

FRANKLIN TOWNSHIP LAND USE BOARD
MINUTES
JANUARY 6, 2010

FLAG SALUTE:

The Franklin Township (Warren County) Land Use Board met for their regular meeting on Wednesday, January 6, 2010 in the Municipal Building at 2093 Rt. 57 in Broadway, NJ. Secretary Margaret Housman called the meeting to order at 7:35 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 Mayor Blaszk, Mr. DeAngelis, Mr. Onembo, Mr. Hart, Mr. Van Sadlers, Mr. Sigler, Mr. Viscione, Mr. Bloom

Attorney R. Schneider swore in professionals Engineer M. Finelli and Planner C. McGroarty for all testimony for the year.

ROLL CALL:

Members Present: Mayor Blaszk, Mr. DeAngelis, Mr. Corde, Mr. Hart, Mr. Van Sadlers, Mr. Meltzer, Mr. Tietz, Mr. Santini, Mr. Onembo, Mr. Sigler, Mr. Viscione, Mr. Bloom
Members Absent: Mr. Schnorrbusch
Also Present: Attorney R. Schneider, Engineer M. Finelli, Planner C. McGroarty

REORGANIZATION OF THE LAND USE BOARD FOR 2010:

Secretary Margaret Housman called for the nomination of the Land Use Board Chairman. A motion was made by Mr. Corde, seconded by Mr. Hart to nominate Mr. Meltzer as Land Use Board Chairman, no additional nominations were made, nominations were closed.
Vote: Corde, Hart, Blaszk, DeAngelis, Van Sadlers, Meltzer, Tietz, Santini, Onembo, - Ayes, 0 - Nay, 0 - Abstain, motion carried. Mr. Meltzer accepted the position as Chairman.

Chairman H. Meltzer called for the nomination of the Land Use Board Vice Chairman. A motion was made by Mr. Santini seconded by Mr. Meltzer no additional nominations were made, nominations were closed.
Vote: Santini, Meltzer, Blaszk, DeAngelis, Corde, Hart, Van Sadlers, Tietz, Onembo, - Ayes, 0 - Nay, 0 - Abstain, motion carried. Mr. Tietz accepted the position of Vice Chairman.

The Chairman asked for the appointment of the Land Use Board Secretary. A motion was made by Chairman Meltzer, seconded by Vice Chairman Tietz, to re-appoint Margaret Housman as Land Use Board Secretary. Vote: Meltzer, Tietz, Blaszk, DeAngelis, Corde, Hart, Van Sadlers, Santini, Onembo, - Ayes, 0 - Nay, 0 - Abstain, motion carried.

The Chairman asked for the appointment of the Land Use Board Attorney, Engineer and Planner. A motion to approve resolution authorizing contract with Richard Schneider, Esq. of Vogel, Chait, Collins and Schneider as Attorney - Michael Finelli, P.E. of Finelli Consulting Engineers as Engineer - Charles McGroarty as Planner for Professional Services for 2010, was made by Mr. Meltzer, seconded by Mr. Corde, Vote: Meltzer, Corde, Blaszk, DeAngelis, Van Sadars, Tietz, Santini, Onembo, Sigler, - Ayes, 0 - Nay, 0 - Abstain, motion carried.

A motion to adopt the 2010 Land Use Board Schedule and Workshop Schedule was made by Mr. Meltzer, Seconded by Mr. Tietz, all ayes, motion carried.

The "Star Gazette" and "Express Times" were adopted as the official newspaper designated for Sunshine Law notices.

MINUTES: Minutes from the December 2009 regular meeting minutes. A motion to approve the December 2009 regular meeting minutes was made by Mr. Corde, seconded by Mr. Onembo, Vote: Corde, Onembo, Blaszk, Hart, Meltzer, Tietz, Santini, Van Sadars, Sigler, all ayes motion carried.

CORRESPONDENCE: A correspondence list was provided to the Land Use Board members.

1. J. Schnetzer - Agricultural Subdivision Block 48 Lots 9 & 10 - Discussion for the release of jurisdiction to Washington Township Land Use Board. This matter will be discussed at a future meeting the applicant did not attend.

RESOLUTION:

1. Docket #09-04 - Santini, Santini & Dominick - Resolution granting Preliminary Major Subdivision approval for Block 43 Lot 10. Attorney R. Schneider reviewed minor changes to the resolution for the board. A motion to approve was made by Mr. Onembo, seconded by Mr. Meltzer, Vote: Onembo, Meltzer, Blaszk, Corde, Hart, Tietz, Sigler - Ayes, 0 - Nay, 0 - Abstain, motion carried.

COMPLETENESS ITEMS:

1. Docket #09-6 - F. Greek/Bloomsbury Industrial Park - Second completeness review for a Preliminary Major Site Plan and Subdivision application for Block 61, Lots 5 & 6. This application was originally deemed incomplete on December 2, 2009. The applicant was represented by Attorney S. Tripp, of Wilemtz, Goldman & Spitzer and Engineer R. Moschello of Gladstone Design, Inc. Attorney R. Schneider addressed potential conflicts of interest for Chairman Meltzer. Attorney Schneider explained Mr. Meltzer and his wife served as trustees of the Musconetcong Watershed Association. Attorney Schneider explained the watershed association entity intends to be an interested party on the Greek Industrial Park. Attorney Schneider explained Chairman Meltzer has not attended an association meeting in eight to nine months and had resigned from the watershed association as well as his wife and has no involvement with the applicant, Mr. Meltzer agreed. Applicant Attorney S. Tripp stated he had no objection to Mr. Meltzer's continued participation and the board had no objections.

Attorney R. Schneider addressed a potential conflict for Banisch & Associates to represent

Franklin Township for the proposed application. Attorney Schneider explained Banisch & Associates also represents Bloomsbury Borough. Attorney Schneider explained Bloomsbury Borough may have intentions to participate in the public hearing for the pending application should Mr. McGroarty continue to serve with Bloomsbury's intentions. Attorney Schneider stated Mr. McGroarty's associate at Banisch has not participated in any role to assist Bloomsbury. Attorney Schneider stated with Mr. McGroarty's continued participation with the Land Use Board, the potential exists for a conflict of interest because the firm receives financial compensation. Attorney Schneider further explained the definition of a conflict of interest and stated though it is not clear that Bloomsbury will participate in the proceedings how we should deal with it is the board's position.

Mr. McGroarty stated he would like to stay with the application, I would not see any conflict but it may create problems later.

Mr. Tietz asked what if services were not provided to Bloomsbury for this application. Attorney Schneider reviewed the statute for the board.

Mr. Onembo stated it would be foolish to have the same planner in both towns, the board agreed, Mr. McGroarty agreed it would be the prudent thing to do.

Attorney S. Tripp stated he had nothing to add it is best to be cautious if there is an issue.

Attorney Schneider asked Mr. McGroarty if he and his firm would recuse themselves on behalf of the land use board.

Mr. McGroarty stated Banisch will not participate in this matter and will provide the decision in writing. Mr. McGroarty stepped down at this time.

Attorney Schneider suggested the board start the process to replace Mr. McGroarty for the application.

COMPLETENESS:

Engineer M. Finelli addressed his Second Completeness Review dated December 31, 2009. Engineer M. Finelli stated the applicant has provided the information necessary to address the previously outstanding checklist items as referenced in the November 30, 2009 report. Items 6 & 7 were outlined and will be in future reports, all matters were addressed. The applicant indicates that Checklist Item 34 is not applicable to this application. Engineer M. Finelli stated he agreed with the applicant's assessment that this checklist item is not applicable.

Attorney S. Tripp stated additional variances will be addressed on plans and testimony.

Engineer M. Finelli stated the number of plans were not originally submitted.

Attorney S. Tripp stated each board member will receive a complete set of plans.

Engineer M. Finelli suggested stormwater copies for each board member.

Chairman H. Meltzer suggested CD copies Attorney S. Tripp agreed.
Engineer M. Finelli suggested half size 15 x 21 instead of larger size drawings.

Attorney S. Tripp stated they would include electronic and hard copies of reports.

A motion to deem the application complete per the Engineer's report dated December 31, 2009 was made by Mr. Meltzer, seconded by Mr. Tietz.

CONSULTANTS:

Engineer M. Finelli provided resumes to the board for Geotechnical, Environmental, Planning and Traffic consultants and their availability. After a brief discussion a motion to retain RBA Traffic Engineering Services was made by Mr. Onembo, seconded by Mr. Meltzer, all ayes motion carried.

A motion to retain Geotechnical Birdsall Services Group, Mr. Perricone was made by Mr. Tietz, seconded by Mr. Meltzer, all ayes motion carried.

Attorney R. Schneider will provide a resolution for the February meeting.
Attorney R. Schneider addressed a logistical issue for the public hearing. The board suggested Franklin Township School's all purpose room which has a capacity of 300. The secretary will review the meeting schedule dates with the school and the applicant will be responsible for a microphone system. Attorney R. Schneider stated there may be issue with a recording device but the steno record would satisfy the verbatim requirements. Mayor M. Blaszkowski suggested testimony be limited to 90 minutes followed by questions. Mayor Blaszkowski also requested a schedule be submitted by the applicant for the agenda of what items will be presented at the meeting. Attorney R. Schneider stated the required notice will specifically advise the public by certified mail and newspaper for time, place and nature of the application.

Chairman H. Meltzer suggested interested parties tour the site, Engineer M. Finelli. Attorney S. Tripp stated he would have to check with the property owner of the how and when, before planting and liability issues. Mr. Sigler suggested a sub-committee. Attorney R. Schneider suggested the decision be deferred until after the first public meeting. Board member S. Santini, stepped down from the board for the next application. J. DeAngelis and Mayor Blaszkowski left the meeting at this time.

BREAK: 9:30 - 9:40 P.M.

DISCUSSION AND PUBLIC HEARING ITEMS:

1. Docket #09-05 - 55 Edison Road LLC - Continuation of a public hearing for a Preliminary Major Subdivision application for Block 26 Lot 18. This application

has been carried from the December 2, 2009 meeting without further notice being required. Eligible to Vote: Corde, Hart, Meltzer, Tietz, Onembo, Van Sadlers, Sigler, Viscione. The applicant was represented by Attorney A. Lowcher and Engineer J. Chmielak,

In their testimony and support of the Lot Averaging design layout, the applicant's engineering professional, Jim Chmielak indicated that the soil permeability in the southern section of the tract would not support the installation of individual on-lot subsurface disposal (i.e. septic) systems at a density consistent with the allowable lot size (65,000 SF min.) under the Township's Cluster Layout Provisions. Engineer J. Chmielak testified that the more northern section of the property is capable and more suitable of providing the required soil permeability rates to design and construct individual on-lot septic systems. The Land Use Board requested that additional site and area-specific soils testing and resultant data be provided to the Board for their review in order to support the testimony provided by the applicant's engineering professional, Mr. Chmielak. Mr. Chmielak reviewed for the board exhibits A-1 - A-3 conceptual layout of one and a half acre minimum lots and the feasibility of one and a half acre lots. Mr. Chmielak has provided "Supplemental Soil Log Data" dated December 18, 2009 exhibit A-4. Mr. Chmielak reviewed septic locations along Edison Road, environmental buffers and pohatcong creek buffers.

Engineer M. Finelli reviewed his report dated December 18, 2009 and stated he was agreeable to continue the review of the applicant's original design scheme for lot size averaging.

Engineer J. Chmielak stated the lot averaging ordinance provides a mechanism for specific properties. Mr. Chmielak stated he would address County comments with them after a decision is made on the plan.

Engineer M. Finelli suggested the board focus on lot size averaging, the board agreed.

Mr. Onembo asked if the applicant could get twenty buildable lots on this parcel and comply with the zone.

Planner C. McGroarty stated a couple of lots would be problematic.

Mr. Onembo stated it would be too much density near the stream.

Mr. Corde stated it would have to be a lot averaging plan.

Chairman H. Meltzer stated he had a problem with 18.08, it should be one owner fronting along the stream on both sides.

Mr. Chmielak explained his intentions to the board, they agreed lot averaging.

Attorney A. Lowcher asked if the applicant could return at the February 17, 2010 meeting, the board agreed with extensions granted through February 28, 2010.

Attorney R. Schneider announced this application would be carried to the February 17, 2010 meeting without further notice being required.

Board member S. Santini returned to the board at this time.

PUBLIC COMMENT:

A Bloomsbury resident briefly questioned the process for the pending industrial park application with the board.

BILL LIST: A motion to approve vouchers submitted for payment was made by Mr. Corde, seconded by Mr. Van Saders, 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