

**ORDINANCE NO. 2023-05  
FRANKLIN TOWNSHIP  
HUNTERDON COUNTY, NEW JERSEY**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY AUTHORIZING THE REMOVAL OF THE DEED  
RESTRICTION CONCERNING BLOCK 30, LOT 17 AND BLOCK 35, LOT 26, AS  
MEMORIALIZED IN THE TOWNSHIP OF FRANKLIN LAND USE BOARD  
RESOLUTION APPROVED ON JUNE 28, 2023, AND MEMORIALIZED ON JULY 26,  
2023**

**WHEREAS**, pursuant to a Deed of Easement, between the Applicant, Deo Volente Farms, LLC (hereinafter referred to as the "Applicant") and the Township of Franklin, Hunterdon County (hereinafter the "Township"), dated April 30, 2009, and recorded on Page 877, Book 2229 on May 11, 2009, with the Hunterdon County Clerk, the Applicant, as a condition to the development of the Property, relinquished its exemption from the restriction of the Easement with respect to the Exception area and by doing so relinquished its right to erect one residential unit on the Exception Area; and

**WHEREAS**, the Applicant, made application to the Land Use Board of Franklin Township, Hunterdon County (the "Board") for amendment to Condition #2 of prior Resolution of Memorialization dated September 2008 on January 12, 2023, seeking to remove the exemption from the restriction of Easement and to erect one residential unit on the Exception Area; and

**WHEREAS**, the Board, determining that the Applicant has complied with all of the rules, regulations and requirements of the Board, has agreed to amend the prior bulk and use variance approval granted by the Land Use Board on June 11, 2008 and Memorialized on September 24, 2008 by removing Condition #2 as it relates to restriction allowing a two (2) acre exception to the building of an additional residential development, as authorized by the Farmland Preservation Regulations; and

**WHEREAS**, as part of the terms and conditions of the Resolution memorialized by the Franklin Township Land Use Board on July 26, 2023, the Township Committee must authorize the removal of the deed restriction prohibiting a house on the exception lot prior to the Applicant's submittal of the \$15,000.00 contribution to the Township's Affordable Trust Fund.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Franklin, County of Hunterdon, State of New Jersey as follows:

**SECTION I:**

The Township Committee hereby authorizes the Applicant's recording of a deed removing the aforesaid deed restriction, as required by the Township's Land Use Board's Resolution memorialized on July 26, 2023.

**SECTION II:**

The Township Committee's authorization of the removal of the aforementioned deed restriction in no way affects, alters, or contravenes the terms and conditions outlined in the Franklin Township Land Use Board Resolution memorialized July 26, 2023.

**SECTION III:**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION IV:**

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, inconsistent with the Code of the Township of Franklin, or is held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION V:**

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

**NOTICE**

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on September 28, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on October 26, 2023 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Franklin Township School, 226 Quakertown Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Christine Burke  
Township Clerk

**FRANKLIN TOWNSHIP  
HUNTERDON COUNTY**

**PUBLIC NOTICE** is hereby given that the following titled Ordinance was introduced by the Franklin Township Committee at a regularly scheduled meeting held on Thursday, September 28, 2023.

**ORDINANCE 2023-05**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY AUTHORIZING THE REMOVAL OF THE DEED  
RESTRICTION CONCERNING BLOCK 30, LOT 17 AND BLOCK 35, LOT 26, AS  
MEMORIALIZED IN THE TOWNSHIP OF FRANKLIN LAND USE BOARD  
RESOLUTION APPROVED ON JUNE 28, 2023, AND MEMORIALIZED ON JULY 26,  
2023**

**SUMMARY AND EXPLANATION**

On January 12, 2023, Deo Volente Farms, LLC applied to amend Condition #2 of a prior resolution of the Land Use Board made on September 24, 2008, regarding 487 Quakertown Road, Flemington, New Jersey, 08822, Block 30, Lot 17 and Block 35, Lot 26. The Applicant requested to remove the condition against a single-family home on the exception two (2) acre parcel of the preserved farm. The Land Use Board held public hearings with notice on May 24, 2023, and June 28, 2023, at which time the board rendered its decision on the application in accordance with the requirements of N.J.S.A. 40:55D-10(g).

The Land Use Board agreed to amend the prior bulk and use variance approval granted by the Land Use Board on June 11, 2008, and Memorialized on September 24, 2008, by removing Condition #2 as related to restriction on allowing a two (2) acre exception to the building of an additional residential development as authorized by the Farmland Preservation Regulations. Said agreement was approved on June 28, 2023, after the conclusion of the hearing and Memorialized into resolution on July 26, 2023. On September 12, 2023, the Applicant requested that the Township Committee adopt an ordinance authorizing the release or removal of the deed restriction so that in the future the owner of Deo Volente Farm may construct a single-family house for use by an owner of the farm.

Provided by Christine Burke, Township Clerk

**I, Christine Burke, Clerk for the Township of Franklin, hereby certify that Ordinance #2023-05 was introduced on first reading by the governing body of the Township of Franklin, County of Hunterdon, on September 28, 2023.**

**Public hearing and consideration for adoption was held on October 26, 2023, at which time the Ordinance was finally adopted.**

  
Christine Burke, Township Clerk

Introduction	: September 28, 2023
Published	: October 5, 2023
Amended	: N/A
Published	: N/A
Public Hearing	: October 26, 2023
Adopted	: October 26, 2023
Published	: November 2, 2023

**FRANKLIN TOWNSHIP  
HUNTERDON COUNTY  
FINAL PASSAGE**

**PUBLIC NOTICE** is hereby given that the following titled Ordinance was duly considered for final passage and adopted by the Franklin Township Committee upon conclusion of the public hearing held on Thursday, October 26, 2023.

**ORDINANCE 2023-05**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF  
HUNTERDON, STATE OF NEW JERSEY AUTHORIZING THE REMOVAL OF  
THE DEED RESTRICTION CONCERNING BLOCK 30, LOT 17 AND BLOCK  
35, LOT 26, AS MEMORIALIZED IN THE TOWNSHIP OF FRANKLIN LAND  
USE BOARD RESOLUTION APPROVED ON JUNE 28, 2023, AND  
MEMORIALIZED ON JULY 26, 2023**

By Order of the Township Committee

Christine J. Burke, RMC  
Municipal Clerk

EMAIL TO THE HUNTERDON COUNTY DEMOCRAT

LEGAL NOTICE, ONE PUBLICATION ONLY, **THURSDAY, NOVEMBER 2, 2023**

NO AFFIDAVIT NEEDED