

**FRANKLIN TOWNSHIP LAND USE BOARD**

**MINUTES**

**SEPTEMBER 13, 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 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:** Dave Dallas led all present in the Flag Salute

**Roll Call**

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

**Approval of Minutes:** Motion to approve the July 26, 2023 minutes was made by John Thonet  
Seconded by Rick Ramalho,  
John Bencoter and Stephen Willis abstained, all others present in favor

**Approval of Bills:** Motion to approve September 13, 2023 Bills list, Dave Dallas  
Seconded by John Bencoter

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

**New Business**

**1. 1<sup>st</sup> Hearing:** ***THIS HEARING IS BEING CARRIED UNTIL SEPTEMBER 27, 2023 WITHOUT FURTHER NOTICE. THE MEETING WILL BE HELD ON THE ZOOM PLATFORM:*** Application has been made by James and Ursula Stryker regarding 319 and 329 Sidney Road, Pittstown, NJ. Block 21 Lots 9 & 9.01. The applicant is looking for approval to adjust the lot line between lots 9 and 9.01 thereby forming 2 non-undersized lots.

**2.** Discussion on possible Solar Ordinance changes

Dave Dallas explained that he and John Thonet met with Darlene Green, the Township Planner regarding possible changes to the Solar Ordinance. It had been asked of the Board to review the ordinance for ground mount solar in residential areas. The Board was asked to look as see if we were being evenly handed and fair, and similar to other townships.

Darlene Green provided the ordinances for Frelinghuysen, Harmony, and Knowlton in Warren as well as Holland and Delaware Township in Hunterdon County.

As a subcommittee they are recommending one change to the existing ordinance, that AR5 be included in the ordinance. Currently you must by in the AR7 zone or come before the LUB and seek a variance. In reviewing ordinances from other townships it became clear that limiting Ground Mount solar to AR7 and up might be too heavy handed and are recommending that AR5 be included and a minimum lot size to be no less than 5 acres.

John Thonet stated that on smaller lots it tends to become problematic meeting all of the other terms of the ordinance. Those lots would still need to acquire variances. But by making the minimum lot size 5 acres it would really increase the number of properties which would qualify if desired.

Dave Dallas stated that a question was posed earlier, why does the Board believe that screening is necessary for these solar arrays? Dave Dallas asked John Bencoter to elaborate on his question.

John Bencoter asked why we would require screening? Do we ask people to screen other structures? Dave Dallas responded that there are a number of things that can require screenings. Subdivision, houses, etc. the Board is sensitive to keeping the rural feel for our township. John Bencoter said he was just curious why we feel it is so important to screen these. John Thonet stated he believes that if it is less than 250' from a home they must be screened. He stated that he had considered placing a ground mounted array in his front yard and asking for a variance however once he realized how large it would be he realized that he probably wouldn't like looking at it and neither would his neighbor.

Dave Dallas hopes that with technology he hopes that the structures will continue to get smaller. However until that happens he feels we should do everything within reason and without causing hardship on an applicant. He feels that it is reasonable to ask for screening. The comment that the screening is not effective is many times due to the fact that it is not policed and many times plants die. John Bencoter stated he doesn't believe it is a bad idea, he just wanted to bring it up as a topic of discussion.

Rick Ramalho asked what the average height of the ground mount solar arrays is? John Bencoter stated he believes it is 8'. There was discussions that it could possibly by 12-15' depending. Agrivoltaic can be taller to allow for planning or grazing. John Bencoter felt that Agrivoltaic should be discussed in the future.

James Witowski confirmed that this is only for residential use. Dave Dallas stated that best effort would be made for screening.

The Board Secretary asked if this was to be changed to a permitted use? This way it would only need to go to zoning and then construction? Dave Dallas and John Thonet confirmed that yes, the rules would still be enforced but by the construction official. As long as it is 5 acres or larger there would be no need to come to the Board.

### **Comments from the Public**

Bruce DeRites, 119 Locust Grove Road. Mr. Derites asked about the agrivoltaic arrays, if they would only be allowed on farmland assessed properties? Dave Dallas stated that yes, this was his understanding. Mr. Derites also asked if they would also need buffering within 250' he felt that this may be difficult to do? Dave Dallas stated that this was a best effort situation, its not perfect and will most likely not screen 100% at day 1.

John Benscoter stated that he has 10 acres farmland assessed. We may also want to consider other agencies. We may not have the authority to differentiate what is allowed and not allowed.

Dave Dallas stated that yes, other agencies will set precedent. At a later date we can always tackle other issues.

Bruce Derites asked in AR5 and AR7 zones if we allow 12', if plantings are done of evergreens, it would take time to reach 12'

John Thonet stated that screening may not hide the array however it can soften it. Dave Dallas stated that topography also has a great deal to do with it.

Stephen Willis asked if there was mention of maximum wattage. Dave Dallas said that the requirement is that panels are only large enough to support the dwelling it is servicing, and is based on historic power usage.

Dave Dallas asked if the Board was okay to move forward with this? Or would they want more discussion?

**Motion to move forward: John Thonet**

**Second: John Benscoter**

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

Relay back to Darlene to include AR5 with a minimum lot size of 5 acres as discussed

Bruce Derites stated that if in the future the township wanted to add panels to the DPW or the new MB. He wanted to make sure that they are not locked out of this and wouldn't need a variance.

**Adjournment:** Motion to adjourn: John Bencoter      Second: Rick Ramalho  
All present voted in favor

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: Sep 13, 2023 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/84650415670?pwd=V3JlVnFoY2NKaWJ4TStMREprdkhBUT09>

Meeting ID: 846 5041 5670

Passcode: 644154

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Minutes prepared by Catherine Innella

Approved

  
12-27-23