

#2574

March 14

clerk@franklintownship.com

**From:** TL <opra+request-59197-39c511cc@requests.opramachine.com>  
**Sent:** Wednesday, March 06, 2024 6:51 AM  
**To:** clerk@franklintownship.com  
**Subject:** EXTERNALOPRA request - Minutes and signed resolution from variance meeting of properties 2570, 2576, and 2580 Victoria Ave., Newfield 08344

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Dear Franklin Township (Gloucester),

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested: Minutes and signed resolution from variance meeting of properties 2570, 2576, and 2580 all on Victoria Avenue, Newfield 08344.

Yours faithfully,  
TL

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Please deliver records electronically via email to the below UNIQUE address for all replies to this request:  
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**FRANKLIN TOWNSHIP PLANNING BOARD**

**RESOLUTION NO.**

**RESOLUTION APPROVING MINOR SUBDIVISION APPROVAL FOR THE  
CREATION OF THREE (3) NEW RESIDENTIAL LOTS**

**TO**

**RICHARD AND LINDA ENDRES**

**RE: BLOCK 6503, LOT 6  
(2586 VICTORIA AVENUE)**

**APPLICATION NO. PB 14-2**

**WHEREAS**, Richard and Linda Endres, Applicant/Owner, residing at 2586 Victoria Avenue, Franklin Township, New Jersey, submitted an application to the Planning Board of the Township of Franklin, received on March 3, 2014, Application #PB 14-2, seeking minor subdivision approval for the creation of three (3) new residential lots with the remainder parcel (4<sup>th</sup> lot), which contains an existing residence to remain a residential use; and

**WHEREAS** the Applicant submitted a minor subdivision plan prepared by Michael Avila, NJPE of Avila Engineering dated February 25, 2014 along with a letter from the State of New Jersey, Pinelands Commission dated January 10, 2014 with attached "Certificate of Filing" and a letter from the Gloucester County Planning Department dated March 25, 2014 advising of an "Approval Plan" since the application will have no affect to any County facilities; and

**WHEREAS**, the property in question is located at 2586 Victoria Avenue and known as Block 6503, Lot 6 on the tax map of the Township of Franklin, said property being in the PRR District; 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 and is deemed complete; and

**WHEREAS**, Gregory R. Valesi, PE, PP, CME, Planning Board Engineer submitted a report dated April 8, 2014; and

**WHEREAS**, the Applicant, Richard and Linda Endres, appeared with their attorney, Patrick F. McAndrew, Esquire of Medford, New Jersey and Michael E. Avila, PE of Berlin, New Jersey at the April 15, 2014 regular meeting of the Township of Franklin Planning Board and testified that they would like to obtain approval for this minor subdivision; and

**WHEREAS**, the Board heard the following testimony on the application:

1. Patrick McAndrew, Esquire introduced the Applicants' engineer, Michael Avila, PE of Avila Engineering. Mr. McAndrew noted that Mr. Avila prepared the minor subdivision plans and the plans submitted for approval by the Pinelands Commission. The Applicants have received a letter from the State of New Jersey Pinelands Commission dated January 10, 2014 acknowledging the issuance of a Certificate of Finding to allow for the Franklin Township Planning Board to act on the application presently before the Board. Mr. McAndrew noted that the Applicants are requesting two (2) waiver submissions. The application is for a minor subdivision for the creation of three (3) new residential lots. The Applicants have applied clustering provisions per the Township Ordinances. The proposed development and features of the development will not have any negative impact on the current property or surrounding properties. The largest portion of the subject tract is already designated as wetlands and a large portion will be included in a conservation easement.
2. Michael Avila, PE testified that the subject property is 24.86 acres. There is an existing single family residence on the property. The southern portion of the property is completely wooded. The Applicants propose to carve out three (3) separate individual residential lots. All of the lots are for single family residences. The Pinelands Commission is requiring a conservation easement. The Township Ordinance does call for cluster lots of one (1) acre. The properties will require septic and well. At the time of actual construction of the residence, a plot plan and grading plan for the construction of each house will be provided at that time. The conservation easement is approximately 18 acres of the current entire site. The portion of the plan submitted to the Board with the hash marks throughout is the portion of the property which will be in the conservation easement.
3. Michael Avila, PE further testified that approximately 18 acres of the 21 acres would be in the conservation easement. Approximately 2 ½ acres would be left from the conservation easement with the existing residence. The area around the existing residence and the roadway to the residence on the easterly part of the plan would not be within the conservation easement. But, the 17.99 acres would be in the conservation easement and thereby deed restricted. The balance of the property would not be in the conservation easement.
4. Michael Avila, PE further testified by stating that proposed Lot 6.01 would be 1 acre, Lot 6.05 would be one (1) acre and Lot 6.06 would be one (1) acre and the existing remainder Lot 6 would be 21.846 acres.
5. Michael Avila, PE further testified that the layout of the minor subdivision was mandated by the Pinelands Commission. The present application does not call for any bulk variances and the application meets the Township Ordinance requirements.



Three (3) new lots are to be created. According to RSIS Standards, the streets are classified as rural streets. The proposed one (1) acre lots meet the rural definition and requirements. As to parking, single entry garage parking with at least three (3) spaces. He will add a Table to the final plans to include same. As to the setback for wetland, at least 300' distance is proposed. As to soil conditions, according to the plan, the depth is consistent with prior approvals including Pineland Commission and County approval. Marked as Exhibit "A" was the letter from Gloucester County Planning Board. Marked as Exhibit "B" was an e-mail to the County Tax Assessor.

6. Michael Avila, PE further testified that he can provide the additional information requested by the Board and update the plan. At present, the Applicants do not propose any actual development of the three (3) new lots. Therefore, no septic or soil reports at this time and the Applicants would defer to the future homebuilder to address same. Obviously, upon application for construction, such information would be provided at said time. In conclusion, the minor subdivision application complies with the Township Ordinances. No bulk variances are requested. The minor subdivision plan is consistent with surrounding uses and utilizes the cluster zoning. The Applicants are requesting two (2) waivers for site features within 200' by providing within 25'. Also waivers from providing features within 200-300 feet on the plan to within 25'
7. Board Member John Melleady stated that he didn't think that the Pinelands would have acted to approve the plan without having reviewed the issues discussed this evening.
8. Board Member Pat Dougherty questioned the Applicants regarding the first proposed new lot (i.e. 6.04) on the west side as to whether the applicant proposed to cut down the existing trees and thereby provide no buffer to adjacent Lot 6.03.
9. Michael Avila, PE testified that the cedars are to be moved to the rear property line. No mass removal of trees. Just tree removal where the house would be developed.
10. Board Member John Melleady asked if the Applicants would leave the trees on the proposed Lot 6.04 as a buffer.
11. Michael Avila, PE responded that was not the Applicant's original intention for the new one (1) acre lots but, yes, as to the rear portion of the plan.
12. Grey R. Valesi, PE, PP, CME, Planning Board Engineer/Planner testified regarding the application. He noted that the Applicants are asking for two (2) plan waivers. Mr. Valesi indicated from an engineering point, the plans appear to be proper and the waivers appropriate. The Pinelands Commission has also approved the plans.



13. Board Chairman Harry Kennedy again noted that the Pinelands Commission has approved the application. Mr. Kennedy noted the concern regarding the neighbors next to the development.
14. Greg R. Valesi, PE, PP, CME, Planning Board Engineer/Planner noted that the minor subdivision plans would require final plans for each individual lot to be submitted to the Construction Office at the time of construction.
15. Board Member Dougherty again questioned the setback of the trees on proposed Lot 6.04. On the west side of proposed Lot 6.04, there is a 20' setback which shows existing trees on the plan.
16. Patrick McAndrew, Esquire stated there is a 20' side yard setback buffer area and the applicant would leave whatever trees are presently located in the side yard on proposed Lot 6.04
17. Greg R. Valesi, PE, PP, CME, Planning Board Engineer/Planner noted that the existing survey and proposed subdivision plan shows existing conditions on it. The plan shows the Applicant leaving trees within the 20' side yard setback on proposed Lot 6.04.
18. A question arose as to some missing trees within the side yard setback and whether the Applicants would fill in along the west side of proposed Lot 6.04; and

**WHEREAS**, the hearing on this application was opened to the public and the following individuals commented on the application as follows:

1. Gia Bauer of 2565 Victoria Avenue testified that she lives next to the property. She further testified that a buffer should be required. The Applicants' property line is next to her driveway and rear yard. At this point in time, Gia Bauer read a prepared statement. She acknowledged that the Pinelands have changed the rules from what they were previously. Now cluster homes are acceptable. Anyone can do it. However, the rural scenic view is the reason people had moved here in the past. Now they are taking away open space and the scenic view and she is not pleased by the proposed development. No longer the view but a row of homes. She realizes there is nothing she can do about the project but is asking for a buffer. She is aware that the Pinelands has already approved the project but the issue is personal to her. She enjoys the open space. The buffer should be at least 20' from her property.
2. At this point, the Board marked a Map as Exhibit "C" which was an aerial view provided by Gia Bauer.

3. Kelly Ann Griggs of 2517 Victoria Avenue testified that she lives across the street and has been farming for more than 20 years. She brought her previous property from the prior farmer and built her dream home on the property. The site had been divided some 10 years ago with larger lots and beautiful homes built there with 400' setbacks. Mr. Endres home is beautiful. Ms. Bauer built her house. Her view has been obstructed. Her property is deed restricted farmland. It changes her reason for wanting to stay here. She doesn't understand how it got approved.
4. Board Member John Melleady stated that the Pinelands gave us this Ordinance, we reviewed it and was adopted by the Township Committee.
5. Board Chairman Kennedy noted that if all requirements are met then the Board would likely to have to grant the application if no variances. If variance, then there is more to say by the Board. In this instance, no issues have been handed down to the Board. The Board tries to make it as livable and bearable as possible. Not everyone will be happy. Not what we wanted but what the Pinelands Commission wanted.
6. Keith Welch who lives on Tuckahoe Road testified that most of his questions were answered. He had just left Washington Township and wanted to know how many more developments and cluster subdivisions. What can be done with the land to the back of the remaining Lot 6?
7. Greg R. Valesi, PE, PP, CME, Planning Board Engineer/Planner stated that the majority of the remaining existing Lot 6 would be placed in a conservation easement and will be left in its natural state.
8. Patrick McAndrew, Esquire concluded by stating that the applicant is proposing single family homes. Overall, the lot is 25 acres. There will be three (3) one (1) acre new lots. 18 acres will be deed restricted by a conservation easement. Development of this site is by Ordinance and not optional. If more than two (2) lots, then the Ordinance requires that they be clustered. The applicant has agreed to a 20' side yard buffer on the west side of Lot 6.04 and will not remove any of the existing trees and will fill in any gaps along the westerly side of Lot 6.04.
9. Board Member John Melleady asked if the Applicants would consider a 30' buffer along the westerly side of Lot 6.04.
10. Patrick McAndrew, Esquire responded that the Applicants will agree to a 30' buffer along the west side of Lot 6.04 and will leave any existing trees in place and will fill any gaps within the buffer; and

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



1. The applicants are the owners of a parcel of property known as Block 6503, Lot 6, containing approximately 24.846 acres. The Applicant is proposing a minor subdivision. The Applicant proposes to create three (3) new single family lots, each fronting on Victoria Avenue and containing 1.00 acres in accordance with the current clustering provision of the PRR (Pinelands Rural Residential Zone), while the remaining 21.846 acres would contain the existing house with 17.994 acres to be included in the proposed conservation easement.
2. The Applicants have requested two (2) submission waivers.
3. The Applicants have agreed to provide a 30' side yard buffer on the westerly side of proposed new Lot 6.04 and will replace any existing dead trees and will fill in any gaps with new tree plantings.
4. The Applicants have received Pineland Commission approval for the proposed minor subdivision.
5. The Applicants plans meet RSIS requirements.
6. The Applicants have agreed to make the necessary change to the final plans as agreed to at the hearing and/or as recommended by the Planning Board Engineer.
7. The application submitted by the Applicant substantially complies with the requirements of the Township 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 20<sup>th</sup> day of May, 2014, confirming action heretofore taken, that the application of Richard and Linda Endres seeking minor approval subdivision to create three (3) new single family lots, each containing one (1) acre is hereby granted subject to the following conditions:

1. Any and all agreements and representations made by the Applicants as set forth at the hearing on this matter or as contained in this Resolution must be fully satisfied.
2. This approval is conditioned upon the final approval of the State of New Jersey Pinelands Commission.
3. This approval is conditioned upon the submission, review and approval of a Conservation Easement for approximately 18 acres located on Lot 6 by the Board Professionals as well as the Pinelands Commission.
4. This approval is conditioned upon the Applicants providing for a thirty (30) foot wide side yard buffer along the westerly property line of the new proposed Lot 6.04. In addition, the Applicants shall not remove any of the existing trees within

this thirty (30) foot buffer and shall, as a condition of approval, replace any dead trees and fill in any gaps of missing trees along the side yard buffer on the new proposed Lot 6.04.

5. The Applicants are granted waiver from Section 253-33(D)(2) to allow for within 25 feet of said parcel and a waiver from Section 253-33(D)(9) to allow for within 25 feet of said parcel.
6. This approval is further conditioned upon the Applicants' Engineer making the changes to the minor subdivision plan as represented and/or as agreed upon at the hearing.
7. Proposed lot numbers shall be approved by Township Tax Assessor. The applicant shall provide written approval of lot numbers by Tax Assessor and revise plans as necessary.
8. 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.
9. The applicant shall satisfy all outstanding fees and escrows prior to the signing of minor subdivision deeds or plans.
10. The applicant shall submit for review and approval the minor subdivision deeds to the Board Solicitor prior to execution by the Board and filing at the County Clerk's Office.
11. This approval shall expire in 190 days unless the applicants file a plan or records the minor subdivision deeds within such time pursuant to statute; however, this time frame for recording the plan, shall be tolled pursuant to N.J.S.A. 40:55D-21 until the New Jersey Pinelands Commission reviews the local approval and issues a no call-up letter so that it may become final and take effect.

**BE IT FURTHER RESOLVED**, that this Resolution or a Notice of Decision will be published within ten (10) days of the date of the adoption of this Resolution in the South Jersey Times/Gloucester County Edition 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:   | <u>ALL</u>  |
| THOSE OPPOSED:    | <u>NONE</u> |
| THOSE ABSTAINING: | <u>NONE</u> |

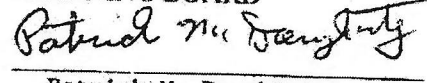


Adopted at a regular meeting of the Planning Board of the Township of Franklin held  
on May 20, 2014.

ATTEST:

  
E. LYNNE RAFUSE, Secretary

FRANKLIN TOWNSHIP  
PLANNING BOARD



Patrick M. Dougherty  
Acting Chairman

**CERTIFICATION**

I hereby certify that this foregoing Resolution is a true memorializing Resolution, as  
adopted by the Planning Board of the Township of Franklin, in accordance with its decision at  
a regular meeting held on May 20, 20 14.

  
E. LYNNE RAFUSE, Secretary  
Township of Franklin Planning Board

Dated: May 20, 2014

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inhabited structure is located within 1000 ft of the landfill and install methane monitors and alarms in all off site buildings for human use or occupancy within 1000 ft. of the respective landfill boundary.

Mr. Kennedy thanks Mr. Wilkinson for the presentation and all present in the audience for their patience.

The meeting adjourned at 8:05 PM.

#### **April 15, 2014 Planning Board**

Pursuant to the "Open Public Meeting Act," The Sentinel and the Gloucester County Times were notified of this meeting. A public notice was posted in the Municipal Building. The meeting of the Township of Franklin Planning Board was called to order by Chairman, Harry Kennedy at 7:01 PM with the following members present: Patrick Dougherty, Ed Leopardi, Lou Gonzalez, James Rohrer, John Melleady, James Simmons, Maria Rios and Mike Marsh. Absent: Justin Adams and John Bruno. Tim Scaffidi, Solicitor and Greg Valesi, PE are present.

#### **Roll Call**

#### **Approve Minutes 3/18/14**

#### **Approve Secretary's Report**

#### **Approve Resolution: PB14-1 Sharon Lynn Avis & Lona B. Ecker**

#### **Sign Ordinance Review-Review, Comment, Recommendations to Township Committee**

#### **PB14-2 Rich & Linda Endres B6503 L6 Minor Subdivision – 3 lots Clustering Victoria Avenue**

#### **Request for extension of Minor Subdivision PB13-1 John Mathiesen Grant Avenue**

#### **Informal Review Jason Brandt Oak Avenue concept subdivisions**

#### **Correspondence**

#### **Adjourn**

Mr. Kennedy seats John Melleady in the absence of John Bruno and seats Maria Rios in the absence of Justin Adams.

#### **Approve Minutes 3/18/14**

Upon a motion by Mr. Leopardi, seconded by Mr. Gonzalez, all in favor, to approve minutes of 3/18/14. Motion passed.

#### **Approve Secretary's Report**

Upon a motion by Mr. Leopardi, seconded by Mr. Gonzalez, to approve the March 2014 **Secretary's Report** in the amount of \$725.00.

**Roll Call Vote:** Mr. Dougherty, yes; Mr. Gonzalez, yes; Mr. Leopardi, yes; Mr. Rohrer, yes; Mr. Simmons, yes; Mrs. Rios, yes; Mr. Melleady, yes; Marsh, yes; Mr. Kennedy, yes. Motion passed.

#### **Approve Resolution PB14-1 Sharon Lynn Avis & Lona B. Ecker Minor Subdivision-lot line adjustment.**

Upon a motion by Mr. Marsh, seconded by Mr. Melleady, to approve Resolution PB14-1 **Sharon Lynn Avis & Lona B. Ecker Minor Subdivision-lot line adjustment.**

**Roll Call Vote:** Mr. Dougherty, yes; Mr. Gonzalez, yes; Mr. Leopardi, yes; Mr. Rohrer, yes; Mr. Simmons, yes; Mrs. Rios, yes; Mr. Melleady, yes; Marsh, yes; Mr. Kennedy, yes.

#### **Sign Ordinance Review-Review, Comment, Recommendations to Township Committee**

Mr. Kennedy state the Board had the sign ordinance for the last month to review and asks audience if they had any comment or question informally on the Sign Ordinance, no one came forward. Discussion of lumens on signs and ask how someone would measure lumens are necessary or not, and would possibly be in the eye of the neighbor. Mr. Valesi had no additional comments.

Mr. Scaffidi, Esquire states the Board approval or recommendation of the sign ordinance will have to be sent back to Township Committee with comment by myself or Mrs. Rafuse.

Upon a motion by Mr. Gonzalez, seconded by Mr. Rohrer, all in favor, to send recommendation to Township Committee with comment of necessity of number of lumens and how it would be measured.

#### **PB14-2 Rich & Linda Endres B6503 L6 Minor Subdivision – 3 lots Clustering Victoria Avenue**

Mr. Scaffidi states all papers- notices are in order.

**Patrick F. McAndrew**, Esquire of Medford, NJ 08055 is the attorney of record, representing Rich & Linda Endres.

**Rich & Linda Endres** of 2586 Victoria Avenue are sworn in.

**Mike Avila**, PE, PP of Avila Engineering is sworn and gives credentials. The Board accepts him as expert witness. Mr. Avila states as part of submission waivers: there are two and would ask for submission waivers and again this has been noted.



**April 15, 2014**

Mr. Kennedy states the Board accepts Mr. Avila as expert witness.

Mr. Avila states single-family dwelling is to west, farms to east and south. Future development with Pinelands there will be a conservation easement, Lot 6 will only create these 3 new lots as cluster, and remainder is conserved for nitrate dilution and can have regular septic and well. If Board grants this then all house to well and septic requirements will be met. Mr. Melleady asks if applicant would be willing to extend conservation. The hashed area is the conservation easement. Mr. Dougherty asks if property in front is farmed. Answer-It is a tree farm. Attorney states it is deed restricted conservation easement not a farm easement. Mr. Melleady states with 21 acres were reserved could it be deed restricted. Mr. Avila states if deed restricted, the entire lot he would not be able to put up addition, shed, or garage. Mr. Dougherty states everything in hash marks will be deed restricted. Mr. Avila states out of 24 acres approximately 21 acres are deed restricted, some due to wetlands. Mr. Avila meets RSIS standards, this is classified as rural street and two waivers. Mr. Melleady did not think that Pinelands would provide COF unless water table was met.

Mr. Valesi states he looked at this and with checklist there are only 2 items, from Engineer standpoint it is complete, he looked at Google earth and went to site with wooded lot.

Mr. Melleady states the hurdle of Pinelands is paramount. Mr. Dougherty does not like clear cutting of property. Mr. Endres remains sworn and asks how much can be left. Mr. Dougherty states engineer states they will clear cut. Mr. Endres how many trees how far apart are they. Mr. Valesi states grading drainage plan would be at time of construction. Mr. Avila states it is 50' on rear. Mr. Dougherty states concern of west side buffer of Lot 6.04. Mr. McAndrews states they will leave trees in the 20' buffer. Mr. Kennedy states they do not show trees on side 20' setback. **7:38PM** Mr. Endres states he is happy to leave trees within 20' setback of Lot 6.04. Mr. Melleady states as a builder he cannot move footprint of 90' down to 80', suggests moving sideline over 10 more feet to give room to run equipment around there with 80' building envelope.

Upon a motion by Mr. Dougherty, seconded by Mr. Simmons, all in favor, to open the public portion. Motion passed.

**Gina Bower** of 2564 Victoria Ave. is sworn in and shows aerial map and feels this is not 300', it seems so close. Mr. Melleady states that it is 390'. Ms. Bower states there must be an agricultural buffer not only on the side but to the rear. After doing some research, Ms. Bowers states she lives on Victoria Avenue with protected open spaces, wildlife and a few homes. The original subdivision was deemed to be a minor subdivision and then this change was to make cluster homes, anyone can do this all throughout the township, people move here for rural scenic view and Mr. Endres proposes this and we are not pleased about this. Instead of views she will look at row homes and neighbors across street. There is nothing we can do about this but asks the Board to work on this. When pulling out of these homes there will be a safety issue. Please consider the buffer, hopefully in future these cluster plans will not continue to happen.

**Kelly Griggs** of 2517 Victoria Ave. is sworn in and states she has farmed for over 20 years and purchased Piretti farm estate, raised family and farmed and they divided into 25 acres lot. Slowly lots were created with big beautiful homes and everything there does not effect the beauty of home. My home is 60' from Victoria Avenue and new homes will be 20' and now I will see the front of their homes. Ms. Griggs would have never preserved her farm, if she knew she would have left option open for 10 lots; This will change reasons for staying here.

Mr. Melleady states Pinelands made changes. Mr. Kennedy states Planning Board has much less leeway than Zoning Board, if all is met then the Planning Board has to approve. The only thing we can do is to make it a palatable, fairly will it make everyone happy, no, but it may strike a compromise. Discussion on trees ensues.

**Heath Welsh** of 3415 Dutch Mill Rd. is sworn in and asks if there is a cap on new subdivisions and just left Washington Township and it is horrible. **7:59PM** Mr. Kennedy states there are parameters within the Pinelands and that is something we can prevent, but you cannot change what is promulgated. Mr. Welsh states there is so much road frontage with this type of loophole. The preserved property in back will it not be mowed, it is a conservation buffer. Mr. Valesi states it is left in a natural states, and I think Applicant can speak to this what is in mind for this and should be in language from for attorney.

**Mr. McAndrews** states they will provide deed stating to keep it in natural state.

No one else for question or comment.

Upon a motion by Mr. Melleady, seconded by Mr. Dougherty, all in favor, to close public portion. Motion passed.

Mr. McAndrews states they will be for single family dwellings not row homes, overall 25 acres lot, over 18 acres gets deed restriction for conservation, if you have more than 2 lots it has to be clustered. Conservation costs no money to anyone. Mr. McAndrews will include 30' and keep trees in 20' and some trees within total 30' side yard on lot 6.04. where there is a gap, they will plant.

**Gina Bauer** states again trees are diseased, can other trees be planted. Mr. Endres will put in arborvitae trees where necessary.



**Gina Bauer** states again trees are diseased, can other trees be planted. Mr. Endres will put in arborvitae trees where necessary and trees will be living. Mr. Scaffidi states for the record we will mark Gloucester County Planning Board approval and the 200' list from Office of Assessment as Exhibit A.

Upon a motion by Mr. Melleady, seconded by Mr. Simmons, to approve PB14-2 Endres Minor Subdivision conditioned on all testimony, trees in 30' buffer are to be left conditioned on planting trees and replacing trees if dead/diseased and grant waiver of showing wetlands and other structures.

**Roll Call Vote:** Mr. Dougherty, yes; Mr. Gonzalez, yes; Mr. Leopardi, yes; Mr. Rohrer, yes; Mr. Simmons, yes; Mrs. Rios, yes; Mr. Melleady, yes; Marsh, yes; Mr. Kennedy, yes. Motion passed.

#### **Request for extension of Minor Subdivision PB13-1 John Mathiesen Grant Avenue 8:10PM**

Mr. Mathiesen states he got a phone call recently from DEP for final approvals and he is also trying to do legals. Mr. Mathiesen states that he requests the extension and he also wants the Agricultural buffers taken out as he feels that his is a Forestry application not a farm application. Mrs. Rafuse states he needs the extension as his 190 day deadline to record the deed is rapidly approaching and if he does not receive an extension he would need to do this subdivision all over from the start. Mrs. Rafuse states that the Board can act on the extension request but not taking out the language of Agricultural buffer. Mr. Leopardi left the building.

Upon a motion by Mr. Melleady, seconded by Mr. Marsh, to grant a 6 month extension to record deeds for PB13-1 John Mathiesen

**Roll Call Vote:** Mr. Dougherty, yes; Mr. Gonzalez, yes; Mr. Rohrer, yes; Mr. Simmons, yes; Mrs. Rios, yes; Mr. Melleady, yes; Marsh, yes; Mr. Kennedy, yes.

#### **Informal Review Jason Brandt Oak Avenue concept subdivisions**

Mr. Scaffidi, Esquire reads into the record of Informal Review of developer's concept plan 40:55D-10-1 from Cox book. "At the request of the developer, the Planning Board shall grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development. The amount of any fees for such an informal review shall be a credit toward fees for review of the application for development. The developer shall not be bound by any concept plan for which review is requested, and the Planning Board shall not be bound by any such review." Mr. Scaffidi states anything that happens tonight is informal and will have no action taken.

Mr. Kennedy states some people may want to make comments to Board and to Developer but there will be no action.

**Jason Brandt** of 688 Rosemont is sworn in and states he wished to present some conceptual and there is also some street vacation requests. Mr. Brandt states street vacations were latter part of 2013 by Land Use committee who made recommendations to Township Committee to move forward. That request was sent at end of 2013 and some neighbors had concerns in lieu of that Township Committee was not comfortable vacating those streets. Mr. Brandt presented the following.

**Concept 4** was original plan, which was presented previously, going to Township Committee some neighbor comments, currently it is shy of 7 acre and will consist of 25 lots requiring no open space as lots exist with two means of ingress/egress and give or take to open space.

**Concept 2** proposes lot yield of 25 lots in lieu of 26 lots and has one means of egress with a intersected lot, with more open space buffer between existing lots and Rte. 55 8:24PM

**Concept 3** proposes 25 lots total disturbance of 20 acres, 54 acres single means of egress no longer 1 basin but will be 2 basins, to lessen impact to neighbors.

**Concept 1** same design as 3 not much of change 54 acres, /18 acres open space. Tried to design plan to minimize impact to existing neighbor.

Mr. Brandt states that Concept 2 would be best in relation to impact on adjoining neighbors, allows storm-water basin closest to ACE easements, keeps 193' buffer right-of-way, tan color would be preserved open space.

Mr. Scaffidi asks if there would be a Home Owners Association in Township, a lot of open space. Mr. Brandt states Ordinance does speak to Basin with options and one is to break it up into several lots for maintenance, etc.

Mr. Kennedy does not want to play lawyer, Idle lake was to be given to Township, now in perpetuity, now no trespassing. It is hunted and used and mostly wooded. DEP would approve storm-water design. Mr. Valesi states RSIS states either Township and/or HOA, it is main goal and policy of goal of Township. Mr. Melleady asks what type of soils? Answer- K5 sandy and drains well. Mr. Brandt states if street vacation takes place and is approved then a formal application will follow. Mr. Dougherty comments of topography, reality is which way does it drain. Mr. Gonzalez asks where are the utilities. Mr. Brandt points out ACE easement, Rt. 55 and Harding Highway.



**April 15, 2014**  
**May 20, 2014**

Mr. Kennedy asks if there are any people who wish to make comments, thoughts. Unidentified man from 457 Oak Ave. has concerns with water issues and homes making more water issues, and wants to see a lot with trees left. How big are lots? Answer-21,500 sq. ft. Unidentified lady in crowd states homes are against high tension wires. Mr. Kennedy states some people do not want to live near high tension wires. Mr. Brandt states this will not come before the Planning Board unless the Township vacates the streets. Mr. Simmons states he lived near high tension lines since 1992 and had no problems.

**Bryon Powell** of 307 Oak Ave. states the win is for Roselake not existing neighbors and Township Committee should not vacate streets for him to move forward with development. The way the entire thing went down how he picked up lands 60-70 acres for \$9,000.00. If he is to manipulate the Township Committee, he does not see this as a win-win situation. Mr. Kennedy states he is saying that he could get the streets vacated and he has option to do something more onerous than this plan. Mr. Powell states it would be more profitable to build this conceptual which puts more money in rather than vacating street. Mr. Kennedy states we do not vacate streets, that is Township Committee. Mr. Powell states he is asking you to give him property and pennies on dollar. Mr. Powell states you cannot sell 60-70 acres for \$9,000.00, this is not morally right. Mr. Powell heard that they wanted to get it on the tax roles and he feels Mr. Brandt pulled wool over our eyes. Mr. Powell states he is not in favor of vacation. Mr. Powell states he does not own streets yet. Mr. Kennedy states if he does not get street vacation, it goes no further. Mr. Simmons states if he does not develop this without vacation would it be better to have 52 lots there or 24 lots. **8:57PM.** Mr. Melleady asks him what you want to see happen. Mr. Powell states Roselake worked the system, want to slow him down, I know it will not stop him, to me he owes Franklin Township money. Mr. Kennedy states you wish to put genie back in bottle and no sale. Mr. Powell states there was only 1 bid, the man and his company is working system.

**Cindy Merckx** of Sentinel. 330 Oak Ave. asks Mr. Scaffidi in 2013, the Township Committee made decision not to vacate streets, by bringing this back again in a short time, public hearing do residents have an opportunity to come back on the Township. Do residents have recourse to sue the Township for approving vacations. Mr. Kennedy states if Township Committee denies street vacations, will Roselake build streets and larger development. Mrs. Merckx states the Township has problems with basins, most of them end up being fenced. and this area in particular floods until we got a pumping station. In past, the Township had to put in piping, and totally overgrown white pine trees.

Mr. Brandt asks that the Planning Board recommend to Township Committee this street vacation.

Upon a motion by Mr. Rohrer, seconded by Mr. Melleady, all in favor, to open the public portion. No comment or question. Motion passed.

Upon a motion by Mr. Melleady, seconded by Mr. Rohrer, all in favor, to close the public portion. Motion passed.

Upon a motion by Mr. Dougherty, seconded by Mr. Gonzalez, all in favor, to send Mr. Brandt with his conceptals to Land Use Committee for review. Motion passed.

Mr. Kennedy states that any final decision is made by Township Committee. Mr. Scaffidi concurs.

#### **Correspondence**

Mrs. Rafuse states the first set of Correspondence required no action, but points out the memo from Mr. Scaffidi on the Furey deed of correction memo, where Mr. Scaffidi is trying to get deed recorded to show that no further subdivision was allowed as per the resolution.

#### **ADJOURN**

Upon a motion by Mr. Marsh, seconded by Mr. Gonzalez, all in favor, to adjourn the meeting at **9:23 PM.** Motion passed.

Sincerely,  
E. Lynne Rafuse, Secretary  
Planning Board, Township of Franklin

#### **May 20, 2014 Planning Board**

Pursuant to the "Open Public Meeting Act," The Sentinel and the Gloucester County Times were notified of this meeting. A public notice was posted in the Municipal Building. The meeting of the Township of Franklin Planning Board was called to order by Acting Chairman, Patrick Dougherty at 7:02 PM with the following members present: Justin Adams, Ed Leopardi, James Rohrer, and John Melleady. Absent: John Bruno, Lou Gonzalez, Mike Marsh Maria Rios and James Simmons. Tim Scaffidi, Solicitor and Greg Valesi, PE are present.

#### **Roll Call**

**Approve Minutes 4/15/14**

**Approve Secretary's Report**

**Approve Resolution: PB14-2 Richard & Linda Endres**

**No Application**

**Correspondence**

**Adjourn**