

FRANKLIN TOWNSHIP LAND USE BOARD

MINUTES

JUNE 28, 2023

7:30 PM

Location: online on "Zoom" login information below

Call to Order & Open Public Meeting Statement: Dave Dallas called the meeting to order. Roger Thoms 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: Dave Dallas led all present in the Pledge of Allegiance.

Roll Call

John Bencoter	present	Mike Chabra	Arrived 7:35	James Witkowski	present
Ken Weiss	Arrived 7:35	Dave Dallas	present	Deanna Seiple	absent
Philip Koury	present	John Thonet	Arrived 7:40		
Stephen Willis	present	Jennifer Fisher	present		

Approval of Minutes:

Motion to approve March 22, 2023 Minutes was made by James Witowski

Seconded by Ken Weiss

All in favor

Jennifer Fisher, Stephen Willis and John Bencoter abstained.

Approval of Bills:

Motion to approve Bills list dated June 28,2023 was made by Phil Koury

Seconded by Stephen Willis

John Bencoter	yes	Mike Chabra	yes	James Witkowski	yes
Ken Weiss	yes	Dave Dallas	yes	Deanna Seiple	absent
Philip Koury	yes	John Thonet	Arrived 7:40		
Stephen Willis	yes	Jennifer Fisher	yes		

New Business : The Board decided to begin with the Deo Volente application first.

- 1. 2nd Hearing:** Application has been made by Deo Volente Farms, LLC, Block 30, Lot 17, and Block 35, Lot 26, 487 Quakertown Road, Franklin Township, Hunterdon County. The Land Use Board will consider the application for “use” variance relief which would amend Condition 2 of the Board’s prior approval granted to the applicant as memorialized by Board Resolution dated September 24, 2008, which prohibits a single-family residence on the property.

Roger Thomas stated that Mr. David Soloway and Mike Gulotta would be joining today. Mr. David Soloway was filling in for DeoVolente’s attorney, Mr. Collins who was not able to be present.

Roger Thomas confirmed that there were six members present who were eligible to vote. John Thonet stated that he had listened to the recording from the last meeting. Mike Chabra, James Witowski and Phil Koury stated that they were not eligible for this application. .

Roger Thomas began by stating that a question had been pending from the last meeting regarding the affordable housing contribution. This was discussed between Mr. Thomas, Mr. Collins, Darlene Green, Dave Dallas and Mr. Gulotta. After discussions it was concluded that making a contribution to the Affordable Housing Trust Fund would be appropriate. An offer was made of \$15,000. The Committee felt that this was appropriate and is making the recommendation that this be accepted.

Mr. Soloway stated that they agree to this as a condition of approval. The \$15,000 will be paid after the Township Committee formally approves the release of discharge of the existing deed restriction.

Public comment: none

The hearing was closed to the public.

Dave Dallas asked if the Board had any comments: none

Roger Thomas recommended that the Chairman solicit a motion in favor of the application. The applicant is seeking relief of the deed condition which was part of the prior approval to authorize the development of a single family home on the property which is now listed as the exception area.

Motion was made by John Thonet

Seconded by John Benscoter

Jennifer Fisher asked for clarification that this would only be owner occupied and the answer was yes this is one of the conditions.

Roger Thomas further clarified that this also included the contribution to the affordable housing trust fund of \$15000.

John Bencoter	yes	Mike Chabra	abstain	James Witkowski	abstain
Ken Weiss	no	Dave Dallas	yes	Deanna Seiple	absent
Philip Koury	abstain	John Thonet	yes		
Stephen Willis	yes	Jennifer Fisher	yes		

Vote was 5:1 application is approved.

Mike Gulotta stated that his offer to have the Land Use Board at the farm stands in perpetuity.

- 2. 1st Hearing:** Application has been made by St. Catherine of Sienna Church, Block 26 Lot 17.02, 2 Whitebridge Road. The Land Use Board will consider the application for: (1)- site plan approval for the construction of a Parish Center adjacent to the existing Church, and (2) variances pursuant to NJSA 40:55D(3) and NJSA 55d-C from the requirements of the Township Zoning Ordinance as set forth in sections 220-22 (expansion of a non-conforming house of worship in the RR-5.0 zone) and 220-22d (1)(d) (pertaining to side yard setbacks) so as to permit the construction of Parish Community Center for the existing Church.

Michael Ligorano of the firm Norris McLaughlin appeared as attorney on behalf of the applicant.

Roger Thomas stated that this application does contain a D variance. Documents which were submitted were the original Resolution from 1991, a report done by Maser consulting dated 2/9/2016, and a Resolution dated 3/9/2016.

Mr. Ligorano stated that they provided notice in the paper as well as to the residents within 200'.

Patrick Brennan from Colliers was present, filling in for Adam Wisniewski. Based on Adams report it recommends that that the application be deemed complete.

John Thonet made a motion to deem the application complete.

John Bencoter seconded the motion.

John Bencoter	yes	Mike Chabra	yes	James Witkowski	yes
Ken Weiss	abstain	Dave Dallas	yes	Deanna Seiple	absent
Philip Koury	abstain	John Thonet	yes		
Stephen Willis	yes	Jennifer Fisher	yes		

Phil Koury stated that because this was a D variance he would not be able to participate.

Ken Weiss stated that he is a member of St. Catherine's parish. Mr. Roger Thomas advised that since he was an active member of the parish he should recuse himself.

Mr. Ligorano began by stating that they were looking to expand a non-conforming use by putting up a community center. They will also need a side yard setback and various waivers which will be explained. The nature of the application builds on the original approval for the church back in 1991, as well as the approval from 2016 which allowed the church to be widened. In the resolutions from 2016 many of the variances were triggered because the county had widened the road which lessened the lot size. Building the community center will not have any negative impact to the community by nature of the use of the property.

1st Witness: Paul Juliano was sworn in. He stated his name and that he is with Juliano Architecture in Phillipsburg, NJ. He has been a licensed architect since 1998, has testified before dozens of boards and worked with the church since 2015. In the process he has prepared the architectural plans as well as the rendering.

Mr. Juliano displayed drawing 1 of 10 of the site plan. He stated that they are proposing to construct a 5,170 sq. ft. parish center. Located 16' off of the existing parking lot. No significant site work. There would be some parking lot striping modification, and minor sidewalk modifications to access entry into building. The purpose of the building is to host religious education classes and meetings. These functions currently occur in the church basement however the basement not effective since it is one large open space. So there is no speech privacy in order to conduct 3 or 4 classes at the same time. There is not growth of the program anticipated.

Mr. Juliano displayed architectural drawing A-1. Maximum occupancy of 105 people. The building would have 4 classrooms, a meeting room, office, pantry, and lobby. The purpose of the meeting room would be for various church ministries to meet. The pantry is not a kitchen, it only has a sink, and microwave. It will be used for coffee, etc. The office is for the religious education director to use while the classes are in session.

Mr. Juliano displayed a rendering (marked (A1) of the proposed building and explained that the building is meant to compliment and not compete with the existing church. Lower roof line, single story building. Mr. Ligorano referred to the planners report asking what the height of the new building would be. Mr. Juliano responded that by ordinance definition the building is 14' tall. Mr. Ligorano also asked about lighting on the new building. Mr. Juliano explained that there would be lighting at the doors. There is no other site lighting proposed. The last

question which was asked related to the security door. Mr. Juliano stated that the church has the ability to lock the door if there is a concern. However the door is always operable for egress.

Mr. Juliano confirmed that no masses will be conducted while religious education is being conducted.

Mr. Ligorano stated that he had no other direct testimony of this witness.

Questions by Board: None

Questions by Public:

Frank Tota, 16 Upper Kingtown Road, asked what is the setback to the adjacent property? Dave Dallas stated that this will be answered during the engineers testimony. Mr. Juliano stated that it is 46.2 feet. Mr. Tota also asked where the location of new septic would be if it was needed.

Michael Pennucci, lives across the street on Rt. 513. Asked if there would be a change in class times. He said that right now the lights go off on a timer. Will there be rental events? And what time will the classes be ending? Will the facility be used more often then it is right now? Mr. Juliano stated that there is no growth projected to the program. They are just trying to provide a better space for religious education. Mr. Ligorano stated that it is the applicants intention to not change what is happening at the church. They are just looking to move it to the new space and out of the basement. Mr. Ligorano stated that he doesn't see there being a problem having the lights shut off at a reasonable hour. Mr. Pennucci commented that he would like to see the hours in writing. Mike Ligorano stated that Religious Education will be 6-7:30 and it will be on a night that mass is not held. The parish will accept a condition which states the hours which the lights will be turned off.

Roger Thomas stated that if the Board is approving there will likely be conditions.

Wesley Miller, Whitebridge Road, asked how long construction will take. Mr. Juliano stated that it would take about 1 year from approval.

2nd Witness: Denis Kennan, Planner was sworn in. He stated that he is from French and Perillo Associates, 700 Grand Ave., Hackettstown, NJ. He is a licensed engineer in NJ, Maryland, PA, NY. He has appeared before various Boards and also represents towns in the state of NJ.

Mr. Kennan stated that he is familiar with the site, plans, operation of parish, Township land use ordinance as it applies, planner and engineering reports

Mr. Kennan displayed Existing Conditions Aerial plan. Mr. Kennan described what was on the property. The parish is in the RR 5 zone where a House of Worship is permitted as a conditional use. The parish is located 126 feet from Whitebridge road and 93 feet from Pittstown Road. Two driveways off of whitebridge road. There are 112 parking spaces. There is a detention basin. To the south is the location of the existing septic.

Sheet 1 of 10 site plan. The proposed parish center is shown in gray. The proposed setback from the property line is 46.2 feet. 179' from ROW from White Bridge Road. 100' setback is required for sideyard setback so a variance is required.

The plan proposes 110 parking spaces, so 2 spaces will be lost. 103 stalls are required by Ordinance.

Dave Dallas asked if the parking is ever taxed? The traffic engineer will address this.

The driveway configuration will remain. There will be no lighting modifications.

The new building will be 35' from the existing septic.

The proposed plan adds a septic tank and ties into existing field. This has already been approved by Hunterdon County.

From a Stormwater perspective they will be adding some impervious coverage. The calculations were redone and there is adequate volume in the existing detention basins. Downspouts will be piped into the existing detention basin. The property is not providing any recharge.

A new well is proposed for the parish center. Calculations were provided to show that there will be no negative impact to adjoining properties from a water stand point.

They reviewed the reports from Colliers dated June 5, 2023 (planner) and June 26, 2023(Engineer). No issues with the Engineers report. In regard to the Planners report as built will be provided. Two trees will be removed, they are relatively small, one is Blue spruce, one is Norway Spruce, both no more than 4" in diameter. However 3 trees will be added.

Approval has already been obtained from Soil Conservation and Hunterdon County Board of Health.

Patrick Brennan, Township Engineer asked two additional questions. Has a lighting study been prepared for the lighting proposed? Mr. Keenan stated no, it is conventional lighting, they are sconces. Mr. Juliano responded that the same light fixtures which are on the church will be installed next to the parish center doors.

Mr. Brennan asked if the applicant has been in contact with the fire official to discuss what the connection will be to the Parish. Mr. Juliano stated that the new building is not required to have a sprinkler system.

Mr. Ligorano stated that he had reached Father Chester and mass is on Wednesday, so religious education will be offered 1 day per week, not on the same day, from 6-7:30. Lights will be off at about 9:00. Dave Dallas stated that he wasn't sure it was fair to lock the Parish into one day but this could be part of the discussion with the Board.

Jennifer Fisher asked about the meeting room and how it would be used. She asked why the basement couldn't still be used for the meeting. Mr. Ligorano stated that the Knights of Columbus would meet in the meeting room on Thursday night but it ends at a reasonable time. In regards to the events which would bring the highest volume it would be religious education and masses. The basement of the parish is a very choppy tight space that is not conducive of meetings.

Roger Thomas asked if the parish would be used on the other nights of the week. Mr. Ligorano stated that it absolutely could be.

Father Chester Zalubski was sworn in. He is the Pastore, Corporate Secretary and Treasurer for 12 years. Mr. Ligorano asked Father Chester to explain who meets at the church and at what times. Father Chester stated that the rosary group meets on Sundays after mass at about 12:00 for 45 minutes. On Monday there is no one at the parish. On Tuesday there is a group that meets from about 1-2:30. On Wednesday there is religious education, which runs from about 6-7:30. On Thursday, every second week Knights of Columbus meets from about 7-8:30. On Thursday there are Baptism classes, only about 2-3 couples, meet from 7-8:30. Mr. Ligorano stated that on various Holy Days there are masses. Father Chester agreed that all activities would end by 9:30. The lights are on a timer which goes off at 10:00.

Questions from Public: Frank Tota asked what the square footage of church basement is. Paul Juliano stated the meeting room in the Parish basement is 2100 sq. ft. The parish center is 1500 sq. ft. Mr. Tota asked if consideration was given to renovating the basement. Mr. Juliano stated that the main use of the meeting room at the church is for fellowship. Mr. Tota asked what the total impervious coverage is total. Mr. Juliano stated 26%. 40% is allowed in the zone.

Wesley and Stephanie Miller, 1 Whitebridge Road, asked how many meetings a week will be in building per week. Mr. Ligorano stated that they would not cap the number of meetings to be held in the parish center. Mrs. Miller asked if it is possible for there to be religious education going on at the same time as another meeting in the parish. Mr. Ligorano explained that there could be however the number of people would not be to the extent of that as a mass.

Michael Pennucci asked about specifics on use and lighting. Father Chester stated that the cut off time on timer is 10:00.

Christina Faragalla, 205 Sidney Road. Will there be additional driveway? Mr. Juliano stated no same driveway.

3rd Witness: Douglas Polyniak, Dolan and Dean was sworn in. 181 W. High Street, Somerville. Licensed in NJ, BA in Science and civil engineering, traffic engineering for 19 years. From a traffic engineering and impact. Mr. Polyniak stated that he studied the traffic specifically on CCD night. Education took place from 6-7:30 on Wednesday night. They studied traffic volume counts from 5:45-7:45. Peak drop off time was 5:45-6:45, 28 cars entered, and 18 exited. Between 6:45-7:45, 22 cars entered and 30 exited. It is his understanding that this is the busiest evening. Mr. Polyniak stated that they did a level of road service. The driveways operate at a level A and the intersection at a level C. So the roadways are more than adequate to handle this volume.

The Township Engineer stated that they have no comments on traffic.

The Board had no questions.

The Public had no questions.

4th Witness: Roy Deboer, 109 Old Forge Road, Monroe, NJ He is self employed and functions out of a home office. Mr. Deboer graduated from Rutgers in 1978 in Planning and Landscape Architecture. He has testified in front of many Boards as a planner. He is familiar with the site, application, zoning ordinance, and planners report.

Mr. Deboer stated that the way this site is laid out is very attractive. Case law states that Church use is inherently beneficial. The adjoining lot is the rectory site which is also owned by the church so the church is encroaching on itself. The project is well within parameters in terms of intensity and lot coverage. The scale of the building is very pleasant, it is actually smaller than the rectory house next door. Mr. Deboer believes that the relief is minimal.

Darlene Green, Township Planner stated that the application is very straight forward. She reminded the board that this is conditionally permitted use. The only reason the application is here is the application requires site plan and variance relief. The project itself is inherently beneficial.

Jennifer Fisher inquired about the adjoining property and weather the properties could be merged. Or if there was any thoughts about if it was sold. Mr. Ligorano stated that the adjoining property is in a different zone so merging the two would be very difficult. He couldn't speak to if the property would ever be sold down the road. They are here now because they are seeking a very minor variance to improve religious education.

Dave Dallas asked that the site plan be placed back on the screen. He believes that the further they can get the two structures from each other the better. He asked why the building can't be slid Northeast. Dennis Kennan responded that this could not be moved without infringing on the detention basin and septic.

Roger Thomas suggested that the Board could ask that more trees were put in between the parish center and the property line to create a buffer.

Public questions and comments:

Wesley Miller and Stephanie, 1 Whitebridge Road were sworn in. They stated that they moved here 2 ½ years ago from Jersey City. They felt that 8 months of construction would be disruptive.

Michael Penucci was sworn in. He is concerned that the plan is so big and to use so little of it doesn't make sense.

Frank Tota was sworn in. He stated that in regards to the setback he wonders what type of precedent does this set?

Dave Dallas asked if the applicant would be open to looking into providing a buffer with plantings along Whitebridge Road. Mr. Ligorano stated that they will agree to the trees as suggested. They will also agree to possibly planting some trees on Whitebridge. They will not however agree to reforestation, this is a commercial site and they have never received any complaints as far as he knows.

Roger Thomas recommended that the Board vote on the D variance first.

Motion in favor of the D Variance with all conditions: James Witowski

Second: John Thonet

John Bencoter	no	Mike Chabra	yes	James Witkowski	yes
Ken Weiss	abstain	Dave Dallas	yes	Deanna Seiple	absent
Philip Koury	abstain	John Thonet	yes		
Stephen Willis	no	Jennifer Fisher	yes		

Motion passes

Roger Thomas recommended that the Board vote on the site plan

Motion in favor: James Witowski

Second: John Thonet

John Bencoter	abstain	Mike Chabra	yes	James Witkowski	yes
Ken Weiss	abstain	Dave Dallas	yes	Deanna Seiple	absent
Philip Koury	abstain	John Thonet	yes		
Stephen Willis	yes	Jennifer Fisher	yes		

Motion passes

- 3. Discussion:** Ground Mount Solar on residential properties. It was discussed that numerous residents have come to the Township looking to construct ground mount solar on smaller lots. The way the ordinance is written this is not permitted unless you are in the AR7 zone with a minimum lot acreage of 7 acres. Phil Koury stated that he believes the Board wants to make it easier and a bit more reasonable for residents. Darlene Green requested that the Board discuss what changes they would like to see in the ordinance, for example setbacks, buffering, etc. Discussion postponed until next meeting.

The Board agreed to cancel the first meeting in July. July 12th. This would allow for Roger Thomas time to prepare the resolutions. For DeoVolente and St. Catherine's.

Motion to cancel July 12th: Dave Dallas

Second: John Thonet

All members present agreed.

Public Comment: Elizabeth Basile, 16 Upper Kingtown, asked for clarification as to if the solar, Cherryville rezoning, etc. weren't these all part of the reexam. Darlene Green stated that these were all recommendations by the Board and then the committee can decide if they want to take up the ordinances. Elizabeth stated that when looking at this can we also look at the Cannabis and Warehouses? Roger Thomas stated that these are all quite large items so they would need to each be looked at separately. Phil Koury and Darlene Green stated that this is not to change the Master Plan. This is to just look at a specific ordinance. This would just look at an ordinance which would amend one or more sections of the code.

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

Adjournment: Motion to adjourn Phil Koury

Second: John Thonet

All in favor. Meeting adjourned at 10:09

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: Jun 28, 2023 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/84530393198?pwd=WVJhLzlnRzFYU0tvcGJoRG1BcFZPQT09>

Meeting ID: 845 3039 3198

Passcode: 611689

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Meeting ID: 845 3039 3198

Passcode: 611689

Find your local number: <https://us06web.zoom.us/j/kdvA6jH1Om>

Prepared by Catherine Innella, Board Clerk