

**MINUTES**  
**FRANKLIN TOWNSHIP COMMITTEE**  
**REGULAR MEETING**  
**THURSDAY, FEBRUARY 11, 2010**  
**6:30 P.M.**

The Franklin Township Committee held their regular meeting at **6:30 P.M., Thursday, February 11, 2010**, at the Municipal Building. This meeting has been properly noticed in accordance with the Open Public Meetings Act.

Mayor Linda Jacukowicz called the meeting to order.

Roll Call: Scott Bauman PRESENT Robert Shockley PRESENT

Steven Tarshis PRESENT Robert McGeary PRESENT Linda Jacukowicz PRESENT

Also present: William J. Caldwell, Esq., Municipal Attorney

**EXECUTIVE SESSION**

Motion to Adopt Resolution to enter executive session for discussion of matters pertaining to personnel and potential litigation. Any action required will be taken upon return to open session at 7:30 P.M.

Moved McGeary Second Bauman

Roll Call Vote: Bauman AYE Shockley AYE Tarshis AYE

McGeary AYE Jacukowicz AYE

Motion carried.

**RETURN TO OPEN SESSION**

Motion to return to open session at 7:30 P.M.

Moved McGeary Second Shockley All in favor. Motion carried.

Mayor Jacukowicz called for the flag salute before reconvening the meeting.

**APPROVAL OF MINUTES**

Motion to adopt minutes of November 24, 2009 Special Work Session at FTS.

Moved Tarshis Second Shockley

Bauman ABSTAIN Shockley AYE Tarshis AYE

McGeary AYE Jacukowicz AYE

Motion carried.

Motion to adopt minutes of January 28, 2010 Work Session & Executive Session

Moved Shockley Second McGeary All in favor. Motion carried.

**CORRESPONDENCE** Copies of correspondence made available to the public this evening and during regular business hours of the Municipal Clerk.

**COMMENTS FROM THE PUBLIC** None

**PRESENTATION:** COAH presentation by Jim Stryker, LUB Chairman (report made a part of these official minutes)

Mr. Stryker reported on the COAH subcommittee working on improving mechanisms for improving housing opportunities for low income individuals. Tonight's presentation was also given to COAH representatives in Trenton in December, 2009. The subcommittee met with COAH and presented their agenda: a copy of which is included in these minutes. Some topics: review the character of Franklin Township and how it impacts and affects affordable housing – take Franklin out of the file and make it personal during their presentation, Township has pointed access to Route 78 and overdevelopment would ruin the whole transportation in the township, demographics, building permits, population, etc. Another part of the demographics is age group: with 1300 households 24% are over 55. Looking at design of housing, need to keep our concern for senior citizens and keeping them in the township and not driving them out.

Agriculture focus: 80% in the ADA classification,

Township has almost 15,000 acres: 20% Green Acres, 11% County PIG targeted, 5% municipal/county property. This means 1/3<sup>rd</sup> of Franklin Township is not available for growth at all.

63% of Franklin Township is farmland assessed.

26% land is forested – the lowest in the county. Concern is further eliminating forested area.

Watershed: Franklin Township in its entirety is in the headwater of 2 watersheds. For all intents and purposes regarding the impact on the environment, we should be looking at the township as if it is in the Highlands.

Septic limitations chart was also presented. Franklin in its entirety has septic limitations. Depth to highwater in southern area is less than 2 feet.

Zoning: Our zoning is driven off our geology and the chart shows that if we went to the extreme of what our nitrate dilution models tell us to do we could have 15 acre zoning. The point made to COAH is that this is not a political zoning desire nor a mechanism to preclude groups of individuals. The message to COAH was that we could be a lot more stringent and we chose not to do so.

Obligations: Obligation under old rule is for every 5 certificates of occupancy you have to do 1 low income housing. From 2004 to today, 38 new homes built which translates to 9.5 homes obligated to COAH.

Another interesting point is that we have been reporting to the State commercial development which adds up to 50,000 square feet. This equals another 4 – 5 additional homes. The problem with this number is that basically farmers have been classifying their pole barns in this commercial category. If this number pops up again, it's an issue we'll have to deal with.....we're reporting things that could cause ourselves problems.

The subcommittee has also worked with 8 different firms for our COAH development. It's easy to get a developer to come in and do 60 or 70 units. It's hard to get someone to come in and do 4 or 8 or 10. This was part of the message to COAH – they have to stop looking at Franklin from a cookie cutter standpoint. The Village of Pittstown and Community Options are 2 viable opportunities at this time. Allies has also been re-contacted and they have expressed interest.

Mark Hartman has also approached the township for development at the Cracker Barrel site: 87,000 square feet commercial development of which 10,000 square feet would be for COAH. The subcommittee feels this is highly intense development and would use all of the 10 acres on site. He will come back with another proposal.







Scott Bauman reported that due to the snow, the last Land Use Board meeting was cancelled and will be rescheduled for next week for the Franklin Township School to come before them regarding the construction project. Date to be determined. Jim Stryker commented that under the Municipal Land Use Law, the school has to appear before the Land Use Board for capital improvements. Steve Tarshis asked what the issues were that they were presenting to the LUB. Jim Stryker said they would take the board's comments regarding the protection of water supply, storage, etc. back to the Department of Education. There are issues regarding the water tank location, safety issues, wetlands and stormwater. Steve Tarshis asked what the alternatives would be assuming they come to the board and none of the issues are dealt with satisfactorily. Mr. Stryker said they could just say thank you and they'll take care of it. Another is they could say they aren't going to do anything. Lastly they can tell the board why they are wrong. The board has an obligation to give the school a report of their findings and it's the school's responsibility to pass it on to the Department of Education, the enforcing agency.

- **Open Space/Farmland Preservation – Jacukowicz/McGeary**

Mayor Jacukowicz and Scott Bauman met with Margaret Waldock of Hunterdon Land Trust Alliance (HLTA) for their assistance with open space and farmland preservation.

Motion to **Adopt Resolution 2010-22** Authorizing the Mayor and Clerk to execute a Memorandum of Understanding with the Hunterdon Land Trust Alliance.

Moved Tarshis

Second McGeary

The Township Committee discussed receiving comments and questions from the State on the township's Comprehensive Farmland Plan. Scott Bauman offered to assist with input.

Roll Call Vote:	Bauman AYE	Shockley AYE	Tarshis AYE
	McGeary AYE	Jacukowicz AYE	

Motion carried.

**Amended 3/1/2010 to add a number to the above resolution.**

Mayor Jacukowicz is in receipt of the letter to be sent to Susan Craft, Executive Director, State Ag Development Committee. Some changes were made to the draft.

Mr. Caldwell commented on the receipt of a letter from Douglas Cole, Esq., attorney for TPA of Pittstown, LLC, requesting that the Board of Health reconsider the provision of the proposed resolution requiring TPA to seek Land Use Board approval of the new septic system.

### **RECESS FOR BOARD OF HEALTH**

Motion to recess at 9:00 P.M. in order to convene the Board of Health.

Moved Tarshis

Second McGeary

All in favor. Motion carried.

### **RECEONVENE REGULAR MEETING**

Motion to reconvene the Township Committee meeting at 9:06 P.M.

Moved Shockley

Second McGeary

All in favor. Motion carried.

- **Return to Planning, Zoning & Construction**

Mayor Jacukowicz said Mr. Caldwell brought to the Committee's attention a discrepancy regarding appointments for Land Use Board membership. Scott Bauman was on the Environmental Commission and is serving on the LUB as a Class III Member. He can only serve in one capacity and can no longer serve on the Environmental Commission though he may participate in the Commission's meetings as a member of the public.

**The Mayor appointed Jennifer Fisher as the Class II Member on the Land Use Board as the Environmental Commission representative, and Lisa Wood to Class IV membership on the Land Use Board.**

- **Health & Recreation – Bauman**

Scott Bauman reported on having attending last week's Recreation Commission meeting. The Commission has 5 vacancies. The Commission discussed their schedule of events for the year. Scott encouraged them to review their by-laws and work on long range goals – preparing a recreation element to the Master Plan. He also reported on their approving a \$500 payment to the Christian Crossroads School for the use of their gym. There was some question about whether or not a quorum was present for formal action on payment. Robert Shockley commented on a possible merger with Union Township and said officials in Union Township have offered to work with us in some capacity to do some events/programs together. Another suggestion was to reduce membership on the Recreation Commission from 9 members to 7. This needs to be done by ordinance. Also, since they are a public body and spend public funds, they should follow the Open Public Meetings Act: properly noticing meetings, keeping a record of attendance, providing formal minutes. Scott Bauman also suggested placing environmental issues on the agenda and possibly placing it under this subcommittee.

- **Insurance – Tarshis**

No report.

- **Municipal Court – Tarshis**

Steve Tarshis updated the Committee on Municipal Court matters. Lebanon Boro is not paying their share of the financial obligation. Next meeting of the finance committee will be held in March.

- **School Liaison – Tarshis**

No report.

**COMMENTS FROM THE PUBLIC** None.

**COMMENTS FROM THE TOWNSHIP COMMITTEE, NON-AGENDA ITEMS AND ANY OTHER BUSINESS TO COME BEFORE THE COMMITTEE**

Robert Shockley informed the Committee of his receipt of a letter from a resident who is making an issue of a variance granted and a zoning permit issued. Resident previously submitted an OPRA request and a copy of the zoning permit had not been included in the permanent municipal file; however, Mr. Shockley has an original copy signed by a previous Zoning Officer.

Robert McGeary commented on a complaint received by the municipality regarding a possible violation regarding a soccer field on Croton Road. The Zoning Officer will be contacted by the Municipal Clerk to get in touch with Mr. Caldwell on this matter.

