

Franklin Township Zoning Board of Adjustment Minutes
October 3, 2023

The Chairman called the meeting to order and stated the following “Notice of this meeting has been given as required by the Open Public Meetings Act in the Annual Notice of Meetings. A copy was posted on the Township Website and notice of this meeting was sent to the Sentinel and a copy was posted at the Franklin Township Municipal Building”.

The board stood for the pledge of allegiance.

Roll Call:

<u>MEMBER</u>	<u>HERE</u>	<u>SEATED</u>
DeCesari, Dana		
Falisi, Justin - Alternate	X	
Gaetano, Anthony	X	
Garofalo, Mike	X	
Hammel, Andrew - Alternate	X	DeCesari, Dana
Iglesias, D. Rich	X	
Ketcham, Jim	X	
Leo, Russell	X	
Gravenor, John - Chairman	X	

Professionals present:

Michael Borelli, Attorney
 David Scheidegg, Engineer

Memorialization of Resolutions :

Minutes Approval

9-5-23 Motion: Iglesias 2nd: Garofalo Roll Call: All in favor Abstain: Gaetano

Public Hearing Applications:

ZB21-08 – JC Company LLC – Block 7101 Lot 30 – 870 Harding Hwy – Use Variance & Site Plan

Michael Malinsky is representing JC Company LLC and John Dalrymple, owner.

Mr. Borelli explained this a remand hearing.

Dave Scheidegg explained his completeness review.

The board then made a motion to deem Mr. Scheidegg’s review complete. Motion: Garofalo 2nd: Iglesias Roll Call: All in favor

Mr. Malinsky introduced his witnesses for swearing in: John Dalrymple, Gerald Truster, Joseph Morrissey, and Tiffany Morrissey

Mr. Malinsky called first witness; John Dalrymple, owner JC Company LLC. Mr. Dalrymple gave the specifics of his retail and manufacturing business of pools. He explained how the pools are manufactured, how waste is disposed of, the types of trucks and vehicles on the property and what the other miscellaneous items are on the property. He explained what the garage bays are used for. He explained what the shed, containers, and accessory buildings are used for. Mr. Dalrymple also explained that he intends to occupy the single-family residence on the property. He then answered questions from the board members.

Mr. Malinsky then answered some questions from the board.

Mr. Borelli questioned Mr. Dalrymple.

Chairman Gravenor asked everyone to stay focused on the use and not the history of the property.

Mr. Malinsky resumed questioning and Mr. Dalrymple explained deliveries, disposal, and other issues on the engineer's report.

Mr. Borelli asked about the retail use, manufacturing uses, deliveries, and the single-family dwelling.

Malinsky & Dalrymple answered

Mr. Borelli asked about Mr. Dalrymple's septic installation business.

Mr. Dalrymple answered questions about his septic business.

Chairman Gravenor asked about the property being large enough

Mr. Iglesias asked about the size of the property and if this pool company is the only business being conducted on it. He also asked about the fiber glass dust.

Mr. Leo asked about the completion of pools.

Mr. Ketcham asked about the odor.

Mr. Borelli asked if Mr. Dalrymple understood that if the variance is approved the site plan may need significant changes.

Mr. Leo asked about the aerial photo

Mr. Scheidegg spoke about the square footage of the retail space and the garage, mechanical repairs, and a building for compressors.

Mr. Borelli asked about online sales

Mr. Malinsky then questioned Mr. Morrissey, the applicant's engineer. He explained his qualifications and the proposed future site plan.

Mr. Leo asked about parking

Mr. Falisi asked about bathrooms and septic

Mr. Gravenor asked about retention basin

Mr. Malinsky questioned Mr. Joseph Kwiatkowski, a consultant for air quality. He explained air quality regulations, spoke about the stack, the blower, and the filter at the site.

A few of the board members then asked questions about the odors

Mr. Malinsky questioned Tiffany Morrissey, planner. She explained the positive and negative criteria.

Mr. Malinsky called upon Gerald Truster. He is the prior owner and he explained the prior uses of the property.

Mr. Sheidegg went over his engineering review report.

Mr. Garofalo asked if the business needs Pinelands approval to operate.

Mr. Borelli explained the prior application and denial and the court order to hear the application

Mr. Malinsky spoke about the history of the property and Pinelands.

Motion to open public portion Leo 2nd Gaetano Roll Call: All in Favor

Mark Turella – spoke about odors coming from the applicant’s facility. Spoke about sound & light pollution and decreased property values

Jeffrey Downs – represents Same Gorell, Wayne Gorell, and Pete Scapellato. He cross questioned Mr. Kwiatkowski. He asked Patricia Knobloch to testify. Ms. Knobloch explained her qualifications and spoke about the positive and negative criteria and the Pinelands. Mr. Malinsky cross questioned Ms. Knobloch about undo hardship and special reasons.

Tiffany Morrissey was then questioned by Mr. Downs about the positive and negative criteria.

Joseph Bertino – spoke about air quality and odor

Rich Ferrucci – spoke about odor, noise pollution, and light pollution

Pete Scapellato – questioned by Mr. Downs about his farm land in close proximity to the applicant. He spoke about the odor and the effect on his farming.

Barbara Halpern – spoke about the odor and the hazardous fumes

Kevin Kelton – asked how the applicant has been able to operate without the variance

Wayne Gorell – questioned by Mr. Downs – owns a farm close to the applicant’s property. Stated there is documentation on the odor and explained the detriment to his business

Same Gorell – questioned by Mr. Downs – owns a farm close to the applicant’s property and explained the detriment that the applicant’s business has on his farm.

Maggie McCool – spoke about growing food

Motion to close public portion Leo 2nd Gaetano Roll Call: All in Favor

Mr. Malinsky addressed some of the comments from the public and gave his closing.

Mr. Borelli gave a summary of what the board needs to focus on for vote

Motion to deny JC Company LLC Use Variance: Iglesias 2nd: Ketcham

Roll Call:

Gravenor	Yes
Iglesias	Yes
Gaetano	Yes
Leo	Yes
Garofalo	Yes
Decesari	Yes
Ketcham	Yes
Hammel	Yes
Falisi	Yes

Williams Hyland – represents Noria Chaberton (ZB2304) Asked to be put on the next meeting’s agenda.

Mr. Borelli confirmed they will be on the 11/8/23 agenda and will not have to re-notice

ZB2303 – Cellco Partnership dba Verizon Wireless – Block 5501 Lot 30 – 4883 Lake Rd – Use Variance, Conditional Use, and Site Plan

Nicholas Cuce representing the applicant. They would like to install a new monopole at 4883 Lake Rd. He had 4 witnesses – James Rodgers, Andrew Peterson, James Kyle, Pete Tsoukalas.

Mr. Cuce questioned Mr. Rodgers. He explained he is a site acquisition consultant hired by Verizon. He spoke about the property and its description. He answered questions about Verizon’s responsibility to the property.

Mr. Peterson was questioned by Mr. Cuce. He is a radio frequency engineer. He explained a radio frequency analysis of the area and explained electro magnetic emissions compliance.

Mr. Tsoukalas share he is the engineer when questioned by Mr. Cuce. He explained the site plan he designed for Verizon.

Mr. Scheidegg gave his engineer review and stated the applicant has addressed all his concerns from his review.

Mr. Kyle was questioned by Mr. Cuce. He is a professional planner and spoke about the variance needed due to the single-family home on the same lot. He also gave the positive and negative criteria.

Motion to open public portion Gaetano 2nd: Garofalo Roll Call: All in Favor

Kevin Kelton – asked about the co-mingle of transmission poles

Cindy Merckx – asked about the homeowners getting compensated

Motion to close public portion Gaetano 2nd: Leo Roll Call: All in favor

Motion to Approve Cellco conditional use and use variance and site plan approval: Gaetano 2nd: Leo

Roll Call:

Gravenor Yes

Iglesias Yes

Gaetano Yes

Leo Yes

Garofalo Yes

Ketcham Yes

Hammel Yes

Falisi Yes

Adjourn

Motion by Leo 2nd Garofalo Roll Call: All in favor

These minutes are **a brief summary** of the proceeding and should not be taken as verbatim testimony.

Respectfully submitted,

Desiree Hogbin