

March 27, 2023, Environmental Commission Minutes

MEMBERS PRESENT: Brandt, E. Duerr, M. Duerr, Kohute, Stippick
MEMBERS ABSENT: Link, McCarthy
ALTERNATES ABSENT: Cavone
LIAISONS PRESENT: Keen
LIAISONS ABSENT: Marsh
GUESTS PRESENT: Debbie Barsotti, Mindy Curran, Roger Duerr, Barbara Halpern, Kevin Kelton, Bill Petravich, and Al Wheeler.

The March 27, 2023, meeting of the Township of Franklin Environmental Commission was both a live meeting in the municipal building conference room and a virtual meeting on Zoom. It was called to order by Mr. Stippick at 7:40 pm.

- I. **Minutes:** Upon a motion by Ms. M. Duerr, seconded by Mr. Stippick, the minutes of the February 27, 2023, meeting were unanimously approved.
- II. **Guests:** Several issues were raised by Guests:
 - A. Mr. Kelton addressed the subject of Township-owned parcels that should be considered again for permanent preservation. There are several, but the large (about 40-acres) parcel next to Scotland Run just below Malaga Lake on the south side of Rt. 40 is a good example. It is almost entirely wetland and is an important site for protecting water quality in Scotland Run. It was included in the initial Redevelopment Zone area that included the Fazzio property and was also on a list generated by Franklin's Township Administrator of potential commercial sites. Its wetlands preclude most of it from being built upon, but it should still be protected. This is easily accomplished by adding it to the Green Acres ROSI (Recreation and Open Space Inventory), which can be done while our Green Acres (GA) grant for Piney Hollow is open, up until when we receive payments from the GA grant.

Mr. Kelton remarked that a comprehensive list of such Township-owned properties was developed by Barbara Halpern and Suzanne McCarthy in 2019 and presented to Township Committee. The Committee was not interested in adding any parcels to the ROSI except those mandated by Green Acres at the time, along with one parcel on Unexpected Rd. that provides access to Piney Hollow. Ms. Halpern explained some of the criteria used in developing that list, including use of Franklin Township's *Open Space Plan*, which had been adopted as an Element to the Master Plan. Mr. Keen advised that there is a lot of pressure to unload parcels right now so it would be worthwhile to push for revisiting this issue as part of the Master Plan Reexamination and also revisiting the criteria for retention of such parcels.

Mr. Stippick suggested that the EC reopen this matter and circulate the earlier lists.

- B. Al Wheeler raised two points:
 - 1) Mr. Wheeler posed the question of whether the old Lake Rd. school has an oil tank in the basement. Mr. Brandt heads the Franklin Twp. School Board and signed off on the sale of that building, which is up for auction today through Thursday, March 29. He would have to check on whether there is a tank there or not.
 - 2) Mr. Wheeler suggested that members of the group that developed in opposition to the warehouse/redevelopment zone and is considering itself an anti-sprawl group, be invited to

participate in the EC. A few people, such as Ms. Curran, Sarah Harrison, and Mr. Petravich, have been attending EC meetings.

C. Mindy Curran also raised two subjects:

- 1) Ms. Curran asked if Franklin Township has any ordinance against light pollution and light “trespass” onto neighbor’s property. The answer to this was “no.” She recommended that such an ordinance be developed. There are well-documented negative effects on plants and wildlife of night-time lighting that is too diffuse. Although lighting is covered in all planning applications, there is no help for an individual whose neighbor puts up an intrusive light. It was agreed that such an ordinance is desirable but that the Township Committee should be asked if they would concur, before doing any work to develop such an ordinance.
- 2) Ms. Curran asked if there is any remedy for a property owner whose neighbor’s bamboo is intruding on his/her property. Again, the answer was “no” – there is no state or local regulation that addresses this kind of problem. Although it depends on the type of bamboo, some can be controlled by cutting it back for a period of 3 years, after which it will not expand. This does not work for all types, however.

III. Emergency Response and Management Report: There were no emergency reports.

IV. Applications: There were no Zoning or Planning Board applications to review.

Mr. Stippick reported that he had emailed Township Clerk, Barbara Freijomil, to ask who would be providing plans now that the Director of Land Use and Code Enforcement, Zoning & Housing Officer, Rosemary Flaherty, has left. Most recently, Jennifer Cerino provided Zoning Board support and also did so for the last Planning Board meeting, but she is scheduled to leave the job this week. Mr. Keen advised that the Township is trying to hire for these positions. It is assumed that there are no applications pending that we have not reviewed. It’s possible that no applications will be processed until staffing is in place.

The Zoning Board application for the Marijuana facility on Catawba Ave. was postponed. It was reviewed at the last EC meeting, so the EC comments have not been presented yet.

V. Old Business:

A. Piney Hollow:

1. **NJDEP Green Acres Trail grant:** There has been no word on the status of the project.

B. Malaga Lake Park:

1. Mr. Stippick will generate a Facebook post about the park cleanup on April 22. There is not a lot of trash to clean up but there are several smaller actions that can occur that day, including maintenance of the wildflower garden.

VI. New Business: Mr. Brandt asked who monitors removal of commercial fuel tanks. The tanks at the old Gulf gas station near Carollos have been removed and tossed into a dumpster. The answer to the question was that this is under NJDEP’s authority. If any spillage is suspected, DEP must conduct soil testing.

Mr. Brandt also raised the subject of a potential use of the Gulf station site as a marijuana facility, although there is no such application yet. It is not clear if this would be a growing facility or one manufacturing the

gummy form of marijuana. The Township seems willing to consider such a facility although the zoning at that site does not allow such a use. The Franklin Township School Board objects to having a marijuana facility anywhere near a school. There is also concern about smell, since these facilities can give off substantial odor. This would not be a distribution site, however, since that is not permitted anywhere in Franklin Township.

VII. Mail: There was no mail.

VIII. Adjournment: Upon a motion by Mr. Brandt, seconded by Ms. M. Duerr and approved unanimously, the meeting was adjourned at 9:10 pm.

Respectfully submitted by Suzanne McCarthy, Acting Secretary.

The next meeting of the Environmental Commission is on Monday, April 24, 7:30 pm. It will be both a live meeting in the Municipal Bldg. conference room and a Zoom meeting.