

**FRANKLIN TOWNSHIP LAND USE BOARD
MINUTES
FEBRUARY 9, 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 & 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.

Pledge of Allegiance: Roger Soltys led all present in the Pledge of Allegiance

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	present	Jennifer Fisher	present		

Approval of December 8, 2021 minutes:

Motion to approve was made by Dave Dallas

Seconded by John Thonet

All members present voted in favor by saying aye, there were none opposed

Approval of January 12, 2022, minutes: Carried until next meeting

Approval of Bills:

Motion to approve bills list for February 9, 2022 made by John Thonet

Seconded by Dave Dallas

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	yes	Jennifer Fisher	yes		

New Business

1. Appointment of conflict engineer Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc., 180 Main Street, PO Box 571, Chester, NJ 07930 for the Lot Consolidation and Preliminary & Final Site Plan application submitted by Quakertown Solar Farm II, LLC, Block 49, Lots 15 & 15.01, 967 Croton Road, Franklin Township.

Motion to appoint Mr. Ferriero made by John Thonet
Seconded by Stephen Willis
All members present voted in favor by saying Aye
Dave Dallas abstained (he has a conflict with the Solar Farm's attorney)
None opposed

Roger Soltys asked what else we have coming up in the future. The Board Secretary stated that there are currently two additional applications being reviewed by the Engineer. One is a variance application, and the other is a lot line adjustment. The Board Secretary has not heard back from Mr. Kontopodias regarding his intentions for his pole barn or from Paul Juliano regarding St. Catherine's.

Public Comment

Erica Ammon: stated she appreciated how heavy the issues are pertaining to Cannabis. She supports the process and believes the public should participate more on a regular basis.

Christina Faragalla: Asked if a member of the board could outline the process in any that occurred in regard to cannabis? What initiated it? What is included in the Master Plan update and what prompted it?

Roger Soltys stated the Master Plan must be reexamined every 10 years. A subcommittee was set up to go over the old Master Plan, with the help of the planner it was reviewed and adopted. One of the issues at the time was Cannabis. At the time there was not a lot of information available. So, the Board put a statement in the reexamination that stated it would be researched and could be added at a future date.

Mrs. Faragalla asked In regard to drafting and approval of the ordinance, the process of compiling it and if the Board voted on it what that represents, approval of zoning?

Roger Soltys said the Township Committee drafted the ordinance with the assistance of the Township Planner. After it was drafted it went to the Land Use Board for the purpose of determining if the Ordinance was consistent with the Master Plan. There was some discussion during the meeting and the Board voted that the Ordinance was consistent with the Master Plan.

Mrs. Faragalla said she looked at the map accompanying the ordinance represents. And the pertinence of the Ordinance to any Municipal owned properties.

Roger Soltys said the map indicates the areas where Cannabis may be allowed. The map is a bit misleading because many of the areas shown are not necessarily areas where these

facilities would be allowed to go. The map may be looked at again for clarification because he believes it is overstating.

Phil Koury stated that regarding the map, the Township Committee asked the planner to put together a map of all properties that were 20 acres or larger that had frontage on a state or county road. The Board Secretary provided the planner with a list of preserved farms and then those properties were removed from the map. The school and some other properties were also on the map but were then removed.

John Thonet stated all applications would need to come before the land use board since the Cannabis facilities will be a conditional use. Public health, safety and welfare and all environmental issues that affect those are all things that are considered when an application comes before the land use board.

Christiana stated she feels like there isn't enough clarity on the map. Phil Koury stated that the map is only an exhibit and is not part of the ordinance.

Bill Cherubino: concerned that although the state has said Cannabis is allowed and the Township has begun to put a plan in place, can the residents of the Township say they don't want it.

Roger Soltys stated that this would depend on many things. The state will only issue so many licenses. Then the applicant will have to pass all the criteria of the Township. John Thonet stated that all towns have the choice to opt in or out. Phil Koury said that Franklin Township opted out by August with the provision that they could opt in at any point for any number of the types of facilities based on recommendations from the Planner and subcommittee. The Ordinance will determine if it is a conditional use in certain zones. Another point is that the Township can tax the facility at 2% which comes directly to the Township. The Township has no ratables in the Commercial South Zone, the only ratables are in the Walmart Plaza and Hotel. This leaves our residents as our only other tax base. The committee tried to look at something that wouldn't be intrusive in the community. The Ordinance details many of the requirements. At this time Hemp is being grown within the township. It is controlled by the state and the county agricultural boards. It is the same plant however Cannabis has higher THC levels and is heavily regulated by the State.

Mr. Cherubino stated that if it went to a vote he believes the Township would overwhelmingly vote against it. Phil Koury stated that Cannabis was on a referendum put out by the state and the Township voted 60/40 for it.

Erica Aamon stated that if an application came before the land use board as a conditional use everyone within 200' of the property would need to be noticed. She stated she believes that there is a lot to be said for community engagement. Many ideas have been presented and more details could possibly be added to the ordinance. Suggestion regarding an organic

hydroponic type growing system, higher quality exhaust fans and air scrubbers, higher setbacks etc. She spoke about the importance of bringing ratables into the community.

Josh Weichler: Asked where he could find the Map that showed the possible properties. The Board Secretary stated it is available on the website or she could send him a copy.

Sandra Dagnall: Questioned why the Township is looking at using the farmland? Why not place the facilities in the Commerical zones? Phil Koury stated that the Township is looking at all possible locations. The Township Committee specified 20 acres or more so that there was buffering. The map lists every lot that is over 20 acres that has county or state frontage. She felt that the facilities should be in areas that are already developed with lights and pollution.

Phil Koury stated that we rely on the professionals

John Thonet brought up the fact the LUB approved an aquaculture facility. This project would grow fish in an agricultural area. The application involved many professionals and many studies. Agriculture is changing and much of it involves growing indoors.

Irv Taylor: Felt the Township Committee was misinformed. He said that yes, the vote was 60/40 to approve the legal use of marijuana. However, that is not what the township is looking to do here. The Township opted out in August. In November the Board okayed something to go to the committee. However, it seems that there were a lot of unanswered questions so why does the Township have to opt in now? He recommends doing more research.

Phil Koury advised that the committee was relying on their professionals and other experts. He does not want to give out any misinformation. The planner will be at the Township Committee meeting on February 10th.

Erica Aamon: 1. Wanted to point out there are still bulk requirements that will not go away with applications like this. 2. Yes as a community 60/40 they approved recreational cannabis. 3. She asked if the LUB has an applicant for a Marijuana grow facility at this time. Roger Soltys and the Board Secretary confirmed that there is not.

Neil Surgenor: Asked if there has been any discussion with an applicant.

Phil Koury replied No and that he was getting upset because to impugn his reputation or any member of the committee's reputation is not right. The committee is trying to maintain the quality of life for the residents. Without ratables the committee is afraid that the Township won't have the quality of life that they are used to.

Mr. Surgenor stated he did not mean to impugn anything he was just asking if any discussions had occurred. He specifically asked about the company that is building in Hopewell.

Phil Koury said that they came to them a couple of years ago however the Township advised that they did not have an ordinance. The ordinance that was being drafted was being discussed a bit and the Cannabis company was actually stricter than what was in our draft ordinance.

After the discussion the company said they had found another location and wasn't interested in Franklin. The company was not going to drill any wells, they were going to use catch basins to catch rain.

Mr. Surgenor stated that he wouldn't have as much of an issue with it if it was the setup that was being put in place in Hopewell. It is a 135 acre property with the facility in the middle and 10 million being spent on the air filtration system. Mr. Surgenor asked to be added to the email list. He stated that he moved to Franklin for the open space and fresh air.

Roger Soltys stated that there was a science behind increasing the lot sizes in Franklin was precipitated by a study done by the state regarding lot sizes, and septic and wells. Based on the study the lot sizes in Franklin should have been 20 acres+. The committee at the time had a company do a study and they recommended the lot sizes that Franklin has today. This was vetted by two different firms as well as the state.

Roger Soltys also commented that the LUB never had any formal or informal discussions with anyone on this topic. The Board Secretary confirmed that there have been no inquiries as well regarding a Cannabis facility. Phil Koury asked Roger Soltys if any member of the LUB in any industry or selling land to any applicant that potentially may come in. Roger Soltys said he couldn't speak for anyone except for himself and he is not. John Thonet also confirmed he is not.

Alexa Tarby: She stated that it was her understanding that with the amendment, an applicant would not have to go thru the land use board, an applicant would be able to go thru another ordinance to get started.

Phil Koury stated that no applicant will be able to bypass the land use board.

Alexa Tarby is concerned about who would be brought out to the Township to work in these facilities. She does not want a facility in her yard. She is concerned on how much water will be drawn from the wells.

Phil Koury said that many people have stated that they have not been involved. He suggested that anyone that is interested send their email to the Board Secretary or the Municipal Clerk so they can be included on the email blast list. He stated that he wants informed residents.

Bruce DeRites: He thanked the mayor and the board for speaking with the residents tonight. He stated that many people are in the dark regarding meetings and the ordinance. There are some zones in the map that should not be included. The facilities should not be allowed in the residential areas. Should only be considered in the industrial zones. He also stated that Hemp and Cannabis are two totally different crops.

Vincent Castellani: Hemp has a very different smell. Marijuana has a distinct smell. There are actual court cases regarding this. Second, part of the law for the growing of Marijuana requires

24/7 security, he wanted to know if the Township Committee is aware of this. Third, this type of facility is a commercial business not farming.

Erica Aamon: Stated she disagrees. She is familiar with both hemp and cannabis and they smell exactly the same. Regarding the security, if there is internal security inside the buildings she is not sure why this would effect the residents.

Roger Soltys stated that this is not a debate. This time is for comments.

Christina Faragalla: Can you explain if the use of Municipal lots is addressed.

Roger Soltys does not believe that the Township owns any lots in town that are 20 acres or more and Phil Koury confirmed. The largest piece owned by the Township is where the new municipal building but approximately 13 acres will be sold to the County.

Phil Koury stated that the Township is not moving staff to the new Municipal Building is completed. He is also working with the county on the repairs on the Bridge. If approval is received from DOC the police will also be moved. The Township paid \$750,000 for the new property. They are able to use COVID money and energy efficiency companies to save money at the new building. The new property will offer great space for the residents. It will provide seating for approximately 100 people. In addition the county will be paying \$112,000 for the acreage next to the trail. Phil Koury explained that the current Municipal Building is not ADA compliant and to make alterations to the existing building would not be cost effective.

The land use board clerk read a comment from Jennifer Fisher. Cannabis is both hemp and marijuana. There are different varieties that are bred for different characteristics. Hemp has lower THC levels and there is a difference between industrial hemp and hemp grown for CBD. Marijuana is for higher THC levels. Many people grow hemp outdoors and it has a very strong smell.

Roger Soltys closed the public comment segment of the meeting.

Comments from the Land Use Board, Non-Agenda Items, Other Business to come before the board: none

Adjournment

Dave Dallas made a motion to adjourn

John Thonet seconded the motion

Meeting adjourned at 9:10pm

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: Feb 9, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

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Prepared by Catherine Innella, Land Use Board Clerk

Approved 4-13-22

