

**FRANKLIN TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
RESOLUTION NO. ZB 23-11**

**WHEREAS**, RLS Real Estate of Newfield, NJ, II, LLC has applied to the Zoning Board of Adjustment of the Township of Franklin for expansion of a preexisting non-conforming use and amended site plan approval for installation of 2 65-foot long CO2 tanks and 4 covered recovery units to generate dry ice for use in the existing cold storage business; and

**WHEREAS**, the property in question is located on Dutch Mill Road and Main Road and known as Lot 26, Block 5602, on the tax map of Franklin Township, said property being in a Residential Agricultural Zone (RA); and

**WHEREAS**, the Zoning Board of Adjustment, after carefully considering the evidence presented has made the following factual findings and statements of reason:

1. All notices of the public meeting were properly served in compliance with New Jersey State Statute and the Franklin Township Land Use Ordinance and the application was deemed complete.

2. Elias Manos, Esquire appeared on behalf of the applicant and presented the testimony of the principal owner, Russell Leo, and Professional Engineer, Steven L. Fillipone. The applicant currently operates a cold storage business, the use and site plan having been previously approved by this Board. The applicant now proposes the installation of 2 65-foot long CO2 tanks, along with 4 covered recovery units to be utilized to generate dry ice for use on premises. The proposal constitutes an expansion of a preexisting non-conforming use and requires an amendment to prior site plan approval. The applicant presented testimony that dry ice is presently delivered to the site. Therefore, generation on site will reduce traffic. The proposal will not result in the addition of any employees, additional construction or additional impervious area. Part of the process will take place in an existing building, will not be visible from the road, and will not create noise, light, vibration or odor. No bulk variances are necessary. The applicant has requested waivers from the installation of concrete sidewalks, concrete curb and additional landscaping. All of these waivers were previously granted and the current proposal will not result in any change. The Board considered the review letter of November 20, 2023 prepared by Planning Board Engineer and Planner, David S. Scheidegg. No one from the public appeared to make comment on the application.

3. The Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township

of Franklin. The applicant has shown the special reasons necessary to grant the variance.

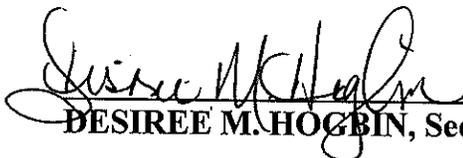
**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Township of Franklin this 6<sup>th</sup> day of February, 2024, confirming action heretofore taken, that the application of RLS Real Estate of Newfield, NJ, II, LLC for expansion of a preexisting non-conforming use and amended site plan approval for installation of 2 65-foot long CO2 tanks and 4 covered recovery units to generate dry ice for use in the existing cold storage business is hereby granted, subject to the following conditions:

1. The applicant shall obtain all other necessary governmental approvals from State, County, Federal and Municipal governmental agencies or bodies. If the applicant fails to obtain and execute a zoning permit within six months of this approval, then this approval shall be null and void and no permit shall be issued.
2. The applicant shall satisfy all outstanding fees and escrows prior to the granting of construction permits or issuance of a Certificate of Occupancy.
3. The applicant shall be responsible for the payment of any and all Affordable Housing Development Fees due pursuant to Franklin Township Ordinance, Chapter 138 within the time required by the Ordinance.
4. Waivers are granted from providing concrete sidewalks, concrete curb and additional landscaping.

**FRANKLIN TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

  
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**JOHN GRAVENOR, Chairman**

**ATTEST:**

  
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**DESIREE M. HOGGBIN, Secretary**