it thru.

Phil Koury stated that hemp is being grown on farms in Franklin, however we don't receive any income from hemp. The difference between hemp and cannabis is the THC levels.

Roger Soltys asked if this was geared toward medicinal purposes. Roger Thomas stated that this was for all adult purposes, both medicinal and recreational.

Phil Koury commented that even if an applicant get's approval from the Township, they would still have to get approval and licenses from the state. There are also a limited number of licenses that will be offered by the state on a yearly basis. Roger Thomas was unsure of what the exact number is.

It was discussed that cannabis will only be grown inside, where hemp is grown outside.

Dave Dallas spoke about the Cannabis facility in Redington and the complaints regarding the smell. He said that if you drive by you can see all the equipment on the rooftop that is used to scrub the air. Odor can be a serious issue. Roger Thomas said that when he spoke to Darlene and Katrina this was discussed at some length. The building in Redington was never designed to be soundproof or smell proof. And the building was designed to be retail, so it was close to

route 22. It wasn't set back from the road the way the cannabis facilities are normally. This should have never been authorized and there should have been many more conditions. They have now had to retrofit the building. This is not what Franklin Township is proposing. Franklin Township is proposing that a facility would need to be setback and fit into the rural character of the Township, such as looking like a barn type structure.

Phil Koury stated that we would not want something that looks like a warehouse. We would want something that fits into the rural character of the town. Also, there would need to be screening. Just as the Board has talked about screening for solar panels for years. Sadly, Redington didn't do any type of screening.

Dave Dallas asked what Den Hollander has been doing that it would seem this may be up his alley given his hoop structures and farming desire. Phil Koury stated he had no idea, no one has approached him on this.

Roger Thomas stated the ordinance shows that Franklin thought these ideas thru requiring Cannabis be grown in a building. The hoop houses would not be acceptable or fit the structure definition. He would need to change his operation.

Roger Thomas stated the hearing should be opened to the public. After public comment then the Board is charged by the MLUL section 26 to say that the Land Use Board has made a determination that the Ordinance is not inconsistent with the Master Plan. Roger Thomas recommended that to save money he can communicate whatever action is taken thru a letter to the Governing Body.

Roger Soltys asked if there were any other comments from the board members: There were none.

Comments from the public: None

Dave Dallas made a motion that this was consistent with the Master Plan

Motion seconded by John Thonet

Roll Call

|                |        |                 |     |             |     |
|----------------|--------|-----------------|-----|-------------|-----|
| Roger Soltys   | yes    | Mike Chabra     | yes | John Thonet | yes |
| Ken Weiss      | yes    | Dave Dallas     | yes |             |     |
| Philip Koury   | yes    | Alan Dilley     | yes |             |     |
| Stephen Willis | absent | Jennifer Fisher | yes |             |     |

Phil Koury thanked the Board and stated that the Township Committee would be holding the hearing on February 10<sup>th</sup> and the community would be able to have input.

Roger Soltys asked if there were any other comments on non-agenda item. He asked if there were any other application in the works. He asked if Mr. Kontopodias had contacted us as to



when he would like to come back regarding his pole barn. Catherine Innella stated that he had reached out a while back and was shooting for possibly February. St Catherine's has not been in touch either with their application. An application for a Solar project was just received. Dave Dallas said it was his understanding that originally the applicant had wanted to erect a larger structure however Public Utilities had cut this in half so the applicant is now coming to erect another solar field that would double what is already there.

Roger Soltys said the next meeting would be February 8<sup>th</sup>.

### **Adjournment**

Dave Dallas made a motion to adjourn

Seconded by John Thonet.

All in favor

Meeting adjourned at 8:21 pm

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.

Topic: Franklin Township Land Use Board

Time: Jan 12, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83473026064?pwd=YzM5S3JDb1dxejRnaWp5V1pkbXovQT09>

Meeting ID: 834 7302 6064

Passcode: 562684

One tap mobile

+16465588656,,83473026064#,,,,\*562684# US (New York)

+13017158592,,83473026064#,,,,\*562684# US (Washington DC)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 720 707 2699 US (Denver)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 834 7302 6064

Passcode: 562684

Find your local number: <https://us06web.zoom.us/j/kKHiiOVDy>

Prepared by Catherine Innella, Land Use Board Clerk

Approved 3/23/22