

**FRANKLIN TOWNSHIP LAND USE BOARD**

**MINUTES**

**OCTOBER 25, 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 Benscoter	present	Mike Chabra	absent	James Witkowski	present
Ken Weiss	present	Dave Dallas	present	Deanna Seiple	absent
Philip Koury	absent	John Thonet	present	Rick Ramalho	present
Stephen Willis	absent				

**Approval of Minutes:** October 11, 2023 Minutes will be carried until next meeting

**Approval of Bills:** No bills at this time

**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 explained that there were a couple of issues carried from last meeting. He stated that he spoke with both Darlene Green and Adam Wisniewski regarding the matters.

Darlene has had the opportunity to review the ordinances regarding affordable housing and basically she determined that at the time of the addition the ordinance indicated that affordable housing dealt with new housing units. At the time Bill Caldwell wrote a letter at the time in which he seemed to indicate that the language regarding new housing units was not clear, however he believed that affordable housing fees would apply to not only a new house but also an addition. Darlene Green and Roger Thomas disagree with this determination. The plain reading of this language would be that the fees only apply to a new housing unit.

Therefore, they feel it is very clear in their minds that an affordable housing obligation would not apply to the Stryker addition. Roger Thomas believes that this should clear up this issue.

The second issue that was raised was the question of the mysterious lost acre. Material was submitted by the Stryker's Engineer, Mr. Parker. Mr. Parker was responsible for the survey, he sent various materials to Adam, it was indicated that in doing the survey he had also reviewed other surveys as well as data points involving Mr. Stryker's property as well as surrounding properties. Mr. Parker felt he had done his due diligence in regard to obtaining a property survey of the property. Adam Wisniewski agreed and felt the survey was done in an appropriate manner. Adam Wisniewski sent a memo in response to this item. He also felt it was acceptable for Mr. Parker to provide an affidavit stating this. Roger Thomas feels that whether or not there is a missing acre is really not the jurisdiction of this board. The important matter is that there is an accurate survey of the Stryker property.

A suggestion was made that the condition regarding the affordable housing fee be eliminated from the resolution. Roger Thomas felt that the action that was taken on September 27<sup>th</sup> was an approval with a number of conditions. Rather than remove the condition, he felt that it should remain and be recognized that the condition has been satisfied.

Dave Dallas confirmed with the Land Use Board Secretary that the memo which was prepared by Adam Wisniewski was sent to the full board and the Secretary confirmed that it was.

John Benscoter stated that he understands that the missing acre is not the jurisdiction of the board but should it be looked into?

Roger Thomas stated that the tax map could possibly be inaccurate. The acre may be missing or it may not. The Board can certainly bring this to the Township Committee's attention.

Ken Weiss agreed that the data should be provided to the Township.

Dave Dallas asked Roger Thomas if it would be appropriate for him to write a letter regarding the missing acre clarifying. This would formally put the Committee on notice and covers the land use board.

Roger Thomas stated that he would provide a letter regarding information provided to the Board and the discrepancy regarding the acreage and will submit it to the Board Secretary. Once reviewed by the Board this could then be sent to the Township Committee.

Dave Dallas asked how the Board felt about the COAH fee and if a similar letter should be prepared.

Ken Weiss brought up the point that at the time of the Stryker's addition to their home, the construction official, assessor and attorney felt that the COAH fee applied. The concern he has is were there other township residents that paid the fee. Mr. Weiss felt it may be important to

pass this on to the Township Committee to review during what period people may have been charged COAH fees when they maybe shouldn't have.

Roger Thomas stated that he will speak to Darlene and prepare a letter explaining why they determined the COAH fee was not applicable in this particular case. The letter will explain the language used in the ordinance and will also refer to the letter provided by Bill Caldwell.

Comments from Board on this matter: none

Public comments on this matter: none

Roger Thomas stated that it would be appropriate at this time for a motion to be made to memorialize the resolution which reflects action taken on September 27, 2023.

Motion: John Thonet Second: Ken Weiss

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

Resolution memorialized

**Comments from the Land Use Board, Non-Agenda Items, Other Business to come before the board:** Ken Weiss brought to the Board's attention that a couple of years ago Mr. and Mrs. Boreland came to the Board with an application regarding a neighbor dispute over a fence. Recently Ken learned that the Boreland's went to the County Agricultural Board with the issue and were granted relief. The County Ag Board voted that the lost acreage on the farm superceded the fence setback for agricultural purposes.

Roger Thomas stated that it is not uncommon for the County Ag Board to take jurisdiction over matters concerning land use.

Another item Ken Weiss brought to the Board's attention was that years ago the School Board adopted the school choice policy. Earlier this year the School Board voted to stop the school choice program. Dave Dallas asked how much success they had in this program. Ken Weiss believed about 20-30 kids. James Witkowski believes that the money has completely dried up that the state was offering and there were no more kids in the school who were in the program.

**Public Comments:** none

**Adjournment: Motion to adjourn:** Ken Weiss **Second:** John Bencoter

Meeting adjourned at 8:06 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.

Topic: Franklin Township Land Use

Time: Oct 25, 2023 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

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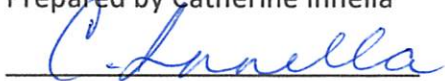
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Find your local number: <https://us06web.zoom.us/j/kbt2QMSrAl>

Prepared by Catherine Innella

A handwritten signature in blue ink that reads "C. Innella". The signature is written over a thin horizontal line.

Approved December 27, 2023