

**FRANKLIN TOWNSHIP LAND USE BOARD**

**MINUTES**

**APRIL 13, 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 and 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 those present in the Flag Salute

**Roll Call**

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

**Approval of Minutes:** Motion to approve February 9 2022 minutes: Dave Dallas  
Seconded by Jennifer Fisher. Stephen Willis abstained  
No comments or changes

**Approval of Bills:** Motion to approve April 13, 2022 bills list: Dave Dallas  
Seconded by Ken Weiss

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

**New Business**

- 1. 2nd Hearing:** This hearing was carried from the March 23, 2022 meeting. Applicant Avi Telyas, property owner of Block 4 Lot 2, 10 Sidney Road, Annandale, NJ. Applicant is

seeking the following variances: minimum lot frontage, minimum lot width at front setback, minimum lot depth, minimum front yard setback, and minimum side yard setback. All variances requested, but for the minimum side yard setback variance are for pre-existing, non-conforming conditions that will not be exacerbated by the Application or the construction of the proposed single-family residence.

Kara Kaczynski provided a brief recap of the application. She stated that the professionals and applicant were back to address the issues that were brought up at the previous meeting.

Revised Variance Plans marked A-2, March 31, 2022

Revised Architectural plans, sheet A-103 marked A-3, April 1, 2022

Mr. Hanrahan, Architect for the applicant shared his screen. He explained that the Master Suite and bedrooms were corrected to say bedrooms not studios. Studio is an international term. No other changes to architectural plans.

Chris Nusser, Engineer and Planner for the applicant stated that revisions were done on sheet 3 of 5, A-2, Revisions were prepared in response to the questions asked at the prior meeting.

1<sup>st</sup> item addressed is the existing footprint is now shown on the plan

2<sup>nd</sup> item addressed, landscaping was added to include a mix of evergreen shrubs, rhododendron, flowering trees and other flowering shrubs etc. It is a very attractive screen.

3<sup>rd</sup> item, Mr. Nusser stated that there was a big question regarding impervious coverage, the calculations have been updated. The proposed total coverage outside the R.O.W comes to 28.8%. If you add the R.O.W. it comes to 37.7%. Basically the applicant is being burdened with that pavement and coverage.

4<sup>th</sup> item, the front setback was amended to show to overhang at 52.5 feet

5<sup>th</sup> item, proposed driveway was updated to show 2.1 feet off property line along the preserved neighboring property.

6<sup>th</sup> item a reserve location is now noted on the plan for a septic, at rear of existing shed. Confirming in size, it would be an advanced treatment unit. This is outside of the set-backs, this would be an issue at the time of replacement. It does meet the state standards of being at least 10' off of the property lines

Mr. Nusser stated that Adam Wisnewski had reached out to him regarding concerns about the existing septic. County health department documents pertaining to the septic were marked as B-1. Mr. Nusser explained that notations were made that repairs were made (2005) to the system. Based on these documents the system is still viable and does not need to be replaced. The applicant is aware that they will need to go to the County Health Department for approvals prior to building the new home.

Roger Soltys asked what an advanced system is. Mr. Nusser explained the differences in the types of systems. He explained that the advanced septic is essentially a mini sewer treatment plant with a complex aeration tank. This requires a smaller field size, it is a high level of treatment, powered by electricity, works on aeration, and settles out solids.

Adam Wisniewski agreed with the explanation.

Kara Kaczynski asked if there would be any detriment to adjacent properties if system were to be located in the new area. Mr. Nusser explained that there would be no detriment to the adjacent property if the system needs to be in this area. This is actually a newer system, is cleaner, and location would be further from the neighbors well.

Roger Soltys asked if the tank had been pumped regularly. The applicant did not know. Kara Kaczynski stated that if there is an issue then the applicant would then be back before the board for the variances that are needed for the new system.

John Thonet asked how many bedrooms the system was designed for. Mr. Nusser stated that the proposed home would have three bedrooms.

Adam Wisniewski stated that based on the county report the system was sized for three bedrooms in 1981 when it was originally constructed. It was then repaired and cleaned and retrofitted in 2005. Bayer Reise's determination was it could continue to be used for three bedrooms as long as the tank was maintained and pumped every 2-3 years. This is why Mr. Wisniewski asked if there was any coordination yet with the county.

John Thonet recommended that that this be a condition upon county approval.

Roger Thomas stated that the Board could communicate with the County Health Department that the age of the system is a concern and request that it is looked into that the system is to the best of their knowledge still viable.

Jennifer Fisher asked for clarification on the side yard setbacks. Mr. Nusser stated that the table is reflective of the structure and it is noted separately under the table.

Mr. Nusser explained that when we look at the hardship variance, they are looking at the fact that it is an undersized lot and also has a road right of way that is part of the lot and this contributes to the impervious coverage of the lot however it does not benefit the lot. If the road right of way was not included in the lot area the side yard would comply, the lot coverage would also comply. Functionally the lot is less than a half- acre. The hardship lies in that the lot is an undersized lot that is being calculated as a .5-1acre lot where functionally it is less than a half-acre.

Kara Kazynski reviewed the variances: Minimum lot frontage (same existing and proposed), Minimum lot width (same existing and proposed), Minimum lot depth (same existing and proposed), Side yard setback (wouldn't be needed without the ROW), Impervious coverage (wouldn't be needed without the ROW). The only variance would essentially be minimum front

yard setback where 150' is required and proposed is only 52.5'. In addition, there is another variance for the driveway of 2.1' In regards to the driveway, there is no parking on the side of Sidney Road. So although the driveway could be reduced, this plan allows for parking on the property.

John Thonet stated that this offers a safety benefit which in turn shows that this variance would meet the goals of the MLUL.

Phil Koury stated that although there are no current structures on this part of the preserved farm, in the future there is nothing preventing the farm from placing a structure in this section so at some point this could impede on the adjacent property.

Mr. Telyas proposed grass pavers in the square area in front of the overhang to the property line to create a more pervious surface. The Board and professionals discussed this idea and thought it was a great idea.

Roger Soltys suggested a more deer resistant shrubbery other than Rhodedendron.

Rpger Soltys asked if there were any questions from the public and there were none.

Roger Thomas stated that at this time is would be appropriate to have a motion to approve the variances as outlined with conditions incorporated what has now been submitted as A-3 and A-4, the requirement for the area of the driveway to have grass pavers or pervious surface. There is also a requirement to include a variance for the 2.1' side yard. Outside agency approvals will be required as well, County Health, County Engineer, and Soil Conservation.

Dave Dallas made a motion to approve the application

John Thonet seconded the approval.

The Board further discussed their concerns regarding the septic system.

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

### Public Comment

Irv Taylor commented on Garden State Growers, he stated that it appears that the Board and the Mayor believe the buildings have been removed however they have not. The issues are still ongoing with impervious coverage.

Phil Koury stated that the County and State Agricultural boards have jurisdiction over farming. Roger Thomas stated that this is true, essentially the agricultural process is taken out of the Land Use Board's hands and handled by the County.

Bruce DeRites, 119 Locust Grove Road stated that when looking at the google map satellite image the buildings are still on the property. Mr. DeRites sent a letter to the Assemblyman to find out the status of the remediation of top soil for Garden State Growers.

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

Phil Koury stated that he had a meeting with the Hunterdon County Economic Development, and they are trying to come up with an inventory of properties that may be available for some type of development. Agri-tourism, etc.

**Adjournment**

Motion to adjourn: Dave Dallas

Second: John Thonet

Meeting adjourned at 9:22pm

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: Land Use Board Meeting

Time: Apr 13, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

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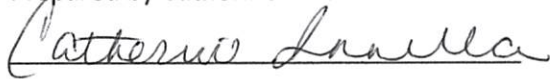
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Prepared by Catherine Innella

A handwritten signature in cursive script that reads "Catherine Innella". The signature is written in black ink and is positioned below the printed name.

Approved November 9, 2022