

**TOWNSHIP OF FRANKLIN
PLANNING BOARD
COUNTY OF SOMERSET, NEW JERSEY**

**REGULAR MEETING
March 1, 2023**

The regular meeting of the Township of Franklin Planning Board was held at an alternate site located at 475 DeMott Lane Somerset, NJ, and was called to order by Chairman Orsini, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said, and the roll was taken as follows:

PRESENT: Councilman Anbarasan, Theodore Chase, Jan Brant, Sami Shaban, Jennifer Rangnow, Mustapha Mansaray, Charles Brown, Robert Thomas, and Chairman Orsini

ABSENT: Meher Rafiq and Rebecca Hilbert

ALSO PRESENT: Mr. James Clarkin, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

MINUTES:

- **Regular Meeting – January 4, 2023**

Mr. Thomas made a motion to approve the Minutes, as submitted. Mr. Shaban seconded the motion, and the roll was called as follows:

FOR: Dr. Chase, Mr. Shaban, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

AGAINST: None

- **Regular Meeting – January 11, 2023**

Vice Chair Brown made a motion to approve the Minutes, as submitted. Chairman Orsini seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Shaban, Mr. Mansaray, Vice Chair Brown, and Chairman Orsini

AGAINST: None

- **Regular Meeting – January 18, 2023**

Mr. Thomas made a motion to approve Minutes, as submitted. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Shaban, Ms. Rangnow, Mr. Mansaray, Vice Chair Brown, and Mr. Thomas

AGAINST: None

RESOLUTIONS:

- **Bar B Q TONIGHT / PLN – 19-00005 – Ext. of Time**

Chairman Orsini made a motion to approve the Resolution, as submitted. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Dr. Chase, Mr. Shaban, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

AGAINST: None

- **MCDONALD’S USA, LLC / PLN-22-00018**

Dr. Chase made a motion to approve the Resolution, as submitted. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Shaban, Ms. Rangnow, Mr. Mansaray, Vice Chair Brown, and Mr. Thomas

AGAINST: None

DISCUSSION:

Extension of Time:

- **Executive Drive Investment, LLC / PLN-20-00009 – Ext. of Time**

Mr. John DeLuca, Esq., Attorney, appeared before the Board on behalf of the Applicant, Executive Drive Investment, LLC. Mr. DeLuca asked that the Board grant a one (1)-year Extension of Time. He indicated that on February 3, 2021, the Planning Board approved the Preliminary and Final Major Site Plan approval for the proposed project. Mr. DeLuca indicated that the Resolution was adopted on April 21, 2021. He told the

Board that the Resolution was about to expire on April 21, 2023, and that they were asking for an Extension of Time, for one year, to April 21, 2024. He explained to the Board that they were still ironing out some issues with the Township Sewerage Authority, and anticipate it might take a couple of months, so under the Municipal Land Use Law (MLUL) and were requesting the one (1) year extension of that approval so that they could meet all of the required conditions.

Chairman Orsini made a motion to approve the Extension of Time, until April 21, 2024. Mr. Thomas seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Jan Brant, Mr. Shaban, Ms. Rangnow, Mr. Mansaray, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

AGAINST: None

- **2 Birch Glen, LLC / PLN-17-00008 – Ext. of Time**

Ms. Katherine Kim, Esq., Attorney, appeared before the Board on behalf of the Applicant, 2 Birch Glen, LLC. She explained that they were there that evening to ask for an extension of their approval. Ms. Kim indicated that Sycamore Developer was the original developer that obtained the approval for a Major Subdivision approval with variances. She then indicated that the Board granted the approval on December 6, 2018, and was memorialized on February 21, 2019. Thereafter, Sycamore Developers did obtain the additional three (3) extensions, setting our approval to February 1, 2023. However, Ms. Kim indicated that it was brought to their attention on October 2, 2019, Sycamore Developers obtained Amended approvals because some of the easements that they were seeking to implement were amended per other outside agencies. She then spoke to the Board, stating that they were asking the Board tonight to consider because of the amended approval they sought in 2019, that the clock on the approval did reset at the second Amended approval. She added that they were seeking the Board to consider extending approval per that new date that the Board approved the amended Application.

Mr. James Clarkin, Board Attorney, then stated that he believed the Board had the discretion to reset the commencement time for the period of protection, and that would start as of December 18, 2019. He further went on to state that the original two (2) years of protection got them to December 18, 2021. Mr. Clarkin added that at that time, everyone just got to think about the extension in terms of the original approval and that there had been a number of extensions. With the Board's indulgence, Mr. Clarkin suggested that they consider that one (1) extension was already granted until December 18, 2022 and, tonight, could grant a second extension until December 18, 2023.

Mr. Thomas then made a motion to grant the Extension of Time until December 18, 2023 and was seconded. The roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Jan Brant, Mr. Shaban, Ms. Rangnow, Mr. Mansaray, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

AGAINST: None

- **Ordinance #4401-23 – Right to Farm**

Mr. Vincent Dominach, Franklin Township Economic Development Director, came forward. He indicated that what was before the Board was a typical referral on a Land Use Ordinance so that the Planning Board could determine its consistency with the Township's Master Plan. In giving some background, Mr. Dominach indicated that several years ago there was some preserved commercial farmland in the southern portion of the State that were experiencing issues with local government having certain types of special events, so legislature drafted some bills to address that. He went on to state that, over the course of two (2) years, the legislation had morphed and the township had significant early concerns about the legislation because it didn't have any type of local review or control and it also allowed an inordinate amount of special events with large amounts of attendees. He went on to explain that over the years the legislature had been amended and last year the Governor actually vetoed the bill and then went to committee and just recently passed, with the Governor signing it and became effective immediately. Mr. Dominach then explained that, as such, the law allows local municipalities to have review, as long as it was in accordance with the standards. He went on further to say that what the ordinance did was that it recognized the new law and puts into effect the process for the municipality to look at the public health and safety concerns much like the Township does with special events all throughout the town and reviews the public health and safety of the traffic, restrooms, etc. and get a site plan and make recommendations. Mr. Dominach then told the Board that the ordinance before them pretty much followed the same procedure where the application that was before the Board was modeled exactly the same and had all the same requirements. He indicated that the only difference was that it wouldn't go to the Council because the idea with the Right to Farm was to make things less onerous. He added that the Technical Review Committee (TRC) would still review it and make recommendations. Furthermore, he stated that it puts the ordinance in effect and allows the local control to help protect the public health and safety.

Dr. Chase then brought up the issue of farms getting their applications in for their special event within the 60-day timeframe that was required. Mr. Dominach stated that they would make sure that the farms were made aware of the 60-day application prior to any event. He added that it was not a hard date, but that it gave the Township time to plan and then time to adjust so as not to prevent the special events to occur.

Ms. Brant then asked if there were any rules in place to protect the public's health and safety should a weather event occur on the date of the special event. Mr. Dominach stated that the farm entity had the responsibility to follow common sense to protect the public's health and safety and were insured and tasked to not put themselves at any risk.

Vice Chair Brown asked if there was language that would control the length of the special event, and Mr. Dominach indicated that the law only allows for it to be a one (1)-day special event. He noted that the two (2) provisions were that the number of special events a farm can have special events in any one calendar year was tied to the dollar amount of revenue annually that the farm brought in, (i.e., farms bringing in between \$10,000 and \$100,000 in annual revenue can hold up to 15 special events per calendar year of which two (2) events can have up to 250 or more attendees and over \$100,000 in annual revenue will allow for up to 26 events with six (6) having up to 250 or more attendees). Mr. Dominach indicated that the Township's Open Space consultant would be sending a copy of both the Township's regulations, the application and the State law and have conversations with all of the preserved farms in the Township. Vice Chair Brown thought that that information should also be made accessible to the general public.

Mr. Thomas then indicated that he felt that the ordinance was not inconsistent with the Master Plan and made a motion to recommend that Council adopt it. Chairman Orsini seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Jan Brant, Mr. Shaban, Ms. Rangnow, Mr. Mansaray, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini then made a motion to open the meeting to the public for General Planning discussion. He reminded the public that anything discussed during this portion of the meeting was strictly related to General Planning Comments. The motion was seconded by Mr. Thomas, and all were in favor.

Seeing no one coming forward, Chairman Orsini then made a motion to close the general public portion of the meeting. The motion was seconded, and all were in favor.

COMMITTEE REPORTS:

No Committee Reports discussed.

WORK SESSION / NEW BUSINESS:

There was no Work Session or New Business discussed.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

Chairman Orsini made a motion to adjourn the meeting at 7:50 p.m., and the motion was seconded.. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
March 29, 2023