

FRANKLIN TOWNSHIP LAND USE BOARD
MINUTES
FEBRUARY 3, 2010

FLAG SALUTE:

The Franklin Township (Warren County) Land Use Board met for their regular meeting on Wednesday, February 3, 2010 at the Franklin Township Elementary School at 52 Asbury Broadway Road in the Township of Franklin (Washington, NJ 07882 mailing address). Chairman H. Meltzer called the meeting to order at 7:30 p.m. and declared all aspects of the Open Public Meeting Act had been met by posting notice of this meeting on the bulletin board in the Municipal Building and notifying the Municipal Clerk. Advertisement of notice was placed in the Star Gazette of Hackettstown, NJ and the Express Times of Easton, Pa.

OATH OF OFFICE: Attorney R. Schneider administered Oath of Office to Mr. Schnorrbusch.

Attorney R. Schneider stated let the record reflect Engineer M. Finelli was sworn in for the year at the January 6, 2010 meeting.

ROLL CALL:

Members Present: Mayor Blaszk, Mr. DeAngelis, Mr. Corde, Mr. Van Saders, Mr. Meltzer, Mr. Tietz, Mr. Santini, Mr. Onembo, Mr. Sigler, Mr. Viscione, Mr. Bloom, Mr. Hart (7:45 p.m. absent at roll call)

Also Present: Attorney R. Schneider, Engineer M. Finelli

MINUTES: Minutes from the January 6, 2010 regular meeting.

A motion to approve the January 6, 2010 regular meeting minutes was made by Mr. Onembo, seconded by Mr. Van Saders, Vote: Onembo, Van Saders, Blaszk, DeAngelis, Corde, Meltzer, Tietz, Sigler, Viscione, Bloom - Ayes, 0 - Nay, Santini - Abstain, motion carried.

CORRESPONDENCE: A correspondence list was provided to the land use board members. The land use board had a review of proposed planners for the application. A motion to approve Mr. Bolan as land use board planner for the application was made by Chairman Meltzer, seconded by Mr. Onembo, Vote: Meltzer, Onembo, Blaszk, DeAngelis, Corde, Van Saders, Tietz, Sigler - Ayes, 0 - Nay, Santini - Abstain, motion carried.

The land use board had a review of proposed environmental consultants for the application.

A motion to approve Ms. Greene as land use board environmental consultant for the application was made by Mr. Corde, seconded by Chairman Meltzer, Corde, Meltzer, Tietz, Blaszk, DeAngelis, Van Saders, Onembo, Sigler, Schnorrbusch

- Ayes, 0 - Nay, Santini - Abstain, motion carried.

Attorney R. Schneider stated board member S. Santini farms a piece of property adjacent to the piece of property owned by an interested party, Lud & Jennifer Bohler. The property owner will be a participant in this application. Mr. Santini does not receive compensation for the farming but could render a fair and impartial decision, Mr. Santini thinks it is appropriate to step down from the application. Mr. Santini stepped down from the application at this time 7:45 p.m.

Board member Mr. Hart arrived at this time and was sworn by Attorney R. Schneider 7:45 p.m.

RESOLUTIONS:

1. Resolution approving the retention of Birdsall Services Group for Geotechnical Consulting Services in the application of F. Greek Development relating to property designated as Block 61, Lots 5 & 6 on the Tax Maps of the Township of Franklin. A motion to approve was made by Mr. Meltzer, seconded by Mr. Tietz, Vote: Meltzer, Tietz, Blaszk, DeAngelis, Corde, Hart, Van Saders, Onembo - Ayes, 0 - Nay, 0 - Abstain, motion carried.

2. Resolution approving the retention of the RBA Group for Traffic Engineering Consulting Services in the application of F. Greek Development relating to property designated as Block 61, Lots 5 & 6 on the Tax Maps of the Township of Franklin. A motion to approve was made by Mr. Meltzer, seconded by Mr. Van Saders, Vote: Meltzer, Van Saders, Tietz, Blaszk, DeAngelis, Corde, Hart, Van Saders, Onembo, - Ayes, 0 - Nay, 0 - Abstain, motion carried.

DISCUSSION & PUBLIC HEARING ITEMS:

Attorney R. Schneider reviewed the process for the application.

Attorney Schneider stated witnesses will be presented, at conclusion of witnesses direct testimony, the board will have the opportunity to question the witness, then the public will have their opportunity to ask questions of the respective witnesses. At the conclusion of the hearing comments maybe made regarding the applicant's case whether they are in favor of or against the application. At that point, you're not constrained to merely ask questions, but you can give a comment. At the conclusion of the applicant's case, when he is finished, then, in order that we can reasonable agree upon, members of the public through their counsel or otherwise will have the opportunity to present their own direct evidence, whether for or against the application. What that means is you have a witness or an expert witness, you have the opportunity to present documents you may have for or against the application. These are the basic ground rules.

Attorney Schneider stated if you are represented by an Attorney your Attorney is your spokesman, any legal counsel may step forward.

Attorney Steven Tripp of Wilentz Goldman & Spitzer, P.A. representing the applicant Mr. Frank Greek.

Attorney William Potter of Potter & Dixon representing Ms. Tracy Heisler, Ms. Sudha Kantor, Ms. Anne Ferraro, Mr. Patrick Baines and Ms. Jennifer Rittenhouse of the Skylands Preservation Alliance.

Attorney Gail Price of Price Meese representing Lud & Jennifer Bohler, Deerbrook Farms, LLC and Viking Development.

Attorney R. Schneider stated the applicant will be presenting a variety of witnesses, we have asked them to be identified in advance to help eliminate questions that may not be appropriate for the potential witness.

Attorney R. Schneider stated we have a certified shorthand reporter and it is very important to maintain a sense of order.

Attorney W. Potter requested a hold on cross examination of attorneys, permit us to hold our questions and bring the witness back for cross examination.

Chairman H. Meltzer stated that our procedure in the past is to follow the questions through with the witnesses for the applicant and with our consultants, and I would hope to do it that way because I'm assuming this process is going to go on for a while.

Mr. Corde stated we can always call a witness back if need be, but I think the time to ask questions is when the topics are fresh in our minds.

Attorney G. Price stated your experts should be here to adequately hear the full presentation. Maybe limited areas, when are the experts going to be here.

Mr. Onembo suggested reports be made available to the Attorneys as well.
Mr. Onembo suggested the reports be made available well in advance of the meeting.

Attorney R. Schneider stated he saw no legal reason what so ever, reports are available and should be available in the public file.

Attorney R. Schneider asked Attorney S. Tripp if he had anything to say about Attorney Price's comments. Attorney S. Tripp stated he did not see the necessity to have every expert at every meeting, they will be sworn and questioned. There are transcripts and reports, don't see the necessity to have that.

Attorney S. Tripp stated he would advise Rich and Peggy of who we have coming in. Attorney R. Schneider stated if there was an issue we would deal with on an as necessary basis.

Attorney G. Price brought up a possible jurisdiction issue for a possible "D" Variance.

Chairman H. Meltzer stated it was imperative to have the Planner here and have the issue looked at.

Attorney S. Tripp stated the road is an access road for a permitted use. I think every proposed development, be it residential, commercial, industrial, you have to have access roads, driveways. The issue of how it is going to be owned is not, in my opinion, a use issue. The use is what use is the road being devoted to, and it's solely to provide access to six lots with warehouses that are absolutely permitted uses, warehouses with ancillary offices. If there is any point to require a use variance we will incorporate the road into individual lots dedicate it to the public and we will meet the township requirements.

Attorney R. Schneider stated an issue was raised today, we have just retained a Planner, Ms. Price has articulated her position and we will refer the matter to the Planner, this does not however preclude the board from proceeding this evening. Please submit something to me and we will take it under advisement.

Attorney S. Tripp stated the plan is before the board, the road will stay where it is the issue is ownership only, nothing will change.

Attorney R. Schneider explained the township planner Mr. Chuck McGroarty had to step down at last month's meeting due to a potential conflict.

Testimony: Attorney S. Tripp introduced Engineer Robert Moschello, P.E. of Gladstone Design. Attorney S. Tripp stated future meetings would include traffic, geotechnical and environmental as well. Attorney S. Tripp stated the proposed site is a one hundred and ninety acre tract on Bloomsbury Road in the IP zone (Industrial Park).

The proposed application is a permitted use for the zone and is currently an existing farm. The proposed use for the site will be warehouses with office space and access will be private but we are open to any option that comes out of this process a well designed road could be dedicated if need be.

The subdivision creates a separate lot for each building the purpose being for ease of financing for construction loans or tenants on separate lots.

The variances have no impact on planning, virtually all involve side yard or frontage. We will be eliminating a couple of variances.

It is our intent to address all concerns and issues for the process.

Attorney S. Tripp turned the testimony over to Engineer R. Moschello.

Chairman H. Meltzer stated it has been a procedural policy to adjourn at 10:30 p.m. if you could wrap up testimony at 10:15 p.m.

Attorney R. Schneider swore in Engineer M. Finelli at this time.

BREAK: 9:20 - 9:25 p.m.

Engineer Robert Moschello, P.E. of Gladstone Design briefly reviewed his

credentials for the board and was sworn by Attorney R. Schneider.
Engineer R. Moschello presented testimony on the following exhibits:
Exhibit A-1 - Vicinity Aerial dated 2-3-10
Exhibit A-2 - Site Aerial dated 2-3-10
Exhibit A-3 - Environmental Inventory Plan dated 2-3-10
Exhibit A-4 - Overall Site Rendering dated 2-3-10
Exhibit A-5 - Subdivision Plan dated 2-3-10
Exhibit A-6 - Site Plan Rendering for lot 5.01 dated 2-3-10
Exhibit A-7 - Site Plan Rendering for lots 5.02 & 5.05 dated 2-3-10
Exhibit A-8 - Site Plan Rendering for lots 5.03 & 5.04 dated 2-3-10
Exhibit A-9 - Site Plan Rendering for lot 5.06 dated 2-3-10
Exhibit A-10 - Landscape buffer plan dated 2-3-10

For additional testimony on these exhibits a transcript is available dated February 3, 2010.

Attorney R. Schneider announced the application would be carried to the March 3, 2010 meeting at the Franklin Township Elementary School and no additional notice will be made.

PUBLIC COMMENT: Unidentified member of the public.

An unidentified member of the public asked who was paying for the building and police coverage. Attorney Schneider stated as I understand it, the reasonable cost of this venue is being paid for by the applicant. I don't know who is paying for the police, the secretary added no one.

BILL LIST: A motion to approve vouchers submitted for payment was made by Mr. Corde, seconded by Mr. Meltzer, all ayes motion carried.

ADJOURNMENT: 10:45 p.m

With no further business before the board and no further public comment offered the meeting was adjourned.

Respectfully Submitted,

Margaret Housman, Secretary