

FRANKLIN TOWNSHIP LAND USE BOARD

MINUTES

AUGUST 10, 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 flag salute

Roll Call

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

Approval of Minutes: July 13, 2022 carried to next meeting

Approval of Bills: None

New Business

- 1. Final Statement and Vote: This application was carried without further notice from the July 13th 2022 meeting. Applicant: Yum & Chill WEN Holdings, LLC Project: Proposed Wendy's Block 5 Lot 20, 39 Walmart Plaza Drive. Applicant has filed an application for preliminary and final site plan approval, use variance and bulk variance relief, with the Land Use Board of Franklin Township. Applicant may or may not require additional variance relief.**

Roger Soltys asked Mike Chabra and Stephen Willis if they were able to listen to the recordings of the last meeting. They both confirmed that they had.

Applicants attorney provide brief overview of the application.

Following the initial hearing the applicant went back and reviewed the site plan and architectural drawings based on the comments from the board and professionals. They were asked to look at the impervious coverage, plantings, lighting details, sign details, safety for pedestrians, screening of HVAC equipment and to provide expert testimony regarding traffic.

At the second hearing the applicant provided revised plans which reduced the impervious coverage, upgraded plantings, relocated the employee parking spaces, removed the red tower architectural detail, provided a screening plan, signage details, and had an expert witness provide a traffic analysis. The applicant also confirmed with the Town of Clinton that there was adequate water and sewer.

Roger Thomas noted that the Board has a full compliment of voting members at this meeting. Phil Koury was asked to mute his microphone and turn off his camera since he is not a voting member on the D variance.

Jennifer Fisher asked what was determined regarding closing hours. Roger Soltys stated that the applicant agreed that the drive thru would be open from 6:00 am to 12:00 midnight.

Roger Soltys asked if there is a problem with the drive thru can the Board ask the applicant come back to the Board. Roger Thomas stated that the Board would not be able to retain jurisdiction. Roger Thomas stated that the applicant could possibly agree to a review after a year to show that the drive thru is working the way it was presented.

Alan Lowcher stated that this is generally not something that you see in resolutions. Mr. Lowcher stated that his client agreed to the Board retaining jurisdiction for 1 year after the Certificate of Approval is issued.

Adam Wisniewski stated that conditions of approval run with the land, and if there are issues regarding for instance the landscaping or drive thru infringing on the parking, this would be referred to the township committee, zoning officer, engineer at the time.

Dave Dallas made a motion in favor of the D Variance to authorize approval with regard to the drive thru and fast food restaurant, Conditions are that the drive thru will be open from 6 am-12 midnight and the internal restaurant from 7 am to 11 pm. This will include the revised site plans and architectural plans as well as all comments and conditions listed in the Engineers and Planners reports. The Board will also retain jurisdiction for 1 year in regards to traffic flow of the drive thru. Second: John Thonet

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

Dave Dallas made a motion to approve the C variances, waiver, preliminary and final site plans with conditions.

Second: John Thonet

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

Public Comment

Members of the public expressed their support of the Wendy's franchise moving into the plaza

Comments from the Land Use Board, Non-Agenda Items, Other Business to come before the board: Roger Soltys thanked all of the Board members for being present at this meeting. Moving forward Roger Soltys stated that hearings will be held in person, however if there is a meeting to just approve bills and minutes these will still be held on zoom.

Dave Dallas asked when the new building will be available. Mike Chabra said that the new building is still in the works so meetings will be in the current Municipal Building at this time.

Dave Dallas asked if we have done anything to enhance coming before the planning board. Mike Chabra stated that they are looking at a modern system in the meeting room.

Public Comment:

Frank Tota asked if there is a time frame in which the land use board minutes should be published. The Board Secretary stated that at any point members of the public can request a recording. Roger Thomas stated that there is no statute pertaining to when they should be done however sooner than later is always better to post the minutes, of course many times there are administrative reasons that there may be a delay.

Christina Faragalla asked if the recordings could be posted online. The Board Secretary will see what the website is capable of.

Phil Koury announced that the Hunterdon Games would be taking place at Finn Park.

Adjournment

Motion to adjourn: Dave Dallas Second: John Thonet

All in favor

Meeting adjourned at 8:16 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.

Join Zoom Meeting

<https://us06web.zoom.us/j/87959158629?pwd=Vk15SXRjKzVJaTdFU0hWS3VKNm5jdz09>

Meeting ID: 879 5915 8629

Passcode: 817776

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Prepared by Catherine Innella



Approved November 9, 2022