

**TOWNSHIP OF FRANKLIN
COUNTY OF GLOUCESTER**

R-65-22

**RESOLUTION AUTHORIZING THE TOWNSHIP OF FRANKLIN SOLICITOR
AND OTHER TOWNSHIP PROFESSIONALS TO PREPARE AND FILE A
SUMMARY ACTION WITH THE SUPERIOR COURT SEEKING INJUNCTIVE
AND OTHER RELIEF FOR NUMEROUS AND CONTINUING VIOLATIONS OF
THE TOWNSHIP'S ZONING ORDINANCES**

WHEREAS, the resident owns Block 1306, Lot 18 and 18Q, in Franklin Township, Gloucester County, New Jersey; and

WHEREAS, the resident also owns Block 1306, Lots 18 and 18Q, known as 954 Delsea Drive, Franklin Township; and

WHEREAS, Block 1306, Lots 18 and 18Q, was zoned as HC Highway Commercial District prior to and during the resident's ownership and use of those Lots, and remained zoned as HC properties to date; and

WHEREAS, the Franklin Township Zoning Ordinance, Chapter 253. Land Development, Highway Commercial HC applies to the said property; and

WHEREAS, Township of Franklin adopted Codes and Ordinances known as Article 253 Land Development, for the permitted and prohibited uses of properties within and other zones; and

WHEREAS, due to complaints from 2019 to the present regarding the owner's use of Lot 18 and 18Q, and subsequent zoning official investigations, Franklin Township determined the owner's use of Lot 18 and 18Q was in violation of the Township's Zoning Codes and Ordinances referenced in the previous paragraph, and issued summonses in Municipal Court against the owner from September 20, 2020, to present; and

WHEREAS, the Municipal Court found the owner guilty of repeated violations which have been left unresolved; and

WHEREAS, the owner continues to violate each of the previously issued Summons despite the guilty findings and fines; and

WHEREAS, the Township intends to file a Summary Action in the Law Division as permitted by NJ Court Rule 4:70 and N.J.S.A. 40:55D-18 to compel the owner to cease and desist from violating the previously referenced Ordinances and Code, and to pay all outstanding fines and fees;

NOW, THEREFORE, BE IT RESOLVED by Township Committee of the Township of Franklin, County of Gloucester, and State of New Jersey, as follows:

1. The Township Solicitor, along with members of his firm, is authorized to prepare and file a Summary Action in the Superior Court on behalf of the Township seeking injunctive and other relief to enforce the resident to cease and desist from violating the Township's Zoning Ordinances, to comply with those Ordinances, and to pay all outstanding fines and fees due to his violations.
2. The Township Solicitor, along with members of his respective firm, is authorized to take such as actions as may be appropriate to further both the preparation, filing, service and litigation of such Summary Action to completion, including any appeals and efforts to enforce judgments.
3. This Resolution shall take effect immediately upon its passage.

Adopted: April 12, 2022

COMMITTEE MEMBER	MOTION	2 nd	YES	ABSTAIN	NO	ABSENT
T. Doyle						
D. Deegan						
M. Petsch-Wilson						
H. Flaim						
J. Bruno						

Attest:

Township of Franklin

Barbara Freijomil, Clerk

John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on Tuesday, April 12, 2022.

Barbara Freijomil, Clerk