

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF FRANKLIN
GRANTING MINOR SITE PLAN APPROVAL FOR PURPOSES OF CONSTRUCTING
A 1,200 SQUARE FOOT POLE BARN STRUCTURE IN THE REAR OF THE SITE AT
1012 DELSEA DRIVE, ALSO KNOWN AS BLOCK 1306, LOT 32, IN THE TOWNSHIP
OF FRANKLIN, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

WHEREAS, the Applicant, Ryan Morris, in the Township of Franklin, County of Gloucester, State of New Jersey, as to property located at 1012 Delsea Drive, and designated as Block 1306, Lot 32, on the Tax Maps of the Township of Franklin, has filed an application for a minor site plan approval.

WHEREAS, after a public hearing held on August 20, 2024, the following initial findings of facts were made to wit:

1. The Applicant has proposed to construct a 1,200 square foot pole barn structure in the rear of the site. The site is located on Delsea Drive north of Malaga.
2. There are several variances required for insufficient lot frontage, buffering, and driveway surface material.
3. The Applicant has requested variances pursuant to N.J.S. A. 40:55D-70C (2) for the following relief:
 - a. 253-138.B Lot Frontage – The minimum required lot frontage is 150 feet, where 137.5 feet is provided. This is an existing non-conforming condition.
 - b. 253-103.M(3) Buffering – A buffer with a width of at least 25 feet is required where a commercial or industrial use abuts a pre-existing non-conforming residential use. No landscape buffers are proposed. This is an existing condition.
4. The Applicant had initially requested relief from the following farmland buffer requirement; however, Applicant abandoned this request for variance relief and agreed to comply with the 100 feet buffer as required per code and as specified below:
 - a. 253-101.D Farmland Buffer – Any application for subdivision or site plan on property that is within or adjacent to qualified farmland in the RA district, a buffer of at least 100 feet in width is required along the rear yard adjacent to the qualified farmland. No such buffer is proposed, and the proposed pole barn will encroach into the buffer area.

5. The Applicant has requested relief from the following design standards of the Township Code:
 - a. 253-50. A(2) Sidewalks – All site developments and major subdivisions shall have sidewalks. No sidewalks are proposed along Delsea Drive frontage.
 - b. 253-50. A(3)(c) Curbing – Concrete curbs are required along the street frontage of all site developments. No curb is proposed beyond the driveway along Delsea Drive. The professionals deferred to NJDOT for further comment.
6. The application was considered complete as per the CME Associates April 15, 2024, review letter which recommended granting submission waivers for certain required items not provided.
7. The Applicant represented that the taxes on the subject property are current.
8. The Applicant was represented by Dante Parente, Esq., Lauletta Birnbaum, LLC.
9. Prior to proceeding to the Application, the issue of multiple use on the property was raised by one of the Board members and it was further explored whether this application needed to proceed to the Zoning Board rather than the Planning Board. Conversation was had amongst the professionals, board members and the Applicant testified that the use for the Pole Barn directly relates to the use of the building which is located on the front of the property. It was determined that the planning board was the appropriate venue and that the proposed pole barn directly related to the same use and that there was no reason to defer the Applicant to the zoning board.
10. In support of the application, the Applicant introduced the testimony of the following people:
 - a. Applicant, Ryan Morris.
 - b. Daniel Patterson, P.E.L.S., Patterson Surveying & Land Engineering
11. A complete list of the plans and documents submitted by the Applicant in support of its application is specified on page 9 of the review letter dated April 15, 2024, issued by Christopher Dochney, P.P., Planning Board Planner, and Edward F. D'Armiento, PE, CFM, of CME Associates, the Planning Board Engineer.

12. Christopher Dochney, P.P., AICP, of CME Associates, the Planning Board Planner, submitted three (3) comprehensive review letters with the third and most recent letter being dated August 2, 2024. Additionally, Edward F. D'Armiento, P.E., of CME Associates, the Planning Board Engineer, submitted his comments within the same review letters as indicated herewith. Said letters are on file with the Planning Board secretary and are incorporated by reference herein.
13. The Planning Board considered the testimony of Christopher Dochney, P.P, the Planning Board Planner, and Edward F. D'Armiento, P.E., CFM, CME, the Planning Board Engineer. Both testified with regard to and consistent with their respective review letters.
14. Public notice of the hearing was provided in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-12.

WHEREAS, Dante Parente, Esq., attorney for the Applicant, Ryan Morris, introduced the application and represented to the Board that Applicant was present and would be the main witness. Finally, Mr. Parente represented that the Applicant will comply with all of the comments and conditions contained in the review letters as prepared by CME Associates with the most recent being dated August 2, 2024, and that Applicant will prepare and submit a Conservation Easement as the property in question abuts a farm property, Block 1306, Lot 17, with the conservation easement being located 100 feet adjacent to that property.

WHEREAS, the Applicant's first witness, Daniel Patterson, of Patterson Surveying and Land Engineering, and he gave a brief overview of the project and set forth the variances and waivers sought by Applicant. He further testified that he would be providing revised plans which illustrate the 100-foot farmland buffer and that he believed there would be no issues created by the adjustment of the pole barn to allow for the buffer.

WHEREAS, the Applicant, Ryan Morris, testified as to his plan use of the pole barn and that he would be willing to comply with whatever conditions were required of him by the board to be able to move forward with the project. As noted previously within this Resolution, Applicant had also testified as to the use of the pole barn and its direct relation/tie to the use of the building structure on the property which faces Delsea Drive. Further, Applicant testified that he had cleared trees at the rear of the property at some point within the last few years and would be willing to plant new trees to allow for a privacy screen and would work with the professionals to do so.

WHEREAS, the Board Planner, Chris Dochney, P.P. AICP, testified consistent with his review letter.

WHEREAS, the Board Engineer, Edward F. D'Armiento, PE, CFM, CME, testified consistent with his review letter and pointed out that Applicant should confirm that moving the pole barn to allow for the 100-foot farmland buffer would create no conflict or problem with utility lines, etc. Applicant's engineer testified he understood and believed there to be no issue.

WHEREAS, the development plans have been reviewed by the Planning Board Professionals (whose findings and reports are incorporated herein and made a part hereof) and have been found to be in compliance with the Development Regulations of the Township, except as noted previously where variances or waivers were requested,

WHEREAS, the public, specifically, Andrew and Joseph Komito, owners of Block 1306, Lot 17.01, Q-Farm, testified regarding the property and submitted the following photographs which were marked as exhibits:

W-1 Streetview photograph dated November 2022 of 1012 Delsea Drive.

W-2 Photograph dated August 19, 2024, described as looking at Delsea Drive and taken by Andrew Komito.

W-3 Photograph dated August 19, 2024, described as looking at the Applicant's rear property line.

W-4 Streetview photograph of 1012 Delsea Drive, dated June 2023, printed August 18, 2023.

The Komito brothers testified that their property is directly behind the Applicant's property and that there had been a good deal of tree clearing which took place on the property. Applicant testified that he had cleared the trees referenced by the witnesses. The witnesses thanked the Applicant for complying with the 100 feet farmland buffer and requested some kind of privacy screen to be installed to separate the properties and the Applicant agreed to install a privacy screen utilizing a staggered double row of Evergreen trees or something better than that and will work with the Engineer and Planner to determine the best option.

NOW, THEREFORE, based upon the foregoing findings of facts and conclusions of law, including all of the testimony and evidence presented at the public hearing, BE IT RESOLVED by the Planning Board of the Township of Franklin that the Application by Ryan Morris, for Minor Site Plan as described herein is hereby GRANTED by a vote of nine (9) in favor and none (0) opposed, for the reasons set forth on the record in this matter and subject to the following terms and conditions:

1. The Applicant *shall be bound by all agreements and/or representations made by or on behalf of the Applicant as set forth at the hearing in this matter* and the Applicant shall be bound by all exhibits introduced, all representations made and all testimony given on its behalf before the Planning Board, except as otherwise noted on the record.

2. The Applicant shall provide a tree buffer and shall confer with the Board Professionals in determining the best option to provide for a privacy screen.
3. The Applicant shall satisfy all outstanding fees and escrows.
3. The Applicant shall provide all Planning Board professionals with an electronic copy of the files with each submission.
4. 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, which shall include but not be limited to:
 - a. Gloucester County Planning Board
 - b. Gloucester County Soil Conservation District
 - c. Gloucester County Health Department
 - d. Township of Franklin Fire Chief
 - e. Township of Franklin Police Department
 - f. Gloucester County Utilities Authority

Evidence of these approvals must be submitted to the Planning Board Secretary, Planning Board Planner, Planning Board Engineer, and Planning Board Attorney prior to the issuance of any permits.

5. The Applicant shall address all issues and comments raised in the review letters as prepared by the Board's professional planner and engineer.
6. Revised plans shall be provided by the Applicant which illustrates the Applicant's compliance with the 100-foot farmland buffer.
7. Applicant should ensure that the plan revisions do not change or create any issues with utilities.
8. Approval is conditioned upon the Applicant's submission and the acceptance of a Conservation Easement by the Township of Franklin in connection with the farmland set back requirement.
9. All conditions of approval must be satisfied by the Applicant prior to the beginning of site construction and prior to any permits.
10. The within approvals are subject to the Applicant's compliance with the Planning Board's Final Condition Checklist.

11. The failure of the Applicant to comply with any of the conditions contained in this Resolution will permit the Planning Board, at its sole option, to rescind the approvals being granted by this Resolution and/or to advise the Townships to revoke any permits which have been issued to the Applicant.

BE IT FURTHER RESOLVED that Notice of Decision of this Resolution will be published by the Planning Board Secretary within ten (10) days of the date of the adoption of this Resolution in the South Jersey Times or the Sentinel of Gloucester County, which are designated as the official newspapers of publication of the Township of Franklin Planning Board.

ROLL CALL VOTE

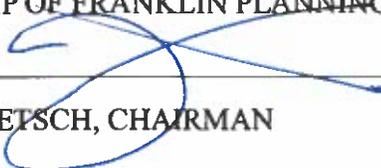
THOSE IN FAVOR:

THOSE OPPOSED:

THOSE ABSTAINING:

Adopted at a regular meeting of the Planning Board of the Township of Franklin held on August 20, 2024.

TOWNSHIP OF FRANKLIN PLANNING BOARD



JOSEPH PETSCH, CHAIRMAN

ATTEST:



Christina Mulford, Secretary

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorialization resolution, as adopted by the Planning Board of the Township of Franklin in accordance with its decision at a regular meeting held on September 17, 2024.

DATED: September 17, 2024

Christina Mulford

Christina Mulford, Secretary

TOWNSHIP OF FRANKLIN PLANNING BOARD