

FRANKLIN TOWNSHIP LAND USE BOARD

MINUTES

OCTOBER 11, 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	present	Dave Dallas	present	Deanna Seiple	absent
Philip Koury	present	John Thonet	present	Rick Ramalho	present
Stephen Willis	absent				

Approval of Minutes: Carried. The secretary will review missing minutes and make sure caught up by year end.

Approval of Bills for October 11, 2023: Motion to approve: Rick Ramalho Second: John Thonet

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

New Business

1. **Memorialization of Resolution: Application has been made by James and Ursula Stryker regarding 319 and 329 Sidney Road, Pittstown, NJ. Block 21 Lots 9 & 9.01. The Franklin Township Land Use Board has granted approval to adjust the lot line between lots 9 and 9.01 thereby forming 2 non-undersized lots, conditions may apply.**

Roger Thomas stated that a resolution was prepared at the last meeting. There have been some modifications submitted from the planner and the applicant's attorney. Most are not

substantive, they are more grammatical or clarifications. However he asked the Board to refer to conditions #7 and #8 on Page 9. Condition #7 is regarding weather there is a COAH obligation. Condition #8 is in regards to weather there is a Certificate of Occupancy on the large home. These two items have been objected to by the applicant's attorney.

Brent LaMaire asked when conditions #7 and #8 included. Mr. Thomas stated they were included in the first draft on 9/26/23. There were also revisions which were included on 9/27/23.

Dave Dallas stated he didn't specifically remember the Certificate of Occupancy being a condition. This was only an item to be looked into.

John Thonet stated he recalls that the applicant testified that he had a Certificate of Occupancy.

Mr. LaMaire stated that it was his recollection that #8 was not incorporated by vote.

Mr. Thomas feels that conditions #7 and #8 were a reflection of what was determined by the board.

Mr. LaMaire stated that they have no problem ensuring that a CO exists they just don't want any delays. He feels this is irrelevant to if the lot line is adjusted.

Roger Thomas stated that the CO is important however he did not believe it was dramatically important to the lot line adjustment. However it is something which needs to be cleaned up.

Ken Weiss stated that he confirmed with the township Building Inspector that there is no Certificate of Occupancy.

Mr. LaMaire stated that the township was not able to provide any documents listed in his OPRA request, stating that the documents were not digitized, instead the Township offered that he can come in and view the paper files.

Mr. Weiss stated that he felt the Township had gone to great efforts to pull the records and see what they could find.

Mr. Thomas said he felt the debate need not continue.

Mr. Thomas stated that Mr. Stryker either has a copy of the Certificate of Occupancy or he does not. Mr. LaMaire can then submit an OPRA request for the CO. At that point either a certificate can be issued or inspections can take place and then be issued.

Dave Dallas called for a motion that condition #8 is a valid condition that was voted on, on 9/27/23. Motion: Dave Dallas Second: John Thonet.

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

Motion fails, the condition will be removed.

Condition #7: Mr. LaMaire stated that years ago the applicant’s attorney took the position that COAH fees were due and the township dropped it.

Roger Thomas stated that the current planner stated that the current ordinance does not require a COAH obligation for an addition at this time. The planner does not believe that this was the case in 2004.

It will be asked that Darlene Green provide information prior to 10/23/23 regarding if fees were required. Dave Dallas asked that Darlene be asked to provide an answer within 10 days.

Jim Stryker stated that the addition was started in 2003 so that his mother could be taken out of the nursing home and brought to their home. The project was finished in 2004.

Ken Weiss asked Jim Stryker if he began construction before a permit was issued. Jim Stryker stated no. He went on to explain that he had all of his inspections.

Dave Dallas reminded the board that a lot of time was spent regarding the mysterious acre. He asked what the resolution has been. Mr. LaMaire stated that he still needs to provide the affidavit. This remains an open issue.

Roger Thomas stated that there is a calculation still needed regarding lot coverage for lot 9.01. In addition the proposed 100’ easement needs to still be provided. The plan amended to incorporate the front yard setback to the western edge still needs to be provided.

Dave Dallas stated that we will look to our engineer to see if everything is done to proper standards.

The Board stated they were not ready to vote.

Motion to adjourn John Bencoter Second: John Thonet

Meeting adjourned at 8:20pm

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

Adjournment

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: Oct 11, 2023 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/85378612780?pwd=PhwtNiyaK0s06EwwbF4pzHIBWLCPhF.1>

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Prepared by Catherine Innella



Approved December 27, 2023