

**FRANKLIN TOWNSHIP PLANNING BOARD
RESOLUTION NO. PB 23-16**

WHEREAS, Paul Cuccinello, Jr., has applied to the Planning Board of the Township of Franklin seeking minor subdivision approval creating one new lot and a variance to provide an 80-foot agricultural buffer where 100 feet is required; and

WHEREAS, the property in question is located on Dutch Mill Road, Block 5701, Lot 50 on the tax map of the Township of Franklin, said property being in an RA (Residential Agricultural) zone; and

WHEREAS, the Planning Board of the Township of Franklin, has had an opportunity to review the application submitted and determined that such application substantially complies with the requirements of the Township of Franklin Ordinance and is deemed complete; and

WHEREAS, all notices of the public meeting were properly served in compliance with New Jersey State Statute and the Franklin Township Land Use Ordinance and a public hearing having been held; and

WHEREAS, the Township of Franklin Planning Board has made the following factual findings:

1. David C. Patterson, Esquire, appeared on behalf of the applicant. The applicant is the owner of a 19.6-acre parcel of property improved with a single family dwelling with the remainder under agricultural use. The applicant seeks approval to subdivide creating a 1.5-acre lot which will include the existing home with the remainder lot to consist of 18.1 acres which is vacant and under agricultural use. The applicant is also establishing an easement to allow access to an adjoining lot which he also owns and includes the Pinnacle Paint Ball park. It is his intention to sell the home to the manager of the paint ball park who will reside there. It is also his intention to allow the remainder lot to continue to be farmed by the same farmer presently leasing the property. He has no other plans for the property at this time. No one from the public appeared to comment on the application. The Board reviewed the letter of December 14, 2023 prepared by Planning Board Engineers and Planners, CME Associates. An agricultural buffer of 100 feet is required to the rear of the newly established 1.5-acre lot. There is an existing building 80 feet from the rear property line. Therefore, a variance/waiver is required.

2. The application submitted by the applicant substantially complies with the requirements of the Township of Franklin Land Use Ordinance. The request by the applicant can be granted without substantial detriment to the public good and will not

substantially impair the intent and purpose of the Township of Franklin Land Use Ordinance or Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Franklin Planning Board this 20th day of February, 2024, confirming action heretofore taken, that the application of Paul Cuccinello, Jr., seeking minor subdivision approval creating one new lot and a variance to provide an 80-foot agricultural buffer where 100 feet is required is hereby granted, subject to the following conditions:

1. The applicant shall obtain any other applicable governmental approvals which the applicant may be required to obtain from any local, county, state, or federal governmental agency or body.
2. The applicant shall satisfy all outstanding fees and escrows prior to the signing of subdivision deeds or issuance of a Certificate of Occupancy.
3. This approval shall expire in 190 days unless the applicant files a plat or records deed within such time pursuant to the statute.
4. Pursuant to Township Ordinance Section 253-101 "Right to Farm", the subdivision deed for Lot 50.01 shall contain the following notice:

Notice: On the date of creation of this lot, Franklin Township permitted and may continue to permit by Ordinance farming activities which some may deem offensive such as, but not limited to, aerial and ground application of pesticides, use of power driven equipment, such as tractors and irrigation pumps, grazing of livestock, etc. Use of this parcel shall be subject to the "Agricultural Buffers" as set forth in Township Ordinance

FRANKLIN TOWNSHIP PLANNING BOARD



JOSEPH PETSCH, Chairman

ATTEST:



CHRISTINA MULFORD, Secretary